Reduced Recidivism  
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Affirmative Case by Ryan Matlock

**Summary**

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.

Reduced Recidivism

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: Rehabilitation ought to be valued above retribution in criminal justice systems.*

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

**Definitions**

**Retribution** isdefined by Oxford Dictionary as: Punishment inflicted on someone as vengeance for a wrong or criminal act.[[1]](#footnote-1)

**Rehabilitation** isdefined by Oxford Dictionary as: The action of restoring someone to health or normal life through training and [therapy](http://www.oxforddictionaries.com/us/definition/american_english/therapy#therapy__2) after [imprisonment](http://www.oxforddictionaries.com/us/definition/american_english/imprisonment#imprisonment__2), [addiction](http://www.oxforddictionaries.com/us/definition/american_english/addiction#addiction__2), or illness.[[2]](#footnote-2)

**Resolutional 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. If you don’t believe me, believe the Bureau of Justice Statistics when it reported in 2014 that an estimated 77 percent of over 400,000 prisoners released in 2005 were arrested for a new crime within five years of release from prison.[[3]](#footnote-3) 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. [[4]](#footnote-4), [[5]](#footnote-5), [[6]](#footnote-6) Howard Husock, vice president of policy research for The Manhattan Institute for Policy Research said, “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.”

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. NBC News reported that,

“Of the first 10 inmates in Colorado's early release program, which began in October, three are back behind bars… 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 retribution 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. A study from the University of Wisconsin asked employers if they would be willing to hire ex-criminals for jobs that didn’t require a college degree. The study found that over 40% of employers were “probably” or “definitely” not willing to hire applicants with criminal records.[[7]](#footnote-7)

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

Nancy La Vigne, director of the Policy Center at the Urban Institute in Washington said,

“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”[[8]](#footnote-8)

If we are to end this cycle that continues to plague the imprisoned and the free alike, we have to stop believing that throwing people years removed from society (with little resources) into a competitive market will result in anything good. Thankfully, rehabilitation offers the solution.

# Application: San Francisco

James Gilligan, professor of psychiatry at New York University lead 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.

This doesn’t make the problem disappear. Few things will. In fact, James Gilligan went on to say, “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.”[[9]](#footnote-9) 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

Going back to the story I told earlier about Jean Valjean, the man who was sentenced for stealing a loaf of bread. Later in the story his life has turned around. He becomes the mayor, helps a lot of people, and could be considered the hero of the story. What influenced this? It definitely wasn’t retribution. That’s what nearly forced him back into the torturous life of a prisoner. 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.

Negative Brief: Reduced Recidivism

On Negative, your first step is to separate employment from rehabilitation efforts. For example, in C/X:

“Who inevitably hires ex-criminals?” (Private employers)

“Do prisons have any say over whether or not employers hire ex-criminals?” (No)

“Do rehabilitation efforts change the existence of a criminal record?” (No)

“Do job applications ask about your level of rehabilitation? (No)

Now that you’ve effectively shown that the line between rehabilitation and employment is vague at best, your next step is to show the judge a side ignored by the Affirmative speaker: Individuals who have *never* broken the law.

Affirmative’s value of Reduced Recidivism only solves the issue of individuals who have already broken the law. But recidivism wouldn’t even be an issue if those people hadn’t broken the law in the first place. Say you ran anti-value of crime. It would point out that the Affirmative case only deals with the aftermath of crime, whereas you can avoid that result altogether by going to the root of the problem, which is stopping people from breaking the law in the first place.

To further emphasize this, you could ask these C/X questions:

“Is the first offense of an individual regarded as recidivism?” (No)

“Are rehabilitation efforts ever directed at people who have yet to break the law?” (No)

At this point, you have instilled doubt that rehabilitation even equips people effectively, as well as shown a way to avoid any need for that rehabilitation in the first place.

The main point you want to drive home is that you prevent criminals from going to prison, while Affirmative lessens the severity of the punishment responsible for deterring so many from breaking the law. In the end, this may only make the initial problem worse, while doing little to solve for the aftermath.

1. “Retribution”, New Oxford American Dictionary. Oxford University Press. Web. 2016. [↑](#footnote-ref-1)
2. “Rehabilitation”, New Oxford American Dictionary. Oxford University Press. Web. 2016. [↑](#footnote-ref-2)
3. 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> [↑](#footnote-ref-3)
4. Mallubhotla, Deepak *"An Analysis of the Relationship Between Employment and Crime,"* The Park Place Economist: Vol. 21. Page 97, 2013. Web. Accessed July 29, 2016 <http://digitalcommons.iwu.edu/parkplace/vol21/iss1/16> [↑](#footnote-ref-4)
5. [Ajimotokin, Sandra](https://smartech.gatech.edu/browse?value=Ajimotokin,%20Sandra&type=author) ; [Haskins, Alexandra](https://smartech.gatech.edu/browse?value=Haskins,%20Alexandra&type=author) ; [Wade, Zach](https://smartech.gatech.edu/browse?value=Wade,%20Zach&type=author). [Georgia Institute of Technology. School of Economics](https://smartech.gatech.edu/browse?value=Georgia%20Institute%20of%20Technology.%20School%20of%20Economics&type=author) *“The Effects of Unemployment on Crime Rates in the U.S.”* Page 14, April 14th, 2015. Web. Accessed July 29, 2016 <http://hdl.handle.net/1853/53294> [↑](#footnote-ref-5)
6. ### Jeff GrabmeierOhio State University *“Higher Crime Rate Linked to Low Wages and Unemployment”,* N.P., N.D., Web. Accessed July 29, 2016 <<http://researchnews.osu.edu/archive/crimwage.htm>l>

   [↑](#footnote-ref-6)
7. Harry J. Holzer, Steven Raphael, and Michael A. Stoll. *“How willing are employers to hire ex-offenders?”* University of Wisconsin. Page 41, N.D. Web. Accessed July 29, 2016 <http://www.irp.wisc.edu/publications/focus/pdfs/foc232h.pdf> [↑](#footnote-ref-7)
8. [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 July 29, 2016. <http://www.nbcnews.com/id/35263313/ns/business-careers/t/unable-get-jobs-freed-inmates-return-jail/#.V5lwtrgrKUk> [↑](#footnote-ref-8)
9. # James Gilligan, New York Times *“Punishment Fails. Rehabilitation Works.”* N.P., December 19, 2012. Web. Accessed July 29, 2016 <<http://www.nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/punishment-fails-rehabilitation-works>>

   [↑](#footnote-ref-9)