

2026-27 Value Debate Sample Negative Backup

Case:

Human Dignity

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Case Extensions

Resolutional Analysis

The common arguments for retribution and rehabilitation are rife with tragic and triumphant anecdotes. While these examples are helpful as illustrations, it would be shortsighted to justify an entire philosophical framework for a criminal justice system on curated narratives. Therefore, the Negative for this year's resolution emphasizes that the judge's decision should be based on what is morally righteous for a society to do rather than what is lawfully prescribed. After all, the law derives its legitimacy from its moral merits.¹

The Negative also does not deny that retribution possesses beneficial qualities. There are plenty of instances where retribution provides a "just" approach. Consequently, the Negative also does not attempt to argue that rehabilitation is the *only* just approach in *all* situations. Rather, the resolution asks which framework provides *the most* "just" approach to fundamental criminal justice questions of human nature, social harm, and proper consequences. The Negative argues that rehabilitation is the *most just* framework because it is intended to protect higher ideals of justice or universal laws of human nature. Here, the sample Negative case rests on the inherent worth every person possesses.

¹Himma, K. E., "Natural Law," *The Internet Encyclopedia of Philosophy*, accessed May 13, 2026, <https://iep.utm.edu/natlaw/>

"According to natural law legal theory, the authority of legal standards necessarily derives, at least in part, from considerations having to do with the moral merit of those standards. There are a number of different kinds of natural law legal theories, differing from each other with respect to the role that morality plays in determining the authority of legal norms. The conceptual jurisprudence of John Austin provides a set of necessary and sufficient conditions for the existence of law that distinguishes law from non-law in every possible world. Classical natural law theory such as the theory of Thomas Aquinas focuses on the overlap between natural law moral and legal theories. Similarly, the neo-naturalism of John Finnis is a development of classical natural law theory. In contrast, the procedural naturalism of Lon L. Fuller is a rejection of the conceptual naturalist idea that there are necessary substantive moral constraints on the content of law. Lastly, Ronald Dworkin's theory is a response and critique of legal positivism. All of these theories subscribe to one or more basic tenets of natural law legal theory and are important to its development and influence."



Value: Human Dignity

Justice has many definitions, depending on who wields the term. A definition of justice can have a very practical and pragmatic view, where individuals deserve what the law defines they deserve. However, what gives legitimacy to what the law defines as “deserved?” Further, greater than merely what the law defines, what should the law aspire to, and what is the law dictated by? The ideal view of justice dictates that the law is dictated by higher universal principles, such as respecting human dignity.

Both secular and religious philosophers recognize that humans have a certain “distinctiveness.”² This “distinctiveness” naturally separates humans from the rest of the material world.³ This distinctiveness therefore requires that humans be treated honorably in spite of their actions.

The Negative may highlight that a just criminal justice system is one that treats individuals with dignity, offering pathways of redemption and reconciliation within the community. Since this approach is embodied by a rehabilitative approach and undermined by a retributive one, rehabilitation is the *more just* criminal justice system approach.

Additional support for this value could include:

² Debes, R., “Dignity,” *The Stanford Encyclopedia of Philosophy (Spring 2026 Edition)*, accessed May 11, 2026, <https://plato.stanford.edu/archives/spr2026/entries/dignity/>. “The idea that human beings are morally special or distinctive has found expression in the religion, philosophy, literature, and art of all societies, modern and ancient. And connected to that idea and those expressions is an enduring struggle to understand what this peculiar “value” is. Since antiquity many have leveraged this idea about human distinctiveness into the idea that humans are supremely valuable. The chorus in Sophocles’ *Antigone* (c. 441 BCE), for example, lauds man as the most “wondrous” of all things in the world, a prodigy who cuts through the natural world the way a sailor cuts through the “perilous” surging seas that threaten to engulf him (verses 332 ff., cited in Debes 2009 at p. 52). Similarly, the Judeo-Christian doctrine of *imago Dei* trumpets human dominion over the earth and the distinctive value of humanity. Excluding God and angels, the doctrine implies that humankind is preeminently valuable.”

