I affirm.   
Resolved: Civil disobedience in a democracy is morally justified.

Peter Suber defines Civil Disobedience as

(Civil Disobedience, [Peter Suber](http://www.earlham.edu/~peters/hometoc.htm), [Philosophy Department](http://www.earlham.edu/~phil/index.htm), [,](http://www.earlham.edu) 1999)

Civil disobedience is a form of protest in which protestors deliberately violate a law. Classically, they violate the law they are protesting, such as segregation or draft laws, but sometimes they violate other laws which they find unobjectionable, such as trespass or traffic laws. Most activists who perform civil disobedience are scrupulously non-violent, and willingly accept legal penalties. The purpose of civil disobedience can be to publicize an unjust law or a just cause; to appeal to the conscience of the public; to force negotiation with recalcitrant officials; to "clog the machine" (in Thoreau's phrase) with political prisoners; to get into court where one can challenge the constitutionality of a law; to exculpate oneself, or to put an end to one's personal complicity in the injustice which flows from obedience to unjust law —or some combination of these. While civil disobedience in a broad sense is as old as the Hebrew midwives' defiance of Pharaoh, most of the moral and legal theory surrounding it, as well as most of the instances in the street, have been inspired by Thoreau, Gandhi, and King. In this article we will focus on the moral arguments for and against its use in a democracy.

My value is democracy as implied by the resolution. Democracy comes before other values of morality or justice because:

1. Democracy is a prerequisite to any moral evaluation of human interaction.

**(Bruce** Bueno de Mesquita***,* Professor in the Wilf Family Department of Politics at NYU, Feryal** Cherif***,* Political Science Professor at University of California at Riverside, George** Downs**, Dean of Social Sciences at NYU,** and**Alastair** Smith writes in, teaches at the School of Information Management at Victoria University of Wellington, 9/24/03“Thinking Inside the Box: A Closer Look at Democracy and Human Rights”

<http://www.nyu.edu/gsas/dept/politics/data/insidethebox.shtml>)

Research on human rights consistently points to the importance of democracy in reducing the severity and incidence of personal integrity abuses. The prescriptive implications of this finding for policymakers interested in state-building have been somewhat limited, however, by a reliance on multidimensional measures of democracy. Consequently, a policymaker emerges from this literature confident that “democracy matters” but unclear about which set(s) of reforms is likely to yield a greater human rights payoff. Using data from the Polity IV Project, we examine what aspects of democracy are most consequential in improving a state’s human rights record. Analysis of democracy’s dimensions elicits three findings. First**,** political participation at the level of multiparty competition appears more significant than other dimensions in reducing human rights abuses. Second, improvements in a state’s level of democracy short of full democracy do not promote greater respect for integrity rights. Only those states with the highest levels of democracy, not simply those conventionally defined as democratic, are correlated with better human rights practices. Third, accountability appears to be the critical feature that makes full-fledged democracies respect human rights; limited accountability generally retards improvement in human rights.

1. Morality is an abstract theory designed to govern individuals and requires a universal consensus. A moral consensus can only be reached within an individual society. To determine what is moral vs. immoral, we need to maximize people’s ability to engage in moral discussion and reasoning. Participation in democracy is the only method to ensure all individuals participate in moral discourse. There is no way to achieve morality absent this discussion.

The Value Criterion is minimizing human rights violations

Human Rights are an essential part of democracy; therefore by maximizing them you achieve democracy.

(University of Vienna, The UN Information Service, 2008, Democracy and Human Rights, one of the four headquarters of the United Nations. [The Vienna International Centre](http://www.unvienna.org/unov/en/vic.html) (VIC), commonly known as "UNO City", was designed by Austrian architect Johann Staber. Opened on 23 August 1979, it has been rented to the United Nations for 99 years at a symbolic rate of 1 Austrian schilling (7 cents) annually <http://www.unis.unvienna.org/pdf/Democracy_Human_Rights_2008.pdf>) writes

The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. In turn, democracy provides the natural environment for the protection and effective realization of human rights. These values are embodied in the Universal Declaration of Human Rights and further developed in the International Covenant on Civil and Political Rights which enshrines a host of political rights and civil liberties underpinning meaningful democracies. The link between democracy and human rights is captured in article 21(3) of the UniversalDeclaration of Human Rights, which states: “[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Contention One: Civil Disobedience is key to democracy

Citizens in a state relinquish their individual rights for unified protection under the Social Contract.

Rousseau writes (Jean Jacques, Enlightenment Philosopher THE SOCIAL CONTRACT OR PRINCIPLES OF POLITICAL RIGHT, 1762)

I SUPPOSE men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence. But, as men cannot engender new forces, but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power, and cause to act in concert. This sum of forces can arise only where several persons come together: but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms: "The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before." This is the fundamental problem of which the Social Contract provides the solution. The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective; so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognised, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favour of which he renounced it. These clauses, properly understood, may be reduced to one — the total alienation of each associate, together with all his rights, to the whole community; for, in the first place, as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others. Moreover, the alienation being without reserve, the union is as perfect as it can be, and no associate has anything more to demand: for, if the individuals retained certain rights, as there would be no common superior to decide between them and the public, each, being on one point his own judge, would ask to be so on all; the state of nature would thus continue, and the association would necessarily become inoperative or tyrannical. Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over whom he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has. If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms: "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole." At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will. This public person, so formed by the union of all other persons formerly took the name of city,[4](http://www.constitution.org/jjr/socon_01.htm#04) and now takes that ofRepublic or body politic; it is called by its members State when passive. Sovereign when active, and Power when co mpared with others like itself. Those who are associated in it take collectively the name of people, and severally are called citizens, as sharing in the sovereign power, and subjects, as being under the laws of the State. But these terms are often confused and taken one for another: it is enough to know how to distinguish them when they are being used with precision.

