# Massimo’s AFF

**Framework**

#### [Resolution] I affirm: Civil disobedience in a democracy is morally justified.

#### [Value] I value justice, defined by people in society voice their opinions against injustices.

#### [Criterion/Standard] Thus, the criterion is promoting equal representation in a society, which is best described as a group of people in society standing up for minorities who don’t have an equal say in the government.

**Prefer this criterion**, since:

There are different views in terms of how a socially inclusive society functions. **“Integration in all its forms may simply imply the existence of a stable community in which people can find a niche.” (Taylor, 2007:3).** This simple expression touches the heart of the definition of social integration and social inclusion, which is: difference among members of society is acceptable. **Social integration or social inclusion does not mean a uniformity of people but a society which has room for diversity and still fosters engagement. To achieve social integration and social inclusion, voices of people and their needs and concerns, need to be heard. Not only some but all members of society with different backgrounds must have a say and a stake in their shared society. This inclusiveness of society creates and maintains stability as well as a readiness to embrace change when necessary.** In order to further our understanding of the concept of social integration and social inclusion, we will begin by taking a closer look at what determines or represents an inclusive society, and why it is important to build such a society. **In very basic terms, “International human rights law requires governments to respect individuals’ civil and political rights – such as their rights to free speech, fair trial, and political participation – and to promote their economic, social and cultural rights – such as their rights to health care and education.”11 In an inclusive society, members not only have the right to education or the right to political participation but actually take part in the process, using the right to education and having a vote that actually counts in a political process. What is most significant in creating an inclusive society is the engagement of the individual in the process by which society is managed, ordered and represented.**

**Defined by the Stanford Encyclopedia,**  **On the most widely accepted account, civil disobedience is a public, non-violent and conscientious breach of law undertaken with the aim of bringing about a change in laws or government policies (Rawls 1999, 320). On this account, people who engage in civil disobedience operate at the boundary of fidelity to law, have general respect for their regime, and are willing to accept the legal consequences of their actions, as evidence of their fidelity to the rule of law. Civil disobedience, given its place at the boundary of fidelity to law, is said on this view to fall between legal protest, on the one hand, and conscientious refusal, uncivil disobedience, militant protest, organized forcible resistance, and revolutionary action, on the other hand.**

**Contention 1**

**[C1] Civil Disobedience has good justifications to defend it.**

My first contention is that it civil disobedience has good intentions in order to promote change in society.

#### [Bowie & Simon 1 ] CD is not ordinarily lawbreaking, it has intent.

**Bowie & Simon :** Bowie, Norman E. [Professor Emeritus, University of Minnesota], and Robert L. Simon [Professor Emeritus of Philosophy, Hamilton College]. *The Individual and the Political Order: An Introduction to Social and Political Philosophy*, Third Edition. Oxford, England: Rowman & Littlefield Publishers, Inc., 1998. MR

**We begin by asking how civil disobedience differs from other kinds of lawbreaking. What is civil disobedience anyway? Intuitively, the act of robbing a bank for personal profit is quite different from the act of refusing to keep classified material secret because one thinks the public will be harmed by such secrecy. This suggests that the key for distinguishing civil disobedience from ordinary law-breaking is that the motivation for civil disobedience is moral concern. One breaks the laws as a moral protest against some action of the state. We shall define civil disobedience as the act of intentionally violating a valid law for the purpose of registering a moral protest against the state.** By emphasizing “intentional,” “valid law,” and “moral protests,” acts of civil disobedience can be distinguished from other acts of lawbreaking that superficially resemble it. **First, it is important to distinguish civil disobedience from accidental or unintentional violations of the law.** Suppose someone aids a seriously ill person by driving him to the hospital in an unregistered car. Even if the driver knows that driving an unregistered car is against the law, the driver is not engaging in civil disobedience. The driver is not challenging the morality of the laws against speeding. If an act of lawbreaking is to be an act of civil disobedience, the act of lawbreaking cannot be simply a by-product or side effect of other actions.

