The DEBRIEF

LearningLeaders

What are law and justice?

According to the Cambridge Dictionary, the law means a rule, usually made by a government, that is used to order the way in which a society behaves. Justice means fairness in the way people are dealt with. In debate, they often occur hand in hand. For example, in debates that are proposing laws, you need to point out their justification, and if they are the right choices to make. Both terms reflect how people in a community view fairness and how they are evaluated under this system.
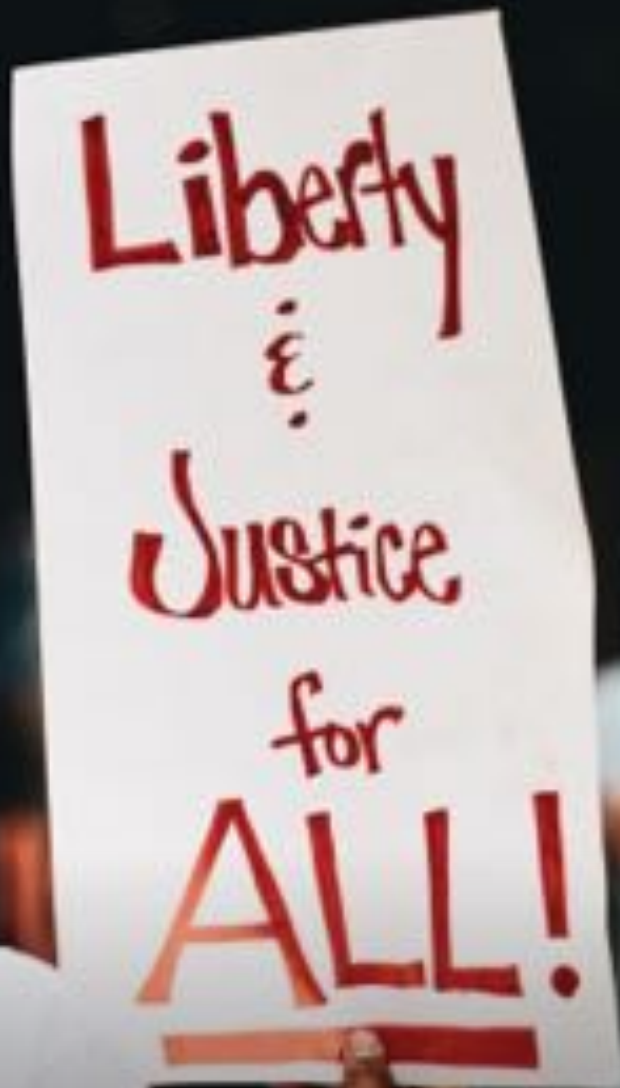
MONTHLY THEME

LAW & JUSTICE

(Adobe Stock)

We all believe in justice, fairness and morality. But different people have different ideas of what justice means, and different standards of punishment for those who break the rules of justice. We need laws to set a common standard for all, and to ensure that justice is done – and seen to be done.
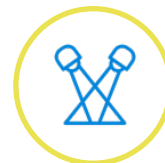
IMPACT OF
LAW & JUSTICE

By Alok Nirantar
After farmers had been protesting for over a year, India's central government decided to roll back the three contentious farm laws.

Imagine somebody has stolen your wallet and you find out who they are. What will you do? Will you stay quiet since you know your money is never coming back? Or steal their wallet in revenge? Or cut off their hands? What if, for example, you cut the thief's hands and they are angry about it - they may cut one of your hands off in return! (It might sound unlikely, but in Roman civilization, they could do it)! Who should decide the results?

In our justice system, we have three components: Law Enforcement (e.g., police, detectives), Courts (judges, attorneys) and Corrections (prisons, correction officers). When people are born into a country, they have to follow certain rules, including laws and justice. Understanding the laws and idea of justice in your country prevents people from doing "bad" or "unfair" things.

By Signe Wilkinson
Donald Trump has his own rules during his presidency. People he viewed as friends would be treated well, while others would be "bullied."

WORDS OF
THE MONTH

Being able to use the right terminology in debates makes you sound more authoritative. Read the words below and pick **five** that you want to use over the next few weeks!

