I affirm the resolution that "A just society ought not use the death penalty as a form of punishment."

My value today is Justice. Justice is defined simply and traditionally as giving each their due. Justice within the context of today’s debate can be seen as solely retributive insofar as we are discussing the just response to wrongdoing. The central question of the resolution is whether a just society ought implement death punishments thus justice must be the overarching value premise.

My criterion today is the happiness principle. Utilitarian in practice, the happiness principle gives you a clear mechanism to weigh different paths as well as their consequences within the context of the same end state or goal, Justice. In addition, the happiness principle is the most appropriate criterion for this debate topic. Jeremy Bentham explains "the immediate principle end of punishment is to control action," ie the conduct of those who are liable to a punishment if they violate the law as well as the conduct of those who are undergoing punishment after having been sentenced for a violation. Bentham further clarifies that the goal of punishment ought to be "general prevention," an end that will be achieved if and only if adequate "control" is attained. But both of these ends are penultimate. The ultimate end of penal laws is one shared with all legislation, to positively augment the total happiness of the community. Thus, in his theory, the only rational or justifiable punishments for a society to adopt are punishments that most efficiently produce the greatest happiness.

Observation 1: Resolutional Analysis

The resolution asks us to evaluate the nature of death penalty as just or otherwise. We must first look at how theoretical ideas are properly used in discussing real world occurrences. Concepts of justice and morality exist within a vacuum but when practically applied to actions must be contextualized as existing among alternatives. In other words, the morality of genocide is neutral unless it’s considered within the span of less offensive and egregious forms of combat. With this view, it’s seen that both sides of this debate must argue the death penalties morality/just nature etc as it compares to a comparable alternative, namely life imprisonment.

Contention 1: The death penalty consumes costly resources.

Subpoint A: From purely a financial perspective the death penalty wastes financial resources that could be used more effectively and efficiently elsewhere. “A New Jersey Policy Perspectives report concluded that the state's death penalty has cost taxpayers $253 million since 1983, a figure that is over and above the costs that would have been incurred had the state utilized a sentence of life without parole instead of death. The study examined the costs of death penalty cases to prosecutor offices, public defender offices, courts, and correctional facilities.” The report concluded “From a strictly financial perspective, it is hard to reach a conclusion other than this: New Jersey taxpayers over the last 23 years have paid more than a quarter billion dollars on a capital punishment system that has executed no one.” Furthermore this is not a phenomenon for New Jersey, “according to a report released by the National Bureau of Economic Research, Counties across the US manage the high costs associated with the death penalty by decreasing funding for highways and police and by increasing taxes. The report estimates that between 1982-1997 the extra cost of capital trials was $1.6 billion.”

This evidence has two implications. First, the death penalty is using vast financial resources while rarely actually being used ie killing people. This speaks not only to its wastefulness but also its decreasing ability to deter future capital crimes. Second, the money that is wasted in death penalty cases could be spent in numerous other areas to increase the overall happiness of any given community. Using the happiness principle it’s clear that a just society trying to increase its community’s happiness wouldn’t use the death penalty as a form of punishment.

Contention 2: The death penalty is not just.

Subpoint A: There is no way to correct the erroneous infliction of the death penalty. Imprisonment however can be abruptly ended as soon as there is reason to conclude that an innocent person is being punished. Furthermore, there is no way to compensate the wrongly executed person; the wrongly imprisoned person can be awarded a compensatory sum. Insofar as the happiness principle applies to all sentient beings that are able to feel happiness, imprisonment allows the greatest ability for corrective action toward greater happiness. This characteristic of imprisonment will always leave it a small amount more just and consequently yield an affirmative ballot.

