The resolution presumes that both retribution and rehabilitation have value, only that one needs to be proven more valuable over the other.

1. The resolution presupposes that both have value. It’s impossible to value something that has no value, so to pose the question value one over the other would be nonsensical.
2. The criminal justice system currently has both rehabilitation and retribution in the current system which makes my framework most contextual to the U.S. criminal justice system.

I value **Morality.**

There are two necessary but independent higher level justifications for my FW.

Sub-point A: Ontology.

Theories of being are necessary before we can justify any ethical or substantive arguments because we must know what should count as units of ethical or political evaluation. Being isn’t based in binaries or hierarchies. Rather, the subject is created through social contexts that change. A view of being cannot be universally based otherwise identity is subverted and being becomes meaningless. **Butler**[[1]](#footnote-1) writes:

This ontological characterization presupposes that the appearance or effect of being is always produced through the structures of signification. The **Symbolic order** **creates** cultural **intelligibility through** the mutually exclusive positions of **“having**” the Phallus (the position of men) **and “being”** the Phallus (the paradoxical position of women).The interdependency of these positions recalls the Hegelian structure of failed reciprocity between master and slave, in particular, the unexpected dependency of the master on the slave in order to establish his own identity through reflection.14 Lacan casts that drama, however, in a phantasmatic domain. **Every effort to establish identity within the terms of this binary disjunction** of “being” and “having” **returns to the inevitable “lack” and “loss”** that ground their phantasmatic construction **and mark[s] the incommensurability of the Symbolic and the real. If** the Symbolic is **understood as** a **culturally universal** structure of signification that is nowhere fully instantiated in the real, **it makes sense to ask: What** or who is it that **signifies what** or whom **in this** ostensibly **crosscultural affair? This question**, however, **is posed within a frame that presupposes a** subject as signifier and an object as signified, the traditional epistemological **dichotomy** **within** philosophy prior to **the** structuralist **displacement of the subject**. Lacan calls into question this scheme of signification. He poses the relation between **the sexes** in terms that **reveal the speaking “I” as a masculinized effect of repression**, one which postures as an autonomous and self-grounding subject, **but whose very coherence is called into question by the sexual positions that it excludes in the process of identity formation**. For Lacan, the subject comes into being—that is, begins to posture as a self-grounding signifier within language—only on the condition of a primary repression of the pre-individuated incestuous pleasures associated with the (now repressed) maternal body.

Thus, ontology is defined outside of categories and grounded in a subjective cultural context. This prescribes being based on emotional connections that dictate how we perceive the self. **Stanley and Wise** write[[2]](#footnote-2):

Our **feminist ontology**, then, **rejects binary** and oppositional **notions of ‘the self’ and its relationship to ‘the body’ and ‘mind’ and ‘emotions’.** It also rejects a notion of ‘self and Other’ that the self supposedly defines itself against and in opposition to . Here ‘the Other’ is seen as a threat to the integrity of self, for, without an Other, self would not, could not in this ontology, exist. **The feminist approach we adopt to the construction of self**, in contrast, **sees ‘self’ as** relationally and interactionally composed, its construction **being** historically, **culturally** and contextually **specific and** also **subtly changing in different interactional circumstances**. Thus an alternative feminist way of understanding the dualisms of masculinist ontology—of self and other, individual and collectivity—is to **treat these not as oppositions but rather as cooperative endeavors for constructing selves**—both selves— **through collective relational systems of** action and **interaction**. As we argued in Breaking Out, **the interactional** and phenomenological **sociologies offer a variety of conceptual means of exploring the social construction of self**, and particularly of mind, and the work of George Herbert Mead and Alfred Schutz interestingly conceptualizes these processes in non-reductionist terms.

Thus ethical and substantive arguments must a) be based in social context and b) be based in a combination of reason and emotion.

Sub-point B: Epistemology.

