Affirmative Case: Reduced Recidivism

By Ryan Matlock, Edited by Noah McKay and Steven Vaughan

*Resolved: Criminal Justice ought to prioritize rehabilitation over retribution, restitution, or deterrence.*

Social control theory states that individuals will be more willing to follow and obey the laws and rules that govern them if they are invested in social constructs (family, friends, job, events) that give them an incentive to follow the law. In essence, those with more to lose won’t risk that loss, and those with less to lose, will.

Now apply this idea to a very large issue facing our country, *criminal recidivism*. Statistics state that near three-fourths of prisoners will be revisiting their less-than cozy cell less than five years after their release. This isn’t surprising when you take into account the fact that these people will often leave prison with little more than the shirt on their back and maybe enough money for a meal (if they’re lucky), as was the case with exonerated prisoner, Glenn Ford.

With little to lose and even less of a chance at being hired, it is a wonder that the rate of criminal recidivism isn’t higher than it already is. You will need to push the narrative of the person who made a mistake in their past, but is now frozen, unable to give back to society because of the endless retribution dealt to them by the criminal justice system as well as society.

To win, make sure to emphasize that while it is the responsibility of the criminal justice system to impose justice, it also has a moral obligation to society and the citizens it deals with to ensure a certain level of stability upon release. Justice may be blind, but that doesn’t mean we can turn a blind eye to those who have already paid their debt to society.

The classic play *Les Mis*é*rables* tells the fictional story of Jean Valjean, a man who spent nearly a third of his life imprisoned and punished by the state for stealing a loaf of bread. Upon release, he attempts to build a life for himself, but hits major obstacles due to being branded a criminal. This eventually leads him to steal silver from a bishop in an effort to be free of that branded life. He is almost caught, but the generous bishop lets him keep the silver as a gift, thus giving him the chance to be free from those shackles.

If we are to reduce crime, it starts with providing opportunities to those who would otherwise have none but to return to breaking the law. For the sake of creating those opportunities, I stand *Resolved: Criminal justice ought to prioritize rehabilitation over retribution, restitution, or deterrence.*

In this debate round, I will affirm the resolution by showing that rehabilitation ought to be prioritized over retribution.

For clarity in today’s debate round, I’d like to present the following definitions:

Definitions

“**Retribution**.” Oxford Learner’s Dictionaries 2022. <https://www.oxfordlearnersdictionaries.com/us/definition/english/retribution>. Accessed September 15, 2022

severe punishment for something seriously wrong that somebody has done.

*“****Rehabilitation****.” Oxford Learner’s Dictionaries 2022.* [*https://www.oxfordlearnersdictionaries.com/us/definition/english/retribution*](https://www.oxfordlearnersdictionaries.com/us/definition/english/retribution)*. Accessed September 15, 2022*

the process of helping somebody to return to a normal, healthy life after they have been in prison or very ill

**Resolution Analysis: Responsibility of Criminal Justice**

Any criminal justice system has a duty first and foremost to assure that justice is served. However, it is important to note that retribution and rehabilitation are both forms of justice in and of themselves. Thus, for guidance we must look at the second responsibility of the criminal justice system, and that responsibility is to decrease crime. That being said, I’d like to provide a standard for weighing today’s resolution in the form of my value.

**Value: Reduced Recidivism**

Recidivism is when ex-criminals relapse into criminal behavior. This is a very serious issue that society faces.

Bureau of Justice Statistics. **“3 in 4 Former Prisoners in 30 States Arrested Within 5 Years of Release” N.P. April 22, 2014 Web. Accessed July 29, 2016** <http://www.bjs.gov/content/pub/press/rprts05p0510pr.cfm>

An estimated two-thirds (68 percent) of 405,000 prisoners released in 30 states in 2005 were arrested for a new crime within three years of release from prison, and three-quarters (77 percent) were arrested within five years, the Bureau of Justice Statistics (BJS) announced today.

This statistic is so shocking because it goes against the general assumptions we all have about the criminal justice system.

**Value link: Purpose of Criminal Justice**

As the gavel comes down and sentences criminals every day, we all expect that this will solve the problem, that the penalty chosen will prevent the convicted of ever breaking the law again. After all, criminal justice courts exist to deter and prevent crime both now and in the future. This is done by upholding rule of law as well as imposing sentences that have the best chance at preventing recidivism. But what must courts do to achieve this? This brings me to my criterion.

**Criterion: Employment**

The best way the criminal justice system can end recidivism is by judicial measures that will inevitably equip those who pass through that system with the ability to once again lead life as a productive member of society. Employment fulfills this, as I explain in my criterion link.

**Criterion Link: Deterrent of Recidivism**

Multiple studies from institutions including Ohio State University and Georgia Institute of Technology note the correlation between employment and crime. While these reports differ in some ways, they all come to the same conclusion: Higher employment rates are correlated with a reduction of crime, and ex-convicts who find a job are less likely to commit a crime again.