**[Bowie and Simon 2]** An unjust law can arise out of a just state or process, justifying the use of CD.

**Bowie & Simon 2:** Bowie, Norman E. [Professor Emeritus, University of Minnesota], and Robert L. Simon [Professor Emeritus of Philosophy, Hamilton College]. *The Individual and the Political Order: An Introduction to Social and Political Philosophy*, Third Edition. Oxford, England: Rowman & Littlefield Publishers, Inc., 1998. MR

Liberalism, including the version defended in this book, requires that civil disobedience be a prominent area of concern. After all, the core of liberal theory is that within a fair framework provided by the rules of justice and respect for the individual, decisions should be made de matically. **The state provides a fair framework for decision making, rather than enforcing a particular conception of the good life or promoting a specific form of community. In our version of this approach, democracy constrained by a theory of natural rights and by specific principles of justice provides at-best a just procedure for implementing rights claims and for adjudicating conflicts that arise among them. However, just as criminal trials sometimes set guilty people free or even convict innocent ones, so a state operating according to just procedures, including democratic voting, sometimes creates unjust results. With this thought in mind, we must now confront the question of whether or not citizens should break the law if they believe the law-is unjust or to protest injustice committed by the state.**

**[Moore, Hirata, Gordon, Stevens, Fuhs]**CD let’s minorities advocate.

**Moore, Hirata, Gordon, Stevens, Fuhs:** **Moore, Charlie [The founder of Rocket Lawyer, a recovering high-priced attorney who makes legal more affordable and simpler for everyone.] “Civil Disobedience and the Legacy of Rosa Parks” *Everyday Law Staff,*December 1, 2020. MR**

**Hirata, Masami [The Chief Stewart of rocket lawyer’s marketing team, Oversees brand strategy, performance and marketing at Rocket Lawyer.] “Civil Disobedience and the Legacy of Rosa Parks” *Everyday Law Staff,*December 1, 2020. MR**

**Gordon, Amanda [Rocket Lawyer on call attorney, family law attorney at the San Francisco Bay Area of California.] “Civil Disobedience and the Legacy of Rosa Parks” *Everyday Law Staff,*December 1, 2020. MR**

**Stevens, Pamela [The content editor of Rocket Lawyer US, has over 10 year’s experience of editing and writing for top brands.] “Civil Disobedience and the Legacy of Rosa Parks” *Everyday Law Staff,*December 1, 2020. MR**

**Fuhs, Brittany [The contributing author to the Everyday Law Blog at Rocket Lawyer.] “Civil Disobedience and the Legacy of Rosa Parks” *Everyday Law Staff,*December 1, 2020. MR**

**The fact that Parks was arrested (and convicted) for refusing to follow a law that legalized racial segregation tells you all you need to know about the intersection of the law and actual justice. As**Frederick Douglas famously said, “Power concedes nothing without a demand…The limits of tyrants are prescribed by the endurance of those whom they oppress.” Parks, along with other civil rights leaders and activists, realized that the only way to truly bend the arc of history toward justice was to resist Jim Crow laws and other legal barriers to equity.**This spirit of civil disobedience would be a driving force throughout the ongoing struggle for racial justice, embraced by Dr. Martin Luther King, Jr., Malcolm X, John Lewis, and countless others who have literally risked their lives for a better tomorrow. To engage in an act of civil disobedience is to ignore or challenge laws, policies, or other aspects of authority that you believe to be unjust. In fact, virtually all of the social justice advancements made since the founding of the United States, many of which we now take for granted, began with acts of civil disobedience. But, as the arrest of Rosa Parks illustrates, we don’t necessarily have the right to engage in such acts (which, of course, is often the point). When defying unjust laws or unreasonable demands from authorities, there’s always the chance of getting arrested or being met with violence. It’s a risk that civil rights leaders understand and are often willing to take when the only other alternative is to wait for a change that may never come.**

#### [Bowie &Simon 3] Citizens can break their end of the social contract if the state denies natural rights.

**Bowie & Simon 3:** Bowie, Norman E. [Professor Emeritus, University of Minnesota], and Robert L. Simon [Professor Emeritus of Philosophy, Hamilton College]. *The Individual and the Political Order: An Introduction to Social and Political Philosophy*, Third Edition. Oxford, England: Rowman & Littlefield Publishers, Inc., 1998. MR