A theory of knowledge is necessary to justify both ethical and substantive arguments because how we come to know determines what counts as an argument and the nature of truth. Knowledge must be grounded in reason and emotion. We cannot appeal to some standard of reason detached from the emotional context we perceive it in. **Stanley and Wise 2** write:

Earlier we noted that our feminist fractured foundationalist epistemology positions the **emotions** as **[are] a legitimate source of knowledge, as minded and rational responses to given situations**, and how different this is from Cartesian ideas, which position emotions as the antithesis of reason and thus as incapable of producing ‘ real’ or ‘ true’ knowledge. Emotions, the product of the mind, can be separated, at least at the level of theoretical discussion, from feelings, rooted in the responses of the body: cold and pain are feelings, love and envy are emotions. But of course, as Alison Jaggar (1989) has argued, in practice separating them is by no means so simple. **The cultural specificity of feelings immediately alerts us to the fact that ‘the body’ and its ‘feelings’ are constructions located within particular historical and cultural circumstances** and can differ considerably over time and between different cultural groups, as much interesting comparative work on illness symptoms demonstrates. And also people talk about— and experience— feelings and emotions in very similar ways: for instance, **‘pain’ exists as an emotion** as well as a feeling, for physical pain is typically experienced as also emotionally distressing. **Emotions and feelings, then, cannot be readily assigned across a supposed mind/body divide**, yet another indicator of fundamental flaws in Cartesian ontology when looked at from a feminist viewpoint.

Thus knowledge is understood through a social lens that combines both emotion and reason to understand social contexts. This is especially true since the alternative, rationality-based epistemologies are insufficient. **Warkentin:**

For some time now, **feminists have identified a “crisis of reason” in Western** environmental **philosophy,** which exerts powerful and dangerous forms of denial, such as a denial of human animality and of ecological embeddedness (Plumwood 2000), which have, in the most extreme cases, resulted in catastrophic environmental degradation, mass species extinction, and violently abusive treatments of animals. **The rational, disembodied human subject has become the** centre, and **gold standard**, **of knowing and of moral judgment,** which is the basis of a human-centred, or anthropocentric, ethic. In typically rationalist approaches to animal ethics, ethical considerations are then incrementally extended out from this established human moral core to grant moral status to “others,” usually based upon a principle of similarity or sameness. Environmental philosopher, Tom Regan, for example, argues for an extension of moral rights to animals who fit certain criteria, such as those who have “desires and beliefs, who perceive, remember, and can act intentionally” (2008, 18), insisting that they be considered “subjects-of-a-life” and be granted status as “moral patients.” Regan differentiates “moral patients” from “moral agents,” in that they “cannot do what is right or wrong…. but moral patients can be on the receiving end of the right or wrong acts of moral agents” (2003, 18). His criteria are based upon highly valued human qualities and capacities. Regan’s unacknowledged yet fundamental assumption, then, is that these same qualities are what make humans unquestionably moral agents who deserve moral rights—so, the only way for an animal to be “granted” moral status is to be similar to humans in these specific ways. Rather than challenging the value hierarchy which places humans as morally superior to animals, in that animals can only be given moral consideration if they are shown to be human-like, this dualistic logic reinforces the basis of anthropocentrism, reasoning through what Plumwood calls an “assimilationist framework” (2002, 167). However, **the main problem of [this] “hyper-rationalism”** in Western philosophy, as ecofeminist Josephine Donovan sees it, **is a** contemptuous and **deliberate denial of the body in ethical decision-making and in the production of knowledge** (1996, 2003, 2006). According to Elizabeth Grosz, **the “inability of Western knowledges to conceive their own processes of** (material) **production**, processes **that simultaneously rely on and disavow the role of the body**,” **is a direct “consequence of the historical privileging of the purely conceptual** or mental **over the corporeal”** (1993, 187). **This patriarchal legacy of valuing a masculinized, pure, detached reason over what have been constructed as “feminized” embodied modes of knowing,** such as emotion, **has fostered a diminution of situated and relational knowledge-making.**

Thus, rationality based forms of knowledge focus on what we *already* know, rather than *what it means* to know. This means we must understand interdependent relationships through sympathy. **Donovan** writes:[[3]](#footnote-3)

