# The Radical Aff: CD

## Framework

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

I affirm and value Justice, defined as the principle received that is deserved.  As is deserved in each democratic and just society, my criterion is Social Equality.  Social equality is demonstrated in a society in which no one group has a political, economic, or social advantage over another.

## Advocacy

**I affirm:** Civil disobedience in a democracy is morally justified.  Stanford Encyclopedia of Philosophy defines civil disobedience as a public, non-violent and conscientious breach of law undertaken with the aim of bringing about a change in laws or government policies.  As well, Stanford defines morality as a code of conduct that, given specified conditions, would be put forward by all rational people.  Merriam Webster defines justified as having or shown to have a just, right or reasonable basis.  Therefore, one could assume moral justification as a process in which a person or peoples would evaluate rational beliefs under the precedent of difficult circumstances.

**Contention 1**

[Greene]My first contention is that Civil Disobedience allows minorities to voice their concerns even if they don’t have the proper education that other, upper class citizens may have.

**Greene:**  Greene, S. Sara. [Sociologist and legal scholar at Duke Law] “Race, Class, and Access to Civil Justice” Duke Law, 2016. CZ

**Existing research indicates that members of poor and minority groups are less likely than their higher income counterparts to seek help when they experience a civil legal problem.** Indeed, roughly three-quarters of the poor do not seek legal help when they experience such problems. **Inaction is even more pronounced among poor blacks.** This Article uses original empirical data to provide novel explanations for these puzzling and troubling statistics. This study shows, for the first time, a connection between negative past experiences with the criminal justice system and decisions to seek help for civil justice problems. For those familiar with the law, civil and criminal law are separate categories across which experiences do not generalize, any more than a negative experience of subways would lead one to avoid driving.

**[Thompson]** Even in the event that a minority attempts to educate themselves, the legal system ensures that their hopes will not be met.

**Thompson:**  Thompson, Erin. [Assistant professor of art crime at John Jay College] “Law Schools Are Failing Students of Color” The Nation, June 5, 2018. CZ

**On average, minority students end up in lower-ranked law schools, which they pay more to attend** than white students, **resulting in higher debt** burdens**.** **Minority law graduates have lower bar-exam-passage rates, employment rates, and income levels.** Given the intense competition for paid social-justice positions, **few of them will end up in careers where they can support themselves while fighting for the ideals that brought them to law school in the first place.**

**[Stanford]** For minorities CD is an effective option in incorporating change.

**Stanford:**  [private research university] “Montgomery Bus Boycott” The Martin Luther King, Jr. Research and Education Institute, . CZ

The roots of the bus boycott began years before the arrest of Rosa Parks. **The Women’s Political Council (WPC), a group of black professionals founded in 1946, had already turned their attention to Jim Crow practices on the Montgomery city buses.** In a **meeting with Mayor W. A. Gayle in March 1954, the council's members outlined the changes they sought for Montgomery’s bus system:** no one standing over empty seats; a decree that black individuals not be made to pay at the front of the bus and enter from the rear; and a policy that would require buses to stop at every corner in black residential areas, as they did in white communities. **When the meeting failed to produce any meaningful change, WPC president Jo Ann Robinson reiterated the council’s requests in a 21 May letter to Mayor Gayle, telling him, “There has been talk from twenty-five or more local organizations of planning a city-wide boycott of buses”** (“A Letter from the Women’s Political Council”). **A year after the WPC’s meeting with Mayor Gayle, a 15-year-old named Claudette Colvin was arrested for challenging segregation on a Montgomery bus. Seven months later, 18-year-old Mary Louise Smith was arrested for refusing to yield her seat to a white passenger.**

## Contention 2

**My second contention** is that CD ensures a check on majority rule, guaranteeing equality for each group of citizens and the state in a democracy.

