# wee bey's sandwich aff

# Death penalty aff

Neg must read procedural interpretations in cross x. I will either change the aff to meet the interp or concede a violation. This is better for Education because we can debate about the topic rather than theory which is only helpful in terms of debate. It also turns their fairness arguments because it helps resolve side bias by getting rid of an unturnable argument that can only be won by the aff with an rvi which skews more time. Moreover, they get to give the nc without abuse on the flow because I will get rid of unfair arguments.

A: advocacy

1. I advocate that there ought to be a constitutional amendment to ban capital punishment in all parts of the United States criminal justice system under constitutional jurisdiction. Criminals who would formerly receive the death penalty ought to receive status quo rehabilitation in life without parole. I defend normal means fiat for constitutional amendments.

And the advocacy is real world. The house judiciary committee put it up for debate recently.

**Wong 2/24**. Is it time to abolish the death penalty? Lawmakers will begin debate on the controversial issue Tuesday Feb 24, 2013. Written by [*Peter Wong*](mailto:pwong@StatesmanJournal.com) Statesman Journal. http://www.statesmanjournal.com/article/20130224/NEWS/302240045/Is-time-abolish-death-penalty-

That **debate will start** Tuesday, **when** **the House Judiciary Committee considers a proposed constitutional amendment to abolish the death penalty.** The committee hearing could be the only forum this session for a broader discussion of the death penalty — and the governor won’t be there. Kitzhaber will be traveling from Washington, D.C., where he will be at the National Governors Association conference, and will submit a letter to the committee. Kitzhaber said this in response to a survey conducted last year on behalf of Oregon Public Broadcasting indicating public support for the death penalty: “I simply stayed the execution of Mr. Haugen ... with the hope of fostering a discussion about the death penalty (a) whether we still want it, and (b) if we do want it, whether the way the death penalty is set up in Oregon is really what people thought they were voting for back in 1984.” The penalty applies only to people convicted of aggravated murder — **life imprisonment is an alternative** — and just two men have been executed since then. Both waived their appeal rights, and Kitzhaber, then in his first term as governor, let those executions proceed in 1996 and 1997.

2. Aim of punishment is a supplement not a replacement for policy debates about punishment. Retributive implementation is the squo and death penalty is part of retributivism.

Stanford Encyclopedia of Philosophy. Bedau, Hugo Adam and Kelly, Erin, "Punishment", *The Stanford Encyclopedia of Philosophy*(Spring 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2010/entries/punishment/>.

Philosophical reflection on punishment has helped cause, and is itself partially an effect of, developments in the understanding of punishment that have taken place outside the academy in the real world of political life. A generation ago sociologists, criminologists, and penologists became disenchanted with the rehabilitative effects (as measured by reductions in offender recidivism) of programs conducted in prisons aimed at this end (Martinson 1974). This disenchantment led to skepticism about the feasibility of the very aim of rehabilitation within the framework of existing penal philosophy. To these were added skepticism over the deterrent effects of punishment (whether special, aimed at the offender, or general, aimed at the public) and as an effective goal to pursue in punishment. That left, apparently, only two possible rational aims to pursue in the practice of punishment under law: Social defense through incarceration, and retributivism. Public policy advocates insisted that the best thing to do with convicted offenders was to imprison them, in the belief that the most economical way to reduce crime was to incapacitate known recidivists via incarceration, or even death (Wilson 1975). Whatever else may be true, this aim at least has been achieved on a breathtaking scale, as the enormous growth in the number of state and federal prisoners in the United States (some 2.1 million in year 2005, including over 3,700 on “death row”) attests.

Moreover,

Even if Retributivists didn’t always defend the death penalty, in a comparison between rehabilitation and retribution they must because there are no rehabilitative effects to the death penalty.

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B: Framework

I value morality implied by ought as moral obligation.

Epistemology first.

1. We can’t know what is moral knowledge without knowing how to determine knowledge.

2. The absence of an epistemic theory would terminate in skepticism because we wouldn’t have any verifiable moral knowledge which would prove that epistemologically flawed criterions don’t link to the value.

This means generic indicts of my framework are outweighed by epistemic justifications.

and

Epistemic truth is derived from deliberation in a constructivist form of truth.

**Habermas,** Jurgen, “Truth and Justification”, translated by Barbara Fultner, 2003 Massachusetts Institute of Technology.

This performatively established relation to objects that actors can affect is connected to the semantic relation to objects that interlocutors establish in asserting facts about them. In negotiating practical challenges, actors have to make the same pragmatic presuppositionas language users in communicating about states of affairs. They presuppose a shared objective world as the totality of objects to be dealt with and judged. Whether they are acting instrumentally or communicatively, participants must formally presuppose one and the same world. This is what makes it possible to preserve reference and to transform practical certainties about what is “ready to hand” that have become problematic into explicit assertions about what is “present at hand.” Once the transition from communicative action to discursive practice has been made, **the truth claims raised in assertions can be treated hypothetically and evaluated in the light of reasons.** We can learn from the performative experience of reality and its resistance to us only to the extent that we thematize the beliefs that are implicitly challenged by such experiences and learn from the objections raised by other participants in discourse. **The “ascent” from action to discourse means that the full range of resources available** in the lifeworld **for cognitively processing problems** we encounter **in** our **practical coping with the world can be mobilized**. In both our practical and our semantic relationship to objects, we are confronted with “the” world, whereas in claiming that the statements we make about objects are true, we are confronted with the opposition of “others.” The vertical view of **the objective world is interconnected** **with** **the** horizontal **relationship among members of an intersubjectively shared** life**world. The objectivity of the world and the intersubjectivity of communication** mutually **refer to one another.** This changes the picture of the transcendental subject standing, as it were, opposite to objects that appear to it in a world it has constituted. Subjects engaged in their practices refer *to* something in the objective world, which they suppose as existing independently and as the same for everyone, from *within* the horizon of their lifeworld. This presupposition also gives expression to the facticity of all challenges and contingencies that simultaneously provoke and limit our routine understandings and actions.

And

This generates utilitarianism

**Bagnoli**, Carla, "Constructivism in Metaethics", The Stanford Encyclopedia of Philosophy (Winter 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2011/entries/constructivism-metaethics/>.

While constructivism does not mandate any specific normative ethics and is often found combined with contractualism, as on the Scanlonian and Hobbesian models, some have suggested that **Utilitarianism is a natural candidate for being paired with constructivism** (cf. Rawls 1971, 251 fn. 29; O'Neill 2009, §2; Timmons 2003, §1). R.M. Hare is probably the Utilitarian philosopher whose view most deserves the label “Utilitarian Constructivism” (Richards 1988). Hare recognizes that his theory about the constructive justification of moral judgments is structurally similar to Rawls', though it arrives at utilitarian results. He objects that Rawls' approach escapes utilitarianism by “a very liberal use of intuitions” and that the appeal to intuitions has no credibility (Hare 1989, 214; Hare 1983, 147–148). **To objectively ground moral obligations, one must deploy a deliberative procedure** free from intuitions. Hare's ambition is to ground Kant's insight about universalization on the logical grammar of moral language (Hare 1952, 1963, 1981, 1997). The Kantian requirement of impartiality, according to Hare, can be justified by considerations about the meaning of the concepts, rather than a moral assumption. Moral constraints about deliberation are constructed out of a formal procedure, more precisely, what Hare describes as a form of moral reasoning, that combines the semantic feature [is] of universality with another semantic feature, which Hare calls “prescriptivity,” **that** is, the tendency of moral judgments to prescribe or express a preference for a certain course of action**.** While this procedure of construction is morally neutral, it is nonetheless of practical importance in that it **generates utilitarianism**. On the basis of semantic considerations, plus criteria for selecting morally relevant features of the situation, **the moral agent is led to considerations about how all sentient beings are affected by his action.** In his early work, Hare held that **utilitarian arguments** can **solve conflicts between preferences**, which concern people's interests, but have no power to decide conflicts between ideals, which concern human excellences rather than human interests; thus, they have no power to convince the “fanatic,” the person who clings to an ideal regardless of its effects on people's interests, anymore than they can convince the immoralist (Hare 1963, 157–185). To this extent, Hare agrees with Humean constructivists that fictional Caligula cannot be forced to enter morality on pain of inconsistency. In his later works, however, Hare defends a more ambitious view, which purports to solve all moral conflicts, including conflicts between ideals, by treating conflicts of ideals as simply another kind of conflict among preferences, which moral reasoning can resolve (Hare 1981).

