I affirm

Resolved: Civil disobedience in a democracy is morally justified

John Rawls defines civil disobedience as:

Rawls, 1991 (John, Harvard University philosophy professor recipient of Schock Prize for Logic and Philosophy, “Civil Disobedience in focus” pp.104-105”)

I shall begin by defining civil disobedience as a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. By acting in this way one addresses the sense of justice of the majority of the community and declares that in one’s considered opinion the principles of social cooperation among free and equal men are not being respected. A preliminary gloss on this definition is that it does not require that civilly disobedient act breach the same law that is being protested. It allows for what some have called indirect as well as direct civil disobedience. And this a definition should do, as there are sometimes strong reasons for not infringing on the law or policy held to be unjust. Instead, one may disobey traffic ordinances or laws of trespass as there are sometimes strong reasons for not infringing on the law or policy held to be unjust. Instead, one may disobey traffic ordinances or laws of trespass as a way of presenting one’s case. Thus, if the government enacts a vague and harsh statute against treason, it would not be appropriate to commit treason as a way of objecting to it, and in any event, the penalty might be far more than one should reasonably be ready to accept. In other cases there is no way to violate the government’s policy directly, as when it concerns foreign affairs, or affects another part of the country. A second gloss is that the civilly disobedient act is indeed thought to be contrary to law, at least in the sense that those engaged in it are not simply presenting a test case for a constitutional decision; they are prepared to oppose the statute even if it should be upheld. To be sure, in a constitutional regime, the courts may finally side with the dissenters and declare the law or policy objected to unconstitutional. It often happens, then, that there is some uncertainty as to whether the dissenters’ action will be held illegal or not. But this is merely a complicating element. Those who use civil disobedience to protest unjust laws are not prepared to desist should the courts eventually disagree with them, however pleased they might have been with the opposite decision.

Seymour Martin Lipset defines democracy as: ,**Lipset, 1959** (Lipset, Seymour martin. Some Social Requisites of Democracy: Economic Development and Political Legitimacy web. http://psweb.sbs.ohio-state.edu/faculty/mcooper/ps744readings/lipset.pdf)

Controversy in this are stems not only from variations in methodology, but also from use of different definitions. Clearly in order to discuss democracy, or any other phenomenon, it is first necessary to define it. For the purposes of this paper, democracy (in a complex society is defined as a political system which supplies regular constitutional opportunities for changing the governing officials. It is a social mechanism for the resolution of the problem of societal decision-making among conflicting interest groups which permits the largest possible part of the population to influence these decisions through their ability to choose among alternative contenders for political office. In large measure abstracted from the work of Joseph Schumpeter and Max Weber, this definition implies a number of specific conditions: (a) a “political formula, a system of beliefs, legitimizing the democratic system and specifying the institutions—parties, a free press, and so forth—which are legitimized, i.e. accepted as proper by all; (b)one set of political leaders in office: and (c) one or more sets of leaders, out of office, who act as a legitimate opposition attempting to gain office.

Dr. Chris MacDonald defines moral justification as:

MacDonald, 2002 (Chris, Ph.D., Associate Professor in Philosophy Department at Saint Mary’s University, Senior Fellow at Duke University’s Kenan Institute for Ethics, “Moral Decision Making – An Analysis” <http://www.ethicsweb.ca/guide/moral-decision.html>)

The word "justification" is commonly used in two different senses, one positive and the other negative.

The negative sense is the one which is typically accompanied by an accusation that the justifier is being insincere. It is in this sense that fast-talkers are sometimes accused of being able to "justify" anything and everything. This use is typified by statements like, "Justify your behaviour however you want...it's still wrong!" It suggests that the "justifier" is merely coming up with excuses for her behaviour, excuses that even she doesn't believe.

The positive sense of justification, on the other hand, involves bringing others to see our actions as reasonable. In this sense, a course of action is justified if there are better reasons in favour of it than there are against it. Preferably, these reasons should be ones that other people could agree are good ones. It is this sense of justification that is important for morality. Moral justification, then, means showing that there are more or better moral reasons weighing for a course of action than against it.