H.B. Acton in "The Ethical Importance of Sympathy" (1955) similarly argues that **sympathy is a "form" of rationality** (66**).** It is not "as partial and impulsive'' as critics have claimed (65); **it is "not a primitive animal feeling but an exercise of the imagination requiring self-consciousness and comparison**" (66). In his phenomenological exploration of empathy Husserl identifies it as an imaginative exercise that requires judgment and evaluation: "**I try to picture** to myself, standing here, how I would look, **how I would feel**, and how the world would appear **if I were therein the place of that body which resembles mine** and acts as I might. **My imaginative projection into the place of another, conjoined with the two types of data given by the senses [appearance and behavior] makes empathy possible"** (Elliston 223). Mercer describes a similar imaginative construction but specifies that as **a basis for ethical judgment** and action sympathy (again not empathy) **should involve** not -projecting oneself into another's situation but rather **figuring out how the other is feeling: "it is not enough that I should imagine how I should feel if I were in the other person's place; I have to imagine how [the other] feels"**.

Thus arguments must a) be grounded in sympathy and emotion and b) be contextual based on each circumstance instead of universal and abstract from the specific situation.

In the same way that metaethics precludes normative ethics, my framework functions on a higher level than traditional standards. If there is no counter-epistemology or ontology read in the NC or isn’t specifically linked, presume aff since I am the only one that has a plausible risk of a link to any relevant offense that could be known to ontologically relevant actors. And if they decide to go for theory they still need to be reading a counter-epistemology and ontology because these realms of philosophy dictate the way we know things and how rules ought to be made.

Sub-point C: the ethic.

I prescribe the ethic of care as the normative standard for the round. The ethic of care is based in emotional understanding and attentiveness to subjects of justice. **Donovan 2** writes:

Sympathy theory of the past, long eclipsed, is now reinforced by a powerful new wave of ethical theory proposed by **“ethic-of-care”** feminists, who **derive[s]** their **ethic[s] from the experience of the oppressed, urging that ethics be rooted in caring practice and an epistemology of attentive love. Such a focus need not**-indeed must not-**lose sight of the political context in which our moral awareness develops** and our moral actions take place. **But it also does not lose sight of the individual case.** Contrary to Kantian rationalism, **it envisages both the personal and the political.** Like Buber, people exercising attentive love see the tree; but they also see the logging industry. **They see the downed cow in the slaughterhouse pen; but they also see the farming and dairy industry**. They see the Silver Spring monkey; but they also see the drug corporations and university collaboration.

The ethic of care thus meets the framework since it’s contextually based and sympathetic towards the subject, so the standard is maintaining consistency with the ethics of care, which is acting towards individuals in a compassionate manner.

**I contend that rehabilitation ought to be valued over retribution in order to form caring relationships.**

**O**nly a rehabilitative approach introduces offenders to the emotional relevance of their crime and to those affected. Retributive justice denies interpersonal care and condemns persons to isolation. **Failinger[[4]](#footnote-4):**

**Restorative justice** approaches would **appear to be more promising** **in responding to the “circles of care**” and “moral agency” problems that offender women who respond out of **an ethic of care may pose**. Restorative justice, in contrast to retributive justice, is fundamentally relational. One of its most fundamental principles is that **“[c]rime is a violation of people and of interpersonal relationships.**” 160 Like women operating with an ethics of care, **restorative justice** not only **recognizes** but also assumes **that human beings are interconnected,** that relationships are central, and **that crime is “a tear in the web of relationships.”** 161 Restorative justice, then, starts where such women start: with the concrete, with human interaction; indeed, **interaction [exist]** not only of those physically present at the “scene of a crime,” but those who are present **because the victim and offender are living their lives out of a continuing relationship with them** and those in the community who are indirectly affected by the crime. Thus, **family members who have made a victim more vulnerable to damage by the emotional impact of crime,** previous abusers of either victim or offender, and those who exercise moral influence on the offender such as parents and elders **may be involved in many restorative justice processes** such as sentencing circles and family group conferencing.

