


Isegora Briefs

NCFL Nationals 2025

Prepared by the Isegora Briefs Team



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opportunity in
debate through
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NCFL Nationals 2025

Resolved: Civil disobedience in a democracy is morally justified.

Notes

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Goodluck debating!

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Topicality

Deliberate Lawbreaking

Civil disobedience is a principled and deliberate act of lawbreaking.

Delmas 24 [Delmas, Candice and Kimberley Brownlee, "Civil Disobedience", The Stanford Encyclopedia of Philosophy (Fall 2024 Edition), Edward N. Zalta & Uri Nodelman (eds.), URL = <<https://plato.stanford.edu/archives/fall2024/entries/civil-disobedience/>>. [Candice Delmas is an associate professor of philosophy and political science at Northeastern University, associate director of its Politics, Philosophy, and Economics Program, former Dworkin-Balzan Fellow at NYU School of Law, and holds a Ph.D., M.A., and B.A. in philosophy and politics from Boston University, Georgia State, and the Sorbonne.]] ** Gendered pronouns bracketed.

Lawbreaking: First, for an act to be civilly disobedient, it must involve some breach of law. In democratic societies, civil disobedience as such is not a crime. When an agent who engages in civil disobedience is punished by the law, it is not for "civil disobedience," but for the recognized offenses she commits, such as disturbing the peace, trespassing, damaging property, picketing, violating official injunctions, intimidation, and so on. When civil disobedients directly break the law that they oppose – such as Rosa Parks violating the Montgomery, Alabama, city ordinance requiring African Americans to sit at the back of public buses and give up those seats to white riders if the front of the bus filled up – they engage in direct civil disobedience. By contrast, when disobedients break a law which, other things being equal, they do not oppose, in order to demonstrate their protest against another law or policy – such as anti-war protesters staging sit-ins in government buildings – they engage in indirect civil disobedience. The distinction between direct and indirect civil disobedience is mainly relevant to the possibility of mounting constitutional test cases, since one cannot test the constitutionality of a law in court without actually breaching it. Although some scholars argue that direct civil disobedience is preferable to its indirect counterpart because it is most clearly legible as an act of protest against the law breached (C. Cohen 1966, 4–5), most scholars maintain the acceptability of indirect disobedience given that not all unjust laws or policies can be disobeyed directly (M. Cohen 1970, 109–110; Rawls 1999, 320; Brownlee 2012, 19–20). For instance, a same-sex couple living in a jurisdiction that forbids same-sex marriage cannot get married in violation of the law. Black Lives Matter activists cannot directly disobey police brutality, stop-and-frisk policing, or the acquittal of police officers who killed unarmed Blacks. Also, even when a person can engage in direct disobedience of a law, doing so may be unduly burdensome, such as when the punishment for the breach would be extreme. Principledness: An act of lawbreaking must be deliberate, principled, and conscientious, if it is to be civil and, hence, distinguishable from ordinary criminal offenses. Civil disobedience cannot be unintentional (say, done in ignorance of the fact that one is violating the law): it must be undertaken deliberately. Principled disobedience can be distinguished from ordinary criminal offending by examining the motives that underlie the disobedient act. The person must intend to protest laws, policies, institutions, or practices that she believes are unjust on the basis of [their] sincerely held moral or political commitments. The agent may not be correct or even entirely reasonable about her convictions, but she holds them sincerely. In these ways, principled disobedience is distinct from garden-variety criminal activity, which is generally self-interested and selfish, opportunistic and unprincipled. Conscientiousness: The deliberate and principled features of civil disobedience are often brought together under the umbrella of conscientiousness and equated with seriousness, sincerity, depth of conviction, and selflessness –

again, in order to contrast civil disobedience with criminal lawbreaking. In response, some scholars highlight the pervasiveness of self-interested civil disobedience – of the ‘not in my backyard’ variety (e.g., people protesting against a new highway passing through their neighborhood) – as a challenge to the supposed conscientiousness of all civil disobedience (Celikates 2016, 38). Others insist that civil disobedience need not be selfless: oppressed groups indeed have a lot to gain from their anti-oppression struggles, including better life prospects, improved material conditions, and heightened self-respect (Delmas 2019, 183–4). And, unsurprisingly, many of the most famous civil disobedients – Mohandas Gandhi, Rosa Parks, Martin Luther King, Jr., Nelson Mandela – were members of the groups whose rights they sought to champion. But conscientiousness – understood as sincerity and seriousness – does not require selflessness, and ordinary crime should not be equated with selfishness, as the example of Robin Hood illustrates. That said, some thinkers also challenge the requirement of seriousness by regarding, for example, the DDoS (distributed denial-of-service) attacks undertaken by Anonymous, such as Operation: Avenge Assange, as acts of civil disobedience, despite their ‘lulz-seeking’, playful and non-serious motivations (Celikates and de Zeeuw 2016, 211–3).