**David M. Reutter** (“Ex-Cons Face Tougher Job Market in Great Recession” published in Prison Legal News [**October, 2010**](https://www.prisonlegalnews.org/news/issue/21/10/), page 30) <https://www.prisonlegalnews.org/news/2010/oct/15/ex-cons-face-tougher-job-market-in-great-recession/> Accessed September 21, 2022

With about 700,000 people being released from state and federal prisons yearly, there is a large pool of people needing work. Budget crunches nationwide have officials looking to release prisoners to save money, and whether those released find employment will often determine if they become statistics of recidivism.  
  
“If people get drawn back into the real world, get a job and make a living, studies show they’ll be less likely to go back to prison,” said Howard Husock, vice president of policy research at the Manhattan Institute for Policy Research. “With early release now on the menu for so many states, it makes the matter more pressing.”

This isn’t surprising, though. Among other things, social control theory states that when individuals are employed or have a role within society, it provides them with an incentive to follow the law. In essence, individuals are less likely to commit crimes because they know it would put their career, family, or other aspects of life in jeopardy.

That being said, let’s look at these implications when weighed against retribution and rehabilitation.

Contention 1: Retribution Leaves Convicts Powerless

While employed individuals are less likely to resort to crime, the inverse is true as well.

[**Eve Tahmincioglu**](http://www.nbcnews.com/id/15020964/), NBC News. “Unable to get jobs, freed inmates return to jail.” N.P. **February 17, 2010**. Web. Accessed September 21, 2022. <http://www.nbcnews.com/id/35263313/ns/business-careers/t/unable-get-jobs-freed-inmates-return-jail/#.V5lwtrgrKUk>

Prison advocates in the state point to a tough employment picture for all former inmates. ‘A lot of people are hitting a very poor economy,’ said Carol Peeples, re-entry coordinator for the Colorado Criminal Justice Reform Coalition in Denver. Even in a good economy, ‘over half go back to jail in three years. The lack of employment plays a big part in this.’”

Do retributive measures such as fines and time served in jail have a chance at reforming criminals? Sure. But once these people leave a construct built on retribution, they face a world with a similar coldness to it.

The tough truth is that ex-offenders are hard pressed to find an employer who will hire them.

[**Lucius Couloute**](https://www.prisonpolicy.org/alumns.html#t_Lucius_Couloute)**and**[**Daniel Kopf**](https://qz.com/author/dkopfqz/)**, July 2018** (Out of Prison & Out of Work: Unemployment among formerly incarcerated people)Accessed September 21, 2022 <https://www.prisonpolicy.org/reports/outofwork.html>

Prior research suggests that employers discriminate against those with criminal records, even if they claim not to. Although employers express willingness to hire people with criminal records, evidence shows that having a record reduces employer callback rates by 50%. What employers say appears to contradict what they actually do when it comes to hiring decisions.

In the end, retribution does nothing for criminals and nothing for society other than suck those who made mistakes into an unrelenting vacuum of punishment.

Contention 2: Rehabilitation Equips Criminals to Improve Society

[**Eve Tahmincioglu**](http://www.nbcnews.com/id/15020964/), NBC News. “Unable to get jobs, freed inmates return to jail.” N.P. February 17, 2010. Web. Accessed September 21, 2022. <http://www.nbcnews.com/id/35263313/ns/business-careers/t/unable-get-jobs-freed-inmates-return-jail/#.V5lwtrgrKUk>

To avoid the likelihood of returning to jail within the first year, ex-convicts need to land jobs within two months of their release and they need to make more than minimum wage, said Nancy La Vigne, director of the Justice Policy Center at The Urban Institute in Washington.

**Application: San Francisco**

James Gilligan, professor of psychiatry at New York University led an intensive re-educational program in multiple San Francisco jails. He found that after only 4 months of participation in the program, it reduced the frequency of violent reoffending after release from jail by 83 percent.

**James Gilligan, New York Times “Punishment Fails. Rehabilitation Works.” N.P., December 19, 2012.** Web. Accessed September 21, 2022 (a clinical professor of psychiatry and an adjunct professor of law at New York University, is the author of, among other books, "[Preventing Violence](https://www.amazon.com/Preventing-Violence-Prospects-Tomorrow-Gilligan/dp/0500282781/)" and "[Why Some Politicians Are More Dangerous Than Others](https://www.amazon.com/Some-Politicians-More-Dangerous-Others/dp/0745649815).") <<http://www.nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/punishment-fails-rehabilitation-works>>

Getting a college degree while in prison is the only program that has ever been shown to be 100 percent effective for years or decades at a time in preventing recidivism. Prisoners should be treated with exactly the same degree of respect and kindness as we would hope they would show to others after they return to the community. As I said, people learn by example.

However, it’s clear to see that placing an importance on improving the circumstances of criminals does more to help society and discourage recidivism than retribution ever could.

**Conclusion**

Jean Valjean, the man who was sentenced for stealing a loaf of bread, was able to turn his life around. He became the mayor, helped a lot of people, and could be considered the hero of the story. What influenced this? It was a man who provided him with what he needed to get his start that redeemed him and allowed him to give back to his community more than he had ever stolen.

If we are to emulate this in our society, it begins with recognizing that rehabilitation ought to be valued above retribution in criminal justice systems. Thank you.