**And,** this is particularly evident during retributive trial processes, which are adversarial and competitive by nature. **Failinger 2:**

**Restorative processes** also speak to the concreteness of care ethicists’ relational imagination about their responsibility. They require a woman offender to sit in a circle with those whom she has harmed, emotionally as well as economically. This **enables the woman offender** to hear the full complexity of the harm she caused through narrative, and **to experience the emotions that** both individual and community as **victims experience as a result of that crime**. 163 **None** of these opportunities **are offered by** traditional **retributive practices because**, with the exception of the actual individual victims, **few of the people whom a woman offender has affected *actually* appear in** pretrial, **trial** or post-trial **procedures**. A person who becomes addicted because of the offender’s behavior and the mother whose children are involved with dealing are not likely to be called to the stand to give evidence. Even for those victims who appear, **the rules of evidence and the traditional manner of presentation of witness testimony discourage the expression of** pain, fear, and other **emotions experienced by victims.** Indeed, **the retributive system discourages any relational bonding between the offender and the victim, portraying crime as an offense against the state**  A woman offender who is surrounded by people whom she has actually harmed, may, through restorative encounters, become more capable of expanding her circle of care to include concrete others who have been harmed by her actions, including members of the community who cease being impersonal. A drug offender can start to empathize with the distraught daughter of an addict who cannot care for her because of the drugs, or a mother who is scared because her kids are drug couriers, or a police officer who despairs at the waste of life he sees every day. An embezzler can expand her circle of care from her own family, to the bank accountant who has to clean up the mess left by her crime, or the bank customers who are frightened by the insecurity of their accounts. **Restorative processes urge offenders to care about the needs of others,** as they have been taught to care for their most immediate circle, **rather than to turn away from caring.**

Underview:

**A. States’ economies are vital to the national economy and need change NOW – err aff on an invisible threshold.**

**Moran 13** (Andrew [Political journal editor and reporter] “11 scenarios of how an economic collapse in America could play out” Economic Collapse New, March 16, 2013, MG)