And

1. We only care about the consequence of an action not the intent. We would not think killing an innocent person is bad if it ended in something good. We think killing is bad because the consequence is death.

2. util. treats all people as equal by weighing them equally in a utility calculus. If people are not equal force the neg to prove why.

Thus the standard is maximizing the existence and preference of human beings.

And

Neg must concede to the aff framework if it is theoretically legitimate

A-Time skew-they can make 7 minutes of preclusive framework arguments which would nullify 6 minutes of Aff offense.

B-Topic education-framework debate forces us to have the same rehashed philosophy debates with the same cards over and over. Only my interp forces them to talk about the topic.

C-Philosophical education-We learn how topic arguments interact with different philosophical frameworks when we use the aff framework every round. The same rehashed philosophy debates are not as philosophically educational as debating the links between applied philosophy and normative frameworks.

And

Counter-interps that say they must be able to contest the framework are not actually offensive. The mandate of that counter-interp is arbitrary and not justified by generic standards contestation. They have to win an rvi to win on afc bad.

C: Innocents:

Death penalty kills innocents with 100% probability.

**Love 12.**How America's death penalty murders innocents. David A Love guardian.co.uk, Monday 21 May 2012. The Guardian. http://www.guardian.co.uk/commentisfree/cifamerica/2012/may/21/america-death-penalty-murders-innocents.

**The US** criminal justice system is a broken machine that wrongfully **convicts innocent people**, **sentencing thousands of people** to prison or **to death** for the crimes of others, as a new study reveals. The University of Michigan law school and Northwestern University have compiled a new [National Registry of Exonerations](http://www.law.umich.edu/special/exoneration/Pages/about.aspx) – a database of over 2,000 prisoners exonerated between 1989 and the present day, when DNA evidence has been widely used to clear the names of innocent people convicted of rape and murder. Of these, 885 have profiles developed for the registry's website, [exonerationregistry.org](http://exonerationregistry.org/). The details are shocking. **Death row inmates were exonerated nine times more frequently than others convicted of murder.** One-fourth of those exonerated of murder had received a death sentence, while half of those who had been wrongfully convicted of rape or murder faced death or a life behind bars. Ten of the inmates went to their grave before their names were cleared. The [leading causes of wrongful convictions](http://www.usatoday.com/news/nation/story/2012-05-20/wrongful-convictions-exonerations/55098856/1) include perjury, flawed eyewitness identification and prosecutorial misconduct. For those who have placed unequivocal faith in the US criminal justice system and believe that all condemned prisoners are guilty of the crime of which they were convicted, the data must make for a rude awakening. "The most important thing we know about[**false convictions**](http://www.rawstory.com/rs/2012/05/21/death-row-inmates-exonerated-nine-times-more-often-than-other-prisioners-convicted-of-murder/) isthat they **happen and on a regular basis … Most false convictions never see the light of the day,"** said University of Michigan law professors Samuel Gross and Michael Shaffer, who wrote the study.

D: Spending.

1. Death penalty directly trades off with state spending for schools.

**Barnes 10**. Just or Not, Cost of Death Penalty Is a Killer for State Budgets By [Ed Barnes](http://www.foxnews.com/archive/author/ed-barnes/index.html) Published March 27, 2010 FoxNews.com <http://www.foxnews.com/us/2010/03/27/just-cost-death-penalty-killer-state-budgets/#ixzz2MgTNJILY>

**Every time a killer is sentenced to die, a school closes**. That is the broad assessment of **a growing number of studies taking** a cold, hard **look at how much the death penalty costs in** the **35 states** that still have it. Forget justice, morality, the possibility of killing an innocent man or any of the traditional arguments that have been part of the public debate over the death penalty. The new one is this: The cost of killing killers is killing us. "There have been studies of costs of the death penalty before, but we have never seen the same reaction that we are seeing now," says Richard C. Dieter of the non-partisan Death Penalty Information Center. "Perhaps it is because governments are looking for ways to cut costs, and this is easier than school closings or layoffs, but it sure has hit a nerve." In the last year, four states — Kansas, Colorado, Montana and Connecticut — have wrestled with the emotional and politically charged issue. In each state there was a major shift toward rejection of the death penalty and narrow defeats for legislation that would have abolished it. In Connecticut, both houses actually voted in favor of a bill that would have banned executions, but the governor vetoed it. Unlike past debates over executions, the current battles are fueled largely by the costs the death penalty imposes on states. The numbers, according to the studies, are staggering. Overall, according to Dieter, the **studies** have uniformly and **conservatively show**n **that a death-penalty trial costs $1 million more than one in which prosecutors seek life without parole.** That expense is being reexamined in the current budget crisis, with some state legislators advocating a moratorium on death-penalty trials until the economy improves. An Urban Institute study of Maryland's experience with the death penalty found that a single death-penalty trial cost $1.9 million more than a non-death-penalty trial. Since 1978, the cost to taxpayers for the five executions the state carried out was $37.2 million dollars — each. Since 1983, taxpayers in New Jersey have paid $253 million more for death penalty trials than they would have paid for trials not seeking execution — but the Garden State has yet to execute a single convict. Of the 197 capital cases tried in New Jersey, there have been 60 death sentences, the report said, and 50 of the those convictions were overturned. There currently are 10 men on the state's death row. A recent Duke University study of North Carolina's death penalty costs found that the state could save $11 million a year by substituting life in prison for the death penalty. An earlier Duke study found that the state spent $2.1 million more on a death penalty case than on one seeking a life sentence. The Tennessee Comptroller of the Currency recently estimated that death penalty trials cost an average of 48 percent more than trials in which prosecutors sought life sentences. It was much the same story in Kansas. A state-sponsored study found that death penalty cases cost 70 percent more than murder trials that didn't seek the death penalty. A Florida study found the state could cut its costs by $51 million simply by eliminating the death penalty. But no state matches the dilemma of California, where almost 700 inmates are sitting on death row and, according to Natasha Minsker, author of a new report by the Northern California chapter of the [American Civil Liberties Union](http://www.foxnews.com/topics/politics/aclu.htm#r_src=ramp), few will ever actually be put to death. In fact, she says, the odds against being executed are so great, murder suspects in **California** actually seek the death penalty because it is the only way to get a single room in the state's prison system. "Only 1 percent of people sentenced to death in California in the last 30 years have been executed," Minsker said. "The death penalty in California is purely a symbolic sentence." Her study found that the cash-strapped state **could immediately save $1 billion** by eliminating the death penalty and imposing sentences of life without parole. The alternative, if the cash-strapped state keeps the death penalty: spend $400 million to build a new death-row prison to house the growing number of prisoners. Minsker said just keeping prisoners on death row costs $90,000 more per prisoner per year than regular confinement, because the inmates are housed in single rooms and the prisons are staffed with extra guards. That money alone would cut $63 million from the state budget. But other savings would ripple through every step of the criminal justice system as well, from court costs to subsidized spending for defense attorney and investigation expenses. Will the economic slump and every state's need to cut budgets have an impact? Death penalty opponents say the recession has given their effort a new, non-political reason for abolition that resonates on both sides of the debate. But Professor Paul Cassell, the Ronald N. Boyce Presidential Professor of Criminal Law at the University of Utah and a death penalty expert, says that major changes are not likely to occur soon.