³ *Ibid.*



A Just Society Demands Respect for Dignity

Explanation: Underlying the Negative’s case is the idea that a just criminal justice system requires a just society. A just society must respect the human dignity of its members, including offenders.

Support: According to The Institute for Accountability in Southern Africa, “The foundation of any just society rests on the recognition and respect for the dignity of its people, and the corresponding role of the state to respect, protect, promote and fulfil that right. Yet, across the African continent—and indeed the globe—grand corruption continues to erode this very dignity. When public resources are plundered for private gain, trust in institutions is shattered, opportunities are stolen, and lives are diminished.”⁴

Impact: While no actor is explicitly stated in this year’s resolution, only organized societies establish institutions of law, its enforcement, and its adjudication. Therefore, when considering whether retribution or rehabilitation is *more just*, the answer necessarily includes the approach that is *most justly instituted* by any given society. Here, a just society is required to respect human dignity and implement institutions that do the same.

⁴ The Institute for Accountability in Southern Africa: Accountability Now, “Restoring Human Dignity Through Justice: Advancing the Values of Transparency, Integrity and Accountability,” *The Institute for Accountability in Southern Africa*, (2025), accessed May 13, 2026, <https://accountabilitynow.org.za/restoring-human-dignity-through-justice-advancing-the-values-of-transparency-integrity-and-accountability/>.



Dignity Is Morally Right Regardless of Recidivism Rates

Explanation: Rehabilitation based on the value of human dignity is a moral standard that isn't measured primarily by the utility of recidivism rates. Instead, rehabilitation that values human dignity is primarily satisfied when the criminal justice system treats those inside the system with dignity.

Support: As Amanda Ploch writes for the *New York University Journal of International Law and Politics*, "The dignity-as-intrinsic-worth justification for rehabilitation and moral capacity justification (both partly embodied in the humanistic/rights-based model of Rotman), share a powerful aspect in common: by justifying prisoner rehabilitation using the innate characteristics of prisoners, measuring the tangible results of rehabilitation (such as reduced recidivism) is less important than the provision of these services in the first place, and macro-level cost-benefit analysis takes a back seat. These two justifications can provide a powerful counterargument to those who critique the effectiveness of prisoner rehabilitation; if providing rehabilitation is valuable in itself because it respects the moral capacity, dignity, and inherent worth of prisoners, any measurable positive effects of rehabilitation are to be celebrated, but should not necessarily be required for rehabilitation to continue."⁵

Impact: Rehabilitation based on human dignity is the morally right thing to do no matter what recidivism rates are.

⁵ Why Dignity Matters: Dignity and the Right (or not) to Rehabilitation from International and National Perspectives. Amanda Ploch. *New York University Journal of International Law and Politics*. https://nyujilp.org/wp-content/uploads/2010/06/44-3_Ploch_Web.pdf



Contention 1: Rehabilitation Restores Human Dignity

Additional arguments for the Negative's first contention could include:

Complete Restoration is Impossible

Explanation: It is important for both the Affirmative and Negative to establish that *complete restoration* of wrongdoing in the criminal justice system is impossible. Therefore, the question becomes whether retribution or rehabilitation provides the *most restoration possible*.

Support: According to Dr. Seth Lazar, a Professor of Philosophy at the Australian National University, "We should not look to criminal justice for means to rectify the disrespect suffered by the victim. Punishment may have its place in dealing with public injuries, but it cannot rectify private disrespect. Only full apology can fill that role. Full apology, however cannot be demanded as a right, which leaves us with three options: we could argue that apology is supererogatory, and cannot be demanded under any moral principle; we could challenge that it is morally obligatory, but cannot be demanded by justice specifically; or we could argue that those aspects of apology which can be demanded as a matter of justice should be."⁶

Impact: Dr. Lazar explains the reality that the criminal justice system is not capable of completely restoring private wrongs and is only best equipped to address public wrongs. However, Dr. Lazar admits that certain aspects of an apology that can be demanded, such as external acknowledgement of wrongdoing⁷, should be demanded as a matter of justice. Only rehabilitation addresses the offender's accountability, whereas retribution does not require offenders to acknowledge their wrongs.