Civil disobedience justified within social contract. Rebellion is necessary to ensure proper governmental function and human rights.

(Civil Disobedience, Peter Suber, Philosophy Department, Earlham College, 1999, http://www.earlham.edu/~peters/writing/civ-dis.htm)

Obviously this objection can be evaded by anyone who denies the social contract theory. But surprisingly many disobedient activists affirm that theory, making this an objection they must answer. Socrates makes this objection to Crito who is encouraging him to disobey the law by escaping from prison before he is executed. Thoreau and Gandhi both reply (as part of larger, more complex replies) that those who object deeply to the injustices committed by the state can, and should, relinquish the benefits they receive from the state by living a life of voluntary simplicity and poverty; this form of sacrifice is in effect to revoke one's tacit consent to obey the law. Another of Thoreau's replies is that consent to join a society and obey its laws must always be express, and never tacit. But even for Locke, whose social contract theory introduces the term "tacit consent," the theory permits disobedience, even revolution, if the state breaches its side of the contract. A reply from the natural law tradition, used by King, is that an unjust law is not even a law, but a perversion of law (Augustine, Aquinas). Hence, consent to obey the laws does not extend to unjust laws. A reply made by many Blacks, women, and native Americans is that the duty to obey is a matter of degree; if they are not fully enfranchised members of American society, then they are not fully bound by its laws.

Thus Civil Disobedience serves as a necessary check on violations of the Social Contract to ensure proper function of democracy.

Further, the Social Contract serves as the basis for global democracy, thus a world without civil disobedience ensures the destruction of democracy on a global scale.

Sub Point A: Civil disobedience is key to national democratic stability. It prevents the rise of anti-democratic organizations

Offor 07-(Journal of Sustainable Development in Africa (Volume 9, No.1, 2007) ,Francis OFFOR, Fayetteville State University, Fayetteville, North Carolina, Civil Disobedience, Moral Autonomy and the Quest for Sustainable Democratic Culture in Africa, 2007.)

In this paper, attempt has been made to reflect on the positive role civil disobedience can possibly play in the development and sustenance of a stable democratic culture in Africa. The paper took a preview of the socio-political conditions in Africa since the early 70s, with a view to showing how Africans have adjusted to situations that call for protests and how this general indifference and apathy has contributed to the socio-political and economic crises presently threatening democratic experiments on the continent. The general indifference and refusal of citizens in most states in Africa to embark on civil disobedience even when prevailing circumstances have been calling for such acts, as well as the continuous intolerance and repression of acts of civil disobedience by governments in most of the democratic states in Africa, which has forced most of their citizens to seek social fulfillment within groups not receptive to democratic ideals, are what the paper identified as greater threats to democracy on the continent today. For states in Africa therefore to sustain their present democratic structures, both the citizens and governments must cultivate the right attitudes toward civil disobedience as one of the chief instruments for actualizing the right of dissent. Civil disobedience, the paper concludes, is a corrective mechanism informed by the individuals’ moral conviction on the inadequacy of rules and policies of government. The basis for such conviction is provided by the individuals’ conscience. Since political office holders in a democracy exercise power in trust for the individuals who voted for them, the individuals’ conscience, the paper concludes, will continue to remain a major source of challenge to all those who exercise political power under a democratic arrangement. Such challenges are expressed through different ways, chief among which is civil disobedience

Sub Point B: Civil disobedience inevitably necessary. No legislation perfect.

(Civil Disobedience, Hendy David Thoreau, Social Theorist, Philosopher,1849)BBL

No man with a genius for legislation has appeared in America. They are rare in the history of the world. There are orators, politicians, and eloquent men, by the thousand; but the speaker has not yet opened his mouth to speak, who is capable of settling the much-vexed questions of the day. We love eloquence for its own sake, and not for any truth which it may utter, or any heroism it may inspire. Our legislators have not yet learned the comparative value of free-trade and of freedom, of union, and of rectitude, to a nation. They have no genius or talent for comparatively humble questions of taxation and finance, commerce and manufactures and agriculture. If we were left solely to the wordy wit of legislators in Congress for our guidance, uncorrected by the seasonable experience and the effectual complaints of the people, America would not long retain her rank among the nations. For eighteen hundred years, though perchance I have no right to say it, the New Testament has been written; yet where is the legislator who has wisdom and practical talent enough to avail himself of the light which it sheds on the science of legislation?

Democracy prevents nuclear war, environmental destruction and ethnic cleansing.

(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)) **writes**

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.

Because Civil Disobedience is key to democracy in 3 ways. 1. The Social Contract, 2. Preventing the Rise of Anti-Democratic groups and 3. Fixing Flawed Legislation, I affirm.