2. Budget allocation in California empirically proves.

**Sankin 12**.[California Spending More On Prisons Than Colleges, Report Says, Posted: 09/06/2012 8:47 pm Updated: 09/08/2012 4:32 pm,<http://www.huffingtonpost.com/2012/09/06/california-prisons-colleges_n_1863101.html> Aaron Sankin ]

**There's a direct relationship between how much money the Golden State spends on prisons and how much it spends on higher education, according to a report** put out by the non-partisan public policy group [California Common Sense](http://www.cacs.org/" \t "_hplink). **When one goes up, the other goes down.** And, at least in California, the former has been going up a lot more than the latter.

3. Education is an independent impact and it’s also key to the economy and improving technology.

**Bernanke** Chairman Ben S. At the U.S. Chamber Education and Workforce Summit, Washington, D.C. September 24, 2007

Education imparts significant benefitsboth to our society and the individuals who pursue it. Economists have long recognized that the skills of the workforce are an important source of economic growth. Moreover, as the increase over time in the returns to education and skill is likely the single greatest cause of the long-term rise in economic inequality, policies that lead to broad **investments in education** and training can help reduce inequality while **expand**ing **economic opportunity** (Bernanke, 2007). But the benefits of education are more than economic. A substantial body of evidence demonstrates that more-highly-**educated individuals are happier on average,** make better personal financial decisions, suffer fewer spells of unemployment, **and enjoy better health.** Benefiting society as a whole, educated individuals are more likely to participate in civic affairs, volunteer their time to charities, and subscribe to personal values--such as tolerance and an appreciation of cultural differences--that are increasingly crucial for the healthy functioning of our diverse society (Glaeser, Ponzetto, and Shleifer, 2006; Dee, 2004). **From a macroeconomic standpoint, education is important because it is** so directly **linked to productivity**, which, in turn, is the critical determinant of the overall standard of living. The Bureau of Labor Statistics estimates that, between 1987 and 2006, ongoing improvement in the education and experience of the U.S. workforce contributed 0.4 percentage point per year to the increase in nonfarm business labor productivity (U.S. Department of Labor, 2007), a significant amount. These estimates are however conservative in that they hold fixed other sources of productivity growth, such as the accumulation of various forms of capital and the advance of technology; but workers’ skills certainly contribute indirectly to productivity growth by affecting these other factors as well. For example, the state of **technology is affected** both **by the creativity and knowledge of scientists and engineers engaged in** formal research and **development** as well as by the efforts of skilled workers on the shop floor who find more efficient ways to accomplish a given task. Managers who develop a new business plan or find new ways to use evolving technologies can also be thought of as adding to the “intangible,” or knowledge-based, capital of the firm, which by some estimates is comparable in importance to physical capital such as factories and equipment (Corrado, Hulten, and Sichel, 2006).

4. U.S. economic strength prevents china war.

HSU 11-[“Economic Ties Could Help Prevent US-China War” Jeremy Hsu, Innovation NewsDaily Senior Writer; 01 November 2011 05:32 PM ET;

http://www.innovationnewsdaily.com/660-china-military-cyber-national-security.html]

As the U.S. faces China's economic and military rise, it also holds a dwindling hand of cards to play in the unlikely case of open conflict. Cyberattacks aimed at computer networks, targeted disabling of satellites or economic warfare could end up bringing down both of the frenemies. That means ensuring the U.S. economy remains strong and well-balanced, with China's economy possibly representing the best deterrent, according to a new report. The Rand Corporation's analysts put low odds on a China-U.S. military conflict taking place, but still lay out danger scenarios where **the U.S. and China face** greater **risks** of stumbling into an unwanted war with one another. They point to the **economic codependence of both countries [is]** as **the best bet against open conflict,** similar to how nuclear weapons ensured mutually assured destruction for the U.S. and Soviet Union during the Cold War. War Militaria Collectors www.JCAmericana.comWe Buy War Artifacts & Militaria Free Appraisals for AuthenticityLearn German in 10 Days PimsleurApproach.com/Learn-GermanWorld-famous Pimsleur Method. As seen on PBS - $9.95 w/ Free S&H.VA Home Loan for Veterans www.VAMortgageCenter.comGet a Quote in 2 Minutes! VA Loans now Up to $729,000 with $0 Down. Ads by Google "It is often said that a strong economy is the basis of a strong defense," the Rand report says. "In the case of China, **a strong** **U.S. economy** is not just the basis for a strong defense, it **is** itself perhaps **the best defense against an adventurous China**." Such "**mutually assured economic destruction" would devastate both the U.S. and China**, given how China represents America's main creditor and manufacturer. The economic fallout could lead to a global recession worse than that caused by the financial crisis of 2008-2009. The U.S. still spends more than five times on defense compared with China, but Rand analysts suggest that China's defense budget could outstrip that of the U.S. within the next 20 years. The U.S. Air Force and Navy's current edge in the Pacific has also begun to shrink as China develops aircraft, ships, submarines and missiles capable of striking farther out from its coast. Existing U.S. advantages in cyberwar and anti-satellite capabilities also don't offset the fact that the U.S. military depends far more heavily on computer networks and satellites than China's military. That makes a full-out cyberwar or satellite attacks too risky for the U.S., but perhaps also for China. "There are no lives lost — just extensive harm, heightened antagonism, and loss of confidence in network security," Rand analysts say. "There would be no 'winner.'" Open military conflict between China and the U.S. could also have "historically unparalleled" economic consequences even if neither country actively engages in economic warfare, Rand analysts say. The U.S. could both boost direct defense in the unlikely case of war and reduce the risk of escalation by strengthening China's neighbors. Such neighbors, including India, South Korea, Japan and Taiwan, also represent possible flashpoints for China-U.S. conflict in the scenarios laid out by the Rand report. Other possible danger zones include the South China Sea, where China and many neighboring countries have disputes over territorial claims, as well as in the murkier realm of cyberspace. Understandably, China has shown fears of being encircled by semi-hostile U.S. allies. That's why Rand analysts urged the U.S. to make China a partner rather than rival for maintaining international security. They also pointed out, encouragingly, that China has mostly taken "cautious and pragmatic" policies as an emerging world power. "As China becomes a true peer competitor, it also becomes potentially a stronger partner in the defense as well as economic field," the Rand analysts say.

