I negate

Resolved: Civil disobedience in a democracy is morally justified

Rex Martin defines civil disobedience as:

Martin, 1970 (Rex, University of Chicago Press, “Civil Disobedience”, <http://www.jstor.org.lexproxy.minlib.net/stable/pdfplus/2379876.pdf>, p­p. 123-139)

What then is civil disobedience? Civil disobedience is the deliberate and public violation of the command of an authorized and accepted political superior on the ground that this decree is unjust, immoral, unconstitutional, contrary to good public policy, etc. Sometimes the objection is lodged not against a specific command (law, decree) but against some policy of the government with which the law is connected. And sometimes the connection between the law violated and the policy protested is remote, and the act of protest or defiance becomes largely symbolic. In any case, the law is broken as a way of "getting at" the policy-to some- how frustrate the government through disobedience in order to get it to modify its policies. We should be able to count such acts of lawbreaking as civil dis- obedience so long as the ground of action is the claim that the government's policy is unwise, unjust, immoral, or unconstitutional. And, in either case, there is a claim, explicit or implicit, that the act of disobedience is justifiable.

Robert Dahl defines democracy as: Dahl, 1998 (Dahl, Robert A. 1998. On Democracy. New Haven, CN: Yale University Press.)

Democracy provides opportunities for 1) effective participation, 2) equality in voting, 3) gaining enlightened understanding, 4) exercising final control [by the people--WR] over the agenda, and 5) inclusion of adults." The political institutions that are necessary to pursue these goals are "1) elected officials, 2) free, fair and frequent elections, 3) freedom of expression, 4) alternative sources of information, 5) associational autonomy, and 6) inclusive citizenship.

**Any empirical example that does not fit this entire definition is not within the bounds of the resolution.**

Dr. Chris MacDonald defines moral justification as:

**MacDonald**, 20**02** (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 democracy. Democracy comes before other values such as justice and morality because:**

 1. Democracy is a pre-requisite for justice and is the only just form of government.

 2. In addition, democracies prevent nuclear war, ethnic cleansing and environmental destruction.

(**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.

**Without democracy, we’ll have ethnic cleansing, genocide, use of WMDs, environmental degradation. The nuclear war claim is backed by empirics because no two democracies have ever gone to war with each other.**

**My value criterion for the round is maintaining government legitimacy:**

 1. In order to have a working democracy, the people need to have trust in their government so that they will follow the laws and procedures of the government.

 2. Governmental legitimacy prevents the harms of Diamond because it says the provisions, for accountability are key to stopping ethnic cleansing, war, and environmental destruction.

**Contention One: In a true democracy, civil disobedience isn’t necessary.**

**There are always alternative legal methods for changing laws such as the court system, electing officials, writing letters to politicians and other means of protests.**

Peter Suber writes: **Suber**, 19**99** (Peter, senior research professor of philosophy at Earlham College, Fellow at Harvard’s Berkman Center, “Civil Disobedience” <http://www.earlham.edu/~peters/writing/civ-dis.htm>)

**Objection:**  Even if civil disobedience is sometimes justified in a democracy, activists must first exhaust the legal channels of change and turn to disobedience only as a last resort.

**Reply:**  Legal channels can never be "exhausted". Activists can always write another letter to their congressional delegation or to newspapers; they can always wait for another election and cast another vote. But justice delayed, King procl aimed, is justice denied. After a point, he argued, patience in fighting an injustice perpetuates the injustice, and this point had long since been passed in the 340 year struggle against segregation in America. In the tradition which justifies civil disobedience by appeal to higher law, legal niceties count for relatively little. If God trumps Caesar to justify disobedience to unjust law, then God can trump Caesar to permit this disobedience sooner rather than later. In this tradition, A.J. Muste argued that to use legal channels to fight unjust laws is to participate in an evil machine, and to disguise dissent as conformity; this in turn corrupts the activist and discourages others by leading them to underestimate the numbers of their congeners.