Since the last economic collapse that occurred in 2007/2008, the unemployment rate has remained just under (officially) eight percent, **the Fed**eral Reserve **is pumping $85 billion each month** just to keep the Dow Jones above 14,000, **the** federal **gov**ernment **borrows 48 cents out of every dollar spent** just to keep the doors of Congress open and the value of the nation’s currency persists in being debased. For the past few years, a lot of **adherers** to gloom and doom **have predicted complete collapse of the United States system**. Although **the U.S. is on life support** at the present time, it still remains alive. The question is, however, **[but] for how long?** Despite the disastrous policies imposed by the administration of President Barack Obama and the endless quantitative easing by Fed Chairman Ben Bernanke, how much longer can the U.S. keep the illusion up? There are many scenarios to consider when the U.S. economy reaches its end point: from hyperinflation to astronomical tax rates to confiscation of private property. Here are 11 scenarios of what **an economic collapse could look like** in the United States. 1. If the Fed has the printing press going 24 hours a day and seven days a week or China and Japan demand its money back, this could lead to hyperinflation. What does this mean for Americans? Remember your history class that looked at the Weimar Republic and its citizens carrying wheelbarrows of money? Picture everyone walking around New York City doing the same thing. Indeed, there will be millions of Americans who will become “billionaires.” 2. The U.S. national debt grows $10 million each minute of the day. At the time of this writing, the national debt is more than $16.5 trillion. By 2023, the Congressional Budget Office projects the national debt to be $26 trillion. If the national debt grows at this rate, eventually, the federal government won’t be able to afford anything else other than a few budgetary items. 3. Most Americans and politicians are enjoying the benefits of low interest rates. Despite the heavy debt loads, the U.S. government paid $248 billion in the Fiscal Year 2013, which is roughly 1.5 percent. When interest rates soar, a considerable chunk of annual expenditures will be put towards interest payments. 4. National security is at risk because if the U.S. government can’t afford to allocate money to the Pentagon and the military then it can’t defend the nation’s borders – not just closing down U.S. bases in 132 countries. What if another country decided to invade the U.S. since it can’t protect its land because of insolvency? 5. Price controls have occurred in U.S. history and the unfathomable policy still takes place today (see Argentina and Venezuela). When the government decides to institute production quotas and price controls on everyday items, food, oil and even water riots could come to fruition. 6. No more forms of energy. Back in the day, households would have to go to bed early when night arrived. However, due to capitalist ingenuity, families could stay up late and do anything they wanted. When the economy collapses, there won’t be enough energy for anything, especially considering that Iran and Russia will control half of the world’s energy and China is buying up anything it can get its hands on. 7. **The bankruptcy of states and cities**. **Already, cities have declared insolvency**, **while states are having a difficult time keeping afloat. Investors** **are bailing out of municipal bonds, while state and local debt accounts for** nearly **a quarter of U.S.** gross domestic product (**GDP)**. 8. When the U.S. can no longer afford its budget, it may turn to horrific tax rates. First, it will target the rich, but then the affluent will simply leave the country (as recent reports suggest is already taking place). Once the rich cannot be taxed then everyone else will experience the tax burden – Americans already pay nearly 50 percent of their incomes in taxes (federal, state and local). 9. In any crisis, the first thing that government does is confiscate private property. During the Great Depression, President Franklin Delano Roosevelt took away gold and silver from the people. In the aftermath of Hurricane Katrina, authorities confiscated civilian-held firearms. Last year, the president issued the National Defense Resources Preparedness Executive Order, an order that has been described by some as authoritarian and totalitarian for peace-time martial law that could allow the government to confiscate private property. 10. What happens if social safety nets, such as unemployment, Social Security and Medicaid, suddenly vanished overnight? If the government can only afford interest payments and a few other budgetary expenditures then how could it afford these social programs? No longer would the jobless receive benefits. Little old ladies could become homeless because of no check. The poor would not be able to afford their healthcare. 11. As **with other nations that suffered** a tremendous **economic collapse, the U.S. could see the rise of a new leader** that is just **as dangerous as** Adolf **Hitler**, Joseph Stalin, Hugo Chavez, Robert Mugabe, Mao Tse-Tung and many other brutal dictators. Over the past few decades, **the executive branch has garnered more and more power**, which could mean it would be exploited by nefarious individuals in the future.

And, US economic collapse means multiple scenarios for nuclear conflict – extinction.

**Friedberg and Schoenberg 8[[5]](#footnote-5):**

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future?¶ Meanwhile, tsraditional foreign-policy challenges are multiplying. **The threat from al Qaeda and Islamic terrorist** affiliates has **not** been **extinguished**. **Iran and North Korea** are continuing **on** their **bellicose paths**, while **Pakistan and Afghanistan are progressing** smartly down the road **to chaos**. **Russia's** new **militancy** **and China's** seemingly relentless **rise** **also give** cause for **concern**.¶ If **America** now tries to **pull back from the world stage**, it **will leave a** dangerous **power vacuum**. The **stabilizing effects** of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk.¶ In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and **aggressive powers** led by the remorseless fanatics who **rose up on** the crest of **economic disaster** exploited their divisions. **Today** we run the risk that **rogue states may choose to become** ever more **reckless with** their **nuclear toys**, just **at** **our** moment of **maximum vulnerability.**¶ The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity.¶ None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