Subpoint B: The execution of an individual hinders the ability of the criminal justice system to effectively administer justice. Extending Bentham’s critique Hugo Bedau explains, “To the effect that executing a convicted criminal destroys one source of testimonial proof concerning other crimes, committed by the offender or by other criminals. That same criminal, however, if confined to prison may well be persuaded to divulge such information and thereby aid the cause of justice. In utilitarian terms, the usefulness of the convict to the administration of criminal justice is frustrated by the death penalty, at least by comparison with prolonged imprisonment.” The implication of this evidence is overall total possible social happiness is lessened that it otherwise would be. This violates the happiness principle and warrants an affirmative ballot.

Subpoint C: The death penalty is applied at random. Polities, quality of legal counsel and the jurisdiction where a crime is committed are more often the determining factors in a death penalty case than the facts of the crime itself. The death penalty is a lethal lottery: of the 22,000 homicides committed every year approximately 150 people are sentenced to death. Such a divide in convictions and death sentences violates the equitable nature of the happiness principle by unevenly affecting the happiness of certain criminals as opposed to others. Such an application is unjust and should be rejected.

David Marquardt
Short How To

The most important thing is to throw yourself into the specifics of the topic and look for as many examples as possible. The more reading you do on the topic and the more you think about the specifics of the resolution, the more success you will have. Find out who is writing articles on each side of the topic and get familiar with those works so that you can talk about particular authors.

After you have immersed yourself in the literature of the specific topic, you need to brainstorm the values (underlying grounding—some might call them the ethics) and the value criterion (the intermediate concepts that link the ethics back to the very realization of the topic—what leads the broad principle back to the resolution?). Once you have brainstormed those lists, you should write a few paragraphs against each item on the list so that you are prepared for clash. That is what this file is intended to show. Once you feel as though you have created the platform for clash—you can contest most of the predictable arguments on either side of a resolution, THEN you need to write your cases. Sometimes you have to write your cases first because the tournament is in three days or you are debating in an hour, but usually you want to do a lot of preparation before you sit down to craft your opening.

At this point, you divide into an affirmative debater and a negative debater and you devise your cases, including an incorporation of your style, the use of evidence to prove a point, clear organization, and direct incorporation of the topic wording.

Also, from an Alabama debater’s mindspring cite:

**What is a Value Premise?**

From all these values that arise, your first goal should be to decide on a "value premise." In some regions, debaters refer to their value premise as a core value, but the term value premise is more generally recognized. A value premise should be the ultimate value that you seek to uphold and/or achieve in the debate round. Examples include things like Justice, Morality, Social Welfare, Individual Welfare, or Liberty. Some debaters tend to use more obscure values, but sticking to the basics is generally preferable unless you have a specific goal in mind. It is important to remember that your value premise must be a VALUE, and not something else like the Social Contract which is an IDEA but not a value in and of itself. Every argument that you make in a debate round should relate to this value premise. If you cannot show how your side better achieves your value premise, then you (ideally—if you have a good judge) should lose the round. Therefore it is very important to choose a value premise wisely and never forget that your arguments should focus on it at all times.

**What is a Criterion?**

The next step in preparing for a new resolution is deciding on a criterion. A criterion is a way in which you can define and achieve your value premise. More specifically, it is the key to a winning debate round. A criterion should be the mechanism by which you weigh the values at stake and ultimately come to the conclusion that your value premise is achieved. Examples of criterion include the social contract, giving each his due, protection of individual rights, etc. A criterion should not be another value such as fairness or legitimacy. Instead, it should clear up all the questions that proposing a huge, overarching, undefined value premise like Justice raises. And remember, if you want to have more than one criterion, the plural form is “CRITERIA.” It is important to pay attention to little things like this so you will appear more knowledgeable.

**What is a Contention?**

After you have decided on a value premise and a criterion, the next important thing to do is think of two or three main arguments (preferably 2) that you feel are the most important. These should become your contentions (they are called justifications or points of analysis in some parts of the country). Contentions make up the majority of the case and all your important analysis should be in the contentions. You can add subpoints to your contentions, but it is not required, although it does make for a better case. Each contention should have at least one quote in it to back up your argument with something other than your own words, but several quotes (more than 3) is often overkill and a waste of time.