5. U.S. china war causes extinction.

Takai (Mitsuo, retired colonel and former researcher in the military science faculty of the Staff College for Japan’s Ground Self Defense Force,“U.S.-China nuclear strikes would spell doomsday,” 2009. http://www.upiasia.com/Security/2009/10/07/us-china\_nuclear\_strikes\_would\_spell\_doomsday/7213/)

Tokyo, Japan — Those who advocate nuclear armaments, and are now raising their voices in Japan and elsewhere, should take a look at an objective analysis by U.S. scientists who have disclosed the results of several studies on strategic nuclear missile strikes. What would happen **if China launched its** 20 Dongfeng-5 **i[cbms]** ntercontinental ballistic missiles, each with a 5-megaton warhead, at 20 major U.S. cities? Prevailing opinion in Washington D.C. until not so long ago was that **the raids would cause** over **40 million casualties**, annihilating much of the United States. In order to avoid such a doomsday scenario, consensus was that **the U[S]**nited States **would have to eliminate this potential threat at its source** with preemptive strikes on China. But **cool heads at institutions such as the Federation of American Scientists and the National Resource Defense Council** examined the facts and produced their own analyses in 2006, which differed from the hard-line views of their contemporaries. The FAS and NRDC **developed several scenarios involving nuclear strikes over ICBM sites** deep **in** the Luoning Mountains in **China**’s western province of Henan, and analyzed their implications. One of the scenarios involved direct strikes on 60 locations – including 20 main missile silos and decoy silos – hitting each with one W76-class, 100-kiloton multiple independently targetable reentry vehicle carried on a submarine-launched ballistic missile. I**n order to destroy** the **hardened silos**, the **strikes would aim for maximum impact** by causing ground bursts near the silos' entrances. Using air bursts similar to the bombings of Hiroshima and Nagasaki would not be as effective, as the blasts and the heat would dissipate extensively. In this scenario, the **6 megatons of ground burst caused by the 60 attacks would create enormous mushroom clouds** over 12 kilometers high, composedof radioactive dirt and debris. Within 24 hours following the explosions, deadly fallout would spread from the mushroom clouds, driven by westerly winds toward Nanjing and Shanghai. They would contaminate the cities' residents, water, foodstuff and crops, causing irreversible damage. The impact of a 6-megaton nuclear explosion would be 360 times more powerful than the Hiroshima bomb, killing not less than 4 million people. Such massive casualties among non-combatants would far exceed the military purpose of destroying the enemy's military power. This would cause political harm and damage the United States’ ability to achieve its war aims, as it would lose international support. On the other hand, China could retaliate against U.S. troops in East Asia, employing intermediate-range ballistic missiles including its DF-3, DF-4 and DF-21 missiles, based in Liaoning and Shandong provinces, which would still be intact. If the United States wanted to destroy China's entire nuclear retaliatory capability, **U.S. forces would have to** **employ almost** **all their nuclear weapons,** causing catastrophic environmental hazards **that could lead to the annihilation of mankind.** Accordingly, the FAS and NRDC conclusively advised U.S. leaders to get out of the vicious cycle of nuclear competition, which costs staggering sums, and to promote nuclear disarmament talks with China. Such advice is worth heeding by nuclear hard-liners.

and

1. Polls are in favor of life without parole over the death penalty.

**Jones 12**.(Robert P. Jones, Daniel Cox, and Juhem Navarro-Rivera How Catholics and the Religiously Unafﬁliated Will Shape the 2012 Election and Beyond The 2012American ValuesSurvey E.J. Dionne Jr.and William A. Galston "[The 2012 American Values Survey](http://publicreligion.org/site/wp-content/uploads/2012/10/AVS-2012-Pre-election-Report-for-Web.pdf)," [Public Religion Research Institute](http://www.publicreligion.org/), October 23, 2012). http://publicreligion.org/site/wp-content/uploads/2012/10/AVS-2012-Pre-election-Report-for-Web.pdf

The survey found a distinctive Catholic response on the death penalty. Given a choice between the death penalty and life without parole as a punishment for those convicted of murder, the total sample split 47% to 46% in favor of life without parole, while Catholics favored life without parole by a larger margin, 52% to 41%. What was especially striking is that Catholics who attend church once a week or more were even more strongly opposed to the death penalty: they favored life without parole over the death penalty 57% to 37% – and were more strongly opposed to the death penalty than Catholics who attended church less frequently. In conventional terms, if church attendance made Catholics more “conservative” on abortion, it appears to make them more “liberal” on the death penalty.

2. non-comparative evidence shows there is a trend away from the death penalty.

**Gallup 1/9/13** January 9, 2013 U.S. Death Penalty Support Stable at 63% Decade-long decline in support after 2001 seen mostly among Democrats by Lydia Saad. http://www.gallup.com/poll/159770/death-penalty-support-stable.aspx.

Although views on the death penalty have been fairly static since 2010, **support has been gradually diminishing since the high point in 1994, when 80% were in favor**. By 2001, roughly two-thirds were in favor, and since then **it has edged closer to 60%.**

**3. people prefer rehab**

**Krisberg 6**. Attitudes of US Voters toward Prisoner Rehabilitation and Reentry Policies Barry Krisberg, PhD Susan Marchionna. <http://www.sdgrantmakers.org/members/downloads/2006april_focus_zogby.pdf>. April 2006.

**By almost an 8 to 1 margin** (87% to 11%), **the US voting public is in favor of rehabilitative services for prisoners as opposed to a punishment-only** system. Of those polled, 70% favored services both during incarceration and after release from prison.

# Presumption and permissibility

#. if they are theoretically legitimate permissibility and presumption flow aff

A. side skew means equal debate means I did the better debating.

B. err on the side of rehab because the death penalty is irreversible whereas rehab can be temporary.

# Prefer reasonable aff interps

#. Theory is a necessary evil because

A. Turn ground-I can’t generate offense on theory unless I win an rvi which requires another time consuming layer. Turn ground is key to fairness because otherwise neg can make arguments a time suck for the aff.

B. Topic and philosophical education-theory takes away from substantive education because we stop talking about the topic.

So,

prefer reasonable aff interps because there are multiple mutually exclusive interps, and I am always subject to theory. The brightline for reasonability is A) the shell must outweigh the abuse of the counter-interp plus the reasons why theory is abusive to justify its use and b) they must warrant why the magnitude of the abuse was so bad that they couldn’t just change their strategy.

# Neg must defend a counter advocacy

#. Neg must defend a net-beneficial competitive counteradvocacy with a text that contains offensive arguments that link to a standard. The advocacy must be defended unconditionally and must be advocated by a solvency advocate.

A-reciprocity-Neg advocacies are the definition of reciprocal because it gives the neg a burden of proof too. They also have to prove their advocacy is good.

and,

Pure truth testing gives the neg infinite assumptions to disprove whereas I must prove the rez true. They have a quantitative ground benefit.

And

Forcing offense to link to a standard is reciprocal because aff offense already only links to a standard. This is a question of actual abuse.

B- Stable ground-I can’t know what I’m arguing against if there is no text to it. They can always sever my arguments if they don’t defend a text by shifting their advocacy in the nr.

C-topic lit-without a solvency advocate I can’t make comparative arguments about how the aff would solve better than their advocacy which means they can always rely on speculative claims.

# Aim of punishment pre-empts

#: more topicality

A: utilitarian theory of punishment means abolish the death penalty.