**[Bowie & Simon 1]** CD creates just societies since it is a catalyst for change.

**Bowie & Simon 1:** 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. CZ

The democratic state constrained by general and particular principles of justice may be generally reliable but, nonetheless, imperfect in performing its functions of implementing the natural rights claims of its citizens and of resolving disputes among right claims. In such a state, justified acts of civil disobedience would not occur with great frequency. Nonetheless, in a state where the achievement of justice is at best imperfect, we believe that civil disobedience has a central place. **First, civil disobedience gives an opportunity for individual citizens to make a moral appeal to their fellow citizens when they believe that the institutions or practices of a state have violated their rights.** Civil disobedience does not accrue solely to the civil disobedient, however. There are also substantial potential benefits for the state. The civil disobedient may well be able to show that certain state actions are unjust. **Hence, the disobedience will provide the catalyst for reform. Given that the purpose of the state is to provide justice, a civil disobedience who succeeds in pointing out an injustice in civil procedures is a good citizen and not an ordinary lawbreakers.** Even if the civil disobedience should fail in the attempt to convince the state that an injustice has been done, the disobedient still fills the role of good citizen. Because of such disobedience, what the state is forced to reexamine its policies and to be ever vigilant against situations where state activities do create injustice**. A state that is constantly challenged is more likely to be a just one. As rigid patterns of thought need to be challenged and reexamined if the best kinds of intellectual activity are to prevail, so must the patterns of the state be challenged if the ideal of justice is to be approached.** The civil disobedient serves as the analogue of an intellectual gadfly. In this sense, our view of civil disobedience is clearly in the tradition of Socrates. The civil disobedient is not an enemy of the state; rather the civil disobedience, as Socrates argues, is a good citizen.

**[Bowie & Simon 2]** In order to check the majority rule of the government, citizens can utilize a form of CD to end the social contract if the state denies natural rights.

**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. CZ

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.**

#### [Women’s March] Furthermore, during the Women’s March in 2018, protestors were angered by the injustices commonly practiced by the U.S. Immigration and Customs Enforcement agency, and trespassed on Capitol Hill. These practices include separating families, placing children in cages, and sexual, physical and emotional abuse. Nearly 600 protestors were arrested for trespassing after recognizing the State’s failure to secure the right of liberty to families affected by ICE.

## Contention 3

#### [C3] My third contention is that the usage of CD as a tool for political change creates less violence and chaos in the country.

#### [Hartford] Repetition of CD, especially protests, draws attention from a multitude of sources, which allows minorities to coalesce and liberate themselves

**Hartford proves:** Hartford, Bruce. [Civil rights worker for the Congress of Racial Equality and then on the Alabama and Mississippi field staff of Dr. King's Southern Christian Leadership Conference (SCLC)] “Civil Rights Movement History.” No date. EV.

are two Black colleges in Greensboro NC. In the Fall of 1959, **the Bennett College NAACP chapter** **discusses strategies and tactics for opposing segregation**. The young women seek information from the Oklahoma City NAACP, which had previously used **nonviolent direct-action to desegregate local restaurants.** They decide to target the Woolworth's lunch counter in downtown Greensboro because it is part of a national chain that Blacks all over the country patronize. The president of Bennett advises them to hold off until after the long Christmas break, so that their campaign does not begin, and then lose momentum when the students return home for the holidays On February 1, 1960, four Black men from NCA&T — Ezell Blair Jr, Franklin McCain, Joseph McNeil, and David Richmond — **sit down at Woolworth's “whites only” lunch counter and ask to be served coffee and doughnuts. They are refused. Though they are prepared to be arrested that does not occur. They stay until the store closes. The next day they return, now joined by Billy Smith, Clarence Henderson, and others. They sit from 11am to 3pm but again are not served.** While they wait, they study and do their school work. The local newspaper and TV station cover this second sit-in. At first they call it a “Sit Down,” but soon everyone is using the term “Sit-In.Greensboro sit-in, February 2nd. — The Greensboro students activate the telephone networks that had been built over the preceding months, and word is flashed across the South — from one Black campus to the next — Sit-In! Greensboro, North Carolina! **Suddenly everyone is aware that Black students have openly defied a century of segregation Greensboro students form the Student Executive Committee for Justice to sustain and expand the campaign.** The Greensboro NAACP endorses their action. On February 3rd, more than 60 students, now including women from Bennett who have returned from break and students from Dudley High School, **(cause and effect ) occupy every seat at the Woolworth's counter in rotating shifts for the entire day.** The Ku Klux Klan also learns of the sit-in, and led by George Dorsett — North Carolina's official State Chaplain — they heckle and harass the students. The students are not deterred. In the following days their number grows — including white students from Womens College (now University of North Carolina) — and the sit-ins spread to Kress and Walgreens lunch counters, and then to other Greensboro restaurants. **Sit-ins, picket lines, and boycotts continue off and on as negotiations get under way, the lunch counters are closed and reopened, and public opinion weighs in. (Woolworth and Kress stores )in the North and West are boycotted and picketed in support of the sit-in movements that are now spreading across the upper and mid South, Atlanta, and New Orleans.** When the college students leave for the summer, Dudley High students carry on. Finally, in July, the national drugstore chains agree to serve all “properly dressed and well behaved people,” regardless of race. Sit-ins Sweep Across the South (1960-1964)The Greensboro sit-in on February 1st is the spark that ignites a raging prairie fire, a fire for justice that the forces of the old order cannot suppress. First by word-of-mouth, and then via media coverage, the news flashes across the South. Black students defy segregation! In the following week, students in other North Carolina towns — Charlotte, Winston-Salem, Durham, Raleigh, Fayetteville, and others — pick up the torch and begin their own sit-ins at local lunch counters and restaurants.On February 10, sit-ins spread to Hampton VA, on February 12 to Rock Hill SC, and on February 13, Black students in Nashville TN began a desegregation campaign that lasts for years. By the end of February there have been sit-ins in more than thirty communities in seven states. By the end of April, sit-ins have reached every southern state. **By year's end, more than 70,000 men and women — mostly Black, a few white  have participated in sit-ins and picket lines.** More than 3,000 have been arrested.Most of the sit-ins are preceded by careful planning and training in the tactics of **Nonviolent Resistance, and are characterized by strict discipline  on the part of the protesters that reduces the effects of physical assaults and provides a clear, powerful message.** Some sit-ins, however, are spontaneous and lack of training in nonviolent tactics sometimes results in demonstrators retaliating when attacked by racists. That gives the cops an opportunity to arrest the sit-ins (not the racist attackers) on violence-related charges (with higher bail and stiffer sentences), and for a hostile local media to discredit the protests.There had been earlier sit-ins in Oklahoma, Kansas, Baltimore, Miami, and cities in the North. And there had been previous student protests against segregation in the South — such as those in Orangeburg in 1956 — but after the first sit-in on February 1, it is as if a dam has broken, and the waters that had steadily been building up are suddenly unleashed. Often the action takes place near college campuses where students have been talking and quietly organizing; sometimes it takes place where there has been almost no preparation. And everywhere, **new people became involved who have not been to meetings and who have never thought of themselves as activists before they participate in their first sit-in.**

