# Ben’s AFF

### Framework

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

#### [Value] I value equality, meaning no one is treated worse than another no matter what they look like or what they identify as.

#### [Criterion] since everyone deserves equal opportunity, my criterion is putting checks on government. We define putting checks on government as stopping unfair governmental actions

## RTPs

Prefer this criterion because

#### First, my criterion is a fundamental part of democracy due to the checks and balances required in a democracy.

#### Second, without everyone being equal democracy could not exist because then not every group of people are being seen.

### Advocacy/Interpretations

#### I affirm: civil disobedience in a democracy is morally justified. Meriam Webster defines civil disobedience, abbreviated “CD,” as “refusal to obey governmental demands or commands especially as a nonviolent and usually collective means of forcing concessions from the government”.

To have the same understanding of the resolution we provide the following definitions

Meriam Webster defines democracy as “government by the people”.

### Contention 1

#### My first contention is that CD stops oppressive government action by bringing attention to injustice through use of the media.

This is true for two reasons. First media always covers the new and interesting stories and cases so this would catch the eye of the media and news. Second the media wants to show it supports the fight against injustice so it will be posted about or talked about.

#### [Repetto] Civil disobedience is covered by the media

[Repetto]: Repetto, Elettra. [Part of the editorial team of Rights! and MeltingpotEurope] “Duty to disobey? A perspective on the new civil disobedience, between international actors and digital media” In *European Master’s Degree In Human Rights and Democratisation*, 2014-15. <https://repository.gchumanrights.org/bitstream/handle/20.500.11825/228/Repetto_2014%ef%80%a22015.pdf?sequence=1&isAllowed=y> BZ

It is an illegal act performed by an agent, in general by a minority group4 , that wants to be heard by the majority that normally is out of reach and/or does not pay attention. But the act is directed also to gain the attention of the public opinion, to draw its interest on a certain issue. Indeed, that was the case for women’s and black people rights movements in the USA in the 1960s. Being the majority the entity in power, the one that represents the res publica, in the Latin sense of common thing, this communication cannot be, but public. As Brownlee says “we breach the law for the purpose of communicating our condemnation of a law or a policy5 .” Our act is public, not private, although it can be planned secretly. The minority expresses itself publicly since it has some requests, some complaints: it wants to be heard in order to obtain something, to start a change in the entire society. Being the disobedient agents a part of the community6 , gathered together as such and not simply as private individuals, and the recipients of the message the ones that run the system, any kind of communication between the two has to be, and is, naturally, in foro societatis. It is precisely the publicity of these acts that empowers people, and obliges those in power to somehow answer to the disobedients. They are clearly confronted with their deeds and they cannot escape from the public opinion in this way. The publicity of an act of civil disobedience is then the precondition for engaging in a dialogue with those we are confronting. We do publicly disobey so, to expose our complaints and wait for a political answer. Civil disobedience, precisely as a political act, once again has to occur then in the public space, be it physical or digital. This is the case of course, given that through civil disobedience actions, the aim of those that disobey, as moral agents, is to change partially the society, to change those aspects considered unjust and unfair not simply for a private interest. So, a civilly disobedient act is public not simply because it is performed in public, it is public in the first place because the very same relation between the two subjects, the challengers and the power holders, makes sense only in the public sphere where people are not simply individuals with their differences and idiosyncrasies, but rather agents endowed with certain rights and subjected to certain duties. This means that an act of civil disobedience is communicative by nature and consequently public given the subjects and the content of its claim. In addition to this, publicity serves another aim, namely letting people know about the movement, even more about the problems that pushed people signing petitions first and occupying the streets later. Publicity is then a way to inform people, to spread the news over something otherwise not necessarily discussed in a proper way or not at all, having at the same time the effect of advertising the movement. Greenpeace actions usually gain a lot of media attention, precisely for their being so creatively public. In fact Greenpeace “uses peaceful protest and creative communication to expose global environmental problems and to promote solutions that are essential to a green and peaceful future7 .”

Impact: People start standing up for this because others see it as right as well causing the government to be pressured into change.

#### [Neetz] Media pressures policy makers to act

[Neetz]: Neetz, Michaela. [Has masters of public policy] “The Influence of Public and Media Attention on Policy: Applying the Issue-Attention Cycle to Radon in Canada” In *the Johnson-Shoyama Graduate School of Public Policy University of Saskatchewan Saskatoon*, 2021. <https://harvest.usask.ca/bitstream/handle/10388/13412/NEETZ-THESIS-2021.pdf?sequence=1&isAllowed=y> BZ

The policy window represents an opportunity for action, when the three streams can be brought into alignment. Policy windows generally open due to a change in the politics or problems stream, and as quickly as policy windows open, they also close. When an issue peaks in media and public attention it can open a policy window. The policy window may close when public attention fades and pressure on policymakers to act decreases or when the realization of cost diminishes political will to act. In June of 2014 when the CBC released an interactive radon risk potential map a policy window opened. The media brought attention to the issue of radon and presented the Health Canada data in a way which had not been done before. The presentation of the data as an interactive map made the data more readily interpreted by the public and policymakers, magnifying the indicators of this issue in the problems stream. The media push and subsequent rise in public attention opened the policy window, and increased pressure from the public on policy makers. This open window lead to further success of the National Radon Program to garner attention, especially when it came to building relationships with provinces, municipalities and other stakeholders (Kelley Bush, Interviews). Radon made it onto the government agenda however it did not ascend to the decision agenda. Although a policy window opened in 2014, no policy change was measured. The problems, politics, and policy streams were aligned at this time however it was not possible to identify a policy entrepreneur. The lack of a policy entrepreneur means that the streams may not have been coupled and could be a factor in the issue failing to reach the decision agenda. There are other reasons why the policy window may have closed, ending the opportunity for policy action. For example, there may have been a lack of policy options available in the policy stream (Kingdon 2003). In 2014 it was difficult to discern policy attention at the provincial and municipal level, while the National Radon Program was still working to raise awareness and build networks (Deepti Biljani, Kelley Bush, interviews). Furthermore, as the issue-attention cycle suggests, the decline in attention may have also signalled a decrease in public pressure on policy makers and a loss of political will to act. This kind of change in the politics stream also could have closed the policy window.

