

## **Intro**

- This is a sample Neg case on the topic “Resolved: In a democracy, civil disobedience is morally justified.”
- We chose this topic because it’s a frequently debated novice topic, especially on the East coast.
- This was a case written by a novice, which enhances its simplicity. Notice the different parts of the case—try to be conscious of the different portions here to learn from it.
- Note that the case is not very long—this is to allow ample time for answering the Aff’s case.

## Case

I negate and value a **Just Democracy**, defined as a representative system that gives each her due.

Since democracies are designed to hear all voices, their integral feature is that they don't prioritize one person over another. Thus, my criterion is **Maintaining Equal Representation**. **Maintaining Equal Representation** means giving all people the same structural ability to check the government.

Prefer this criterion because:

**First**, it has the strongest link to justice, as it ensures that no one is being undermined or overlooked. If representation is equal, citizens at least have the chance of making their voices heard and receiving their due.

**Second**, my standard links best to the topic's context of democracy, since these governments are meant to incorporate all people into their decision-making calculus.

Prefer context-specific standards to generic frameworks, since those linked to the topic are likeliest to prove it true or false.

**My thesis and sole contention is that democracies should cater to all, not just the loudest. By letting citizens arbitrarily break laws, Civil Disobedience unjustly denies equal representation in two ways.**

**First**, it tries to mold an entire society to fit a single person's views. In fact, no individual has the right to place himself above others, since no voices are inherently more valuable than the rest.

**Lewis Van Dusen 1, writes :**

Citation: Van Dusen Jr., Lewis; *Civil Disobedience: Destroyer of Democracy*; American Bar Association Journal, Vol. 55, No. 2 (FEBRUARY 1969), pp. 123-126

Finally, [T]he greatest danger in condoning **Civil disobedience** as a permissible strategy for hastening change is that it **undermines our democratic processes**. To adopt the techniques of **civil disobedience** is to **[by] assume[ing] that representative government does not work. To resist the** decisions of courts and the **laws of elected assemblies is to say that democracy has failed. There is no man who is above the law, and there is no man who has a right to break the law. Civil disobedience is not above the law, but against the law.** When the civil disobedient dis- obeys one law, he invariably subverts all law. **When the civil disobedient says that he is above the law, he is saying that democracy is beneath him. His disobedience shows a distrust for the democratic system. He is merely saying that since democracy does not work, why should he help make it work.** Thoreau expressed well the civil disobedient's disdain for democracy:

By advocating breaking the law instead of waiting one's turn, affirming sets a precedent of breaking the law instead of working through it.

**Van Dusen 2 writes:**

Citation: Van Dusen Jr., Lewis; *Civil Disobedience: Destroyer of Democracy*; American Bar Association Journal, Vol. 55, No. 2 (FEBRUARY 1969), pp. 123-126

“There are many civil rights leaders who show impatience with the process of democracy. They rely on the sit-in, boycott or mass

picketing to gain speedier solutions to the problems that face every citizen. But **[W]e must realize that the legitimate**

**pressures that won concessions in the past can easily escalate into the illegitimate power plays that might extort demands in the future.** The victories of these civil rights leaders must not shake our confidence in the democratic procedures, as the pressures of demonstration are desirable only if they take place within the limits allowed by law. Civil **rights gains should continue to be won by the persuasion of** Congress and other **legislative bodies and by the decision of courts.** Any illegal entreaty for the rights of some can be an injury to the rights of others, for mass demonstrations often trigger violence. **Those who advocate taking the law into their own hands should reflect that when they are disobeying what they consider to be an immoral law, they are deciding on a possibly immoral course.** Their answer is that the process for democratic relief is too slow, that only mass confrontation can bring immediate action, and that any injuries are the inevitable cost of the pursuit of justice. Their answer is, simply put, that the end justifies the means. **It is this justification of any form of demonstration as a form of dissent that threatens to destroy a society built on the rule of law.”**

Just as students in a classroom have to raise their hands instead of calling out when they want to be heard, protestors must use the available channels, or else they get special treatment others are denied, which unjustly violates equal representation.

**Second, Civil Disobedience discourages the use of legal means, limiting their effectiveness and denying equal representation and justice.**

Legal means are inexhaustible: if letter-writing doesn't work, protestors can simply try another means, like using petitions or canvassing. If one method doesn't work, they can find another, or simply try again.

Peter Suber writes

Citation: Suber, Peter.; *Philosophy of Law: An Encyclopedia*; Garland Pub Co., (1999), pp. 110-113

**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.**

Civil Disobedience discourages the use of such means, letting citizens use law-breaking as a short-cut. This creates a cycle of learned helplessness, as people convinced that legal means don't work, and therefore don't try to use them. As a result, affirming promotes denials of equal representation when more just alternatives are available.