**Impact:** Once the form of sit ins, and other nonviolent ways are used to express civil disobedience when it occurs, increasing amount of people support the act. People’s ideas and thoughts are expressed throughout the use of peaceful sit- ins. Realization from the outside is set upon and changed to make society equal. And when other people realize the issue, they join and help change the problem.

## Contention 4

#### [C4] My fourth and final contention is that what is legal is not always moral – just actions should be based on set principles of morals, not by the bindingness of the law.

#### [Buck v Bell] This is best illustrated by the 1927 case “Buck vs Bell”. The state of Virginia tried forcefully sterilizing an institutionalized inmate in a state facility named Carrie Bell. Although Mrs. Bell sued to prevent the operation, on an 8-1 decision the court struck down the legal challenge, and the majority opinion read: “the principles that sustain compulsory vaccination is broad enough to cover cutting the fallopian tubes, three generation of imbecilic are enough.” This ruling promoted the inhumane Eugenics Movement defined, as the belief the best people with heritable traits need to breed with each other and the worse need to stop breeding because of their inferior heritable traits.

#### [Garlikov] Further, in situations where the law is morally reprehensible, such as with the Fugitive Slave Act in the United States or laws in Nazi Germany, citizens have a moral obligation to prevent injustice by civilly disobeying

**Garlikov:** Garlikov, Rick. [Teaching Fellow, University of Michigan, Ann Arbor, MI; Introductory Philosophy, Political Philosophy, Logic] “Morality and Law.” No date. EV

Second, **some laws are immoral, usually because they are unfair but sometimes because they are counterproductive or harmful; in some cases, egregious and reprehensible. Many laws about Jews in Nazi Germany and many laws concerning women and blacks in early U.S. law were morally wrong. Many apartheid laws in South Africa were morally wrong**. But there have also been government programs set up by law that simply mistakenly harmed the people they were intended to help, such as aspects of the welfare rules that ended up trapping people in poverty rather than assisting them to escape it.  **Laws, or a legal system with a lack of adequate laws, can also have wrong or immoral consequences even if the contents of particular laws are not unjust.** For example, **laws concerning evidence and procedure in courtrooms often lead to acquittals of obviously guilty defendants**, and sometimes **to convictions or continuing sentences and punishment of known or likely innocent ones. There is no reason to believe that just because a law passes, it is for the best or that it is right or moral**, even if the people passing it think it is. If one were to be charitable about legislators, one might perhaps be able to argue that they pass those laws they believe to be right, whether those laws actually are right or not, but I think there is sufficient evidence legislators will often pass laws for political reasons -- to win or keep political support from those whom the law favors or to whom it panders -- even though they know the laws are bad or wrong**.** Either way, however, sometimes bad or immoral laws get passed which are perfectly legal.

**Since people need the ability to have a say in the conditions that govern them and reject laws that are blatantly immoral, I affirm, and stand ready for CX**