⁶ Lazar, S. R. M., Corrective Justice and the Possibility of Rectification, *Ethical Theory and Moral Practice*, (2008), accessed May 13, 2026, <https://philarchive.org/rec/LAZCJA-2>.

⁷ *Ibid.*



Rehabilitation Restores the Dignity of Victims

Explanation: Although rehabilitation places heavy emphasis on the dignity of offenders, the criminal justice system also exists to vindicate and restore those who have been harmed. Although retributive punishment may satiate the public's desire for vengeance, most victims themselves feel the most restored when the offender is rehabilitated.

Support: According to The Alliance for Safety and Justice, "By a nearly 2 to 1 margin, most victims prefer the justice system focus more on rehabilitating people who commit crimes than punishing them."⁸

Impact: While it is easier to think that victims of crime want revenge against their offender, surveys show this is not necessarily the case. One explanation is that humans are *not* abstract creatures that only operate in black-and-white, formulaic terms: restoration = punishment "A" for wrongdoing "B." While laws can define what punishments are given for what actions, this fails to address a crime's underlying causes and complexity. Most victims want to never be hurt again and want to feel safe in their communities. This means treating offenders in a way that safely reintegrates them into society, not punishing and releasing them without any remediation.

Rehabilitation Demands Accountability

Explanation: Accountability is not solely served by retribution: *both* rehabilitation and retribution seek to hold offenders accountable. The paramount difference is the means by which accountability is demanded.

Support: Regarding rehabilitation, Jeffrey W. Howard, a professor at the University College London, states that "Like retributivism, it insists on holding criminal offenders accountable as moral agents, but it does not invoke the sectarian idea of deserved suffering in doing so. Like deterrence theory, it insists that a central point of criminal punishment is to prevent future crime, but its technique of crime prevention is insistently individualistic, demanding that offenders take seriously what they have done and resolve to do better in the future."⁹

Impact: Rehabilitation does not sacrifice accountability, but demands it of offenders as part of their reintegration with society.

⁸ National Survey on Victims' Views on Safety and Justice, "Crime Survivors Speak," *Alliance for Safety and Justice*, (2022), accessed May 13, 2026, <https://build.allianceforsafetyandjustice.org/sites/default/files/2025-09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>.

⁹ Howard, J. W., Punishment as Moral Fortification, *Law and Philosophy*, (2017), accessed May 13, 2026, <https://www.jstor.org/stable/44980865?seq=30>.



Contention 2: Retribution Destroys Human Dignity

Additional arguments for the Negative's second contention could include:

Intentional Infliction of Pain Erodes Dignity

Explanation: Retribution intentionally inflicts pain against offenders in proportion to their crime, which degrades not only the offender, but the society that allows such actions. This hardens and "brutifies" a society to the point that return to human dignity is near "impossible."

Support: Consider this quote from Russian philosopher Fyodor Dostoevsky:

Those who have possessed unlimited power over the flesh, blood, and soul of their fellow-creatures, of their brethren according to the law of Christ, those who have possessed this power and who have been able to degrade with a supreme degradation, another being made in the image of God; these men are incapable of resisting their desires and their thirst for sensations. Tyranny is a habit capable of being developed, and at last becomes a disease. I declare that the best man in the world can become hardened and brutified to such a point, that nothing will distinguish him from a wild beast. Blood and power intoxicate; they aid the development of callousness and debauchery; the mind then becomes capable of the most abnormal cruelty in the form of pleasure; the man and the citizen disappear for ever in the tyrant; and then a return to human dignity, repentance, moral resurrection, becomes almost impossible.¹⁰

Impact: When the goal of a criminal justice system is to merely punish its wrongdoers, not only are offenders isolated, but the society becomes calloused. This has a compounded affect upon the just treatment for the individual and collective. Therefore, retribution undermines human dignity.

¹⁰ Dostoyevsky, F., *The House of the Dead*, The Project Gutenberg, accessed May 11, 2026, <https://www.gutenberg.org/files/37536/37536-h/37536-h.htm>.



Retribution Subverts the Dignity of Non-Offenders

Explanation: In addition to Dostoevsky's observations above, modern institutions acknowledge that when individuals deny the dignity of others, they necessarily undermine their own dignity.