**My value for the round is justice. Justice comes before other values such as democracy because:**

 1. Democracy doesn’t guarantee justice, therefore having justice is most important.

 2. Civil disobedience goes against principles of democracy, is done to reach justice.

 3. Morally justified is the evaluative term in the resolution,

**My value criterion for the round is maximizing equitable laws:**

1. If laws are equitable, more people will be treated justly.

**Contention One: Civil disobedience is an immediate way for oppressed people to change unfair policy when other means don’t work.**

**If a group is a minority, they won’t have enough votes to pass the legislature they want in Congress, but they can use civil disobedience to help their cause.**

**Civil disobedience can be justified under certain conditions.**

Donald Brown and John Lemons write: Brown and Lemons, April 27th, 2011 (Donald and John, Brown is a professor of environmental Ethics, science, and law at Penn State University and Lemons is a professor at the University of New England and has a Ph.D, “Global climate change and non-violent civil disobedience” http://www.intres.com/articles/esep2011/11/e011p003.pdf)

At the beginning of our paper, we acknowledged that in order to justify NVCD 2 conditions need be demonstrated: (1) a great injustice is occurring, and (2) there is strong reason to believe that policies and laws and lawful recourse to changing them will not work. We believe our discussion demonstrates that these conditions have been met with respect to the issue of GCC.

Breaking the law is justified when it is the only effective way to advocate for a cause.

**Sub-point A: Civil disobedience is a much quicker, and more efficient way to affect policy.**

We only vote for congressmen every two years and presidents every four years. They might not pass fair laws.

Civil disobedience brings attention to a cause, and thus protests an unfair law much quicker than through the legal system and government representation. People shouldn’t have to suffer from the detriments of unfair laws just because trying to change a law legally didn’t work

**Civil disobedience played a huge role in the civil rights movement and was much more effective than any other methods for changing policy.**

Harry Jones writes: Jones, 1966 (Harry, professor of jurisprudence at Colombia University, “Civil Disobedience” pp. 195-198 http://www.jstor.org/stable/986006)

This has changed abruptly since 1961, the summer of the Freedom Riders. The Supreme Court’s decision in the great school segregation case had then been on the books for nine years, but painfully little progress had been made towards educational and political equality, particularly in the states of the South. "Ninety-nine parts de- liberation to one part speed!" This was the gibe. And it was basically true. So a younger civil rights leadership turned from the courts to the streets, from constitutional adjudication to massive non-violent protest and resistance as the grand strategy for redress of the historic injustice to America’s Negro citizens. It was an improbable army, often divided in its leadership and strangely assorted in its rank and file. As would be expected, its rhetoric was improvised and eclectic: a mixture of Gandhi's non-violence, Thoreau's duty to stand against injustice, and St. Thomas's carefully measured denial of the obligation of un- just law. But there was nothing cloudy about the results. More was done for racial justice in the five years after 1961 than in the ninety-six years that followed the Civil War. Not even the filibuster could contain the force exerted; the triumph of social activism is recorded in the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and our political society will never be the same again. If civil disobedience accomplished all this -or is thought of as wholly or largely responsible for it-no wonder that those who think they have simple solutions for complex social problems see it as the ultimate and irresistible weapon, a kind of political equivalent of the hydrogen bomb

Importance of civil disobedience in civil rights movement proves what a valuable and effective tool civil disobedience can be to call attention to an unfair law and put

pressure on politicians to change policy.

Racism is the root cause of violence

Foucault '76

[Michel, Society Must be Defended: Lectures at the College de France, 1975-1976, p. 254-257 Trans. David Macey]