(PBS)

Criminal and Civil: A criminal case is one where the state prosecutes a person on behalf of a victim, like in a kidnapping case. A civil case is where one party sues another or both have claims, like in a divorce.

"It's a civil case, the worst you'll have to do is pay damages."

Defendant: The person at the center of a criminal case, who is accused of the crime.

"The defendant pleads not guilty."

Defense Attorney: A defense attorney or defense lawyer argues that their client is not guilty, or that they are less culpable.

"Poor people cannot afford high-quality defense attorneys."

Judge: A judge is a highly experienced lawyer whose role is to determine the sentence or the punishment for the defendant if they are found guilty.

"Judges give harsher punishments to black defendants".

Jury: In some places, a panel of ordinary people listen to the arguments during the trial, and decide on the verdict of guilty or not guilty. The jury does not get to decide the sentence, however.

"Juries are biased and can't possibly follow a weeks-long case in depth."

Prosecution: The prosecution represents the state, and tries to prove that the defendant is guilty.

"The prosecution went after his alibi."

Sentence: If the defendant is found guilty, and their crime is one where jail time is recommended, the judge will decide their sentence, or how long they will spend in jail.

"The US legal system gives overly-harsh sentences."

Pro-choice vs. Pro-life

If a couple wants to kill their child, the law in most countries would of course count this action as "murder," even if the couple wants to break up, or they are too poor to raise the child. Now consider this: what if the child has not yet been born? Is abortion, or terminating pregnancy on purpose be considered as murder?

"Pro-life" believers think fetuses are human and they have lives, and it is cruel to kill the unborn baby. However, "pro-choice" advocators think fetuses are unborn so they are not yet humans; women should have control over their own bodies and make their own decisions.

Certain countries prohibit abortion; for example, according to the Guttmacher Institute, in the Philippines abortion is a criminal offense, and doctors and midwives who perform the procedure and women who undergo the procedure may be sentenced. Some countries put restrictions on abortion, for example when the woman's life would be endangered by continuing the pregnancy. Some countries have little or no limitation on abortion (World Population Review).

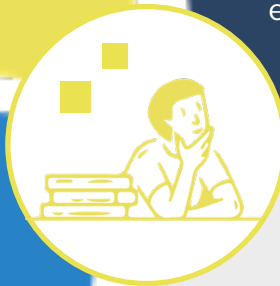(iStock)

Personal Choice vs. Gov. Protection

You probably have heard this sentence before; "government of the people, by the people, for the people." Government protection advocators believe that government has the responsibility to keep citizens safe. Citizens may make irrational choices and harm themselves, so the government should pass laws to protect citizens from harming each other and hurting themselves. Other people believe that government should give citizens more free choices. People can decide for themselves. After comparing the consequences, if they still choose to harm themselves, smoke, or conduct euthanasia, they should be able to do those.

EXPECT TO MAKE DIFFICULT TRADE-OFFS

Individual responsibility

Freedom of choice

Middle ground

Mandate/control

Government/institution
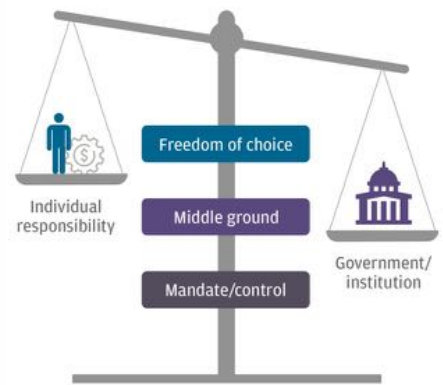
J.P. Morgan Asset Management
The spectrum leans toward individualism if it emphasizes freedom of choice, while it leans toward government protection when it emphasizes mandate/control.

(Independent Women's Forum)

Keywords:
*Rehabilitation: According to Criminal Law Information, rehabilitation basically means the path to restore a criminal to a useful existence in society.

Rehabilitation vs. Retribution?