**Brudner** Retributivism and the Death Penalty Alan Brudner The University of Toronto Law Journal , Vol. 30, No. 4 (Autumn, 1980), pp. 337-355 Published by: [University of Toronto Press](http://www.jstor.org/action/showPublisher?publisherCode=utp) Article Stable URL: http://www.jstor.org/stable/825562

Since Beccaria, the argument for the abolition of the death penalty has customarily been advanced from within the framework of a utilitarian theory of punishment. According to this theory, punishment is an ex- pression of the impulse for self-defence moralized by the feeling of sympathy.' Whereas the former is rooted in the self-regarding desire for pleasure and aversion to pain, the latter allows us to transcend the narrow bounds of self and to identify our own with collective pleasures and pains. Thus punishment is collective self-defence. Since the aim of collective defence is what constitutes punishment as a moral phenomenon in contradistinction to private revenge, it alone can provide grounds for the legitimate infliction of suffering. On the other hand, there are limits to the legitimate pursuit of the aim. For punishment is an evil that can be justified only as a means of avoiding greater evil; that is, only if its social benefits exceed its social costs.2 That punishment is an evil follows from the hedonistic psychology and ethics of utilitarian thought. For Bentham the good at which all human beings aim is happiness, understood as the excess of pleasure over pain. Therefore the good at which all just policy must aim is the maximization of pleasure in the social aggregate. Now punishment inflicts suffering and so belongs in the debit column of the social utility ledger. It is acceptable, therefore, only if it yields a return of pleasure greater than its cost in pain. The benefits to be derived from punishment are: deterrence of potential offenders, the protection of society against actual offenders, and the rehabilitation of the criminal. Accordingly, the decision as to whether a particular instance of punish-ment is moral or immoral is basically an accounting decision. If the punishment works more harm than good, or if the same benefits can be obtained at less cost in suffering, then the punishment is unjust in the only sense intelligible to a utilitarian. It is especially the latter criterion that has provided the major focus for policy research on the death penalty and that has structured whatever rational debate one can find on the subject. Once the utilitarian premises are granted, it remains to determine by means of empirical studies whether, as compared with long-term impris- onment, the death penalty is either a uniquely effective deterrent to murder or a uniquely effective protection against those convicted of murder. Of its rehabilitative effects nothing need be said.

B. Ought implies action evaluation.

**Prichard**, Harold. 1912. “Does Moral Philosophy Rest on a Mistake?” Mind 21:21-37. Gendered language modified. <http://www.ditext.com/prichard/mistake.html>

But this argument, if it is to restore the sense of obligation to act, must presuppose an intermediate link, viz., the further thesis that what is good ought to be. The necessity of this link is obvious. An "ought," if it is to be derived at all, can only be derived from another "ought." Moreover this link tacitly presupposes another, viz., that the apprehension that something good which is not an action ought to be involves just the feeling of imperativeness or obligation which is to be aroused by the thought of the action which will originate it. Otherwise the argument will not lead us to feel the obligation to produce it by the action. And, surely, both this link and its implication are false.[1](http://www.ditext.com/prichard/mistake.html#1) The word "**ought" refers to actions and to actions alone**. The proper language is never "So and so ought to be," but "I ought to do so and so." Even if we are sometimes moved to say that the world or something in it is not what it ought to be, what we really mean is that God or some human being has not made some thing what he ought to have made it. And it is merely stating another side of this fact to urge that we can only feel the imperativeness upon us of something which is in our power; for it is actions and actions alone which, directly at least, are in our power.

C. Resolve implies evaluation of a law and it is the root word of resolved.

**Words and Phrases** Permanent Edition. “Resolved”. 1964.

**[the] Definition** **of** the word “**resolve**,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It **is** of **similar** force **to** the word “**enact**,” which is defined by Bouvier as **meaning “to establish by law**”.

# Must be grounded in empirical reality

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=948424>

And

If they win a counter-interp to afc-their framework must be grounded in empirical reality or it doesn’t link to the topic.

**Duff** 08, Antony, [leading expert on the philosophy of punishment and is internationally recognized for his expertise in criminal law and its structure. He joined the Law School faculty at the Unviersity of Minnesota as a tenured professor in 2010 and is also a professor emeritus in the Department of Philosophy, University of Stirling, Stirling, Scotland] "Theories of Criminal Law", The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2008/entries/criminal-law/>>.

**Philosophical theories of criminal law**, whether analytical or normative, cannot subsist in isolation. They **must have some regard to the empirical actualities** of that which they theorise: to the histories of the different systems of criminal law, and to sociological inquiries into their actual operations. Some critical theorists believe that such historical **or sociological inquiries will undercut the pretensions of philosophical theorising**: that what needs analysing is not the superstructure or superficial self-presentation of the criminal law, on which philosophers tend to concentrate, but the social, political and economic realities lying beneath that surface; and that given the oppressive or conflictual nature of those realities, philosophical theories cannot amount to anything more than doomed attempts to rationalise what is inherently irrational or a-rational (see Kelman 1981; Norrie 2001; also Law and Ideology). The only adequate reply to these critiques of philosophical theorising is to show how such **theorising can assist both an understanding of what criminal law is, and the discussion of what it ought to be, by taking seriously the concepts in terms of which it presents itself**: that is the task on which we embark in what follows.

# Rehab abolishes the death penalty

**Pojman**. A DEFENSE OF THE DEATH PENALTY By Louis Pojman (2004). http://rintintin.colorado.edu/~vancecd/phil1200/Pojman.pdf

**There is a**nancient **tradition**, **going back to biblical times** but endorsed by the main-stream of philosophers, **from Plato** to Thomas Aquinas, from Thomas Hobbes **to** Immanuel **Kant**, Thomas Jefferson, John Stuart **Mill, and C. S. Lewis**, **that a fitting punishment for murder is the execution of the murderer**. One prong of this tradition, **the backward-looking or deontological position**, epitomized in Aquinas and Kant, **holds that because human beings**, as rational agents, have dignity, one who with malice aforethought kills a human being, **forfeits** his **or her right to life and deserves to die**. The other, the forward-looking or consequentialist tradition, exemplified by Jeremy Bentham, Mill, and Ernest van den Haag, holds that punishment ought to serve as a deterrent, and that capital punishment is an adequate deterrent to prospective murderers. … I will argue that both traditional defenses are sound and together they make a strong case for retaining the death penalty. That is, I hold a combined theory of punishment: a backward-looking judgment that the criminal has committed a heinous crime plus a forwardlooking judgment that a harsh punishment will deter would-be murderers are sufficient to justify the death penalty. I turn first to the retributivist theory in favor of capital punishment.

# a/t deterrence

1. Turn: Death penalty increases overall crime-20 year study proves.

**BONNER** By RAYMOND and FORD FESSENDEN Published: September 22, 2000.New York Times <http://www.nytimes.com/2000/09/22/us/absence-executions-special-report-states-with-no-death-penalty-share-lower.html?pagewanted=all&src=pm>

Indeed, **10 of the 12 states without capital punishment have homicide rates below the national average**, Federal Bureau of Investigation data shows, while **half the states with the death penalty have homicide rates above the national average**. In a state-by-state analysis, The Times found that **during the last 20 years, the homicide rate in states with the death penalty has been 48 percent to 101 percent higher than in states without the death penalty**. The study by The Times also found that homicide rates had risen and fallen along roughly symmetrical paths in the states with and without the death penalty, suggesting to many experts that the threat of the death penalty rarely deters criminals.

And

Causal justifications include less resources for police departments and creating a culture of violence.

2. death penalty doesn’t statistically deter-this makes crime turns low magnitude and low probability.

**Stubbs**, Casey. The Death Penalty Deterrence Myth: No Solid Evidence That Killing Stops The Killing Posted: 06/18/07 01:43 PM ET. http://www.huffingtonpost.com/cassy-stubbs/the-death-penalty-deterre\_b\_52622.html

The truth is that **it might be impossible to determine a true statistical relationship between homicides and executions because the number of executions is so small compared to the number of homicides.** But what **we can say with certainty is that there is no legitimate statistical evidence of deterrence.**

3. neg must prove a causal distinction between deterrence of life without parole and the death penalty to win crime turns.

# a/t your poll says death penalty good

1. My jones evience is comparative between life without parole and the death penalty so prefer it.
2. Polls that ask about the death penalty in isolation are flawed.

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In many states, when life without parole is an option the public's support for the death penalty drops sharply. ''The fact that we have life without parole takes a lot of impetus from people who would like to see the death penalty,'' said Ms. Gaertner, the chief prosecutor in St. Paul.