What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die. The appearance within the biological continuum of the human race of races, the distinction among races, the hierarchy of races, the fact that certain races are described as good and that others, in contrast, are described as inferior: all this is a way of fragmenting the field of the biological that power controls. It is a way of separating out the groups that exist within a population. It is, in short, a way of establishing a biological type caesura within a population that appears to be a biological domain. This will allow power to treat that population as a mixture of races, or to be more accurate, to treat the species, to subdivide the species it controls, into the subspecies known, precisely, as races. That is the first function of racism: to fragment, to create caesuras within the biological continuum addressed by biopower. Racism also has a second function. Its role is, if you like, to allow the establishment of a positive relation of this type: "The more you kill, the more deaths you will cause" or "The very fact that you let more die will allow you to live more." I would say that this relation ("If you want to live, you must take lives, you must be able to kill") was not invented by either racism or the modern State. It is the relationship of war: "In order to live, you must destroy your enemies." But racism does make the relationship of war-"If you want to live, the other must die" - function in a way that is completely new and that is quite compatible with the exercise of biopower. On the one hand, racism makes it possible to establish a relationship between my life and the death of the other that is not a military or warlike relationship of confrontation, but a biological-type relationship: "The more inferior species die out, the more abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole, and the more Ias species rather than individual-can live, the stronger I will be, the more vigorous I will be. I will be able to proliferate." The fact that the other dies does not mean simply that I live in the sense that his death guarantees my safety; the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier: healthier and purer. This is not, then, a military, warlike, or political relationship, but a biological relationship. And the reason this mechanism can come into play is that the enemies who have to be done away with are not adversaries in the political sense of the term; they are threats, either external or internal, to the population and for the population. In the biopower system, in other words, killing or the imperative to kill is acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to and the improvement of the species or race. There is a direct connection between the two. In a normalizing society, race or racism is the precondition that makes killing acceptable. When you have a normalizing society, you have a power which is, at least superficially, in the first instance, or in the first line a biopower, and racism is the indispensable precondition that allows someone to be killed, that allows others to be killed. Once the State functions in the biopower mode, racism alone can justify the murderous function of the State. So you can understand the importance-I almost said the vital importance-of racism to the exercise of such a power: it is the precondition for exercising the right to kill. If the power of normalization wished to exercise the old sovereign right to kill, it must become racist. And if, conversely, a power of sovereignty, or in other words, a power that has the right of life and death, wishes to work with the instruments, mechanisms, and technology of normalization, it too must become racist. When I say "killing," I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on. I think that we are now in a position to understand a number of things. We can understand, first of all, the link that was quickly-I almost said immediately-established between nineteenth-century biological theory and the discourse of power. Basically, evolutionism, understood in the broad sense-or in other words, not so much Darwin's theory itself as a set, a bundle, of notions (such as: the hierarchy of species that grow from a common evolutionary tree, the struggle for existence among species, the selection that eliminates the less fit) naturally became within a few years during the nineteenth century not simply a way of transcribing a political discourse into biological terms, and not simply a way of dressing up a political discourse in scientific clothing, but a real way of thinking about the relations between colonization, the necessity for wars, criminality, the phenomena of madness and mental illness, the history of societies with their different classes, and so on. Whenever, in other words, there was a confrontation, a killing or the risk of death, the nineteenth century was quite literally obliged to think about them in the form of evolutionism. And we can also understand why racism should have developed in modern societies that function in the biopower mode; we can understand why racism broke out at a number of .privileged moments, and why they were precisely the moments when the right to take life was imperative. Racism first develops with colonization, or in other words, with colonizing genocide. If you are functioning in the biopower mode, how can you justify the need to kill people, to kill populations, and to kill civilizations? By using the themes of evolutionism, by appealing to a racism. War. How can one not only wage war on one's adversaries but also expose one's own citizens to war, and let them be killed by the million (and this is precisely what has been going on since the nineteenth century, or since the second half of the nineteenth century), except by activating the theme of racism

**Legrande in ’67 explains Thoreau’s viewpoint on how civil disobedience is necessary because legal channels take to long.**

J.L. Legrande writes: Legrande 1967 (J.L., Assistant Professor, School of Police Administration and Public Safety, Michigan State University, East Lansing, Michigan. Prior to his joining the university faculty in 1963 he had served as Research Associate in the Office of Planning and Research of the St. Louis Police Department. For three years he served in the Oklahoma City Police Department and upon receiving his law degree from the University of Oklahoma in 1961 served for one year as a County Attorney in Oklahoma. Professor LeGrande has published several articles in other professional journals and is a member of the American Bar Association among other professional organizations, The Journal of Criminal Law, Criminology, and Police Science, pp.393-404, <http://www.jstor.org.lexproxy.minlib.net/stable/pdfplus/1141639.pdf?acceptTC=true>)

Thoreau’s position, ably stated in his essay, "Civil Disobedience," is that direct violation is morally sound without resorting to any other form of legal redress. Thoreau said: "Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally under such a government as this, they should resist, the remedy would be worse than the evil. "As for adopting the ways which the state has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad.... If (the law) is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law." Martin Luther King, Jr., has adopted Thoreau's general philosophy, but has disagreed with his position concerning the use of the remedies provided by the instrumentalities of government.

**Contention Two: Civil disobedience allows for the restoration of democratic values.**

A democracy provides for universal suffrage, free voting, and majority rule, all which of lead to equitable laws.

**Civil disobedience has been empirically shown to prevent democracies from becoming corrupt.**

Paul Quinn-Judge writes: Quinn Judge, 1996 (Paul, Time Magazine, “The Orange Revolution” http://www.time.com/time/magazine/article/0,9171,832225-2,00.html)