B. Retributive policies have put major strains on state economies. **Andrews and Bonta 10[[6]](#footnote-6):**

**Over the past 35 years**, the trend in dealing with criminal[s] offenders became increasingly harsh and punitive. The message was clear: offenders were not to be mollycoddled. The U.S. Parole Commission and many states abolished their paroling authorities. Instead, parole was replaced with “truth-in-sentencing” legislation (Holt, 1998) and “three strikes and you’re out” laws (Turner, Greenwood, Chen, & Fain, 1999). Boot camps and “Scared Straight” programs sprung up throughout the United States and abroad. There were even calls to make probation as “punishing as prison” (Erwin, 1986, p. 17). The **rehabilitation** of offenders, an important activity for many correctional psychologists, **was devalued in favor of** the “**get tough**” approach for dealing with offenders. The accumulating evidence is that the **retribution** movement **has been a disastrous failure**. Sentencing guidelines and the various truth-in-sentencing laws that require a minimum sentence to be served before release have resulted in longer sentences and more crowded prisons (Wood & Dunaway, 2003). The **three strikes laws** further **compounded** the problem of **prison growth** without any evidence that prison sentences reduce recidivism (Doob & Webster, 2003; Smith, Goggin, & Gendreau, 2002; von Hirsch, Bottoms, Burney, & Wikstro¨m, 1999). The tough new sanctions of boot camps, electronic monitoring, and Scared Straight programs that expose at-risk young offenders to prison life have had either a negligible or detrimental impact on recidivism (MacKenzie & Armstong, 2004; Petrosino, Turpin-Petrosino, & Finckenauer, 2000; Renzema & MayoWilson, 2005). All of **this has caused a tremendous strain on state economies**, with 22 states cutting corrections budgets for ﬁscal year 2010 (Scott-Hayward, 2009). Only Medicaid has out-paced corrections budgets (Stemen, 2007) and, in 2008, it was estimated that **state budgets for corrections were in excess of $52 billion** (Pew, 2009). The incarceration and re-entry of large numbers of adults has a number of less visible costs. Many prisons are far removed from the neighborhoods where offenders reside. For example, **in New York** State, almost all of the prisons are located upstate with 60% of the prisoners coming from the poorest borough of New York City. Many of these neighborhoods have high concentrations of **offenders** who **are sent** to **upstate** prisons **at an annual cost of over $30[k]**,000. It has been estimated that Brooklyn alone has 35 blocks where the costs of imprisonment exceeds **$1 million per block** (Gonnerman, 2004). The neighborhood of Brewer Park, Detroit has an annual cost of $2.9 million (Pew, 2009). Not only is there a signiﬁcant cost in imprisoning people from poor neighborhoods, but additional **ﬁnancial hardships are placed upon the families of offenders and the communities where they reside**. A family may lose a breadwinner and even during incarceration, the family may still continue to support the offender. Offenders released from prisons return to their communities with **poor job prospects, and** their **idle presence on the streets discourage the frequenting of local businesses**. **This** in turn **threatens business success**, thereby **eroding the tax base** for many cities (Clear, 2008).

And, rehab is much cheaper – solves states’ economies. **Causey 12[[7]](#footnote-7):**

Contrary to popular belief, the Wisconsin prison system is not packed with killers. Since 1996, 80% of the growth in the prison population in Wisconsin has been attributed to drug and alcohol use. This figure mirrors national statistics. Here's the problem: **The** state average **cost of** **putting someone** **behind bars for a year is $32,000,** **while the most expensive treatment program costs less than $8,000**. I'm not a financial whiz, but it makes more sense to spend $8,000 on people and turn them into a productive member of society, rather than pay $32,000 to incarcerate them. **Every dollar spent on treatment programs saves** almost $**2 in** criminal justice **costs**, according to the Wisconsin Office of Justice Assistance. Using that yardstick, **an investment of $75 million on the front end in alternatives** to prison programs **would lead to annual savings** of almost $**150 million**. These findings are outlined in a report released Wednesday by Human Impact Partners and WISDOM. "Healthier Lives, Stronger Families, Safer Communities" looks at the impact of drug and alcohol and mental health treatment courts, based on the principle that public health issues are at the root of many crimes. Since 2006, **after** the state Legislature put $**1 million per year into** the **Treatment Alternatives and Diversion programs**, there has been **a decline in the recidivism rates** in the seven piloted locations. **In Milwaukee**, for example, **crime decreased 23% since** 2007, the year TAD **programs went into effect.** Specifically, homicide and rape have decreased between 4% and 5%, and theft and auto theft dropped 17% and 27%, respectively. Most notably, Milwaukee had a 14% decline in inmate population at the county jail and County Correctional Facility-South between 2008 and 2010. John Chisholm, the Milwaukee County district attorney, said cutting crime rates while reducing the number of those incarcerated should be the goal.