## Death penalty topicality\*\*\*

# T requires evidence overview

Neg interpretations must be backed by evidence. T cares about fairness and education but also is constrained by consistency with the text. An aff on healthcare wouldn’t be T even if it is fair and educational.

# Topic lit/ground

1. Turn: Extend Brudner-abolition of the death penalty is in the utilitarian theory of punishment lit.

2. Turn: Googling rehab versus retribution and death penalty provides almost 2.4 million hits. There is lots of lit on the issue.

3. Turn: Retributivists have advocated the death penalty since biblical times.

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# Real world education

1. Extend Wong-The house judiciary committee has already argued for my advocacy. It’s a very real political question.

2. Death penalty has been argued for year at the state level.

# Textuality

# a/t life without parole is retributive

It’s ok for me to defend life without parole with rehabilitation

1. Rehab is valued more than retribution in the cjs because it is more important than the retributivist policy of the death penalty. I don’t have to defend no retribution just a valuation of some rehab over a retributive policy.

2. Life without parole isn’t retributive according to the nuance of the aff. An entire life of rehab is valuing rehabilitation a lot.

# a/t shouldn’t have to defend innocents

1. Non-unique-Every rehab and retribution policy would apply to innocents. It’s a question of what kind of punishment we should use knowing that there are inevitably innocents in the cjs.

2. Punishment of innocents is an internal link to real world policy making. There’s no point in considering how only the guilty should be punished because not everyone can be innocent.

# a/t retributivists don’t defend the death penalty

1. Extend that retributivists might not always defend the death penalty but the must in a comparison between rehab and retribution because there are no rehabilitative effects to the death penalty.

2. Even if some retributivists don’t defend the death penalty the one’s in the core of the lit do.

# Kent Denver-hegel answers

1. Turn: Death penalty is a violation of the will because it kills innocents. Those people lose their property rights when they die. This offense comes first because the government is directly causing the violation of the will and the rez questions government action.

2. non-unique-life without parole also reaffirms the will. There is still some punishment for the original crime.

3. No link to the aff-the nc only addresses crimes that causes violations of property, but thieves don’t’ get the death penalty. No new link arguments in the nr.

# Kent Denver-emotivism answers

1. turn: Polls indicate people want to do the plan. That means they emotionally prefer it because that is there subjective preference.

2. turn: A study done specifically about crime indicates that both rehabilitative and retributive emotions were present, but the rehabilitative ones were more prevalent. Prefer my evidence because its specific to crime.

**Cassese 2011.** EMOTION, ATTRIBUTION, AND ATTITUDES TOWARD CRIME. Journal of Integrated Social Sciences www.jiss.org, 2011 - 2(1): 63-97. Erin Cassese West Virginia University Christopher Weber Louisiana State University. http://www.jiss.org/documents/volume\_2/issue\_1/JISS\_2011\_Attitudes\_Toward\_Crime.pdf

The results from this study affirm the importance of attending to discrete emotional states rather than classifying them by mere valence. **We found divergent effects only among negative emotions**––fear, sadness, and anger––consistent with much of the existing literature on human emotion. Of the negative emotions examined here, anger emerged as rather distinct from the other emotions**. Anger had strong and consistent effects on attributions for criminal behavior, preferences for punishment**, and attitudes toward the criminal justice system that diverged from the effects of sadness and fear. Anger produced individual attributions for criminal behavior, while fear was weakly related to societal and sociocultural attributions. **Anger produced a strong preference for punitive rather than rehabilitative solutions to the problem of crime**, **while fear promoted preferences for rehabilitation**. These findings are likely the result of different appraisal and motivational tendencies accompanying these discrete emotional experiences. Anger is unique among the negative emotions examined here in that it is associated with appraisals of certainty, personal efficacy and injustice, in addition to a motivation to punish. Sadness and fear tend to elicit appraisals of situational control, uncertainty, and lack of personal control or efficacy, in addition to withdrawal motives, **though fear has more consistent effects** here **on attitudes toward crime.**

# Kent Denver-kant answers

1. Turn: Cross-apply that innocents are also killed by the death penalty. This doesn’t treat them as rational ends because they are killed without deserving punishment.

2. Turn: The death penalty violates human dignity which is a prerequisite to treating offenders as rational ends. This also means it outweighs.

**Steiker** The Death Penalty and Deontology Carol S.. <https://orgs.law.ucla.edu/LTW/Documents/Week%201%20-%20Readings/Steiker%20-%20The%20Death%20Penalty%20and%20Deontology.pdf>. In John Deigh & David Dolinko (eds.), The Oxford Handbook of the Philosophy of the Criminal Law. Oxford University Press (2011)

This essay started with the widely shared moral intuition that **some punishments are “clearly morally repugnant**” even when they do not exceed what offenders might be said to deserve as proportional to their wrongdoing.53 52 See Hegel, The Philosophy of Right, supra note 4. **We do not**, after all, **rape rapists** or torture torturers. Why might this be so? **Kant himself suggested** a rationale for this forbearance in **his rejection of rape as a punishment** for rapists and his further insistence that the imposition of the death penalty on **an offender “must be kept free from all maltreatment that would make the humanity suffering in his Person loathsome** or abominable. **This injunction seems premised on** a respect for what Kant calls “the humanity” of people or what many current moral theorists call **human “dignity.” Kant treats this principle as part and parcel of retributivism, derived from the same well-spring of respect for the distinctive capacities of human beings that requires their punishment for wrongdoing**. But there is some obvious tension between requiring punishment commensurate with desert while at the same time forbidding “maltreatment” that degrades human dignity. Kant did not appear troubled by this potentially far-reaching contradiction, and he clearly found nothing wrong with the punishment of death for murder (or for that matter, of castration for rape!). However, other moral and legal theorists have attempted to elaborate Kant’s defense of dignity so as to move the death penalty to the rape and torture side of the prohibitory line. Jeffrie Murphy develops a very tentative and ambivalent case for opposing capital punishment on dignitary grounds. He acknowledges that some images of the imposition of the death penalty seem dehumanizing, but suggests that perhaps death is not inevitably or intrinsically brutal and dehumanizing, contrasting the harrowing description of the imposition of the death penalty in Truman Capote’s In Cold Blood with the dignified, self-administered execution of Socrates depicted in Plato’s Phaedo Thus, in Murphy’s view, death is different from (not as degrading as) torture, because torture “is a process whose very point is to reduce [a person] to a terrified, defecating, urinating, screaming animal.”56 Nonetheless, Murphy’s recognition that the punishment of death eradicates the executed offender’s opportunity for any further moral development leads him to reconsider whether capital punishment can truly be squared with human dignity: “[I]t is by no mean’s clear that one can show respect for the dignity of a person as a person if one is willing to interrupt and end his most uniquely human capacities and projects.”57 But Murphy’s embrace of his own reasoning is only tentative (“there is perhaps a case to be made that the punishment of death is degrading after all”58); he places primary emphasis on his argument from arbitrariness.59 Jeffrey **Reiman takes up the human dignity** banner **in developing an account of why capital punishment is** a “horrible thing,” **like torture**, that civilized societies should forswear. He argues that **executions share** **two features that render torture** “especially awful” – “**intense pain and the spectacle of one human being completely subject to the power of another**.”60 Moreover, Reiman submits that knowledge of an **impending execution provokes a particularly intense** kind of **psychological pain**; he explains that a “humanly caused” and “foreseen” death lacks “the consolation of unavoidability” that accompanies death from natural causes and adds the “terrible consciousness of . . . impending loss.”61 Reiman thus concludes that forgoing the death penalty “is an advance in civilization” at least “as long as our lives are not thereby made more dangerous”62 56 Id. at p. 233. (that is, so long as there is no clear proofthat the death penalty is “a better deterrent to the murder of innocent people than life in prison”6 Reiman’s argument from dignity, while less ambivalent about the special awfulness of the death penalty than Murphy’s, is more contingent in that it recognizes a consequentialist override of the dignitary case against capital punishment.

