

THE FORENSICS FILES



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Resolved: Civil disobedience in a democracy is morally justified.

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Topic Overview

Part I Introduction

Civil disobedience is generally defined as breaking the laws of a nation, group or any collective in order to persuade the public at large that the law in question is unjust. Historically, civil disobedience has been used since biblical times. Some famous examples of, civil disobedience the civil rights and peace activists led Martin Luther King Jr. (civil rights movement in America) and Mahatma Gandhi (during the British colonization of India). Other examples would be the protests against the Vietnam War and communism in Poland, China, and the Soviet Union.

The topic centers the debate around whether or not the use of civil disobedience by a small number of people is justified to change a law. The law may or may not be just, but legislators who were elected by the people in a democratic fashion enacted it. Although the topic may seem affirmative-biased at first, many persuasive arguments exist on both sides of the debate. (Many of these are listed below in Part II and Part III.)

Part II The Affirmative

The affirmative will be able to be more flexible in terms of diversity of argumentation and variety of approaches to the resolution. Civil disobedience is used to achieve positive goals in society. Writing for the Civil Liberties Monitoring Project, Kayla Starr, writes that civil disobedience tactics have been used to achieve racial and gender equality, environmental protection, changes of unjust laws, and major steps in non-violence and anti-nuclear movements.

All of these are potentially very big advantage areas that the affirmative can claim for civil disobedience, either from a deontological or utilitarian perspective. For example, the egalitarian and justice arguments (racial and gender equality, just laws, etc.) provide for some possibilities for different criteria for the affirmative cases. Additionally, much literature exists

on the importance of environmental protection and peace movements to humanity's survival.

The affirmative could cite many examples of how civil disobedience has worked in the past. In the introduction, there were two very prominent examples of civil disobedience working to achieve goals of racial equality and peace. Kayla Starr also lists other like the Boston Tea Party and labor union movements.

Many debates could revolve around how the debaters define the terms of the resolution. For example, there is some conflict in the literature about whether or not civil disobedience includes violent forms of violating the law. It might be advantageous for the affirmative to define civil disobedience as non-violent in order to avoid having to defend violent forms of resistance. This definition can be supported by the fact that, historically, most civil disobedience has been non-violent. It also provides the negative with plenty of ground to make arguments as to why non-violent civil disobedience is bad.

The affirmatives that we offer take two different approaches to the topic. The first case takes the stance that a legitimate government is one that upholds democratic principles and should be valued. Civil disobedience is a necessary check on governmental oppression, which is a key part of any democratic society. Additionally, civil disobedience has worked well in the past (in the U.S to achieve equality and to help end wars). If the affirmative wins that civil disobedience works well to prevent governmental oppression, it will be challenging for the negative to win the debate.

The second is more of a policy-based case. The thesis of the case is that civil disobedience is necessary to change policies that are potentially destructive to societal welfare. The first contention is quite potentially one of the strongest policy based arguments: nuclear war. As a democracy, the United States has fueled the nuclear arms race with the proliferation of its

arsenal. According to Kayla Starr, civil disobedience is an essential part of anti-nuclear movements. The case argues, that actions taken to demonstrate to the government that its citizens won't tolerate the country's nuclear doctrines are essential to achieving worldwide disarmament of nuclear weapons. It is then argued that nuclear weapons threaten all life on the planet. It will be hard for the negative to prove that the goal of saving all humanity from nuclear annihilation is unjustified. The second part of this case argues, similarly, that civil disobedience is essential to changing governmental policies that are destructive to the environment. The last half of the contention arguments that a healthy environment is needed to sustain human life, as well as other life forms. Once again, it will be difficult for the negative to prove that this is unjustifiable. The strength of this case lies not only in its magnitude of impacts to use to outweigh the negative's arguments, but that the negative probably won't be prepared to adequately debate the affirmative's arguments.

There are many predictable arguments that the negative will probably make, that the affirmative needs to be prepared for. These arguments are outlined in the Part II of this topic overview.

Part III: The Negative

Unfortunately, the negative has less diversity of arguments to make. However, the arguments on the negative side are quite persuasive. Additionally, many of the general affirmative arguments are relatively easy to defeat, if approached correctly.

One argument for the negative will be that civil disobedience violates the fundamental principles of democracy: majority rule. The negative can claim that disobedience would destroy democratic goals, which the negative must argue are superior goals.

Another argument will be that people choose to engage in civil disobedience out of a

moral conviction that a certain law is immoral, or unjust. The negative can capitalize on the fact that the subjectivity of morality opens possibilities that there would be a violent struggle for moral laws. An example of this would be the differentiation between the Ku Klux Klan's morality and people who view egalitarianism as moral.

The negative might want to claim that once civil disobedience is justified for one group, it is justified for other groups as well. This is one argument the affirmative should definitely be prepared for because it might be difficult to win that conditionally affirming (i.e. only defending certain groups engaging in civil disobedience) was not unfair to the negative.

Along the same lines, the negative could argue that rule of law is important to maintain and that once it is justified to break the law, then anarchy is likely to result. The main purpose of laws is to keep citizens safe from infringements on fundamental rights that are set forth in the Constitution and Bill of Rights.

Lastly, the negative has plenty of ground to argue that there are alternate ways to get laws changed besides constantly breaking them. Many other legal channels by which laws can be changed exist. For example, picketing, writing letters to congresspersons, making public speeches, voting for another candidate at the time of elections, etc., are all examples of legal ways to change the law. This will be a powerful argument for the negative because many benefits, if not all the benefits to civil disobedience can be achieved without the harmful effects of justifying civil disobedience.

The negative cases we have included also take two different approaches. The first is that the rule of law must be upheld. If it is morally justified for one group to engage in acts of civil disobedience, then it is justified for all. If the affirmative justifies civil disobedience in the cases of Martin Luther King Jr. and Gandhi, then the affirmative also justifies it for groups such as the

Ku Klux Klan and eco-terrorists. Additionally, if people are justified in breaking the law through civil disobedience, then the law has no meaning; it promotes a general disobedience, as Attorney and Presidential Medal of Freedom winner, Morris Leibman argues. Lastly, civil disobedience risks violence and chaos. Leibman argues that even if individuals can control their own actions, they can't control a large group of people, who may be engaged in the same activities of civil disobedience; this is not conducive to societal welfare and shouldn't be valued.

The second position is that the resolution mandates that the affirmative justify every type of civil disobedience in a democracy. The case makes the argument that the concept of 'civil disobedience' is too difficult to define; thus a blanket justification for all types of 'civil disobedience' can't be legitimate. The case also lays out three distinct examples of civil disobedience that the affirmative must justify in order to win the round. If the affirmative can't justify all actions of civil disobedience, then the affirmative is not affirming the resolution.

Definitions

Resolved: Civil disobedience in a democracy is morally justified.

Civil disobedience - Refusal to obey civil laws in an effort to induce change in governmental policy or legislation, characterized by the use of passive resistance or other nonviolent means

Source: The American Heritage® Dictionary of the English Language

Civil disobedience - a group's refusal to obey orders in protest against discrimination

Source: WordNet ® 1.6, © 1997 Princeton University

Civil disobedience - characterizes the active refusal to obey certain [laws](#), demands and commands of a government or of an occupying power without resorting to physical violence.

Source: www.thefreedictionary.com

Civil disobedience - defined as an act of breaking a law to draw public attention to a problem concerning human rights. Civil disobedience is generally nonviolent, and most citizens that participate in such actions are not trying to defy law enforcement, but are looking for expressive, yet peaceful ways to be heard on certain issues.

Source: Karen M. Spring, "Working Toward Social Change with Civil Disobedience," New Jersey State Bar Foundation, Student's Corner,

<http://www.njsbf.com/njsbf/student/respect/spring02-1.cfm>

Civil Disobedience Civil Disobedience is the act of disobeying a law on grounds of moral or political principle. It is an attempt to influence society to accept a dissenting point of view.

Source: Kayla Starr, "The Role of Civil Disobedience in Democracy", Civil Liberties Monitoring Project, Summer 1998 <<http://www.civilliberties.org/sum98role.html>>

Democracy -

1. Government by the people, exercised either directly or through elected representatives.
2. A political or social unit that has such a government.
3. The common people, considered as the primary source of political power.
4. Majority rule.
5. The principles of social equality and respect for the individual within a community.

Source: The American Heritage® Dictionary of the English Language

Democracy -

1. Government by the people; a form of government in which the supreme power is retained and directly exercised by the people.
2. Government by popular representation; a form of government in which the supreme power is retained by the people, but is indirectly exercised through a system of representation and delegated authority periodically renewed; a constitutional representative government; a republic.
3. Collectively, the people, regarded as the source of government. –Milton

Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

Democracy -

1. the political orientation of those who favor government by the people of by their elected representatives
- 2: a political system governed by the people or their representatives

Source: WordNet ® 1.6, © 1997 Princeton University

Democracy -

a set of ideas and principles about freedom, but it also consists of a set of practices and procedures that have been molded through a long, often tortuous history. In short, democracy is the institutionalization of freedom. For this reason, it is possible to identify the time-tested fundamentals of constitutional government, human rights, and equality before the law that any society must possess to be properly called democratic.

Source: US Department of State, "Defining Democracy,"
<http://usinfo.state.gov/products/pubs/whatsdem/whatdm2.htm>

Moral -

1. Of or concerned with the judgment of the goodness or badness of human action and character:
2. Teaching or exhibiting goodness or correctness of character and behavior
3. Conforming to standards of what is right or just in behavior; virtuous: +
4. Arising from conscience or the sense of right and wrong:
5. Based on strong likelihood or firm conviction, rather than on the actual evidence:

Source: The American Heritage® Dictionary of the English Language

Moral -

1. Relating to duty or obligation; pertaining to those intentions and actions of which right and wrong, virtue and vice, are predicated, or to the rules by which such intentions and actions ought to be directed; relating to the practice, manners, or conduct of men as social beings in relation to each other, as respects right and wrong, so far as they are properly subject to rules.
2. Conformed to accepted rules of right; acting in conformity with such rules; virtuous; just; as, a moral man. Used sometimes in distinction from religious; as, a moral rather than a religious life.
3. Capable of right and wrong action or of being governed by a sense of right; subject to the law of duty.

Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

Moral - The doctrine or practice of the duties of life; manner of living as regards right and wrong; conduct; behavior; -- usually in the plural.

Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

Moral - 1: relating to principles of right and wrong; i.e. to morals or ethics; "moral philosophy"
2: concerned with principles of right and wrong or conforming to standards of behavior and character based on those principles;
3: adhering to ethical and moral principles;
4: arising from the sense of right and wrong; "a moral obligation"
5: psychological rather than physical or tangible in effect; "a moral victory"; "moral support"
6: based on strong likelihood or firm conviction rather than actual evidence

Source: WordNet ® 1.6, © 1997 Princeton University

Morally - based on principles that you or people in general consider to be right, honest or acceptable:

Source: Cambridge Advanced Learner's Dictionary, Cambridge University Press 2004.

Morally - 1. In a moral way
2. In terms of morals

Source: The Wordsmyth English Dictionary-Thesaurus

Justified - Having a good reason for something:

Source: Cambridge Advanced Learner's Dictionary, Cambridge University Press 2004.

Justified - 1. To prove or show to be just; to vindicate; to maintain or defend as conformable to law, right, justice, propriety, or duty.
2. To pronounce free from guilt or blame; to declare or prove to have done that which is just, right, proper, etc.; to absolve; to exonerate; to clear.
3. To treat as if righteous and just; to pardon; to exculpate; to absolve.
4. To prove; to ratify; to confirm. [Obs.] --Shak.
5. To make even or true, as lines of type, by proper spacing; to adjust, as type.

Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

Justified - 1. To demonstrate or prove to be just, right, or valid:
2. To declare free of blame; absolve.

Source: The American Heritage® Dictionary of the English Language

Affirmative Cases

(1) Mahatma Gandhi once stated, “Non-cooperation with evil is as much a duty as cooperation with good.” Because I agree I must affirm the resolution that reads, “Resolved: Civil disobedience in a democracy is morally justified.” Affirming achieves the value of a ‘legitimate government,’ defined operationally from Webster’s Revised Unabridged Dictionary as a government that “conforms to known principles.” A democratic government is formed in contract with those whom it will govern. To be legitimate, a democratic government must conform to the principles upon which it was founded, the principles of the contract. While it only applies to one nation, the principles of a moral democracy can be surmised from the preamble to the US Constitution where it is written that the government was created to, “establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” Therefore, my standard is adherence to democratic principles.

Before proceeding, allow me to define some key terms for clarification. All definitions came from Wordnet, except where noted.

Civil disobedience - a group's refusal to obey orders in protest against discrimination

Democracy - a political system governed by the people or their representatives

Moral - relating to principles of right and wrong

The American Heritage Dictionary defines **Justified** as - To demonstrate or prove to be just, right, or valid

My only observation is that adherence to the law is not an absolute principle. Harvard Professor, Noam Chomsky explains, “Still more strange is the argument, heard even from distinguished professors of law, that civil disobedience against the war "legitimizes" the civil disobedience of

Governor Wallace and the Ku Klux Klan... This argument would be rational on the assumption that obedience to the law is an absolute and inviolable principle; to put it differently, if it is ever right to disobey the law, then it is always right to do so. Drop this assumption and the argument collapses. The assumption, of course, is nonsensical. If a person were to violate a traffic ordinance to prevent a murder, no sane judge would convict. One man's violation of the law provides no justification for another violation. Each case has to be evaluated on its own merits." My first contention is that civil disobedience is a necessary check on governmental oppression.

- A. Civil disobedience is supported by the bill of rights. Writing for the Civil Liberties Monitoring Project, Kayla Starr writes, "The U.S. Bill of Rights asserts that the authority of a government is derived from the consent of the governed, and whenever any form of government becomes destructive, it is the right and duty of the people to alter or abolish it." This demonstrates that the founders recognized the right and duty of the people to take all means necessary to ensure that government does not become oppressive.
- B. Civil disobedience must be an option to avoid moral complicity with oppression and environmental destruction. Starr continues, "Non-cooperation is not intended as a hostile act against police officers and jail guards. An understood theoretical basis is that nonviolent protest draws its strength from open confrontation and non-cooperation, i.e., civil disobedience. We retain as much power as we refuse to relinquish to the government. Non-cooperation is a form of resistance that is used to reaffirm our position that we are not criminals and that we are taking positive steps toward freeing the world of oppression and environmental suicide."
- C. Civil disobedience is a valid option when alternatives to thwarting injustice fail. Starr concludes, "In all of these struggles, citizens had reached the conclusion that the legal

means for addressing their concerns had not worked. They had tried petitioning, lobbying, writing letters, going to court, voting for candidates that represented their interests, legal protest, and still their views were ignored.” The people must have every possible tool at their disposal to fight against tyranny. To condemn them as immoral for fighting for moral laws undermines the very idea of power resting with the people.

My second contention is that civil disobedience has been successful in achieving justice in the past.

- A. America has a long history of civil disobedience. Sunni Maravillosa, writing for Doing Freedom explains, “There are examples from American history as well. Many people seem to forget the large-scale civil disobedience that led to the repeal of the Volsted Act, ending Prohibition. Sure, many folks didn't call it that -- they just wanted to drink alcohol -- but it was civil disobedience nonetheless. A more recent example is the home schooling movement. Parents dissatisfied with the public and private school systems simply kept going at the "conventional wisdom" until home schooling became an accepted choice in most states. For those early parents, the risks of "protective services" taking their children away was a very real threat, because what they were doing was seen as potentially very harmful to their children. Many of those parents weren't out to start a movement -- they simply wanted to do their best for their children, and were willing to endure a lot to accomplish that.
- B. Civil disobedience has worked to achieve a more equal society and end war. In a paper on mass civil disobedience Professor of Philosophy at University College London, Ted Honerich, explains, “The particular civil disobedience and non-cooperation which is relevant, of course, to speak more precisely, is the kind directed to the satisfaction of

fundamental human desires which is so morally imperative and which is called for by the Principle of Equality. What will come to mind as historical examples of civil disobedience are the Civil Rights campaign against racial discrimination and the campaign against the Vietnam War, both in the United States, and the campaigns against that war and against nuclear arms in Britain. As for non-cooperation in the past, it has mainly consisted of strikes, including general strikes, and boycotts, notably boycotts of products and services, including national products.”

- C. Even if disobedience is harmful, complacency with unjust laws is worse. Professor of philosophy at Earlham College, Peter Suber, wrote the following in *Philosophy of Law: An Encyclopedia*, “Utilitarians observe that disobedience and obedience may both be harmful. The slippery slope objection falsely assumes that the former sort of harm always outweighs the latter. In the case of an iniquitous law, the harm of disobedience can be the lesser evil. This utilitarian reply is sometimes found to coexist with a complementary deontological reply, for example in Thoreau: one simply must not lend one's weight to an unjust cause.”

Civil disobedience has been a vital tool to halt injustice in the past and keep the government adhering to democratic principles. As men run the government and men are imperfect, it must remain available as a tool and therefore I affirm.

(2) Rod Van Mechelen once wrote, “The standard of morality, however, is absolute and immutable -- long-term optimum human survival.” Because I agree I must affirm the resolution that reads, “Resolved: Civil disobedience in a democracy is morally justified.” Affirming achieves the value of ‘societal welfare.’ In this context, societal welfare encompasses the health of a society and its ability to achieve and maintain other values such as justice, freedom, and equality. All of these values are contingent upon one fundamental and that is the existence of human life. The logical purpose of morality then is to protect human life, to ensure its continuation and survival, so that a healthy society can exist. Therefore, my criterion is the protection of human life.

For the purpose of clarifying the debate, I offer the following definitions:

Civil disobedience is defined by Kayla Starr as “.. the act of disobeying a law on grounds of moral or political principle. It is an attempt to influence society to accept a dissenting point of view.”

Democracy- Government by the people, exercised either directly or through elected representatives.

Moral- Of or concerned with the judgment of the goodness or badness of human action and character

Justified- To demonstrate or prove to be just, right, or valid

The last three are defined from the American Heritage Dictionary of the English Language.

My first observation is that legal alternatives often do not work. Firstly, the legal system subverts the goal of ending the need for civil disobedience by requiring people to commit acts of civil disobedience to force the legal system to consider different issues. Peter Suber, Professor of Philosophy at Earlham College explains, “... if judicial review is one of the features of

American democracy which is supposed to make civil disobedience unnecessary, then it ironically subverts this goal; for to obtain standing to bring an unjust statute to court for review, often a plaintiff must be arrested for violating it. Finally, the Nuremberg principles require disobedience to national laws or orders which violate international law, an overriding duty even in (perhaps especially in) a democracy.” Secondly, using the legal system can take decades, even centuries to achieve justice and it discourages dissent. Suber continues, “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... 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” My first contention is that civil disobedience is crucial to preventing nuclear annihilation.

- A. Civil disobedience plays a critical part in the practices of anti-nuclear movements. Kayla Starr writes in an article entitled “The Role of Civil Disobedience in Democracy”, from the Civil Liberties Monitoring Project, “The Anti-Nuclear Movement... organized citizens throughout the country into direct action affinity groups, with consensus decision making and Gandhian nonviolence as its core. Massive acts of civil disobedience took place at nuclear power facilities across the country, followed by worldwide protests against first-strike nuclear weapons, occupying military bases, maintaining peace camps, interfering with manufacture and transport of nuclear bombs and devices, marching, sitting in, blockading and otherwise disrupting business as usual at nuclear sites.”
- B. An end to nuclear weapons must come from acts taken by citizens and movements. David Krieger writes in an article, “The Frog’s Malaise”, ”To resolve the nuclear dilemma confronting humanity will require ... cooperation among people, cooperation

among countries. Currently the nuclear weapons states, led by the United States, are blocking that cooperation. That is why it is so essential for US citizens to press their government for leadership in achieving agreement for the verified elimination of nuclear weapons in all countries.” He continues in another article “A Victory For All Humanity” to note that ‘We must have a movement . . . that builds upon . . . efforts to save the world from future Nagasakis and Hiroshimas. . . The authority of governments comes only from their people. Governments lose their authority when they become destructive of basic rights, including the rights to life, liberty and security of person. . . .’”