**Our Bill of Rights guarantees rights for everyone to change laws.**

Lewis H. Van Dusen Jr. writes: Van Dusen, 1969 (Lewis, has practiced law, served with the State Department, and written many essays for professional journals, “Civil Disobedience: Destroyer of Democracy” American Bar Association Journal)

Those who advocate taking the law into their own hands should reflect that when they are disobeying what they consider to be an immoral law, they are deciding on a possibly immoral course. Their answer is that the process for democratic relief is too slow, that only mass confrontation can bring immediate action, and that any injuries are the inevitable cost of the pursuit of justice. Their answer is, simply put, that the end justifies the means. It is this justification of any form of demonstration as a form of dissent that threatens to destroy a society built on the rule of law.

Our Bill of Rights guarantees wide opportunities to use mass meetings, public parades, and organized demonstrations to stimulate sentiment, to dramatize issues, and to cause change. The Washington freedom march of 1963 was such a call for action. But the rights of free expression cannot be mere force cloaked in the garb of free speech. As the courts have decreed in labor cases, free assembly does not mean mass picketing or sit-down strikes. These rights are subject to limitations of time and place so as to secure the rights of others. When militant students storm a college president’s office to achieve demands, when certain groups plan rush hour car stalling to protest discrimination in employment, these are not dissent, but a denial of rights to others. Neither is it the lawful use of mass protest, but rather the unlawful use of mob power.

**Civiil disobedience can’t be justified because of legal channels for changing laws.**

Richard Mott writes: **Mott**, 20**00** (Richard, international debate education association, Civil Disobedience, <http://www.idebate.org/debatabase/topic_details.php?topicID=86>)

In a democracy civil disobedience cannot be justified. National elections take place regularly, and governments are accountable and can be changed. Members of the public who are unhappy can always lobby their representative or protest within the law, for example by organising marches, petititions, advertising campaigns, or even running candidates of their own for election. All these provide ways of changing laws and policies without the need for deliberate law-breaking.

Most democracies also allow appeal to the courts against laws which are obviously unjust. If the law can be shown to be in conflict with the country’s constitution or charter of rights, then courts can usually overturn it. People who are unhappy with such a law should take their struggle to the courts, rather than taking to the streets and undermining the rule of law itself.

**With all of the ways to protest a law that are presented in the Bill of Rights, breaking the law to protest laws is unnecessary, and thus is not morally justified.**

**Contention two: Civil disobedience undermines democracy and could potentially lead to anarchy.**

**Democracy is threatened by people not caring about laws and breaking them when they please.**

David Spitz writes: Spitz, 19**54** (Professor , Ohio State University, “Democracy and the problem of Civil Disobedience”, http://www.jstor.org.lexproxy.minlib.net/stable/pdfplus/1951202.pdf)

The state, then, demands obedience to its laws; and while it employs (or can employ) a number of different arguments to vindicate this claim, its primary justification is the ground that such obedience is essential to the maintenance of the social order. Order, it is said, is better than disorder; and if men are free to set aside the laws of the state whenever they find them in conflict with their private interests, particular religion, or individual sense of morality, anarchy will result. Disobedience to the laws, therefore, involves an attack on the state itself. It is an act of rebellion, an attempt to subvert the foundations of the entire system of order which it is the business of the state to secure. This is Why Socrates rejected Crito's suggestion that he flee to escape execution. What reply could he make, Socrates asked Crito, if the Athenian government should come to him and say: … He could, Crito admitted, make no answer. Since by his failure to emigrate Socrates had agreed to abide by the laws, he could not now disavow that covenant. He could not through disobedience seek to overthrow the state.'

**Anarchy leads to war.**

Jack Levy writes: **Levy**, 19**98** (Jack, Board of Governors' Professor of Political Science at Rutgers University, and Senior Associate at the Saltzman Institute of War and Peace Studies at Columbia University. He is past president of the International Studies Association (2007-08) and of the Peace Science Society (2005-06). He has previously held tenured positions at the University of Texas at Austin and the University of Minnesota, and visiting or adjunct positions at Tulane, Stanford, Harvard, Yale, Columbia, and NYU. Levy received APSA’s Helen Dwight Reid Award (1977) for the best dissertation in International Relations in 1975‑76, and the Distinguished Scholar Award from the Foreign Policy Analysis Section of the International Studies Association (2000), “The Causes of War and the Conditions of Peace”, http://140.127.194.87:8060/Doc/The%20Causes%20of%20War%20and%20the%20Conditions%20of%20Peace.pdf )