Another example of this is after the death of George Floyd videos of police brutality were all over the media causing people to protest against police brutality. This caused so much attention that even the president recognized it.

## Contention 2

#### My second contention is that CD causes re-examination of unjust laws because it gives people the ability to speak out Infront of a judge.

This is true because after CD happens the person responsible must go to court and they get their reasoning for breaking the law heard and cause change of the law to be considered

#### [Velasco]: it is the duty of the people to resist unfair laws.

[Velasco]: Velasco, Juan Carlos. [Commercial Director at Atlas Industries] “Revitalizing democracy through civil disobedience” In Filosofia Unisinos Unisinos Journal of Philosophy, 2016.BZ

Numerous political scientists, sociologists, philosophers of law, and moral philosophers have shown a keen interest in the many theoretical and practical questions raised by this expressive form of political dissidence. Among the questions that capture the attention not only of specialists but also of politically conscious citizens, some, like the following, are especially relevant: Is the citizen bound to uncritical obedience to a democratically elected government? Under what circumstances can one refuse to obey a government or a law created through democratic procedures? Can one as a citizen or member of a minority group embark on acts of civil disobedience in order to change the laws to which one theoretically consented, or must one wait for the next election to express one’s disagreement, given that these laws—again, theoretically—constitute the express will of the majority? Must a democratic society be tolerant with regard to illegal forms of protest? Who is the more exemplary citizen, one who complies with everything the established powers dictate or one who disobeys whatever contravenes the sense of justice proclaimed in constitutional writings? Obviously, it is not this paper’s intent to answer such a variety of questions but rather only to create a theoretical–practical framework that will allows one to take a reasoned position. For different individuals or groups that at any given moment are part of a minority, the exercise of civil disobedience represents a way to firmly though peacefully express their disagreements with the opinion of the majority. In totalitarian regimes, dissidents do not normally have many opportunities to demonstrate without putting their personal integrity at risk. Under such circumstances, it might be more appropriate to act more radically, and not necessarily respectfully towards the authorities and their more-or-less arbitrary regulations. It is in democratic societies that civil disobedience is most commonly exercised. However, this statement contains a paradox: the actors of civil disobedience normally give reasons of a moral nature precisely against a system that can assert its superiority over any other real form of government in virtue of embracing important elements of the moral discourse in question. The democratic process is only recognizable if it facilitates the exercise of popular sovereignty—through the application of majority rule—and the effective enjoyment of human rights. If it is accepted that the democratic procedure of decision-making is greatly analogous to the procedure of moral discourse, and in that sense the corresponding solutions can be morally justified, it would not seem reasonable to call into question the results of this procedure and try to politically justify civil disobedience. However, the contrast with the disappointing practice of many real democracies unfortunately renders this type of dissidence much more acceptable. Civil disobedience is not the only non-institutionalized political instrument to express rejection of the decisions of the majority and/or the established power. There is at least one more radical form of opposition to the law that has a long tradition: the right of resistance (see, for example, Kaufmann and Backemann, 1972). An important historical precedent can be found in 16th-century controversies about the limits of the sovereign’s absolute power and the defence of tyrannicide, all within a discussion about legitimate domain. Throughout the 18th century, the notion of resistance to established power rids itself of its feudal burden and can be characterized as revolutionary disobedience, in that it tried to radically subvert the reigning status quo, modify the legal code, and change the direction of the government. Thus, the right to resist oppression was proclaimed in the Declaration des Droits de l’Homme et du Citoyen of 1789 by erudite philosophers as a guarantee of protection of other rights (freedom, property and security). There is oppression, which, in the context of this declaration, equals bad government when power does not restrict itself to the end of all political association, that is, to the guarantee of the rights of human beings and citizens. As such, according to the same historical context, the right to resist presents a peculiar statute: In legal terms, the right to resist is a secondary right in the same way as secondary norms provide for the protection of primary norms: it is a secondary right which is triggered at a secondary stage when the primary rights of liberty, property and security have been trampled on. The right to resist is also different in that it is triggered to protect the other rights, but cannot itself be protected, and therefore is exercised at one’s own risk (Bobbio, 1996, p. 84). With the notable exception of the Basic Law for the Federal Republic of Germany, references to the right to resist do not normally appear in contemporary magnae cartae, as it is felt that its recognition implies being outside of the system itself, an argument that was defended by Kant with his usual rigor (see Kant, 2007, p. 176-182).2 Another significant exception, now in international legal texts, is the Universal Declaration of Human Rights, the United Nations document that for more than fifty years has established the guidelines of the debate and action about human rights on an international level (see Hunt, 2007, p. 204-206). The preamble of the UDHR states why the document came into being: “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”.

An example of this would be at the end of the civil rights movement the laws was changed from separate but equal to cannot be separate because due to much CD being used they relised there cannot be equality with separation.

[Impact]: laws can be reviewed and changed after the case of the oppressed is heard

## Under view

As an under view 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 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 would only need to show that CD is a tool in the toolbox of options citizens have the 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 MLK lead 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 were not morally justified, but not a reason CD itself wasn't . My burden as the aff is to show that the aff itself is justified regardless of whether it succeeds or fails, and regardless of what other people think of it. We don't determine whether an action is morally justified in a popularity contest. We look instead to whether it upholds basic rights