Underview 2: Rehabilition has empirically reduced crime. Meta-analysis proves. **Cullen and Gendreau 2000[[8]](#footnote-8):**

Even if interventions are effective with a range of other behaviors, the question still remains whether they are able to reduce delinquent and criminal behavior. Lipsey and Wilson (1993) listed **10 meta-analyses** that were **conducted on** evaluations of **treatment** programs **for offenders.** In all cases, **[reported] a positive effect size** was reported. There was a tendency, however, for the treatment effect size for offender interventions to be lower than that for interventions targeting other outcomes for change. The lower effect size may reflect the difficulty of changing antisocial conduct and/or the lower quality of interventions with offenders (Losel 1995). Still, it is instructive to reiterate that **every meta-analysis** of offender treatment **indicated that programs,** in the aggregate**, reduced problem behavior.** As such, **there is no evidence that offenders cannot be rehabilitated.** Losel (1995) has conducted **the most comprehensive assessment of the meta-analyses** of offender rehabilitation programs. In a review of 13 meta-analyses published between 1985 and 1995, **Losel found that the [a] mean effect** size ranged from a low of 0.05 to a high of 0**. [of] 18 [percent].** This finding has been **confirmed in an updated review** by Redondo, Sanchez-Meca, and Garrido (1999, 252).

Underview 3- Psychological bias means retributivists will disproportionately punish.

**Dripps[[9]](#footnote-9):**

FAE [Fundamental Attribution Error] has troubling implications for the retributivist’s project of rationally assessing blameworthiness. The character-based approach directly embraces the project of inferring personality traits from behavior. This is the very inference that the psychological research suggests human observers will make too readily. Consider, in this regard, the Fidel Castro essays, the quiz master experiment, or the foul shots taken in a dimly lit gymnasium.184 In these experiments, **observers held actors responsible despite** the observers’ **knowledge of** very serious **situational constraints**. Indeed the term **“correspondence bias” refers** precisely to the tendency **to associate behavior with a corresponding trait**. In the choice approach, the problem recurs. FAE predisposes observers to exaggerate both volitional capacity and fair opportunity to resist situational pressure. **A choice theorist** who does not repudiate situational excuse altogether **admits that some** bad **choices are not blameworthy**. As a result of FAE, however, in deciding how hard a choice the actor faced, **observers will tend to attribute the choice to the actor’s character rather than** the **situation**. FAE tends to magnify the causal significance of the defendant’s conduct relative to other factors. **Observers** predisposed to believe that the world is just **need to identify personal**, rather than impersonal, **causes for negative events**.185 Compounding **this tendency is** the so-called **hindsight bias,** which inclines observers ex post to believe that actual events were probable ex ante even when they were not.186 **This,** in turn, **inclines observers to infer intention**, knowledge, or recklessness **from the foreseeability of events that were** in fact **not** foreseeable. Harm-based **retributivists**, with their focus on causing or risking harm, **invite the tendency of observers to commingle fault with causation**, amplified by the hindsight bias. A purely subjectivist culpability theorist, by contrast, considers the actor eligible for punishment based on his subjective awareness of wrongdoing. This may disadvantage the government unduly, as those who focus on the person rather than the situation interpret failed attempts as innocent accidents and harmless recklessness as due care. As the utilitarians have pointed out, retributivists have some difficulty in determining the amount of punishment required by any given instance of culpable wrongdoing.187

Underview 4:

**Congress is supporting evidence-driven CJS policies.**

**Gest April 15** (Ted [Political analyst for The Crime Report] “Obama’s anti-crime spending hike: will congress agree?” The Crime Report, April 15, 2013, MG)

**Federal anti-crime aid is surviving calls for spending cuts in** Washington, at least in President Barack **Obama's** proposed **budget for** fiscal **2014.** **The plan** issued last week **included** a surprisingly large number of **increases** **in** a variety of **Justice Department programs.** The administration seems to be betting on the notion that **a cautious Congress will go for crime-fighting ideas** that are **backed by scientific evidence**. Previous Obama budgets endorsed evidence-based programs, but this is the first time that the Justice Department specifically has tied funding to the idea. For example, the budget includes a new $40 million annual program for states and localities "to implement proven public safety strategies." It also includes $25 million for what **the budget calls [for]** projects of "**evidence-based, data-driven justice system realignment" that replaces costly programs** **with less costly** alternatives.