# Kent Denver-evolution

1. Turn: extinction arguments link turn evolution because the point of natural selection is to cause our species to take actions that will prevent extinction.

2. Turn: Our instinctive emotions are the result of natural selection because we have developed over time to neurologically believe in those instincts. Emotive studies prove rehab over retribution.

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3. Turn: Polls also indicate what we’ve evolutionarily come to believe instinctively.

# Lake Highland-deontology

1. Turn: Cross-apply that innocents are also killed by the death penalty. This doesn’t treat them as rational ends because they are killed without deserving punishment.

2. Turn: The death penalty violates human dignity which is a prerequisite to treating offenders as rational ends. This also means it outweighs.

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# Pv peninsula util nc

Go to rawls

1. Turn: They kill innocents by allowing the death penalty because sometimes it is misused.

2. Non-unique innocents will be given punishment in both worlds. They can’t fiat away mistakes of implementation.

Go to Armstrong

1. No link-this assumes that the justification for rehab is to deter crime, but the real reason is exterior utilitarian reasons. There are no aff arguments about decreasing crime.

2. No impact-the terminal impact of the line drawing problem according to Armstrong is that it’s not humanitarian but there’s no impact to humanitarianism.

Go to rawls 2

1. turn: This is mis-tagged-Rawls doesn’t say retributivism is primary he says that the judge should be utilitarian and that punishment should be retributivist. The resolution doesn’t specify which part of the criminal justice system needs to be rehab over retribution so the fact that part of it should be rehab over retribution is offense for me.

2. There’s no warrant for how this actually solves the line drawing problem.

# Pv peninsula Dagger nc

Framework

1. Habermas and Bagnoli control the internal link to the nc because it defines what needs to come out of society as a cooperative venture in order to come to conclusions about moral truth. Only preference utilitarianism can account for disagreement in the rule following system.

2. Their framework assumes that people would no longer submit to society if there were free riders. In reality, people wouldn’t just quit society if people got to free ride.

Contention

1. Cross-apply stubbs-capital punishment doesn’t incent rule following, so it is not a form of punishment that meets their framework.

2. Rehab is punishment so it incents rule following.

**Daly**, Kathleen. “Revisiting the Relationship between Retributive and Restorative Justice” in Restorative Justice: From Philosophy to Practice (2000), edited by Heather Strang and John Braithwaite. Aldershot: Dartmouth. Web. (10))

**Another way to define punishment** practices **is anything that is unpleasant**, a burden, or an imposition of some sort on an offender. **Thus, compensation is a punishment, as is having to attend a counselling program**, paying a fine, or having to report to a probation officer on a regular basis (see, more generally, Duff 1992, 1996; Davis 1992). This is, in my view, a better way to define punishment. If this more inclusive definition were used**, it would be impossible to eliminate the idea of punishment from a restorative response to crime**, even when a meaningful nexus is drawn between an offence and the ways that an offender can "make amends" to a victim.10

3. Turn: The death penalty requires a lot of tax payer dollars according to the ev. in the ac. That means the criminals are free-riding when given the death penalty.

# Pv peninsula Bradley nc

Group Bradley 1 and 2

1. Habermas and Bagnoli control the internal link to the nc because it defines what needs to come out of society as a cooperative venture in order to come to conclusions about moral truth. Only preference utilitarianism can account for disagreement in the rule following system.

2. Their framework assumes that people would no longer submit co-operate in society if society wasn’t completely fair. In reality, people wouldn’t just quit society if there is slight unfairness. They must win a brightline for how unfair a society has to be for it to no longer be co-operative and prove the aff violates it.

Group Bradley 3 and 4

This proves that criminal actions deserve punishment, but it doesn’t prove that the individual who committed the action deserves punishment because they are guilty of taking the action.

Bradley 5

1. Turn: The death penalty doesn’t rectify the unfairness in benefits because the victim does not get anything out of the criminal’s death.

2. non-uniqe-Rehab is still a burden on the offender

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# Pv pen nuclear deterrence da

1. Missing internal link-no foreign person of power every saying that they care about the death penalty in relation to nuclear deterrence.

2. prefer my nuclear deterrence scenario

A: Strength of link-Hsu 11 identifies the economy as a specific thing that would cause war that could go nuclear in the first place. They are missing that link.

B: specificity-my ev talks about a specific scenario for war whereas theirs is generic. They can’t prove that those wars are between countries that could even hold their own in a nuclear war against the U.S. like China could.

3. non-unique In the squo the death penalty is a state issue and some states ban it. The federal government which controls nuclear deterrence doesn’t control the retributive nature of the death penalty.

# SLP just desert nc

Group kastafanas and Rachels

1. turn: My framework is the most internally motivating because it bases moral truth off of the preferences of individuals-that’s bagnoli and habermas in the ac.

2. turn: Just desert isn’t internally motivating for people who think the rules of civil society are bad in the first place like criminals.

3. No brightline-there is no warrant for why the specific issue of type of punishment is make or break for whether people are motivated to remain in society.

Go to the offense

1. turn: cross-apply love 12-innocents are killed and they wouldn’t be incentivized to be in society if they are punished for no reason. That outweighs their offense because it links directly to the meta-ethic.

2. non-unique rehab is still punishment.

**Daly**, Kathleen. “Revisiting the Relationship between Retributive and Restorative Justice” in Restorative Justice: From Philosophy to Practice (2000), edited by Heather Strang and John Braithwaite. Aldershot: Dartmouth. Web. (10))

**Another way to define punishment** practices **is anything that is unpleasant**, a burden, or an imposition of some sort on an offender. **Thus, compensation is a punishment, as is having to attend a counselling program**, paying a fine, or having to report to a probation officer on a regular basis (see, more generally, Duff 1992, 1996; Davis 1992). This is, in my view, a better way to define punishment. If this more inclusive definition were used**, it would be impossible to eliminate the idea of punishment from a restorative response to crime**, even when a meaningful nexus is drawn between an offence and the ways that an offender can "make amends" to a victim.10

# Slp evolution nc

1. Turn: extinction arguments link turn evolution because the point of natural selection is to cause our species to take actions that will prevent extinction.

2. Turn: Our instinctive emotions are the result of natural selection because we have developed over time to neurologically believe in those instincts. Emotive studies prove rehab over retribution.