C. The simple possession of nuclear weapons risks nuclear annihilation.

David Krieger joined with Angela McCracken argue in “Ten Myths About Nuclear Weapons” that” . . . nuclear weapons are actually undermining the safety of the countries that possess them by providing a false sense of security. While deterrence can provide some psychological sense of security, there are no guarantees that the threat of retaliation will succeed in preventing an attack. There are many ways in which deterrence could fail, including misunderstandings, faulty communications, irrational leaders, miscalculations and accidents. In addition, the possession of nuclear weapons enhances the risks of terrorism, proliferation and ultimately nuclear annihilation.”

My second contention is that civil disobedience is necessary to save the environment.

A. Civil disobedience is used to try to prevent the destruction of the environment.

Starr continues, “Environmental and forest demonstrations, with acts of civil disobedience such as sit-ins, blockades, tree sits and forest occupations, have emerged in the last decade, prompted by the continuing mass clear cuts and destruction of the forest ecosystem and widespread environmental consequences.”

- B. Civil disobedience brings the publicity needed to raise awareness of environmental issues. Political and environmental activist Jake Gordon explains in his Environment essay, "...the threat of nuclear catastrophe, bureaucratization, destruction of natural habitat, social anomie - cannot be expected to disappear simply through the good intentions of political leaders ... A need is seen for non-government intervention as normal politics can not accommodate all that is necessary...It would appear as though the best way for the environmental movement to help 'green' governments and businesses is through environmental consciousness and awareness rising, making people realise the issues and suggesting they act as socially responsible humans, particularly in relation to their consumption habits...Reporting in the mass media enables a large number of people to understand the environmental issues which the party addresses. In a similar way, NGOs and other areas of the environmental movement help spread environmental concerns, raising awareness. Hence, whilst the majority of people may not be directly involved in environmental protests, activism, campaigns etc, they may still be affected by them... without the environmental movements, there truly would be little or no 'greening' of governments and corporations."
- C. Environmental degradation will cause mass extinction. Niles Eldridge argues in "The Sixth Extinctions", "Though it is true that life...has always recovered ... after major extinction spasms, it is only after whatever has caused the extinction event has dissipated. That cause, in the case of the Sixth Extinction, is ourselves -- *Homo sapiens*. This means we can continue on the path to our own extinction, or, preferably, we modify our behavior toward the global ecosystem of which we are still very much a part."

Civil disobedience works to save human life from nuclear annihilation and possible extinction and must then be moral; therefore I affirm.

Negative Cases

(1) I negate. Negating will achieve the value of ‘societal welfare’ operationally defined from The American Heritage Dictionary as, “the health of the structure, organization, <and> functioning of society.” A healthy, properly functioning society is one in which human rights are secured. This is a principle that was stated in the Declaration of Independence where it is written, “men are created equal, that they are endowed with certain unalienable Rights, Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men.” These sentiments are repeated by the United Nations in the Universal Declaration of Human Rights where it is written, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and... it is essential to promote the development of friendly relations between nations.” Therefore, to achieve societal welfare, I offer the criterion of the protection of individual rights.

Before proceeding, allow me to offer the following definitions from The American Heritage® Dictionary of the English Language.

Civil disobedience - Refusal to obey civil laws in an effort to induce change in governmental policy or legislation, characterized by the use of passive resistance or other nonviolent means

Democracy - Government by the people, exercised either directly or through elected representatives.

Moral - Conforming to standards of what is right or just in behavior

Justified - To demonstrate or prove to be just, right, or valid:

My only observation is that the rule of law in a democracy best protects freedom while allowing orderly amendment to the law. Attorney and Presidential Medal of Freedom winner, Morris Leibman explains, “our greatest accomplishment <is> the fashioning of the law society [one that operates under the rule of law]. Never in the history of mankind have so many lived so freely, so rightfully, so humanely. This open democratic republic is man's highest achievement -not only for what it has already accomplished, but more importantly because it affords the greatest opportunity for orderly change and the realization of man's self-renewing aspirations.”

My only contention is that civil disobedience undermines the rule of law jeopardizing freedom and the very system required for progress.

- A. Legitimizing civil disobedience for some legitimizes it for all. Leibman continues,
“While the idea of civil disobedience may evoke sympathy where the claim is made that the cause is just, once we accept such a doubtful doctrine we legitimize it for other causes which we might reject...That sets the standard of conduct which then becomes acceptable for cases not as appealing or for groups not as responsible...We substitute pressure for persuasion and squander the carefully nurtured value of self-restraint and jeopardize the system of law.”
- B. Justifying civil disobedience fosters a lack of respect for the law. Leibman writes,
Specific disobedience breeds disrespect and promotes general disobedience. Our grievances must be settled in the courts and not in the streets. Muscle is no substitute for morality. Civil disobedience is negative, where we require affirmative processes...We have an affirmative and daily duty to eliminate discrimination and provide opportunity-full opportunity and meaningful equal justice for all our people.

C. Civil disobedience risks violence and destruction. Leibman concludes, “The plain fact of human nature is that the organized disobedience of masses stirs up the primitive...Psychologically and psychiatrically it is very clear that no man-no matter how well intentioned -can keep group passions in control...Let's not forget there is nothing new in violence. Violence has throughout mankind's history been too often a way of life... It was the installation of American juridical proceedings that enabled our people to weld together the disparate territories destined to become an organic nation.” The nations signing the universal declaration of human rights agreed when they wrote, “Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”

In other words, the rule of law is what protects us from violence.

The rule of law is the only thing that protects our individual rights and ensures societal welfare and therefore, I negate.

(2) I negate. Negating achieves the value of justice defined by The American Heritage Dictionary as, “conformity to truth, fact, or sound reason.” For reason to be sound, for it to determine facts and arrive at truths, it must use the method of logic. Aristotle was the first to explain that logic is the “art of non-contradictory identification.” Therefore we must recognize that if we are to achieve justice in the round or in a democracy, we must be logically consistent. It would be a contradiction to defend a type of oppression to end another type just as it would be a contradiction to fail to recognize the full implications of the resolution. To determine the validity of the resolution, I therefore offer the criterion of logical consistency.

My only observation is that the resolution is a universal statement about civil disobedience. The resolution allows for no exceptions to acts of civil disobedience. Accordingly, the only way the resolution can be true is if civil disobedience is always moral. Any attempt by the affirmative to distinguish between the moralities of various acts of civil disobedience is an attempt to conditionally affirm the resolution. If this is allowed, the affirmative captures all negative ground making clash impossible as the affirmative can simply refuse to defend any act the negative demonstrates to be immoral. This would make clash impossible and reduce the educational value of round.

My only contention is that there are many acts of civil disobedience that could never be justified morally.

- A. There’s no universal concept of civil disobedience. Susan Tiefenbrun, Associate Professor of Law at Thomas Jefferson School of Law writes in, “On Civil Disobedience,” “Despite the historical acceptance of this illegal form of protest, civil disobedience is a confusing concept with no universally accepted definition... Mere dissent, protest, or disobedience of the law are not enough to qualify as civil disobedience.” This means that

civil disobedience is a very broad concept. Many acts can be classified as civil disobedience.

- B. Radical anti-abortion groups that bomb clinics see themselves as being civilly disobedient. The organization Christian Century published an article stating, “A shadowy group calling itself the Army of God has taken responsibility for the recent bombing of an abortion clinic in Birmingham, Alabama, that killed one person. Two letters from the group, which also took responsibility for two bombings in Atlanta last year, were intercepted...” This group sees itself as similar to many other, more mainstream groups. The following is taken from the Army of God website, “Society wants to put anti-abortionists, the homeless, home-teachers, anti-war demonstrators, tax-law protesters, sellers of herbs and safe remedies into prison.” The group then clearly advocates civil disobedience with the following ‘rule,’ “Never betray what others do. That is hearsay gossip.” If the resolution is true, this must also be morally justified.
- C. White supremacists may start using civil disobedience. The following is taken from the home page of the White Camelia Knights, a branch of the Ku Klux Klan, “Make no mistake, at some point God’s people must take action in the defense of our Christian, Racial and Political beliefs. We must first prepare ourselves through education in order to take the correct actions. In the Bible the statement ‘FAITH WITHOUT WORK IS DEAD’ clearly indicates that God’s people are not simply to have faith, but are to physically work. To TAKE ACTION on God’s behalf.” Affirming morally justifies this group to use civil disobedience to spread their message of hate.
- D. Radical environmental groups have their own interpretation of civil disobedience. In an article entitled “Environmentalism, Eco-Terrorism and Endangered Species” written for

Capitalism Magazine, Glenn Woiceshyn explains, “An underground environmental group called Earth Liberation Front (ELF) claimed responsibility for incinerating four ski lifts (October 1998) and three buildings worth 12 \$million at Vail, Colorado. Vail's plans to expand its ski area apparently clashed with environmentalists' plans to re-populate the "endangered" lynx in Colorado. ELF destroyed this property "on behalf of the lynx" and warned skiers to ski elsewhere this winter.” Affirming would justify this as well.

Negating does not preclude or prevent acts of civil disobedience. Negating is simply recognition of the error in a universal justification of all possible acts of civil disobedience.

The affirmative must defend all acts, negating recognizes many acts of civil disobedience can be and are immoral.

Affirmative Extensions

Civil disobedience worked to free India.

Sunni Maravillosa, "On the Importance of Civil Disobedience," "Doing Freedom,"
<http://www.doingfreedom.com/gen/1002/civdis.html>

Probably the best known example of civil disobedience is Mohandas Gandhi's single-handed, unrelenting effort to bring freedom to India. His enlightenment as to Indian servitude at the hands of Britons spurred him to write, to agitate, and to take principled action to bring independence to India. He was jailed repeatedly, but remained defiant. His unrelenting advocacy of nonviolent protest brought many to his cause; his civil disobedience actions made it easy for Indians to participate, and feel empowered for it. One of the best-known actions was his walk to the sea to make salt -- an act that was illegal at the time. British authorities dared not arrest him, in fear of the protests and strikes an arrest might spark, and his example led many to make and sell salt themselves, ridding themselves of British intervention and control -- and reducing British tax revenues.