One important exception to this focus on variations in war and peace is the argument by Waltz (1979) and other neorealists that the fundamental cause of war is the anarchic structure of the international system. Anarchy, defined as the absence of a legitimate governmental authority to regulate disputes and en- force agreements between states, “causes” war in the sense that there is no gov- ernmental enforcement mechanism in the international system to prevent wars. Although anarchy may provide one persuasive answer to the question of the permissive causes of war, it is generally treated as a structural constant and consequently it cannot account for variations in war and peace. Waltz (1988, p. 620) seems to concede this point and argues, “Although neorealist theory does not explain why particular wars are fought, it does explain war’s dismal recurrence through the millennia.” Other neorealists also recognize this limitation and have begun to incorporate other variables—including the polarity of the system and the offensive/defensive balance—in order to explain variations of war and peace in anarchic systems.

**If people don’t follow laws that they don’t agree with, then the power of legislature and our government will be greatly weakened. Mass ignorance of laws could lead to lawlessness and anarchy. In order for the government to maintain their power and legitimacy, people need to follow laws regardless of their opinions.**

Lewis H. Van Dusen Jr. writes: **Van Dusen**, 19**69** (has practiced law, served with the State Department, and written many essays for professional journals, “Civil Disobedience: Destroyer of Democracy” American Bar Association Journal)

But civil disobedience, whatever the ethical rationalization, is still an assault on our democratic society, an affront to our legal order and an attack on our constitutional government. To indulge civil disobedience is to invite anarchy, and the permissive arbitrariness of anarchy is hardly less tolerable than the repressive arbitrariness of tyranny Too often the license of liberty is followed by the loss of liberty, because into the desert of anarchy comes the man on horseback, a Mussolini or a Hitler.

Law violations, even for ends recognized as laudable, are not only assaults on the rule of law, but subversions of the democratic process. The disobedient act of conscience does not ennoble democracy; it erodes it.

**Civil disobedience hurts government legitimacy by encouraging lawlessness, and providing an illegal way to protest laws when our government has many legal ways to do so.**

**Civil rights movement block:**

Lewis H. Van Dusen Jr. writes: **Van Dusen**, 19**69** (has practiced law, served with the State Department, and written many essays for professional journals, “Civil Disobedience: Destroyer of Democracy” American Bar Association Journal)

But the conscientious law breaking of Socrates, Gandhi, and Thoreau is to be distinguished from the conscientious law testing of Martin Luther King, Jr., who was not a civil disobedient. The civil disobedient withholds taxes or violates state laws knowing he is legally wrong, but believing he is morally right. While he wrapped himself in the mantle of Gandhi and Thoreau, Dr. King led his followers in violation of state laws he believed were contrary to the Federal Constitution. But since Supreme Court decisions in the end generally upheld his many actions, he should not be considered a true civil disobedient.

**Non-violence block:**

Lewis H. Van Dusen Jr. writes: **Van Dusen**, 19**69** (has practiced law, served with the State Department, and written many essays for professional journals, “Civil Disobedience: Destroyer of Democracy” American Bar Association Journal)

First, it courts violence, and even the most careful and limited use of nonviolent acts of disobedience may help sow the dragon-teeth of civil riot. Civil disobedience is the progenitor of disorder, and disorder is the sire of violence.

**Makes hasty laws:**

Lewis H. Van Dusen Jr. writes: **Van Dusen**, 19**69** (has practiced law, served with the State Department, and written many essays for professional journals, “Civil Disobedience: Destroyer of Democracy” American Bar Association Journal)

Finally, the greatest danger in condoning civil disobedience as a permissible strategy for hastening change is that it undermines our democratic processes. To adopt the techniques of civil disobedience is to assume that representative government does not work. To resist the decisions of courts and the laws of elected assemblies is to say that democracy has failed.