Almost before the final votes were tallied, international election monitors raised allegations of widescale fraud. According to the Organization for Security and Co-operation in Europe (OSCE), which sent in observers to watch the balloting, there were "highly suspicious and unrealistic" turnouts in key Yanukovych areas. Monitors recorded acts of harassment, intimidation and multiple voting, and noted that the list of the country's eligible voters mysteriously grew by 5% on election day. Senator Richard Lugar, who represented the U.S. at the vote, was scathing in his assessment: "A concerted and forceful program of election-day fraud and abuse was enacted with either the leadership or co-operation of governmental authorities." With each day of drama and denunciations, more and more Ukrainians poured into Independence Square to challenge the official outcome. The whole capital was, in the words of one Russian TV correspondent, "one big demonstration." Pro-Yushchenko youth organizers, some of them trained by the same dissidents who helped coordinate successful electoral revolutions in Serbia and Georgia, rallied volunteers with rock music, puppet shows and free food. Even Poland's famed Solidarity leader Lech Walesa made an appearance, telling the crowd: "I opposed the Soviet Union and I opposed communism and I came out victorious. Ukraine has a chance!" In fact, the institutions of power were already showing cracks. Olexandr Skibinetsky, a general in Ukraine's normally loyal state security service, told demonstrators that he shared their "well-founded doubts" about the election. Lieut. General Mikhail Kutsin, the military commander for western Ukraine, said his men would not "act against their own people." In other parts of the country, cities and towns created strike committees and announced campaigns of civil disobedience. In response to the civil disobedience from around the country, the election was re-run and the government was truly chosen by the people.

Civil Disobedience also acts as a check against government because elected representatives may improperly represent the individuals that voted him or her into office. In the case of the Gulf of Tonkin Resolution during the Vietnam War, citizens and some lawmakers did not have a proper say in the decisions that were made.

**Democracies don’t always work.**

Menachem 1975 states:

Menachem, 1975 (Wilner, Taught Philosophy at Washington University, “Democracy and Civil Disobedience” The Journal of Politics pages 901-902 <http://www.jstor.org.lexproxy.minlib.net/stable/pdfplus/2129181.pdf>)

When there is an established process of election to an office, then, provided the election is free, anyone who takes part in the process consents to the authority of whoever is elected to the office. This, I think, is not to ascribe a new meaning to the word consent but is only to define a very ordinary and important political use of it. The citizen who votes in an election is presumed to understand the significance of what he is doing, and if the election is free, he has voluntarily taken part in a process which confers authority on someone who otherwise would not have it. He may bitterly regret the election of the successful candidate, and may not even have expected it, but if the election was free and he freely took part in it, he consented to the authority of the man elected. In general the reply which ought to be made to this sort of argument is that democracies do not always work as they were intended to work. Whole segments of the population of a democracy may be effectively, if illegally (and not always illegally), disenfranchised and excluded from the decision making processes. They have thus not participated in the governing process. But even people who are not overtly excluded from participation in the framing of legislation may, on occasion, justifiably feel that their participation is meaningless. The revelations of the "Pentagon Papers" show that many lawmakers, let alone common citizens, were tricked or bamboozled into support of policies they would have rejected had the whole truth been available to them. Thus the Gulf of Tonkin Resolution, the entire legislative justification for the Indochina War, was apparently based on a fraud. In such circumstances many citizens of a democratic state fmight feel, with no little justification, that they had no part in the framing of laws and policies which vitally affect them.

Maintaining democracy is becoming increasingly important because as Diamond in 95 writes:

**Democracy is important because it averts genocide, prevents nuclear war and the use of WMDs, don’t ethnically cleanse their populations, and protect the environment.**

(**Diamond** Hoover Institution, Stanford University 19**95**, Larry, December, PROMOTING DEMOCRACY IN THE 1990S, 1p. [http://www.carnegie.org//sub/pubs/deadly/diam\_rpt.html](http://www.carnegie.org/sub/pubs/deadly/diam_rpt.html))

Nuclear, chemical and biological weapons continue to proliferate. The very source of life on Earth, the global ecosystem, appears increasingly endangered. Most of these new and unconventional threats to security are associated with or aggravated by the weakness or absence of democracy, with its provisions for legality, accountability, popular sovereignty and openness. The experience of this century offers important lessons. Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically "cleanse" their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honor international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.

**Civil disobedience maximizes just laws by helping changing unfair policy, and providing a means to change an unfair law when other methods don’t work.**

**AT: Doomsday Clock**

**Civil disobedience has pushed the doomsday clock in the past.**

**American Peace Test (APT) and Nevada Desert Experience (NDE) held** most of these. In March 1988, APT held **an event where more than 8,000 people attended a ten-day action to “Reclaim the Test Site”, where nearly 3,000 people were arrested with more than 1,200 in one day. This set a record for most civil disobedience arrests in a single protest. This was at the Nevada Test Site where almost all of the nuclear weapons tested in the USA have been tested. Two months after this civil disobedience congress ratified the Intermediate-Range Nuclear Forces Treaty between the US and Russia. This pushed the Doomsday clock three minutes.**