Not always Peaceful

Civil disobedience is ANY act of lawbreaking guided by personal conscience – it doesn't need to be peaceful.

Chernus, Ira. American Nonviolence: The History of an Idea. Chapter 4: "Henry David Thoreau," 2004, University of Colorado Boulder,

<https://spot.colorado.edu/~chernus/NonviolenceBook/Thoreau.htm>. [Ira Chernus is a professor emeritus of religious studies at UC Boulder, with a Ph.D. from Temple University. His research focuses on the history of the discourse of national insecurity in the U.S.]

Of course for Thoreau no other person can tell an individual what God's law is; each individual must discover that on their own. Justice therefore requires personal responsibility. And it leads not to uniformity or conformity, but infinite diversity. Consistent with that view, he also argues against any form of state involvement with religion. No one can make another person religious by coercion or threat of punishment. Shared religious or moral values will enhance community only if they are adopted voluntarily. Since justice, not obedience to the state's law, is the duty that each person must fulfill, there is only one possible conclusion: "Let each inhabitant of the State dissolve his union with her, as long as she delays to do her duty." Much of "Civil Disobedience" is a lament that, in the present, so few people are courageous enough to take that step, to judge the state and its laws independently. Most people think that merely by voting once a year they fulfill their responsibility to the body politic. Yet for Thoreau this is not an act of conscience, but a way to evade the voice of conscience. The same people will accept the outcome of the election, even if it means continuing the moral horror of slavery or paying taxes to support an immoral war. The only way to be genuinely responsible, free, and human is to follow one's own conscience. That means refusing to participate in such a government, regardless of the consequences. If enough people refuse to obey a law, the government will not be able to enforce that law. Civil disobedience can "clog the machinery" of the state if enough people press against it with their whole weight. "Let your life be a counter friction to stop the machine," he urged. However, Thoreau was not primarily interested in the tactics of civil disobedience. In fact, he did not even offer a detailed, generalizable philosophy of civil disobedience. As one scholar has put it, he "was less concerned to articulate the conditions under which disobedience would be legitimate than he was to explore those conditions under which one could render oneself capable of disobedience." His whole life was a search for genuine independence, so that he could find his own way to absolute reality. And only when one is capable of civil disobedience, he concluded, can one be really free. Civil disobedience is both the route to and the result of detaching oneself from subservience to the state. So Thoreau went to jail mainly to demonstrate his moral freedom and raise the level of his own moral being, not to change government policies or social institutions. Indeed, his night in jail was a concrete symbol of his withdrawal from the conventional political and social process. That, in turn, was a symbol of his conclusion that the system could not be changed from within. He criticized reformers who wanted to "meddle with the exposed roots of innocent institutions rather than with their own." "There are a thousand hacking at the branches of evil to one who is striking at the root" He feared institutional reformers as agents of conformity, trying to tell other people how to live their lives. He urged social reformers to change their own