When somebody has committed a crime, should we give them a harsh punishment (in debate term, it is called "retribution", such as a prison sentence, monetary fees, death penalty etc.)? Or do we try to rehabilitate* the criminal? Now I know some of you may think: surely criminals deserve to be treated tough! However, the tougher you punish a criminal and the longer you isolate them from society, the more difficult it is for them to successfully reintegrate into society. We all have an interest in ensuring that they emerge better adjusted than when they went in. Otherwise, it may be one of us that suffers when they re-offend. So: Where do we draw the line between punishment and rehabilitation?

EVENTS IN HISTORY

No Man is Above the Law

(By Phil Hands)

Everyone is equal in front of the law; presidents, kings or queens are no exception. Why? In democratic settings (most debate and public speaking settings), people abide by "the Social Contract." People agree to limit their rights and give the government power to set and enforce laws. Think about it this way: I promise not to kill other people randomly (I limit my autonomy to kill people), and at the same time, I hope the government sets and enforces laws to punish murderers.

What happens if a president/King/Queen breaks the law? In 1610, King James I thought that he had a divine right to make any laws that he wished, and he wanted to prohibit new buildings in London. But the court opposed the view of James and his descendants,

eventually leading to what is now called the Glorious Revolution. It laid the foundations for today's constitutional monarchy in the UK, whereby whoever is king or queen respects the law-making authority of the elected parliament.

But does it mean that no one attempts to challenge democracy in their position? Let's take a look at a more recent case: in 2017, Park Geun-hye, the 11th president of South Korea (2013-2017), was arrested for charges related to bribery and coercion. It prompted massive protests in South Korea and fueled discontent against the identity politics in South Korea, in which the political elite and family-run conglomerates dominate South Korea's economy.

EVENTS
IN HISTORY

National Prohibition of Alcohol

In 1920, the law called Prohibition went into effect in America. It banned the manufacture, transportation, and sale of liquor/alcohol. However, there was an increase in bootlegging (illegal production and sale of liquor), illegal drinking places and violence. If you are planning on a policy-related speech, you need to think about: will there be backlash* like bootlegging which could make the situation even worse?

(Cartoon Cuisine)

Keywords:
*(Social) backlash: According to Cambridge Dictionary, the backlash is a strong feeling among a group of people in reaction to a change or recent events in society or politics.

Cho Doo-soon Case

(Getty image)

People in South Korea protested the loose punishment of Cho Doo-soon.

Have you heard of the famous movie Hope? It is based on a real case. In 2008, Cho Doo-soon had kidnapped and assaulted an eight-year-old girl in a bathroom. Cho was sentenced to 12 years in prison after using drunkenness as an excuse. In South Korea, penalties for crimes committed under the severe influence of alcohol carry far more lenient – in other words, softer - punishments. Cho's case sparked outrage and protests. Since this case, the national legislature has amended the law to make it harder for defendants to use alcohol intoxication as a defense.

(The Conversation)

Algorithms in Criminal Trials

An algorithm can be understood as when a computer takes in many pieces of data, analyses them, and then makes a choice based on that information. For instance, on social media sites, the algorithm takes information such as posts you've liked in the past, posts people your age and gender like, and topics that you've looked up on your computer to suggest videos or posts to you.

In the context of the criminal justice system, an algorithm would take in many pieces of data to create a risk assessment for a person.

This could be used during sentencing, which is when judges decide the punishment for someone who has been found guilty. If someone has a high risk score, that means that the algorithm predicts that they have a high probability of re-offending (committing another crime in the future). In that case, the judge might consider giving them a longer sentence. If they have a very low risk score, the judge might consider not giving them jail time at all, but recommending a suspended sentence (when someone doesn't go to jail given they follow certain conditions, such as not committing another crime and attending rehab), or community service.

Currently, judges are the ones who make sentencing decisions, but they don't just pluck sentences from the air! Most countries have sentencing guidelines, which instruct judges on the types of sentences that should be given for certain crimes – for instance, in many countries, if someone is convicted of murder, the recommended sentence is life in prison.