Civil disobedience overthrew the communists in Poland.

Sunni Maravillosa, "On the Importance of Civil Disobedience," "Doing Freedom,"
<http://www.doingfreedom.com/gen/1002/civdis.html>

Another "larger than life" example is that of the Polish shipyard workers of Gdansk. In this case, a small group of shipyard workers became dissatisfied with the ongoing empty promises given by Polish communist leaders. They organized their own union, and when it was targeted, took their ideas and movement to other laborers and ultimately, the Polish people themselves. It was a difficult struggle, and as is the case with many such challenges to the state, a minority of individuals supported the cause. But enough did, and acted on their beliefs, to crack the foundations of Poland's communist government.

The tradition of civil disobedience in America goes all the way back to the founders.

Sunni Maravillosa, "On the Importance of Civil Disobedience," "Doing Freedom,"
<http://www.doingfreedom.com/gen/1002/civdis.html>

Civil disobedience is what began this country, too. Enough people became fed up with Britain's tyrannical rule over the colonies to begin writing -- carrying the call for liberty to others -- and taking action to resist unjust laws and restrictions on actions. The Boston Tea Party is perhaps the best-known act of civil disobedience from that time, but there are many more. As with the Polish example above, those who fought for freedom in colonial times were a minority, but that didn't stop them. Many of the men we respect the most from that time put their lives, fortunes, and sacred honors on the line for their principles. And they won.

Civil disobedience can serve to prevent situations from escalating into violence.

Sunni Maravillosa, "On the Importance of Civil Disobedience," "Doing Freedom,"
<http://www.doingfreedom.com/gen/1002/civdis.html>

Civil disobedience has wrought some of the greatest changes in social conditions that individuals have effected. I know many in the freedom movement are inclined to think in terms of when it'll be appropriate to "start shooting the bastards," but honestly, if it comes to that, we may have lost the fight. If we're serious about creating greater freedom, for ourselves and our progeny, then we must consider seriously every means of doing so that doesn't compromise our principles. If you're interested in reading more case studies of civil disobedience and the variety of forms it can take, I highly recommend [A Force More Powerful](#). While not consistently pro-freedom, it is a wide-ranging, insightful examination of civil disobedience and nonviolent protest worldwide. While I'm not optimistic that all threats to freedom can be handled with these techniques, it's wise to use them as much as possible, and save the -- literally -- heavy artillery for the battles that require it.

Civil Disobedience has been used to promote peace.

Kayla Starr, "The Role of Civil Disobedience in Democracy", Civil Liberties Monitoring Project, Summer 1998 <<http://www.civilliberties.org/sum98role.html>>

Anti-war movements have been a part of U.S. history since Thoreau went to jail for refusing to participate in the U.S. war against Mexico in 1849. More recent examples were the nationwide protests against the war in Viet Nam, U.S. involvement in Nicaragua and Central America, and the Gulf War. Actions have included refusal to pay for war, refusal to enlist in the military, occupation of draft centers, sit-ins, blockades, peace camps, and refusal to allow military recruiters on high school and college campuses.

Civil disobedience was used to promote racial equality.

Kayla Starr, "The Role of Civil Disobedience in Democracy", Civil Liberties Monitoring Project, Summer 1998 <<http://www.civilliberties.org/sum98role.html>>

Abolition of slavery -- including Harriet Tubman's underground railway, giving sanctuary, and other actions which helped to end slavery.

The Civil Rights Movement, led by Martin Luther King, Jr. and others, included sit-ins and illegal marches which weakened segregation in the south.

Civil disobedience is used to try to prevent the destruction of the environment.

Kayla Starr, "The Role of Civil Disobedience in Democracy", Civil Liberties Monitoring Project, Summer 1998 <<http://www.civilliberties.org/sum98role.html>>

Environmental and forest demonstrations, with acts of civil disobedience such as sit-ins, blockades, tree sits and forest occupations, have emerged in the last decade, prompted by the continuing mass clear cuts and destruction of the forest ecosystem and widespread environmental consequences.

Civil disobedience is effective at changing the law.

Kayla Starr, "The Role of Civil Disobedience in Democracy", Civil Liberties Monitoring Project, Summer 1998 <<http://www.civilliberties.org/sum98role.html>>

Civil disobedience is often an effective means of changing laws and protecting liberties. It also embodies an important moral concept that there are times when law and justice do not coincide and that to obey the law at such times can be an abdication of ethical responsibility.

Legal channels can take too long.

Civil disobedience has certain criteria: illegal, nonviolent, accepting of punishment/
Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

Although civil disobedience does not have a single universally accepted definition, there are several criteria that have been generally recognized as necessary if a particular act of protest is to qualify as civil disobedience. n12 The act must be illegal, "predominately nonviolent," intended to rouse the notice of the community to the illegal action, and for which those engaged are willing to accept punishment. n13 These criteria provide a functional definition of civil disobedience that can be used to evaluate the legitimacy of various acts of social protest.

Consent to obey just laws does not imply consent to obey unjust ones.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

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.

Distinguishing between just and unjust laws to disobey can be universalized.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

And it must be said, virtually all activists who practice civil disobedience follow criteria which endorse some, but not all, disobedience. King, for example, did not advocate indiscriminate disobedience; he advocated disobedience of unjust laws and obedience to the just. He articulated what he regarded as public, objective criteria which help us identify the unjust laws which may or must be disobeyed, and the just laws which must obeyed. Any attempt to articulate the distinction between the two sorts of law is in effect an attempt to show that the slide down the slope can be halted, or that the maxim to disobey can be universalized.

Civil disobedience can be stabilizing to a community by spreading a shared sense of justice. Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

One direct response, then, to the descriptive version held by Waldman and Storing comes from Rawls, who argued that civil disobedience can actually help to stabilize a community. It can be destabilizing if a very large number of people do it, but this rarely happens, and when only a few do it, it can have the beneficial and stabilizing effect of nudging a society closer to its shared vision of justice. Thoreau and Wasserstrom argue that while many in fact might be morally justified in disobeying, few in fact will actually disobey. For Thoreau and A.J. Muste, this inertia and docility in the general population are far larger problems than incipient anarchy.

Sometimes it is only the unjustified response to civil disobedience that has harmful consequence.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

Sometimes activists can point to the lawlessness of their opponents as the real concern. Thoreau claimed that the only harmful consequences of civil disobedience were triggered by the government's reaction to it. King painted white segregationists as the group most likely to precipitate anarchy, since it disobeyed desegregation laws without regard to their legitimacy or justice. Moreover, an activist need not be an anarchist to welcome widespread imitation. Thoreau ardently wished that all opponents of slavery would act on their convictions. He would regard a prediction of widespread imitation of his disobedience as an inducement to act, not as an objection. At this point, critics must be careful not to use the slippery slope objection inconsistently, by predicting anarchy to those who fear it, and inert indifference to those who fear that.

Civil disobedience is traditionally non-violent.

Gary Francione and Anna Charlton, "Demonstrating and Civil Disobedience: A Legal Guide for Activists", <<http://www.animal-law.org/library/pamphlet.htm>>

Civil disobedience, as opposed to demonstrating, is the purposeful violation of a law to communicate the protester's belief that the law is unconstitutional or morally defective. Although some people think that violent action can constitute civil disobedience, the tradition of civil disobedience in this country is non-violent. Civil disobedience is used in many different arenas and for many different reasons. The usual goal of civil disobedience is to create public support and pressure to force a change in the law in question.

Civil disobedience is a form of exercising free speech- which is essential in a democracy.

Susan Tiefenbrun, Associate Professor of Law at Thomas Jefferson School of Law “On Civil Disobedience, Jurisprudence, Feminism and the Law in the Antigones of Sophocles and Anouilh” Cordozo Studies of Law and Literature, Summer 1999, Lexis Nexis

Some may attempt to adduce a free-speech argument that civil disobedience is a form of protected political speech. n20 John Rawls compared civil disobedience to public speech. n21 The issue in such an argument is to determine how far the protection of free speech really goes and whether the form of illegal protest in question is like other protected forms of communication: gestures, symbolic responses, and other nonverbal acts which are protected under the First Amendment of the Constitution. Open and uninhibited political criticism is of such fundamental importance in a democracy that such conduct will be protected even when it may appear otherwise rightly unlawful.

Civil disobedience has been used to fight slave laws

Howard Zinn, Historian and Professor Emeritus at Boston University, “The Role of Civil Disobedience in Promoting US Democracy”, Feb 1999
<<http://www.afsc.org/pwork/0299/029904.htm>>

The Fugitive Slave Act of 1793, requiring the return of escaped slaves to their masters, was violated repeatedly. In 1830, for instance, an escaped slave brought into federal court was rescued by anti-slavery people and set free. The people who committed that act of civil disobedience were not prosecuted, despite their violation of the law, because it was recognized that the moral end of their action superseded the technicality of breaking the law. There were many violations of the Fugitive Slave Law of 1850, in which groups of white and black abolitionists rescued, or attempted to rescue, escaped slaves. They took place in Christiana, Pennsylvania, Syracuse, New York, Boston, Massachusetts, and Oberlin, Ohio, among other places. In several of these instances, juries refused to find the defendants guilty, judging their technical violation of the law to be superseded by a higher moral objective.

Civil disobedience played a role in ending the Vietnam war.

Howard Zinn, Historian and Professor Emeritus at Boston University, “The Role of Civil Disobedience in Promoting US Democracy”, Feb 1999
<<http://www.afsc.org/pwork/0299/029904.htm>>

Also in the 1960s and 1970s, the movement against the Vietnam War involved countless acts of civil disobedience, but these violations were recognized as playing a crucial role in bringing that disastrous war to an end, and thus saving many lives.

Civil disobedience shouldn't be punished- but recognized as enhancing democracy.

Howard Zinn, Historian and Professor Emeritus at Boston University, "The Role of Civil Disobedience in Promoting US Democracy", Feb 1999

<<http://www.afsc.org/pwork/0299/029904.htm>>

In short, American history sustains the idea that civil disobedience--the violation of laws on behalf of human rights, against starvation and sickness--should be distinguished from criminal disobedience, where a law is violated for individual gain. Civil disobedience therefore is not to be punished because it is a technical violation of law, but to be honored as part of the American tradition, enhancing democracy.

