# 1NC

***[****To negate means ‘to deny the existence, evidence, or truth of’[[1]](#footnote-1) so presume neg because a statement is more likely to be invalid or false than true.****]***

***[****Ought implies a moral obligation[[2]](#footnote-2) so I value morality.****]***

Morality must be retrospective. **A)** Internally consistency and moral progress. **Buchanan[[3]](#footnote-3):**

The idea of moral progress **[morality] only makes sense if it is possible**, not only **to make moral judgments about the past**, but to make them by appealing **to** some of **the same moral standards that we apply to the present. Unless we can** in some sense **apply the same moral** yardstick **to the past and the present, we cannot meaningfully say** either **that there has been moral progress or that there has not**. For example, **unless** some **retrospective moral judgments are valid, we cannot say that the abolition of slavery is a case of moral progress**. For **unless we can say that slavery** in the antebellum South **was wrong, we cannot say that the abolition of slavery was a moral improvement.** And unless we can say that the practice of slavery violated human rights we cannot say that its abolition was a victory for the cause of human rights.

**B)** Epistemology. If actions aren’t deemed wrong retroactively then we can never confirm they happened in the first place or know what future actions constitute moral offenses. NC framework side-constraints yours because without retrospectively knowing a crime happened we can’t know who needs rehab and who doesn’t.

**C)** Functionality. Moral systems can’t function without retrospective judgment. Otherwise, there aren’t rules that guide action and determine moral blameworthiness. If moral systems look forward they can’t create concrete rules for action because they aren’t concerned with a precedent for conduct.

**Thus**,the standard is consistency with retrospective judgment. This entails retribution. **Nichols[[4]](#footnote-4):**

For reasons that are central to the aim of this paper, I want to restrict the retributivist theory to the first factor – a retrospective norm prescribing the punishment of wrongdoers.2 Call this **the** bare **retributive norm**.3 As stated, this **is a retrospective, backward-looking [one]** norm. This **[which] distinguishes the theory from other** prominent **approaches, all of which are prospective**. Most obviously**, a consequentialist ethics of punishment looks to future benefits** of punishment (e.g. Bentham, Rawls 1955). But **[while] humanitarian** approaches (e.g. Menninger 1968) **and moral education approaches** (e.g. Hampton 1984) **are equally forward looking. So too are restorative accounts of punishment,** which aim to repair relationships (e.g. Braithwaite 1999). **By contrast, the bare retributive norm simply says that wrongdoers should be punished for their past actions.**

**So,** I negate.

# Frontlines

## AT Time Passes

**1.** The passage of time is irrelevant to the moral quality of an act. **Buchanan[[5]](#footnote-5):**

It is important to emphasize that **there really is no distinct problem about retrospective moral judgment as such**. There is simply no conceivable reason why **the mere passage of time should invalidate moral judgments of nay sort. The fact that it has now been almost 50 years since Hitler attempted to exterminate the Jews in no way diminishes the wrongness of his actions**, nor his culpability for them, nor the fact that were he still alive he ought to be punished for what he did, nor the fact that Hitler was a morally despicable human being. **The validity of** these **moral judgments will not be affected by the passing of another fifty years**, nor a hundred, nor a thousand years.

## AT Rehab Can Be Retrospective

**1.** Rehab is mutually exclusive with retrospective judgment. **Miller[[6]](#footnote-6):**

Commentators have identified a number of sentencing objectives, but four goals comprise cornerstones of sentencing: deterrence, incapacitation, rehabilitation, and retribution. The first three (**deterrence, incapacitation, and rehabilitation) are consequentialist theories of punishment focusing on the prospective reduction of future crimes; retribution is a nonconsequentialist and retrospective theory of punishment**, focusing on the punishment that is deserved for previous conduct. These four goals of punishment sometimes harmonize, such as incarcerating a dangerous offender to prevent him from injuring others (incapacitation) and to discourage others from committing comparable crimes (deterrence). Sometimes, however, the goals of punishment are more difficult to reconcile. Playwright George Bernard Shaw described the tension between retribution and rehabilitation, noting that **if we are to punish defendants retributively, we must injure them; conversely, if we are to rehabilitate them, we must improve them; but we cannot do both simultaneously, for men are not improved by injuries.**

**2. Cross apply Nichols –** only the retributive norm can be retrospective because only it takes seriously and proportionally punishes past offenses. Rehab is forward looking, so it disregards the past.

## AT No Turn Ground

**1. I meet –** you can link turn it by saying that rehabilitation is the best way of dealing with past offenses and the best way to rectify violations of the moral system.

**2. I meet –** you can impact turn and say retributive judgment is bad for x reason, which would still function as offense under any normative system.

**3. I meet** – I don’t endorse a specific normative theory so you can link turn the NC by saying the AC framework is the best ethic for upholding retrospective judgment.

**4. I meet** – the NC just appeals to ulterior notions of morality like internal consistency and epistemology, and then says retrospective retribution just upholds that. You can turn the NC by saying your ethical system better sustains those ideals.

**5. I meet** – you can say the benefits that we garner from rehabilitation are more important normative goods for the functioning of a moral system and weigh them against the offense of the retrospective norm the NC offers.

**6.** No reason turn ground uniquely matters – debate is an asymmetric activity with different speech times and strategies available to each side. There’s no reason I am obligated to oblige you with turn ground. *[There is a distinction between fairness and strategy – I have an obligation to make it possible for you to debate me, i.e. answer my framework, but I don’t have an obligation to give you an easy win.]*

1. http://www.thefreedictionary.com/negate [↑](#footnote-ref-1)
2. http://dictionary.reference.com/browse/ought [↑](#footnote-ref-2)
3. Allen Buchanan, [George Washington University], “Ethical Relativism and Retrospective Moral Judgment,” December 4th, 1994. SM [↑](#footnote-ref-3)
4. Shaun Nichols, [Department of Philosophy, University of Arizona], “Brute Retributivism,” December 17th, 2011. SM [↑](#footnote-ref-4)
5. Allen Buchanan, [George Washington University], “Ethical Relativism and Retrospective Moral Judgment,” December 4th, 1994. [↑](#footnote-ref-5)
6. Wilbur Miller, *The Social History of Crime and Punishment in America*, Sage Publications, 2012. [↑](#footnote-ref-6)