Judges also take into account risk factors. If someone can show that they are doing things like attending community college or college, helping out at their church or community, and having a solid social support network, the judge might view them as less of a risk than someone who is an addict for instance. Other risk factors include whether someone has committed violent crimes in the past and whether they've failed to turn up for court before.

However they can be biased. Think of debates you've seen, and how your interpretation of who won can be radically different than someone's else's. It's the same here, as one judge might say that someone is low risk and give them a shorter sentence, and someone else may be harsher. That's extremely unfair, because your life depends on what random judge you are assigned, and there's no way for us to exactly measure how judges make their decisions.

Judges might also perceive black defendants as more aggressive and defiant, or more likely to reoffend, and give them harsher sentences. They also could unduly allow emotion to play a role in their sentencing, even unconsciously. For instance, if the victim had resemblance to their child, they might give a harsher sentence in anger without being conscious of it.

However, algorithms can be biased too. In the US, black and white people both consume marijuana at equal rates, but police officers arrest more black people, and more of them go to jail. This unfairly statistically would indicate that they are more likely to use the drug, even though in fact it's a problem with how law enforcement is applied. Early usage of algorithms in the US have shown that they overrate the risk posed by black people, and underrate the risk posed by white people.

In addition, the system can penalize poverty. It's true that not finishing high school, or not having a job, may make you more likely to re-offend. However, those can also be symptoms of poverty. A judge would be able to look at whether you have been searching for work for instance, where a computer is more likely just to use that data point against you without being able to assess the nuance.
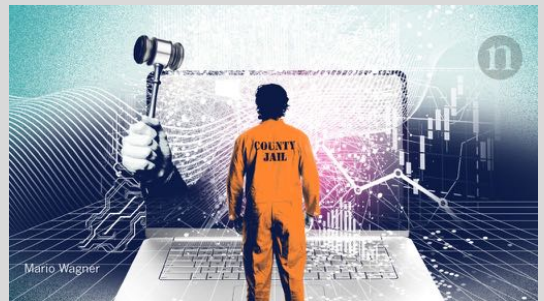
(By Mario Wagner)

How Judges Can Show Respect
Victoria Pratt

The speech was delivered in 2016, in New York City, US.
In halls of justice around the world, how can we ensure everyone is treated with dignity and respect? Victoria Pratt shares her four principles of "procedural justice" in her speech How Judges Can Show Respect.

Every day across America and around the globe, people encounter our courts, and it is a place that is foreign, intimidating and often hostile towards them. Let me paint a picture for you of what it's like for the average person who encounters our courts. First, they're annoyed as they're probed going through court security. They finally get through court security, they walk around the building, they ask different people the same question and get different answers. When they finally get to where they're supposed to be, it gets really bad when they encounter the courts.

What would you think if I told you that you could improve people's court experience, increase their compliance with the law and court orders, all the while increasing the public's trust in the justice system with a simple idea? Well, that simple idea is procedural justice and it's a concept that says that if people perceive they are treated fairly and with dignity and respect, they'll obey the law. And that perception of fairness begins with what? Begins with how judges speak to court participants. The good news is is that the principles of procedural justice are easy and can be implemented as quickly as tomorrow. The even better news, that it can be done for free.

Analysis: Victoria has depicted a scenario where an average person gets confused and annoyed by the court system. In your speech, if you say something like "people are being harmed,", you need to describe the situation: how people are being harmed, and what is causing that harm. If you simply have a statement but do not explain, your audience gets confused and they may not be sure if they believe you. If you describe it like this: In the protest, I can hear babies crying, it's maybe even louder than when they were born. I can see people stepping on each other, human bodies layering from the ground to heaven. Blood, blood, red, red, "help me," "help me" - all these things paint a picture to the listener of what hell looks like. In this way, you can encourage your audience to imagine and feel.

SOCIAL ISSUES

The first principle is voice. Give people an opportunity to speak, even when you're not going to let them speak.

The next principle is neutrality. When increasing public trust in the justice system, neutrality is paramount. The judge cannot be perceived to be favoring one side over the other.

The next principle is understand. It is critical that court participants understand the process, the consequences of the process and what's expected of them. I like to say that legalese is the language we use to confuse.

