

# Lincoln-Douglas Debate Example (Death Penalty Topic)

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. Politics, 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.

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## Quick “How To” Guide to the Lincoln-Douglas Debate

### **1AC (first Affirmative Constructive) – 7 minutes**

A good introduction that attracts the audience’s attention and interest in the topic  
Clearly state the resolution  
Clearly state each of your contentions  
Support with reason and evidence  
Conclude effectively

### **Cross Ex of the Aff by the Neg – 3 minutes**

You ask questions – have a strategy or at the very least a direction to your questioning  
Be courteous  
Face the audience

### **1NC (first Negative Constructive) – 8 minutes**

A good introduction that attracts the audience’s attention Clearly state the Negative’s position on the topic  
Clearly state the Negative’s Observations  
Support with reason and evidence  
Attack and question the Affirmative’s Contentions/evidence  
Conclude effectively

### **Cross Ex of the Neg by the Aff – 3 minutes**

You ask questions – have a strategy or at the very least a direction to your questioning  
Face the audience

*Rebuttal Speeches – No new arguments are allowed – new evidence, analysis is ok*

### **1AR (first Affirmative Rebuttal) - 4 minutes**

Respond to the Neg Observations – show how they are not as strong/relevant as the Aff Contentions  
Rebuild the Aff case

### **NR (Negative Rebuttal) – 7 minutes**

Respond to latest Affirmative arguments  
Make your final case to the audience that the Neg position is superior to the Aff  
Try and convince the audience the Aff has failed to carry the burden of proof  
Summarize the debate and conclude effectively and ask for the audience to agree with the Neg position

### **2AR (second Affirmative Rebuttal) – 4 minutes**

Respond to final Negative arguments  
Summarize the debate and show the audience how the Aff position is superior – and the Aff has carried the burden of proof  
Conclude effectively.