Support: Amanda Ploch with the *New York University Journal of International Law and Politics* notes that,

A second justification for rehabilitation, drawing from Kant, is that prisoners should have rehabilitative services based on the idea that non-prisoners should not harm their own sense of dignity. Kant warned of "punishments that dishonor humanity itself," which "make a spectator blush with shame at belonging to a species that can be treated that way." James Fyfe explains that Kant's idea of human dignity is more concerned with acting rationally so as not to reduce our own dignity, instead of how our actions affect the dignity of others. Under this view, if a prison official prohibits access to rehabilitative services, then this official could be said to be denying the human bond between him/herself and the inmates, inflicting damage to the official's own dignity. The provision of rehabilitation services to prisoners can thus affirm the dignity of the person providing rehabilitation, and individuals in larger society; while dignity is still a guiding value here, the main focus would be what the provision of rehabilitation says about the humanity and dignity of those other than the inmate.¹¹

Impact: Human dignity is either respected or not. Therefore, it is impossible to say that retribution respects human dignity as it requires non-offenders to administer treatment to offenders that society would normally prohibit. The rationality for this sacrifice of human dignity is to say that the offender is something less-than-human, not deserving of ordinary human dignity.

¹¹ Ploch, A., Why Dignity Matters: Dignity and the Right (or not) to Rehabilitation from International and National Perspectives, *New York University Journal of International Law and Politics*, (2012), accessed May 13, 2026, https://nyujilp.org/wp-content/uploads/2010/06/44-3_Ploch_Web.pdf.



Revenge is Not Just

Explanation: The Affirmative will attempt to argue that retribution is the most just approach because it provides those who have been harmed a state-administered revenge against wrongdoers. This, the Affirmative argues, is the most just approach because it repays a wrongdoer's moral debt.

Here, the Negative can argue that while retribution certainly provides a form of revenge, a more fundamental question is pressing: is revenge itself a just approach to wrongs?

The Negative may argue this question in two ways. First, the Negative can point out that the point of a wrong is that it should never be committed and that it is grievous when it is committed. Therefore, the just approach to a criminal justice system is not one that seeks to "get back" at an offender in proportion to their wrongful action. This would merely result in a simple outcome: a wrong x a wrong = a wrong.

Second, the Negative may argue that the Affirmative's approach in treating revenge as the ultimate view of justice is shortsighted because it results in offenders being means to an end. This disregards the dignity of offenders, violating universal law and the ideal view of justice.

The Negative must maintain that the aspiration of the criminal justice system must be one of a higher, ideal calling, not merely a lower, dehumanizing bid for revenge.

Support: Philosopher and theologian Thomas Aquinas states,

I answer that, Vengeance consists in the infliction of a penal evil on one who has sinned. Accordingly, in the matter of vengeance, we must consider the mind of the avenger. For if his intention is directed chiefly to the evil of the person on whom he takes vengeance and rests there, then his vengeance is altogether unlawful: because to take pleasure in another's evil belongs to hatred, which is contrary to the charity whereby we are bound to love all men. Nor is it an excuse that he intends the evil of one who has unjustly inflicted evil on him, as neither is a man excused for hating one that hates him: for a man may not sin against another just because the latter has already sinned against him, since this is to be overcome by evil, which was forbidden by the Apostle, who says (Romans 12:21): "Be not overcome by evil, but overcome evil by good."¹²

Impact: For Aquinas, the intention underlying a person's desire for vengeance is what dictated its morality. Revenge's intent is to inflict another with pain as a form of "repayment" for the wrong they suffered. Therefore, revenge is an unjust infliction of evil on another.

¹² Aquinas, Thomas. *Summa Theologiae*. Question 108, Article I. Accessed online May 2026. https://www.documentacatholicaomnia.eu/03d/1225-1274_Thomas_Aquinas_Summa_Theologiae_%5B1%5D_EN.pdf



Extra Quotes for NEG speeches

1. Retribution Alienates

Dominique de Menil once reflected,

“In conclusion, the analysis presented here has confirmed the importance of dignity as a central concept in youth well-being and suggested pathways for action and change. In closing, the words of Dominique de Menil ring true: ‘What should move us to action is human dignity: the inalienable dignity of the oppressed, but also the dignity of each of us. We lose dignity if we tolerate the intolerable.’”¹³

Impact: Respecting human dignity in the criminal justice system is not isolated to offenders but extends to all of society.