Even if laws are created by democratic means- civil disobedience can still be justified.

William Smith, of the Sociology Department of the University of Warwick, "Democracy, Deliberation, and Disobedience" April 2003

<http://www.ncl.ac.uk/nuls/alsp/abstracts/smith01.htm>

Even in states where laws are generally created via formally democratic means (i.e. majority rule in elected assemblies) there may be grounds for criticising and disobeying laws in the name of democracy. The idea is that majority rule should take place against the backdrop of informed and inclusive deliberation, and civil disobedience might form part of that ongoing deliberation in some circumstances.

Civil disobedience is justified because it promotes equal marriage laws.

Eric Rofes, professor of Education at Humboldt State University, "Same-Sex Marriage as Civil Disobedience" <http://www.thegully.com/essays/gaymundo/040224_same_sex_marriage.html>

The drive for same-sex marriage has long cried out for peaceful acts of resistance by masses of ordinary people. Marriage equality is about basic values like justice, freedom, and the institutions of democracy, and the emotions and symbols surrounding marriage resonate deeply with Americans of diverse political stripes. As a tool, civil disobedience takes abstract and highly charged issues and stamps more ordinary human faces onto them. In this case, San Francisco has produced more than 6,000 of these regular citizens who are now ambassadors for marriage equality. Imagine the impact of these newly-wedded people on their families, co-workers, and neighbors. Statements by national legal and political groups, and images like the marriage of two gay men holding their infant twins, or the long joyful lines at City Hall are extremely powerful, but these 6,000 will create the more personal connections essential to changing the hearts and minds of the mushy middle of the electorate.

Civil disobedience is an integral part of American history.

Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

From the earliest days of the American Republic, civil disobedience has had a role in our political, social, and cultural debates. n1 From the Boston Tea Party to the pro-life movement, those struggling against unjust laws have engaged in acts of deliberate, open disobedience to government power to uphold higher principles regarding human rights and social justice. Historically, civil disobedience has been practiced by national figures as diverse as nineteenth century New England abolitionist Henry David Thoreau, n2 women's suffrage [*654] advocate Susan B. Anthony, n3 and twentieth century civil rights leader Martin Luther King, Jr. n4 While not, of course, considered to be lawful, n5 civil disobedience has largely been tolerated by our society. n6 Furthermore, civil disobedience has often been instrumental in changing the conventional laws of American society, as evidenced by the civil rights movements of the 1950s and 1960s. n7 For these reasons civil disobedience has, as one legal commentator notes, a "legitimate if informal place in the political culture of [the American] community."

Civil disobedience has certain criteria. It must be illegal, nonviolent, and the protestors must be willing to accept the punishment.

Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

Although civil disobedience does not have a single universally accepted definition, there are several criteria that have been generally recognized as necessary if a particular act of protest is to qualify as civil disobedience. n12 The act must be illegal, "predominately nonviolent," intended to rouse the notice of the community to the illegal action, and for which those engaged are willing to accept punishment. n13 These criteria provide a functional definition of civil disobedience that can be used to evaluate the legitimacy of various acts of social protest.

Civil disobedience is justified when laws made by humans are unjust.

Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

An unjust law is a human law this is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality

Civil disobedience is justified because it promotes human dignity, promotes the idea that the government is limited in its power, and expresses discontent with the law.

Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

While the ultimate validity of civil disobedience must be grounded upon the defense of an objective moral standard in the face of unjust laws, civil disobedience also has significant utilitarian justifications as well. Legitimate civil disobedience provides three significant contributions to our legal landscape. Civil disobedience sends a positive message about societal respect for the dignity of the human person and the freedom of conscience. It also reinforces historic American values concerning the limited nature of government. Finally, civil disobedience provides a mechanism by which the politically, legally, and socially peripheral may express their discontent with the status quo.

Civil disobedience proclaims that humans have dignity.

Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

The practice of civil disobedience proclaims a powerful message about the dignity of the human person. n96 A crucial aspect of the dignity of the individual is the freedom of the human person to stand up for justice. n97 In a society such as ours, civil disobedience serves to incarnate this societal value by giving those who cannot in conscience abide by the decrees of the majority a mechanism by which to voice their discontent with the status quo. n98 Civil disobedience proclaims that the conscience of the human person matters so much that the integrity and personhood of the individual need not be sacrificed upon the altar of good citizenship. While our society does not and should not openly sanction violation of the conventional law, a tolerant attitude toward those engaged in civil disobedience sends a clear message that the law, while important, does not transcend the fundamental liberty of the human conscience to resist injustice.

Civil Disobedience is justified on Kantian grounds to synthesize moral and positive law.

Dr. E. C. Wit, The University of Chicago, Kant and the Limits of Civil Disobedience" July 1997 <http://www.stats.gla.ac.uk/~ernst/kant.htm>

We shall argue that there is no *a priori* principle that can synthesize these two laws. The civilian has to apply her judgment in each particular case to resolve the conflict. This means that there exists a fundamental heteronomy of civil and moral law, which makes civil disobedience (as motivated by obedience to the moral law) an inherent possibility within any state. Although there exists no constitutive synthesis of moral and positive law, Kant argues for a regulative synthesis: it is our duty to hope that one day moral and positive law will coincide. Not only is it our passive duty to hope for such improvement, but duty calls upon us to act as well. We shall argue that for a Kantian civilian it is a duty to reason freely and to criticize laws that are not in harmony with the transcendental principles of the state. There is no guarantee that our criticism will result in improvement of the constitution, but publicity is the only hope for any moral improvement of the law.

Even if it's disruptive, civil disobedience is an essential part of a democracy.

Barbara Katz, "Civil Disobedience and the First Amendment" UCLA Law Review, Lexis-Nexis Academic.

Civil disobedience is disorderly. But so, too, is democracy itself. There is little evidence that the civil disobedience associated with the civil rights and antiwar protests of the 1960's and 1970's contributed to a general breakdown of law and order. There is, however, much evidence that those protests stimulated citizens to play a greater role in formulating government policy in important areas of our public life, and ultimately helped to bring about a more just society.

Negative Extensions

Civil disobedience isn't justified because other lawful channels of changing the law exist.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

Civil disobedience cannot be justified in a democracy. Unjust laws made by a democratic legislature can be changed by a democratic legislature. The existence of lawful channels of change makes civil disobedience unnecessary.

We have a contractual agreement to society to obey the law

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

We must obey the law under a contract with other members of our society. We have tacitly consented to the laws by residing in the state and enjoying its benefits.

Advocates of civil disobedience who enjoy the benefits of society are hypocrites.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

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.

When civil disobedience is justified for one group, it's justified for all, which promotes anarchy.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

What if everybody did it? Civil disobedience fails Kant's universalizability test. Most critics prefer to press this objection as a slippery slope argument; the objection then has descriptive and normative versions. In the descriptive version, one predicts that the example of disobedients will be imitated, increasing lawlessness and tending toward anarchy. In the normative version, one notes that if disobedience is justified for one group whose moral beliefs condemn the law, then it is justified for any group similarly situated, which is a recipe for anarchy.

King's example is very difficult to follow.

Peter Suber, professor of philosophy at Earlham College, Philosophy of Law: An Encyclopedia, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

King had a second reply, inspired by Gandhi: he deliberately made his example difficult to imitate. He pressed for negotiation before turning to disobedience; he underwent self-purification before every disobedient action; he accepted blows from police without retaliation; he accepted arrest and punishment. These tactical features of his actions had other purposes as well, but there is little doubt that they prevented onlookers from thinking that here was a criminal getting away with murder whose example could be imitated with profit.

Legitimizing civil disobedience will lead to less responsible groups using it.

Peter Suber, professor of philosophy at Earlham College, Philosophy of Law: An Encyclopedia, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

The counter reply, made by Waldman and Storing is that the example of the careful disobedient will be imitated by the careless, and cannot be confined, especially if activists cloak their disobedient acts in the rhetoric of righteousness. If true, this instantly makes replies to the normative version of the slippery slope objection irrelevant. Caution in stating our criteria so that normatively we stop our slide far from the bottom does nothing to prevent the example from being misinterpreted or oversimplified by the less cautious. Scrupulosity in self-purification, courage in accepting blows, and sacrifice in accepting punishment do not stop the unscrupulous from being inspired by the example of disobedience as such.

There's no constitutional right to disobey laws.

Gary Francione and Anna Charlton, "Demonstrating and Civil Disobedience: A Legal Guide for Activists", <<http://www.animal-law.org/library/pamphlet.htm>>

Although civil disobedience has a long history in the United States, from the Boston Tea Party to some of the most important moments of the civil rights movement, there is no constitutional right to engage in civil disobedience. Therefore, a person who engages in civil disobedience must expect to be exposed to the maximum penalties of the law, which may include a fine and imprisonment. If the law under which the person is charged is subsequently proven to be unconstitutional, however, the disobedient will be acquitted. On the other hand, if the purpose is to highlight the immorality of an otherwise valid law, rather than its unconstitutionality, the individual must expect to be prosecuted to the fullest extent of the law's penalties.

There's no universal concept of civil disobedience

Susan Tiefenbrun, Associate Professor of Law at Thomas Jefferson School of Law "On Civil Disobedience, Jurisprudence, Feminism and the Law in the Antigones of Sophocles and Anouilh" Cordozo Studies of Law and Literature, Summer 1999, Lexis Nexis

Despite the historical acceptance of this illegal form of protest, civil disobedience is a confusing concept with no universally accepted definition. John Rawls defined civil disobedience as acts that are "public, non-violent, conscientious yet political... done with the aim of bringing about a change in the law or policies of government." Mere dissent, protest, or disobedience of the law are not enough to qualify as civil disobedience. Several criteria are necessary for a particular act of protest to qualify as civil disobedience. The act must be nonviolent, open and visible, illegal, and performed for a moral purpose to protest an unjust law or to object to the status quo and with the expectation of punishment.