The last principle is respect, that without it none of the other principles can work. Now, respect can be as simple as, "Good afternoon, sir." "Good morning, ma'am." It's looking the person in the eye who is standing before you, especially when you're sentencing them. Respect is the difference between saying, "Ma'am, are you having difficulty understanding the information in the paperwork?" versus, "You can read and write, can't you?" when you've realized there's a literacy issue.

I have a dream and that dream is that judges will use these tools to revolutionize the communities that they serve. Now, these tools are not miracle cure-alls, but they get us light-years closer to where we want to be, and where we want to be is a place that people enter our halls of justice and believe they will be treated with dignity and respect and know that justice will be served there. Imagine that, a simple idea.
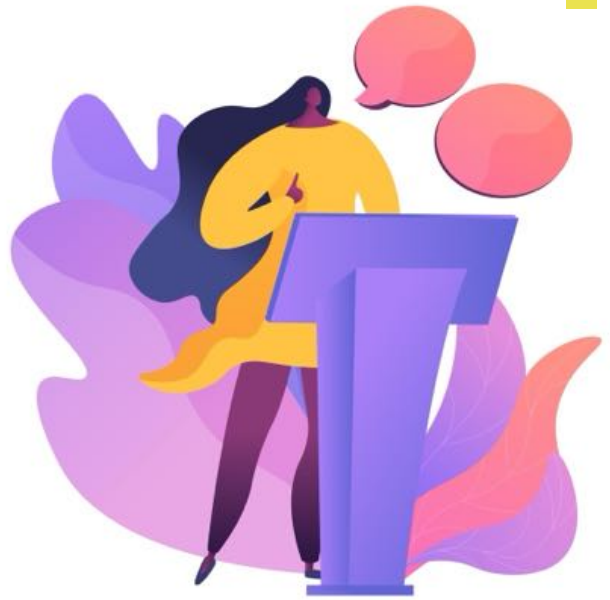
Analysis: After pointing out the problem of the current court system, Victoria starts to propose some solutions: the four principles of procedural justice - voice, neutrality, understand and respect. She layered out the principles one by one with her personal examples to make them sound interesting and engaging (Watch full speech). When you deliver your speech, it important to have both clear external structure (separate each argument) and internal structure: CREI (claims, reasonings, evidence/examples, impact). It is also crucial to emphasize the most important arguments. If there's ONE thing that you want your audience to take away with them, what would that be?

Analysis: At the end of her speech, Victoria expressed her hope by using Martin Luther King's "I have a dream" expression. She concluded that it is essential for judges to be respectful, which will revolutionize the communities, and it is not something hard to achieve, so we should take action NOW!
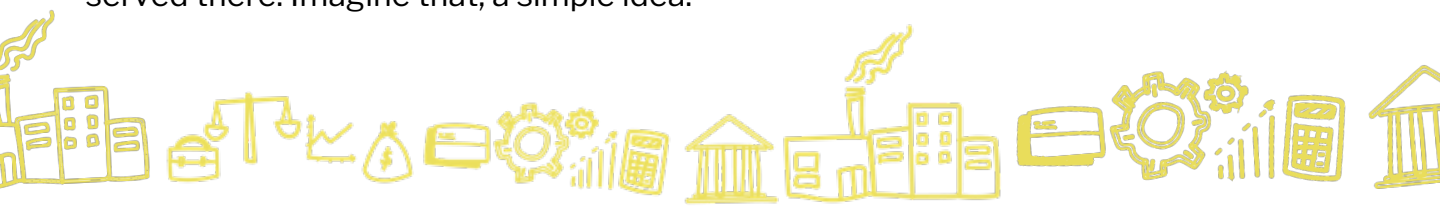
SPEECH AND DEBATE TOPICS

[Public Speaking Topics]

Famous speeches in history

We Need to Talk About an Injustice
**(Bryan Stevenson)**
Human rights lawyer Bryan Stevenson shares some hard truths about America's justice system.

Who makes judges?
(Jessica Kerr)
Lawyer Jessica Kerr sifts through the murky, mysterious process that sits at the center of the Commonwealth judicial system in countries like Australia.