This leads to our third and ﬁnal point. The contract itself must be a moral one. If Smith promises Jones that Smith will murder Green, Jones cannot hold Smith in violation of his contract should Smith not murder Green. **Similarly, any contract between an individual citizen and the state must be of a moral nature if the contract is to have binding force. The kinds of constraints put on a contract depend on the moral theory that one holds. According to our theory, no contract is morally obligatory if it denies the natural rights of the citizen signees or resolves conﬂicts between rights by unjust procedures. The individual citizen may also be excused from obeying the contract when the state has failed to live up to the provisions in the contract that apply to it. After all, a contract places responsibilities and obligations on both contractors. The systematic failure of one party to carry out its obligations removes the moral obligation on the other party.**

**Contention 2**

[C2] Voter’s oppression makes it hard for minorities to share their voice in legal means, therefore, civil disobedience is the most effective option to promote change. **[**

My second contention is that it is virtually impossible for minorities to use legal means to promote change when experiencing voter’s suppression, which permits civil disobedience in being the only valuable option to provide change in society. Civil Disobedience is a tool in the toolbox that is used when minority voices aren’t heard through legal means.

**[Duignan 1]**Voter Suppression is used as a weapon against minorities

**Duignan, Brian:**Duignan, Brian [A senior editor at Encyclopedia Britannica, He writes about philosophy, politics, law, social science, political theory, and religion.]“voters suppression” *Encyclopedia Britannica,*July 2, 2021. MR

**Despite those gains, intimidation and violence against African American office holders and would-be voters in the South, including beatings and murders, was never completely eradicated. In the 1870s, Northern support for federal intervention in the Southern states to ensure racial equality began to wane, and a series of U.S. Supreme Court rulings, continuing into the 1890s, greatly limited the scope of Reconstruction-era constitutional amendments and civil rights laws. All of those factors combined to enable white Democrats to retake control of all but three Southern states by 1876. In 1877, disputed returns from the 1876 presidential election in those states figured in a secret deal by which Democrats supported the claim of the Republican presidential candidate, Rutherford B. Hayes, to their states’ electoral votes—giving Hayes a one-vote victory in the electoral college over Samuel J. Tilden—in exchange for a pledge by Hayes to withdraw all remaining federal troops from the South, thus effectively ending Reconstruction. During the subsequent three decades, Democratic-controlled Southern states passed laws and adopted state-constitutional amendments that effectively disenfranchised almost all African American voters in the South and imposed a rigid system of racial segregation there, Jim Crow, that would last until the mid-20th century.**

**[Root]**\ When the minority is oppressed, it is challenging to use legal means and legitimate policies in order to cast a ballot.

**Root, Danielle**: **Root, Danielle [The director of voting rights and access to justice the Democracy and Government Reform Team t the Center for American Progress.] “Voter Suppression During the 2018 Midterm Elections” *Center for American Progress,*November 20, 2018. MR**

**In New Hampshire, for example, strict voter registration laws that require those registering within 30 days of an election to prove they live in the ward or town where they are trying to vote were in place on Election Day this year.4 This requirement disproportionately disadvantaged college students, who number more than 90,000 in a state with a voting-age population of slightly more than one million.5 In Georgia, 53,000 voter registrants—70 percent of whom were black—were placed in “pending” status by the secretary of state because of minor misspellings or missing hyphens on their registration forms.6 A federal judge intervened to stop this practice on November 2, 2018—four days before the election—citing the “differential treatment inflicted on a group of individuals who are predominantly minorities.”7 However, those with pending registration statuses were still forced to prove eligibility, including U.S. citizenship, before voting on Election Day, which can be difficult for Americans lacking access to birth certificates, passports, or nationalization documents. During the lead-up to the November elections, Michigan also experienced problems due to the secretary of state’s alleged failure to update tens of thousands of voter registration addresses in the state’s voter registration database.8 Progress Michigan filed a Freedom of Information Act (FOIA) request on October 19, 2018, to learn more about how the error occurred. The secretary of state’s office, for its part, vowed to remedy the mistake, although it is unclear at this time whether this was accomplished.**

#### [Oduor] Non-violent CD has been proven to work throughout history to create more just societies and provide representation for minorities that were oppressed in a democracy.