Rawls' and Dworkin's philosophies justify only civil disobedience when they violate human rights

William Smith, of the Sociology Department of the University of Warwick, "Democracy, Deliberation, and Disobedience" April 2003
<<http://www.ncl.ac.uk/nuls/alsp/abstracts/smith01.htm>>

For instance, philosophers such as John Rawls (1972) and Ronald Dworkin (1977 & 1985) have said that in order to be justifiable civil disobedience should only be employed to protest laws that violate rights. Disobedience against individual laws becomes potentially justifiable when the normal moral reason we have for obeying laws, i.e. they are just because they respect and protect rights, does not apply, or applies with less force than it otherwise would.

The Supreme Court has ruled in O'Brien that not all actions are protected under free speech

Barbara Katz, "Civil Disobedience and the First Amendment" UCLA Law Review, Lexis-Nexis Academic.

In has been accepted for some time that the First Amendment protects certain kinds of non-verbal conduct. This protection dates from at least 1931, when the Supreme Court held that a statute prohibiting display of a red flag as a symbol of opposition to organized government was impermissibly vague. n11 Over the years, the Court has made clear that the First Amendment guarantee of freedom of speech also protects other forms of conduct considered "speech." n12 The Court has made equally clear, however, that not all forms of conduct can be protected as "speech." Thus, for example, in United States v. O'Brien, n13 in which the defendant had been convicted of a federal law prohibiting draft card destruction after burning his draft card, the Court rejected the argument that the act was "symbolic speech." The Court stated that it could not accept the view "that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea."

The rule of law is societies greatest achievement.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

We live in that instant of time when it can be said that never before have the people in this country enjoyed so many material goods, however "imperfect" their distribution. Never before have we had as much mechanical, electronic, and scientific equipment with which to subdue the natural obstacles of the universe. But the multiplication of consumer wealth is subordinate to our greatest accomplishment-the fashioning of the law society [one that operates under the rule of law].

The rule of law establishes a system that allows for dissent while securing order.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

Never in the history of mankind have so many lived so freely, so rightfully, so humanely. This open democratic republic is man's highest achievement -not only for what it has already accomplished, but more importantly because it affords the greatest opportunity for orderly change and the realization of man's self-renewing aspirations. Our goals, as set forth in the Declaration, have been buttressed by a Constitution, a system of checks and balances, a mechanism judicial, legislative, and executive which permits the continuation of Western civilization's spirited dialogue. This unhampered dialogue makes possible the opportunity to continuously approximate, through our legislative and judicial system, our moral and spiritual goals.

If we desire liberty, we have an obligation to obey the law.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

There is an obligation to that law society. It was stated by Abraham Lincoln in these passionate words: "Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country.... Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars."

Society cannot condone civil disobedience.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

No society whether free or tyrannical can give its citizens the "right" to break the law. There can be no law to which obedience is optional, no command to which the state attaches an "if you please." It is not just to tear down the very system of law that has provided for all the progress we enjoy and progress to come.

Bad laws don't justify breaking down the legal system

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

Our imperfections do not justify tearing down the structures which have given us our progress. The only solution is the free and open law society. In times when man's progress seems painfully slow on any one issue, we might also consider how well we are doing on all issues compared to most areas of the world over most of the world's history.

The rule of law tamed the Wild West.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

The jungle lawlessness of the frontier demonstrated to the pioneers that law was essential to the establishment of civilization. It was not the destruction of the buffalo, or the rise of fences, or fast-draw gunmen that tamed the wilderness. It was the installation of American juridical proceedings that enabled our people to weld together the disparate territories destined to become an organic nation.

The desire for immediate change is irrational and does not legitimize creating injustices.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

"Freedom Now" is an illusion. The desire for self-expression can be satisfied only in an atmosphere of freedom, and freedom is not absolute. It exists only within the necessary restraining measures of society. I wish it were possible to have heaven on earth. I wish it were possible to have the ideals of justice and freedom in all their perfect form at this moment. The cry for immediacy is the cry for impossibility. It is a cry without memory or perspective. Immediacy is impossible in a society of human beings. What is possible is to continue patiently to build the structures that permit the development of better justice. Let us also beware of pat phrases such as "justice delayed is justice denied." Justice delayed is no excuse for antijustice or the destruction of the law system. The fact that particular reforms have not been completely achieved does not justify rejecting legal means-the only hope for lasting achievement.

Describing lawlessness as ‘civil’ disobedience is a contradiction.

Morris I Leibman, “Civil Disobedience: A Threat to Our Society Under Law,” theadvocates.org, adapted from “The Freeman,” 1964, <http://www.theadvocates.org/freeman/920703.html>

What about the concept of "righteous civil disobedience" ? I take it that all men now accept the fact that there can be no justification for violent disobedience under our constitutional system. Is the concept validated when the disobedience is nonviolent? In my opinion this idea has no place in our law society. Parenthetically, I would suggest that you experts in criminal law consider whether there can be "civil" disobedience where there is a specific intent to disobey the law. Such a specific state of mind is ordinarily treated as the essence of criminality, hence not "civil." Therefore, it seems to me that there is an inherent contradiction in the concept of premeditated, "righteous" civil disobedience.

The legal system provides outlets for dissent and change.

Morris I Leibman, “Civil Disobedience: A Threat to Our Society Under Law,” theadvocates.org, adapted from “The Freeman,” 1964, <http://www.theadvocates.org/freeman/920703.html>

The concept of righteous civil disobedience, I think, is incompatible with the concept of the American legal system. This is particularly axiomatic where this society provides more than any other for orderly change; where every minority-including the minority of one-has been protected by a system of law which provides for orderly process for development and change. I cannot accept the right to disobey where, as here, the law is not static and where, if it is claimed to be oppressive or coercive, many effective channels for change are constantly available. Our courts do not have to apologize for their continued dedication to the liberty of all men. Our legislatures have regularly met the changing times and changing needs of the society with consideration for the unalienable rights of all. Even the Federal and state constitutions have been amended. Our law has not only been a guardian of freedom, but the affirmative agent for freedom.

Legitimizing disobedience for any group legitimizes it for all groups.

Morris I Leibman, “Civil Disobedience: A Threat to Our Society Under Law,” theadvocates.org, adapted from “The Freeman,” 1964, <http://www.theadvocates.org/freeman/920703.html>

While the idea of civil disobedience may evoke sympathy where the claim is made that the cause is just, once we accept such a doubtful doctrine we legitimize it for other causes which we might reject. We must be even more careful in the sympathetic case because, in effect, that sets the standard of conduct which then becomes acceptable for cases not as appealing or for groups not as responsible. Thus, we substitute pressure for persuasion and squander the carefully nurtured value of self-restraint and jeopardize the system of law.

A mob of people breaking the law could easily become violent.

Morris I Leibman, "Civil Disobedience: A Threat to Our Society Under Law," theadvocates.org, adapted from "The Freeman," 1964, <http://www.theadvocates.org/freeman/920703.html>

The plain fact of human nature is that the organized disobedience of masses stirs up the primitive. This has been true of a soccer crowd and a lynch mob. Psychologically and psychiatrically it is very clear that no man-no matter how well intentioned -can keep group passions in control.

Condoning civil disobedience, flouting the law, has made it trendy.

Bill Beckel, Civil Disobedience Chic: Or Why Susan Sarandon Isn't Doing Any Hard Time, About.com, Crime/Punishment section, March 26, 1999, <http://crime.about.com/library/weekly/aa032699.htm>

Mahatma Gandhi performed acts of civil disobedience knowing he'd be punished. Nelson Mandela's protests put him in prison for decades. Opposition to the system during the Civil Rights movement could mean beatings or having your body turn up in a shallow grave. This week, it's a photo op. Last month, four NYPD officers fired 41 shots at an African immigrant who was both unarmed and not the man they'd been looking for. It could have been an honest mistake, it could have been racially-inspired, it could have been an act of pure evil, or it could have had degrees of each. Forty-one shots is an awful lot in any case. Even Mayor Giuliani is having trouble putting a good spin on this one. Because it took a month and a half for the officers to be indicted, it was inevitable that there would be protests. And many of those protests led to arrests. The arrest of Congressman Charles Rangel inspired others, such as former NYC Mayor David Dinkins, to get himself arrested as well. The day after Dinkins was arrested, his old political rival, former NYC Mayor Ed Koch, announced that he was going to get himself arrested as well. Not "I'm going to show my righteous indignation at the police shooting an unarmed man 41 times", but "I'm going to get myself arrested." It's not the protesting that's significant, it's the arrest. Were Rangel, Dinkins and Koch taken to Riker's Island, strip-searched, and tossed into cells with unwashed sociopaths who have H-A-T-E tattooed on their knuckles? Or did they smile for both the mug shot camera and the reporter from the New York Post, get a "summons to appear", and go home? Soon, more and more celebrities joined the ranks of the civilly disobedient. Yesterday, there were over 200 arrests. The CNN article on the day's events mentioned, in the headline, that actress Susan Sarandon was among the arrested. This was considered newsworthy. Ms Sarandon sang "We Shall Overcome" as she was led away to her no-consequences arraignment, as if being the latest celebrity arrested had any more significance than being this week's "guest voice" on The Simpsons.

Civil disobedience alienates the mainstream.

Kate Zernike, "Antiwar Movement Divided by Thoughts on Civil Disobedience," Common Dreams News Center, March 19, 2003, <http://www.commondreams.org/headlines03/0319-03.htm>

Those organizers say they agree on the need to step up their protest if war begins, but argue that their actions should take the form of additional demonstrations and vigils and, flooding lawmakers' e-mail accounts, acts that an organizer, Tom Andrews, said were "ways that mainstream Americans are most comfortable with and most receptive to."

"Civil disobedience is one form of expression of one's opposition to invasion, but we feel that it's important to have vehicles that everyone can participate in," said Mr. Andrews, national director of [Win Without War](#), a coalition of 36 organizations that includes the National Council of Churches, the N.A.A.C.P. and the National Organization for Women. "We want to be able to reach the mainstream of Americans, patriotic Americans, with messages and communication techniques that will resonate with them."

Humans have a moral obligation to obey the law- even if it's undesirable.