2. Human Value is Priceless

Immanuel Kant said,

“In the realm of ends everything has either a price or a dignity. What has a price is such that something else can also be put in its place as its equivalent; by contrast, that which is elevated above all price, and admits of no equivalent, has a dignity.”¹⁴

Impact: Human life is without price, which provides an additional warrant for its superiority that demands a distinct and indiscriminate respect.

¹³ Gallup. The Abu Dhabi Gallup Forum: Research, Dialogue, and Solutions. “Restoring Dignity: The Raison D’être of the Youth Movements in the Arab Citizen Revolt?” December 2011. Accessed May 23, 2026. https://www.aub.edu.lb/ifi/Documents/20111201_ifi_youth_abu_dhabi_gallup_forum_restoring_dignity.pdf

¹⁴ Ploch, A., Why Dignity Matters: Dignity and the Right (or not) to Rehabilitation from International and National Perspectives, *New York University Journal of International Law and Politics*, (2012), accessed May 13, 2026, https://nyujilp.org/wp-content/uploads/2010/06/44-3_Ploch_Web.pdf.



3. Offenders Retain Human Dignity

Justice Anthony Kennedy wrote in *Brown v. Plata*,

“As a consequence of their own actions, prisoners may be deprived of rights that are fundamental to liberty. Yet the law and the Constitution demand recognition of certain other rights. Prisoners retain the essence of human dignity inherent in all persons. Respect for that dignity animates the Eighth Amendment prohibition against cruel and unusual punishment. “ ‘The basic concept underlying the Eighth Amendment is nothing less than the dignity of man.’ ” *Atkins v. Virginia*, 536 U. S. 304, 311 (2002) (quoting *Trop v. Dulles*, 356 U. S. 86, 100 (1958) (plurality opinion)).”¹⁵

Immanuel Kant also said,

“I cannot withdraw at least the respect that belongs to him in his quality as a man, even though by his deeds he makes himself unworthy of it.”¹⁶

Impact: Human dignity is independent of people’s wrongful actions.

4. Just Denied Anywhere is Just Denied Everywhere

Dr. Martin Luther King Jr. famously said,

“Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial “outside agitator” idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.”¹⁷

Impact: When a society denies justice to the individual, it necessarily denies justice everywhere else.

¹⁵ *Brown v. Plata*, 563 U.S. 493, (2011), accessed May 13, 2026, <https://supreme.justia.com/cases/federal/us/563/493/>.

¹⁶ Ploch, A., Why Dignity Matters: Dignity and the Right (or not) to Rehabilitation from International and National Perspectives, *New York University Journal of International Law and Politics*, (2012), accessed May 13, 2026, https://nyujilp.org/wp-content/uploads/2010/06/44-3_Ploch_Web.pdf.

¹⁷ King, M. L. Jr., "Letter from a Birmingham Jail [King, Jr.]," (speech, Birmingham, AL, April 16, 1962, accessed May 13, 2026, https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html).



5. Collective Justice is an Injustice

The Cato Institute writes,

“But Okun’s take on individualism is erroneous. Group identification devoid of true individualism is one of the main obstacles to real social justice because it suggests a dogma that, by definition, does not take into consideration the details and distinctions of an individual life. By extension, such group consciousness hampers our ability, as a society, to have generative conversations across ideological differences.”¹⁸

Impact: A system that treats individuals as mere means for collective societal objectives disregards human dignity. A criminal justice system that disregards human dignity is unjust. Therefore, a just criminal system for all is a just criminal system for one.

¹⁸ Smith, E. “Individualism is a Social Justice Issue,” The Cato Institute, accessed May 13, 2026, <https://www.cato.org/commentary/individualism-social-justice-human-life-is-force-issue>.