**Oduor:** Oduor, Rmj. Rmj. [Research Methodology in Philosophy within an Interdisciplinary and Commercialised African Context] “Justifying Non-Violent Civil Disobedience within the Kenyan Context: A Moral Perspective” *Thought and Practice: A Journal of the Philosophical Association of Kenya* 2 Vol.3 No.1, June 2011. MR

**[T]hroughout history,** acts of non-violent **civil disobedience** have **forced a reassessment of moral, social, political and economic parameters. The Boston Tea Party, the suffragette movement, the struggle for Indian immigrant rights in South Africa and the resistance to British rule in India** (both led by Gandhi), **the US civil rights movement led by Martin Luther King, Jr., Rosa Parks and others, American student sit-ins against the Vietnam War, and the resistance to apartheid in South Africa are all instances where non-violent civil disobedience proved to be** an **important** mechanism **for social change** (Brownlee 2007; Zunes 1997, 1999). In the Kenyan context, **[T]he non-violent campaign of Prof. Wangari Mathai** from October 1989 **forced the Ma regime to abandon its plans to build a** sixty-storey **sky-scraper in Nairobi’s Uhuru Park. Her protests, the government's response to them and the media coverage of the events all led foreign investors to withdraw from the project[.]** in January 1990, barely three months after her protests began, leaving the Moi regime with no option except to abandon it. **Similarly, the non- violent strategy of the Release Political Prisoners lobby**, backed by the prisoners’ mothers and other women including Prof. Wangari Mathai in the early 1990s,

**[Velasco]** Civil disobedience is an option in society in order to reach a consensus on rights, since it is a tool for minorities with insufficient power in legislation and government.

**Velasco:** Velasco, Juan Carlos[Author of Unisinos Journal of Philosophy] “Revitalizing Democracy Through Civil Disobedience” *Unisinos Journal of Philosophy* May/Aug 2016 MR

**An adequate interpretation of civil disobedience would be to consider it a complement of the democracy necessary for the creation and maintenance of a participatory political culture. The development of democracy is viable only if the sometimes conflictive but always enriching emergence of dissidence is allowed. Minorities in a democracy do not have to renounce their convictions, but they must avoid any imposition that goes beyond the symbolic coercion of the better argument. The majority can exercise both legislative omnipotence and unbearable moral pressure on the whole of society, eventually breaking any opinion in disagreement. But given that there is no indissoluble and necessary union between the majority and normative rightness, the decision of the majority must always be revisable in light of the best arguments. If democracy entails a cooperative effort in reaching agreements, it is essential for there to be differing, even contrasting opinions so that a rational opinion can arise from the process. Dissent is, as such, as vital as consensus. Dissidence as such has a creative function with a meaning of its own in the political process, and in this context, civil disobedience can come to be an indispensable instrument.**

As an underview, the affirmative only needs to justify CD as an option in a democracy, my burden is not to show that people are obligated to use it or that it is a better option than legal means of protest, thus negative arguments showing that CD is not the best form of protest do not negate, to win the round, I only need to show that CD is a tool in the toolbox of options citizens have a right to use. That means, so long as CD does not actively break moral obligations, we affirm. Further, even if CD is not successful or gains negative attention, those are not reasons to negate. We can still take morally justified actions that others don’t approve of. For example, when Martin Luther King led marches to protest civil rights violations, many in the media demonized him and many members of the public became violent. That is a reason those responses to CD are not morally justified but not a reason CD itself is not. My burden as the aff is to show that the aff itself is justified regardless of whether it succeeds or fails and regardless of whether people agree with it. We don’t determine whether an action is morally justified based on a popularity contest, we look instead at whether it upholds basic rights.