**Cassese 2011.** EMOTION, ATTRIBUTION, AND ATTITUDES TOWARD CRIME. Journal of Integrated Social Sciences www.jiss.org, 2011 - 2(1): 63-97. Erin Cassese West Virginia University Christopher Weber Louisiana State University. http://www.jiss.org/documents/volume\_2/issue\_1/JISS\_2011\_Attitudes\_Toward\_Crime.pdf

The results from this study affirm the importance of attending to discrete emotional states rather than classifying them by mere valence. **We found divergent effects only among negative emotions**––fear, sadness, and anger––consistent with much of the existing literature on human emotion. Of the negative emotions examined here, anger emerged as rather distinct from the other emotions**. Anger had strong and consistent effects on attributions for criminal behavior, preferences for punishment**, and attitudes toward the criminal justice system that diverged from the effects of sadness and fear. Anger produced individual attributions for criminal behavior, while fear was weakly related to societal and sociocultural attributions. **Anger produced a strong preference for punitive rather than rehabilitative solutions to the problem of crime**, **while fear promoted preferences for rehabilitation**. These findings are likely the result of different appraisal and motivational tendencies accompanying these discrete emotional experiences. Anger is unique among the negative emotions examined here in that it is associated with appraisals of certainty, personal efficacy and injustice, in addition to a motivation to punish. Sadness and fear tend to elicit appraisals of situational control, uncertainty, and lack of personal control or efficacy, in addition to withdrawal motives, **though fear has more consistent effects** here **on attitudes toward crime.**

3. Turn: Polls also indicate what we’ve evolutionarily come to believe instinctively.

# Lex constitutionality

Extend the first part of the advocacy-. I advocate that there ought to be a constitutional amendment to ban capital punishment in all parts of the United States under constitutional jurisdiction.

And that turns the nc because the government is obligated to enforce constitutional amendments.

Article II. Section III of The Constitution. http://www.archives.gov/exhibits/charters/constitution\_transcript.html

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

# Lex biopower

Off Flynn

1. cross-apply bagnoli-discourse ethics devolves into util.
2. This assumes that morality is based on how an agent is created. Individual’s aren’t morally obligated to help their parents because they came from them.

Group Lewis and lewis 2

1. Turn: Death penalty is the exact kind of bio-power that Lewis talks about. The government takes away life because they think it will cause a greater good.
2. Rehab isn’t biopower because people have the choice to co-operate within rehab programs.
3. Turn: Retribution is bio-power because it limits the discourse of people by killing them. Prefer this argument because it is specific to the framework warrant.

# Lex desert

Off rachels

1. There’s no warrant for why being able to control others actions is necessary for morality.
2. Turn: controlling how others act is bad because it decreases their ability to deliberate with you-that’s habermas in the aff.
3. Desert isn’t necessary for reciprocal due just punishment because it means people will be deterred from crime.

Offense

1. turn: cross-apply love-innocents are killed which means they don’t get their just desert
2. turn: If we can’t judge people based on possible future acts then we shouldn’t kill them to stop them from committing crime.

# Jesuit-deont

1. Turn: Cross-apply that innocents are also killed by the death penalty. This doesn’t treat them as rational ends because they are killed without deserving punishment.

2. Turn: The death penalty violates human dignity which is a prerequisite to treating offenders as rational ends. This also means it outweighs.

**Steiker** The Death Penalty and Deontology Carol S.. <https://orgs.law.ucla.edu/LTW/Documents/Week%201%20-%20Readings/Steiker%20-%20The%20Death%20Penalty%20and%20Deontology.pdf>. In John Deigh & David Dolinko (eds.), The Oxford Handbook of the Philosophy of the Criminal Law. Oxford University Press (2011)

This essay started with the widely shared moral intuition that **some punishments are “clearly morally repugnant**” even when they do not exceed what offenders might be said to deserve as proportional to their wrongdoing.53 52 See Hegel, The Philosophy of Right, supra note 4. **We do not**, after all, **rape rapists** or torture torturers. Why might this be so? **Kant himself suggested** a rationale for this forbearance in **his rejection of rape as a punishment** for rapists and his further insistence that the imposition of the death penalty on **an offender “must be kept free from all maltreatment that would make the humanity suffering in his Person loathsome** or abominable. **This injunction seems premised on** a respect for what Kant calls “the humanity” of people or what many current moral theorists call **human “dignity.”** Kant treats this principle as part and parcel of retributivism, derived from the same well-spring of respect for the distinctive capacities of human beings that requires their punishment for wrongdoing. But there is some obvious tension between requiring punishment commensurate with desert while at the same time forbidding “maltreatment” that degrades human dignity. Kant did not appear troubled by this potentially far-reaching contradiction, and he clearly found nothing wrong with the punishment of death for murder (or for that matter, of castration for rape!). However, other moral and legal theorists have attempted to elaborate Kant’s defense of dignity so as to move the death penalty to the rape and torture side of the prohibitory line. Jeffrie Murphy develops a very tentative and ambivalent case for opposing capital punishment on dignitary grounds. He acknowledges that some images of the imposition of the death penalty seem dehumanizing, but suggests that perhaps death is not inevitably or intrinsically brutal and dehumanizing, contrasting the harrowing description of the imposition of the death penalty in Truman Capote’s In Cold Blood with the dignified, self-administered execution of Socrates depicted in Plato’s Phaedo Thus, in Murphy’s view, death is different from (not as degrading as) torture, because torture “is a process whose very point is to reduce [a person] to a terrified, defecating, urinating, screaming animal.”56 Nonetheless, Murphy’s recognition that the punishment of death eradicates the executed offender’s opportunity for any further moral development leads him to reconsider whether capital punishment can truly be squared with human dignity: “[I]t is by no mean’s clear that one can show respect for the dignity of a person as a person if one is willing to interrupt and end his most uniquely human capacities and projects.”57 But Murphy’s embrace of his own reasoning is only tentative (“there is perhaps a case to be made that the punishment of death is degrading after all”58); he places primary emphasis on his argument from arbitrariness.59 Jeffrey **Reiman takes up the human dignity** banner **in developing an account of why capital punishment is** a “horrible thing,” **like torture**, that civilized societies should forswear. He argues that **executions share** **two features that render torture** “especially awful” – “**intense pain and the spectacle of one human being completely subject to the power of another**.”60 Moreover, Reiman submits that knowledge of an **impending execution provokes a particularly intense** kind of **psychological pain**; he explains that a “humanly caused” and “foreseen” death lacks “the consolation of unavoidability” that accompanies death from natural causes and adds the “terrible consciousness of . . . impending loss.”61 Reiman thus concludes that forgoing the death penalty “is an advance in civilization” at least “as long as our lives are not thereby made more dangerous”62 56 Id. at p. 233. (that is, so long as there is no clear proofthat the death penalty is “a better deterrent to the murder of innocent people than life in prison”6 Reiman’s argument from dignity, while less ambivalent about the special awfulness of the death penalty than Murphy’s, is more contingent in that it recognizes a consequentialist override of the dignitary case against capital punishment.

# Valley contracts

1. Turn: Fiat of the aff means that there is a created contract and they are obligated to enforce it. And prefer constitutional amendments to any other contract because they account for the entirety of the u.s.
2. Util turns the nc because the u.s. is contractually obligated to maximize general welfare.

# Strake-divine command theory

1. Turn: Thou shall not kill-it’s in the 10 commandments.

2. turn: Revenge using the death penalty is bad.

Matthew 5: 38-39. The Bible.

"You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I tell you... whoever slaps you on your right cheek, turn the other to him also." Mat. 5:38-39

1. Turn: Pope demands rehab.

Catholic World News. “Rehabilitation is key to prisons' success, Pope argues.” 26 November 2012. <http://www.catholicculture.org/news/headlines/index.cfm?storyid=16343>

The criminal-justice system must strive to rehabilitate convicts as well as to punish them, Pope Benedict XVI said in an address to a group of European prison officials. "In order to practice justice it is not enough that those found guilty of crimes be simply punished: it is necessary that in punishing them, everything possible be done to correct and improve them,” the Pope said. “When this does not happen, justice is not done in an integral sense.”

# Walt Whitman-ripstein

1.non-unique-the law is still supreme because there is still punishment in the aff world.

2.turn: aff creates a new law through a constitutional amendment so the law enforcing the aff helps the government make the law supreme. This takes out all of their offense too because it doesn’t account for a new law.