Michael Sissons, Daily Telegraph, "When civil disobedience is the just response to an unjust law", 8/22/03 <http://www.huntfacts.com/when_civil_disobedience_is.htm>

The standard moral position is summarised by Professor Ronald Dworkin in Taking Rights Seriously (1977): "In a democracy... each citizen has a general moral duty to obey all the laws... He owes that duty to his fellow citizens, who obey laws that they do not like, to his benefit. But this general duty cannot be an absolute duty, because even a society that is in principle just may produce unjust laws and policies, and a man has duties other than his duties to the state."

"A man must honour his duties to... his conscience... And he is entitled, in the end, to do what he judges to be right. If he decides that he must break the law, however, then he must submit to the judgment and punishment that the state imposes, in recognition of the fact that his duty to his fellow citizens was overwhelmed but not extinguished by his... moral obligations."

The media acts as a watchdog on the government to challenge unpopular policies.

Michael Sissons, Daily Telegraph, "When civil disobedience is the just response to an unjust law", 8/22/03 <http://www.huntfacts.com/when_civil_disobedience_is.htm>

The integrity of these objectives is vital. If a government with a huge majority chooses to force through unpopular law, the only effective check is the media, which have so far been virtually without exception fair, tolerant, and balanced on the issue. We believe they would continue to be so in the face of such a campaign decently and responsibly conducted. We would at the same time press to the limit the issues raised under the Human Rights Act.

There's no way to 'flood the system' - there will always be lawful ways to change the law.
Peter Suber, professor of philosophy at Earlham College, Philosophy of Law: An Encyclopedia, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

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.

Blocks

Blocks for Affirmative against Negative arguments:

(A/T = Answers To:)

A/T: Legitimizing one act of civil disobedience legitimizes all acts of civil disobedience.

- 1) Acts of civil disobedience can be distinguished from one another holding each act to different standards such as:
 - a. The end or goal of the act
 - b. The ability of the legal system to solve
 - c. The consequences of obeying the law compared to disobeying it
 - d. Effects on non-participants or innocents
 - e. The degree of moral complicity for not acting
 - f. Effectiveness of achieving public support
 - g. The risk of escalation into violence
- 2) The morality of individual acts of civil disobedience can be gauged by examining each act. Noam Chomsky, "Mayday: The Case for Civil Disobedience," [*The New York Review of Books*](#), June 17, 1971

Nor does it help to say, "But the KKK think that they are right, too." What is important is not whether one who commits civil disobedience thinks that he is right, but rather the harder questions: Is he right? Will the act help to achieve a just end? Would strictly legal means be ineffective? How do the over-all social consequences of obeying the law, in this instance, compare with those of disobeying it? What are the effects on nonparticipants? Are they injured or unfairly inconvenienced (as in many legal actions, say, a strike); and if so, how does this compare to the injury caused by refraining from acts of civil disobedience, if such acts are an effective means to overcome the inertia that (in this case) permits the destruction of Indochina to continue? Are nonparticipants induced by civil disobedience to become criminals, as the absolutist argument against civil disobedience implicitly suggests, or will the act of civil disobedience lead them to explore the social consequences of their own silence and docility? Will the act of civil disobedience serve to direct attention to the action itself and away from its ends, or will it help to overcome the natural tendency to let unpleasant matters recede from view and to trust in authority? Will the acts of civil disobedience enable the executive branch of the government, which is committed to pursuing its horrendous (and, it can be persuasively argued, criminal) actions in Indochina, to mobilize segments of the population in support of domestic repression and international violence, or will these acts contribute to a general distaste for the war and its effects? These are some of the questions that must be asked by those contemplating particular acts of civil disobedience. No doubt they are hard questions, involving uncertain judgments. But appeals to the absolute inviolability of the law do not answer them, any more than does a resort to those alleged principles of democracy which require the Vietnamese to suffer the consequences of the failure of our institutions, our courage, or our decency.

A/T: Civil disobedience leads to anarchy.

- 1) The only way this makes sense is to believe that everyone will engage in civil disobedience.
- 2) Civil disobedience has existed since the creation of laws and most of the population of the world still lives under a type of government.
- 3) Even if true, if civil disobedience prevents nuclear annihilation or extinction, the advantages of civil disobedience still outweigh.
- 4) Despotism is worse than anarchy
Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)
Another reply is a variation on the first. Anarchy may be bad, but despotism is worse (Locke instead of Hobbes). If we face an iniquitous law, then we may permissibly disobey, and risk anarchy, in order to resist the tendency toward the greater evil of despotism. A.J. Muste extended this line of thinking to turn the slippery slope objection against itself. If we let the state conscript young men against their wills to fight immoral wars, then what will the state do next? For Muste, conscription puts us on a slippery slope toward despotism, and obedience would bring us to the bottom.
- 5) Governments will naturally arise from the state of anarchy.
- 6) TURN - This is not relevant to the question of morality. There is no implication to anarchy. There are many schools of thought that argue anarchy would actually be the ideal.
- 7) This type of argument justifies apathy in the face of tyranny as any act of protest risks the collapse of the state. No justice would ever be achieved.
- 8) This argument is mere hyperbole; don't vote on it.

A/T: Legal alternatives exist that are more effective.

- 1) Legal alternatives can take years, if not decades, perpetuating the injustice.
- 2) There is no guarantee the legal system will ever correct the injustice as often the state profits from the injustice and the legal system is a branch of the state.
- 3) Legal alternatives fail to provide the publicity to garner public support, causing any remedy to come more slowly.
- 4) The legal system requires a law be broken for the legal system to address the so-called test case.
- 5) These are not mutually exclusive. Advocates of a cause can use both methods to advance their cause.
- 6) Legal alternatives are unfair in practice.
Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)
Martin Luther King, Jr., who also performed civil disobedience in a democracy, asks us to look more closely at the legal channels of change. If they are open in theory, but closed or unfairly obstructed in practice, then the system is not democratic in the way needed to make civil disobedience unnecessary.
- 7) Civil disobedience must be an option when legal alternatives fail.

A/T: The resolution demands the legitimizing of all acts of civil disobedience.

- 1) If this is true, there can be no debate and the affirmative has no ground. The negative can just describe any repugnant, indefensible act as an act of civil disobedience and the affirmative could never win. This destroys the clash in the round and reduces the educational value of the debate.
- 2) The word always is not in the resolution. Moral statements are never absolute, they are general principles or guidelines. If the affirmative wins that the resolution is mostly true, you still vote affirmative.
- 3) If this is true, the negative can simply then defend conditionally affirming. This again reduces the educational value of the round, as the issues on the negative side of the resolution are never discussed.
- 4) Even if this is 100% true, the advantages to achieving social justice such as preventing nuclear annihilation and extinction still outweigh any example the negative mentions.

A/T Civil disobedience undermines the rule of law.

- 1) Not all laws are morally justified. Thus civil disobedience would be justified to change those laws.
- 2) Laws are broken all the time. For example, people speed, steal, kill, vandalize property etc., but those laws still exist because they have sound moral grounding.
- 3) Civil disobedience isn't a slippery slope to breaking all laws. Breaking one law doesn't justify breaking all others.
- 4) One characteristic of civil disobedience is that the actors are will to accept the consequences of their actions and comply with other laws of the government, which indicates respect for the rule of law. Civil disobedience has certain criteria: illegal, nonviolent, accepting of punishment.

Mark DeForrest, Law Clerk, "Civil Disobedience: Its Nature and Role in the American Legal Landscape" Gonzaga Law Review 1997 Lexis-Nexis

Although civil disobedience does not have a single universally accepted definition, there are several criteria that have been generally recognized as necessary if a particular act of protest is to qualify as civil disobedience. n12 The act must be illegal, "predominately nonviolent," intended to rouse the notice of the community to the illegal action, and for which those engaged are willing to accept punishment. n13 These criteria provide a functional definition of civil disobedience that can be used to evaluate the legitimacy of various acts of social protest.

- 5) There's no impact to losing the rule of law, as long as people respect individual rights, which is what the goal of civil disobedience is, then rule of law isn't needed.
- 6) Protesting actually shows a respect for the law because those engaging in civil disobedience understand the power of the law.

A/T Civil disobedience is potentially violent (one person can't control mobs)

- 1) One characteristic of civil disobedience is non-violence. I don't have to defend violent actions guised as civil disobedience because it's not civil.
- 2) The change of an unjust law outweighs the risk that the protest might be violent. The Declaration of Independence recognizes the right to change the government if it oppressive. Violence is an inevitable outcome of changing oppressive regimes.
- 3) It's empirically denied- sit-ins during the civil rights movements and the women's suffrage movement didn't turn violent.
- 4) Complacency with an unjust law is worse than the violence used to change the law. Waiting to change the law perpetuates injustice. The right to disobey outweighs the risk that civil disobedience might cause more lawlessness.

Peter Suber, professor of philosophy at Earlham College, *Philosophy of Law: An Encyclopedia*, 1999, (<http://www.earlham.edu/~peters/writing/civ-dis.htm>)

Ronald Dworkin replies, in effect, that the descriptive version of the argument is false and the normative version irrelevant. There is no evidence that civil disobedience, even when tolerated by legal officials, leads to an increase in lawlessness. Moreover, rights trump utility. Since (for Dworkin) there is a strong right to disobey certain kinds of unjust laws, and since the slippery slope argument points only to the disutility of disobedience, this is a case of a right in conflict with utility; hence the right to disobey must prevail.

- 5) The negative is arguing mass civil disobedience in which large numbers of people are demonstrating. The resolution only indicates that I have to defend civil disobedience which is on smaller scale than mass civil disobedience, thus mob psychology would not apply.
- 6) The violence civil disobedience can stop, such as war and nuclear holocaust outweigh the violence caused by small acts of civil disobedience.

Blocks for Negative against Affirmative arguments:
(A/T = Answers To:)

A/T: Civil disobedience is effective at achieving social justice.

