# Brooke’s Neg

## Framework

**[Value]I negate and** **value a just democracy**, defined as upholding equal power in the people and sustaining the basic human rights.

**[Criterion/Standard]**My **criterion**is**respecting the rights of** citizens which makes sure that one individual does not have more power than another.

## Thesis

**[Thesis]**My thesis is that civil disobedience is not morally justified because it undermines a democracy and denies the views of others.

## Contention 1

**[C1]** My first contention is that civil disobedience allows people to justify any broken law as “moral”.

#### [Schlesinger] Civil disobedience doesn’t specify which laws may be broken allowing them to break any law denying the principle of legality.

**Schlesinger:** Schlesinger, Steven R. “Civil Disobedience: The Problem of Selective Obedience to the Law.” *Hastings Constitutional Law Quarterly*, Vol. 3, Fall 1976.

**There is a final difficulty with civil disobedience:** Which laws and how many may be broken in civil disobedience? Once it is claimed, as most of the proponents of civil disobedience do, that the law broken need not be the one protested, then certain questions arise: **Which laws may be broken?**May more than one law be broken? Perhaps many? **May a citizen refuse compliance with all laws—or at least the ones he claims he can break nonviolently—until the claimed injustices are rectified?** Nowhere do the proponents of civil disobedience give a satisfactory answer to this problem; until they do, civil disobedience is a doctrine in search of limits. As noted above, the advocates of civil disobedience regard it as a moral responsibility. But the fatal difficulty in the argument when applied to governments that operate by majority rule is that **the effectiveness and continuance of the regime requires that individuals divest themselves of authority to judge which enacted laws are sufficiently just to warrant obedience. If the regime is worth maintaining and preserving, then civil disobedience is unjustifiable because it undermines the fundamental principles of the regime. Nothing in this essay denies that democratic regimes can and do enact unjust laws. The argument here is that when they do, the citizen who truly supports such a regime must use legal means to seek change in the law.**

This outweighs the aff because civil disobedience therefore gives people an excuse to breaking laws and sets a precedent that it is okay to go against the government. This subverts the image of a democracy.

## Contention 2

**[C2]** My second contention is that civil disobedience appeals to a moral principle that relies on an individual’s conception of morality which denies other people’s views, which goes against the rights of citizens in a democracy.

**[Smith]** Civil disobedienceallows people to act in the manner they see fit even if it is contrary to another’s conception of justice. This would specifically harm minority groups since their conception of morality will be drowned out by the majority.

**Smith:** Smith, Delbert D. [Attorney] “The Legitimacy of Civil Disobedience as a Legal Concept.” *Fordham Law Review*, Volume 36, Issue 4, 1968. AK

**The risk that others will act in a similar manner to one who is being civilly disobedient creates another limitation: "We cannot devise a neutral rationalization assigning to ourselves such powers of judgment (as to which laws are just) without at the same time granting them to our fellow citizens, whose views as to justice and injustice may not be the same as ours."" It is obvious that chaos would follow if everyone would decide to disobey any law that he found he did not agree with. As a matter of fact, it is highly unlikely that everyone, or even a large number of people, will begin to act in a disobedient manner, but the possibility does exist. The person who acts in a civilly disobedient manner asks the rest of us to trust him and suggests that we go along with him. "[H]e dramatizes the fascinating and fearful possibility that those who obey the law might do the same."'1 2 This restriction creates difficulty inasmuch as any act of civil disobedience, if participated in by a majority of people would lead to chaos, and hence lose any characterization as a ritual act of civil disobedience.**

The impact of this being that civil disobedience appealing to a moral principle relies on an individual’s conception of morality which justifies the destruction of order in society and overpowers the views of others.

My burden is to show that cd is collectively bad. Specific examples of CD being effective do not affirm, because the resolution states whether CD is morally justified, not whether its effective. In examples shown in CD like the Unite the Right rally and by George Wallace’s take on the action, we can see that CD is an act of bad citizenship, because not only does it violate the legal system, but it diminishes the purpose of democracy in total. In the Unite the Right rally in 2018, white supremacist in Virginia protested the removal of General Robert E. Lee statue, chanting racist and antisemitic slogans. Governor George Wallace blocked the entrance to a white-only school in 1963, preventing black students from entering. Both of these examples of CD show peaceful protesting that had a negative effect on democracy and society, thus concluding that CD is not collectively morally justified.

## Frontlines

Civil disobedience creates bad media attention- 1979 Al Sharpton 🡪 Brooklyn bridge incident.