**Rehab is highly popular—republicans agree.**

**Hart 02**, (Hart Research Associates, Changing Public Attitudes toward the Criminal Justice System, 02)

Americans strongly favor rehabilitation and reentry programs over incapacitation as the best method of ensuring public safety. Nearly **two-thirds of** all **Americans** (66%) **agree** that **the best way to reduce crime is to rehabilitate prisoners** by requiring education and job training so they have the tools to turn away from a life of crime, while just one in three (28%) believe that keeping criminals off the streets through long prison sentences would be the more effective alternative.¶ **This idea has** broad-based **support**, **with** solid majorities of whites (63% / 31%), **fundamentalist Protestants** (55% / 36%), **and Republicans** (**55% [to] 38%)** supporting rehabilitation over incapacitation as the best way to reduce crime. Interestingly, the 23% of Americans who report that they or a close family member have been the victim of a violent crime endorse rehabilitation even more strongly than the general public, by a decisive 73% to 21% margin.

(\_) Extend that ontology precludes all ethics since it determines what actors and ethics are.

(\_) And, ontology precludes epistemology since a) knowledge is itself something that must *be* in order to weigh into our actions and b) knowledge is irrelevant without a subject to apply it to

(\_) Extend that epistemology precludes ethics since a theory of knowledge is necessary to justify the nature of morality and its relation to us.

(\_) And, epistemology precludes ontology since a) we can’t even begin to discuss it without assuming certain things about what it means to know and b) being is irrelevant if it has no effect on anything in the universe, since it doesn’t affect our decision making. If a tree falls in a forest, it makes no sound that we either know of or care about.

1. Judith Butler [Maxine Elliot Professor of Rhetori and Comparative Literature at Berkley]. Gender Trouble: Feminism and the Subversion of Identity. Routledge publishing: 2009. Print. [↑](#footnote-ref-1)
2. Liz Stanley and Sue Wise. Breaking Out Again: Feminist Ontology and Epistemology. New Edition. Routledge publisher, 2002. Google Books. [↑](#footnote-ref-2)
3. Josephine Donovan. ATTENTION TO SUFFERING: A FEMINIST CARING ETHIC FOR THE TREATMENT OF ANIMALS. JOURNAL of SOCIAL PHILOSOPHY, Vol. 27 No. 1, Spring, 1996, 81-102 1996 Journal of Social Philosophy [↑](#footnote-ref-3)
4. (Marie A. Failinger, “Lessons Unlearned: Women Offenders, The Ethics of Care, and The Promise of Restorative Justice,” Volume 33, Issue 2., Fordham Law Journal, 2007) [↑](#footnote-ref-4)
5. (Aaron [Prof of Politics and IR at Princeton], Gabriel [senior editor for commentary at WSJ] “The Dangers of a Diminished America” Wall Street Journal, 2008, MG) [↑](#footnote-ref-5)
6. (DA [Carleton University] and James [Public Safety Canada] “Rehabilitating Criminal Justice Policy and Practice” American Psychological Association, 2010, MG) [↑](#footnote-ref-6)
7. (James E [Editorial writer, columnist & blogger for the Milwaukee Journal Sentinel] “Treatment is the best way to fight crime” Journal Sentinel, Nov 27, 2012, MG) [↑](#footnote-ref-7)
8. [Francis, Paul. “Assessing Correctional Rehabilitation: Policy, Practice, and Prospects.” *Criminal Justice 2000*] [↑](#footnote-ref-8)
9. (Donald [USD Professor of Law] “Fundamental Retribution Error: Criminal Justice and the Social Psychology of Blame” Vanderbilt Law Review) [↑](#footnote-ref-9)