- 1) TURN - Civil disobedience is counter-productive as it undermines the rule of law, ultimately undermining respect and effectiveness of the laws that protestors are attempting to change.
- 2) TURN - Civil disobedience turns the public against the cause, as the general population will not support law breaking.
- 3) Civil disobedience has lost its effect as the public as grown jaded. Affirming requires protestors to constantly escalate the shock value of their actions to get attention. This risks violence and destruction.
- 4) Once civil disobedience is justified, opposing groups will both use it to cancel out the effect of the other.
- 5) Civil disobedience has not been effective- there were alternate causes for changes. Evelyn Gordon, "Civil Disobedience and Democracy", The Jerusalem Post, Lexis Nexis Academic
HISTORICALLY speaking, civil disobedience has never succeeded in halting, or even disrupting, the mechanisms of state. The British remained firmly in control of India throughout the almost 30 years of Gandhi's civil- disobedience campaign; they left not because they were driven out, but because the British people turned against colonial rule. Nor did Martin Luther King's decade-long civil disobedience campaign ever shake the southern states' governments: Segregation ended when a majority of Americans turned against it.
- 6) Even if civil disobedience has been effective, legitimizing it will cause it to lose its usefulness. This is because the entire value of civil disobedience stems from its shock value and its existence outside of the social norm.

A/T: Civil disobedience is an act of free speech that is constitutionally protected.

- 1) This is false as free speech necessarily means that no one must listen or provide the forum to be heard. Ayn Rand, "The Fascist New Frontier", Pamphlet #10, "Freedom of speech means freedom from interference, suppression or punitive action by the government-and nothing else. It does not mean the right to demand the financial support or the material means to express your views at the expense of other men who may not wish to support you. Freedom of speech includes the freedom not to agree, not to listen, and not to support one's own antagonists. A 'right' does not include the material implementation of that right by other men."
- 2) Civil disobedience is distinct from free speech in that civil disobedience necessarily means breaking the law, committing a crime. Free speech can be fully exercised without breaking the law. Ayn Rand, "The Cashing In: The Student Rebellion," Capitalism The Unknown Ideal, "The difference between an exchange of ideas and an exchange of blows is self evident. The line of demarcation between freedom of speech and freedom of action is established by the ban on the initiation of physical force."
- 3) Equating speech to action risks losing freedom of both. If force against one person can be legitimized, and civil disobedience is necessarily a crime and therefore a type of force, dismissing the rights of the victim means the cancellation of the rights of both parties.
- 4) Not all acts are considered protected speech. Barbara Katz, "Civil Disobedience and the First Amendment" UCLA Law Review, Lexis-Nexis Academic.

In has been accepted for some time that the First Amendment protects certain kinds of non-verbal conduct. This protection dates from at least 1931, when the Supreme Court held that a statute prohibiting display of a red flag as a symbol of opposition to organized government was impermissibly vague. n11 Over the years, the Court has made clear that the First Amendment guarantee of freedom of speech also protects other forms of conduct considered "speech." n12

The Court has made equally clear, however, that not all forms of conduct can be protected as "speech." Thus, for example, in *United States v. O'Brien*, n13 in which the defendant had been convicted of a federal law prohibiting draft card destruction after burning his draft card, the Court rejected the argument that the act was "symbolic speech." The Court stated that it could not accept the view "that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea."

A/T: Civil disobedience prevents violence.

- 1) There is no way this can be absolutely true. The civil disobedience of the Boston Tea Party did not prevent the Revolutionary War. The Underground Railroad did not prevent the Civil War.
- 2) TURN - This is not true; the protestations of globalization have frequently escalated into violence.
- 3) TURN - Often the police must use violence to stop the protests. This means that the protest itself actually sparks unique instance of violence.
- 4) This is not even true of war. Civil disobedience did not prevent the wars in Vietnam or Iraq.
- 5) TURN – Many argue that civil disobedience actually elongates violence such as in war as it heartens the enemy, causing the deaths of more soldiers and innocents.
- 6) TURN – If civil disobedience is a crime, and a crime is a violation of a right, then the act of civil disobedience itself could be considered an act of violence.

A/T: Inaction in the face of injustice equates to moral complicity with the injustice.

- 1) There are many ways to take action other than to break the law.
- 2) Speaking out, writing letters to publications and government officials demonstrates condemnation of the injustice.
- 3) People can participate in protests that bring attention to the problem.
- 4) The law, once changed, will be stronger if it is changed through legal channels as it demonstrates respect for the law.
- 5) One injustice does not excuse the spreading of new injustices such as violating property rights. This only spreads injustice.
- 6) This is only valid if one accepts the collective view of responsibility, which is contradictory. If everyone is responsible, no one is. The only individuals complicit in an immoral act are the perpetrators of it.
- 7) This logic requires complete subversion of the system. By this logic, Harriet Tubman is as guilty for slavery as the slave traders because she obeyed the majority of the laws.

A/T Civil disobedience is part of the United States history.

- 1) Just because civil disobedience is part of US history doesn't make it moral. The US has a history of slavery, murder, and oppression and those aren't moral.
- 2) This does not prove the morality of civil disobedience- this fact has little to no relevance in the debate.
- 3) Civil disobedience wasn't what caused the US to become a great country, it was the rule of law that protected its citizens rights.
- 4) Some example of civil disobedience in the United States has been bombing of abortion clinics, burning of churches, property destruction by environmentalists, and the KKK's vandalizing of African American and Jewish establishments.
- 5) It's not fair to the negative to ignore the negative acts of civil disobedience.

A/T Civil disobedience helps prevent nuclear annihilation.

- 1) Anti-nuclear movements aren't the only acts that could lead to disarmament; the Nuclear Non-proliferation Treaty, the Strategic Arms Reductions Treaties and others have helped slow proliferation.
- 2) Nuclear annihilation would never happen because either nuclear war would be limited, or rational actors wouldn't engage in a full-scale nuclear war, and irrational actors have limited capacity to initiate nuclear warfare.
- 3) Nuclear deterrence has existed as long as nuclear weapons have existed. They also prevent other weapons of mass destruction from being used because nations are afraid of nuclear retaliation.
- 4) The resolution states "in a democracy", but non-democratic states like China and North Korea, have nuclear weapons. Affirming doesn't justify civil disobedience in these countries which means they wouldn't disarm.
- 5) Nation states acquire and maintain nuclear weapons due to regional security threats. As long as those threats exist countries will keep their nuclear arsenals.

Rebuttal Overviews

First Affirmative:

In a democracy, as recognized by the US Bill of Rights, the people serve as the last check on governmental oppression. Ultimately, the responsibility to change the government lies with the people to avoid moral complicity. The only real question is does civil disobedience function to achieve justice. I have proven with my second contention that it does and therefore you must affirm.

Second Affirmative:

Morality must be weighed by its practical consequences on human life. If an action saves lives, it is moral. If it is destructive to life, it is immoral. I have demonstrated two ways that civil disobedience saves lives on a scale greater than anything the negative has presented and therefore you must affirm.

First Negative:

The rule of law is what provides the necessary structure for the maintenance of liberty and justice. It is the best mechanism for protecting individual rights. I have proven that legitimizing civil disobedience for some legitimizes it for all and ultimately weakens the very system of protection needed to achieve any future justice. This undermines the goal of every movement that chooses civil disobedience and therefore you must negate.

Second Negative:

The resolution is an absolute statement as it stands without qualification. Allowing the affirmative to fail to defend particular acts of civil disobedience permits the affirmative to conditionally affirm and subsumes all negative ground. It is not fair to make the burden on the negative impossible because the burden of the affirmative may seem that way. I have proven that certain acts of civil disobedience fail to meet any proper standard of morality and therefore you must negate.

Aff Case (1)

Quote: Gandhi

Value = legit govt.

Criterion = democratic principles

Definitions:

- 1) CD = group's refusal to obey orders to protest
- 2) Democracy = govt Of the people
- 3) Moral = right or wrong
- 4) Justified = valid

Obs I: Adherence to law isn't absolute

x Noam Chomsky

Ex speeding to stop a murder

Cont. I: Civil Disobedience (CD) = necessary check on govt. oppression

A. CD is supported by the Bill of Rights
x Starr

B. CD must be an option to avoid complacency with oppression and enviro destruction
x Starr

C. CD valid when legal Alternatives fail.
x Starr

Cont II: CD worked in Past

A. US has long history of CD
x Maravillosa

B. CD worked to achieve equality and end war.
x Honerich

C. Even if CD = harmful
Complacency w/ unjust
Laws = worse
x Suber

Aff Case (2)
Mechelen- standard of
Morality = human surv-
Ival

Value = societal wel-
Fare

Criterion =human life

Definitions
CD= disobeying law
to influence society to
accept dissent
Demo= govt of ppl
Moral= good/bad
Justified= valid

Obs. I:

Contention I: CD
Prevents nuclear
annihilation

A. CD = part of anti-
Nuclear movement (ANM)
x Starr

B. ANM key to world-
Wide disarm of nukes
X Krieger

C. Possession of nukes
causes nuclear annihilation
xKrieger&McCracken

Contention II: CD prevents
Environmental destruction

A. CD is used as part of
Environmental movements
x Starr

B. Enviro movements are
successful in getting govts
And businesses to change
Policies
x Gordon

C. Enviro destruction will
Mass extinction
XEldridge

Neg Case (1)

Value = societal welfare

xDeclaration of
Independence
(all men = created
equal; have rights)
xUN

Criterion = protec-
tion of rights

Definitions

1. CD = disobeying law
to change laws
2. Demo= govt of people
3. Moral= conforming to
what's right/just
4. Justified= right/valid

Obs I: Rule of Law (RL)
protects freedom
xMorris

Cont. I:

A. Legitimizing for one
Group legitimizes it for
all
xLeiber

B. CD=disrespect
for the law
xLeiber

C. CD risks violence
And destruction
xLeiber

Neg Case (2)

Value = justice (conformity
To truth, fact, sound reason)

Criterion: logical consistency

Obs I: Resolution = universal
Statement about CD (the reso-
lution can only be true if all CD
is moral)

If aff distinguishes between types
Of CD it's abusive because:

1. only conditionally affirms
2. steals all negative ground
3. clash is impossible

Cont I: There are many acts of
CD that can't be morally justified

A. No universal concept of CD
xTiefenbrun

B. Ex 1- Bombing abortion
clinics = CD
xChristian Century/Army of God

C. Ex 2- White supremacists
xWhite Camelia Knights (KKK)

D. Ex 3- environmental terr-
Orism
xWoiceshyn

Negating = recognizing error
In universal justification of CD