The Injustice of "Policing for Profit" -- and How to End It
(Dick M. Carpenter II)
Law researcher Dick M. Carpenter II exposes how this practice of civil forfeiture threatens your rights and creates a huge monetary incentive for law enforcement to pocket your possessions.

(TED)
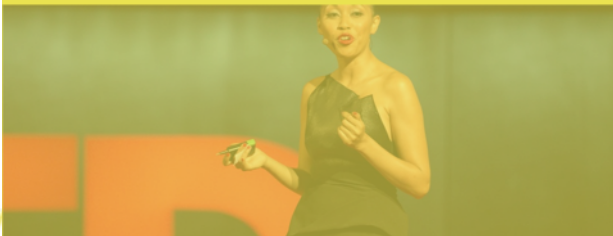
How I Defend the Rule of Law
(Kimberley Motley)

Kimberley Motley shows how a country's own laws can bring both justice and "justness": using the law for its intended purpose, to protect.

[Debate Topics]

Debate topics are statements, but you will either be assigned to agree or disagree with the statement.

Abortion should be banned.
- Background:
  Key Facts on Abortion.
  What Life is Like When Abortion is Banned?
- Debate Video: WUDC Finals

Death Penalty Should be Abolished.
- Background: Countries That Have Abolished the Death Penalty Since 1976
- Common Clashes: Arguments for and against capital punishment

If a criminal commits a crime multiple times (recidivism), they should be punished more severely.
- Document: How Should Recidivists Be Punished
- Video: Recidivism Forum: Panel Discussion

We should have more strict gun control laws.
Background:
- World Population Review: Countries Where Guns Are Illegal 2022
- New York Times: Why America Can't Fix Its Gun Violence Crisis

GUN CONTROL GUN RIGHTS

(Towards Data Science)

SPEECH AND DEBATE
RESOURCES

If nobody is above the law, does it mean that laws are the supreme power?

Think it this way: why do we have "no one is above the law"? Who originally was above the law? The king/queen! To restrict their power, we have the judicial system (the laws and courts) to judge their behaviors. However, if the law is the supreme source of authority, then the judges become the people with the biggest power! To prevent that from happening, the democratic system separates power into judiciary (courts), executive (government), legislative (parliament). Check out the following links to find out more about "the Separation of Powers":
• **Separation of Powers--An Overview ([Web Article](#))**
• **Britannica ([Web Article](#))**

• ***Insane: America's Criminal Treatment of Mental Illness by Alisa Roth* (Book)**
The book settles in at the intersection of psychiatric illness and the criminal justice system, with all its sounds, smells and even tastes.
• ***Orange is the New Black* (comedy TV series)**
It tells the story of her money laundering and drug trafficking conviction and subsequent year spent in a federal women's prison.

How are people treated in prison?

What is justice?

• **Justice with Michael Sandel ([Video](#))**

Justice, one of the most famous courses taught at Harvard College, is an introduction to moral and political philosophy.
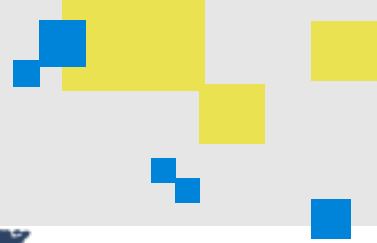
What is ""innocent until proven guilty" in law term?

• **Not Guilty ([Podcast)](#)**

Each week the podcast looks at complicated criminal cases, where the evidence and the verdict don't always line up, testing the limits of "innocent until proven guilty."

MONTHLY THEME
CALENDAR

S1
Equality
Environment
Law & Justice

MARCH

APRIL

MAY

S2
Culture
Science & Tech.
Int. Relations

JUNE

JULY

AUGUST

S3
Education
Politics
Religion & Phil.

SEPTEMBER

OCTOBER

NOVEMBER

S4
Health
Economics
Media & Comm.

DECEMBER

JANUARY

FEBURARY

LearningLeaders

CONTACT US!

Website: www.learningleaders.com

E-mail: hello@learningleaders.com