selves rather than trying to change his. In this respect he was a typical man of his times, pursuing social change primarily through the reform of individual souls, not societal institutions. In this as in all other areas, Thoreau's guiding principle was fidelity to conscience: everyone should do whatever they really want to do most sincerely. So he had to say that it was alright for reformers to try to change society, if that is their genuine calling in life, though he made it clear that it was not his calling. And he acknowledged that social improvements might come from following conscience. One man expressing his own opinion "amounted to the re-origination of many of the institutions of society." With these words, Thoreau acknowledged that, as a writer and lecturer, he was inevitably engaged in affecting society. No doubt he knew that some writers have a powerful political impact precisely because they reject conventional political language and categories. Eventually, he admitted that he could not totally withdraw from the political and social reform process. When Massachusetts returned the runaway slave, he concluded that the state's enforcement of slavery diminished everyone's life, including his own: "I had foolishly thought that I might manage to live here, minding my private affairs, and forget [the state and its government]. It has interrupted me and every man on his onward and upward path.'Who can be serene in a country where both the rulers and the ruled are without principle? The remembrance of my country spoils my walk." But no matter how much a writer may improve society, Thoreau insisted that this should not be the goal. In fact, he thought it best to be unconscious of the good results that came from one's own behavior. "The true husbandman will cease from anxiety'and finish his labor with every day, relinquishing all claim to the produce of his fields, and sacrificing in his mind not only his first but his last fruits also." (This idea may well have been drawn from his favorite reading: "In the morning I bathe my intellect in the stupendous and cosmogonical philosophy of the Bhagvat-Geeta'in comparison with which our modern world and its literature seem puny and trivial"). Although he had no interest in changing institutions, Thoreau was determined not to participate in bad institutions. The same reasons that led him to withdraw from society led him, even more strongly, to withdraw from the what he saw as the most evil practices of society. This is the part of his thinking that led him directly to civil disobedience, and hence into the history of the idea of nonviolence. It is important to recognize, however, that **Thoreau never actually embraced the principle of nonviolence**. It is better to shed blood, he argued, than to have a bleeding conscience: "Show me a free state, and a court truly of justice, and I will fight for them, if need be." When John Brown and his men took up arms against slavery, Thoreau called their assault at Harper's Ferry "a brave and humane deed." "I shall not be forward to think him mistaken who quickest succeeds to liberate the slaves," he explained. "I do not wish to kill nor to be killed, but I can foresee circumstances in which both these things would be by me unavoidable.'For once the Sharps rifles and the revolver were employed in a righteous cause."

Nonviolent for Rule of Law

Civil disobedience is nonviolent and upholds rule of law.

LeJeune 18 [LeJeune, J. (2018). Varieties of "Civil Disobedience." The Thoreau Society Bulletin, 302, 12–13. <http://www.jstor.org/stable/44993882>]

Engaging Thoreau as a revolutionary means viewing the tactics he writes about, which range from noncompliance to (in Brown's case) violent insurrection, as supporting the strategic aim of nullifying unjust laws. A useful contrast is offered by Martin Luther King, Jr., whose 1963 "Letter from a Birmingham Jail" describes civil disobedience as a method of engaging the law grounded tactically in nonviolent tension, and strategically in legal continuity: "I have earnestly worked and preached against violent tension," wrote King, "but there is a type of constructive nonviolent tension that is necessary for growth . . . to create a situation so crisis-packed that it will inevitably open the door to negotiation."20 King denied any advocacy for "defying the law," which he said "would lead to anarchy." Instead, he argued that civil disobedience, by "[accepting] the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law."

Always Violent

Civil Disobedience is always violent. Non-violent acts are not disobedient.

Marek 65 [Marek, Edward F. "Civil Disobedience in the Civil Rights Movement: To What Extent Protected and Sanctioned ." Case Western Reserve Law Review, vol. 16, no. 3, 1965, <https://doi.org/https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4314&context=caselrev>.]

It is readily apparent that the dominant theme running through the early civil disorders was violent resistance to law. This was evidenced in most instances by the use of federal troops to put down the resistance and enforce the laws.⁵ Such conduct can be classified as civil disobedience in the sense that it violates a system of ordered laws, but it is also conduct that can find no constitutional protection or judicial sanction regardless of the ends it seeks or the unjustness of the laws it resists. The judiciary has made this dear through a long line of cases condemning violence.' 1. This resistance continued through the Stamp Act of 1765, and ended with the infamous tax imposed on colonial tea which gave rise to the "Boston Tea Party." 2. Examples include Shay's Rebellion which resisted customs laws imposed by Massachusetts, MINO'r, HISTORY OF THE INSURRECTION IN MASSACHUSETTS (1810); the Whiskey Insurrection which resisted a federal tax on the process of distilling. whiskey, BALDWIN, WHISKEY REBELS (1939); Fries Rebellion which resisted real property and slave taxes, DAVIS, THE FRIES REBELLION (1899); and the South Carolina nullification ordinance attempting to void a federal tariff law, OGG, THE REIGN OF ANDREW JACKSON (1919). For comprehensive studies on other examples of mass resistance to law see RICH, THE PRESIDENTS AND CIVIL DISORDERS (1941); Office of the Judge Advocate General, Federal Aid in Domestic Disturbances, S. Doc. No. 263, 67th Cong., 2d Sess. (1921-22). 3. SHEPHERD, HISTORY OF THE OBERLIN-WELLINGTON RESCUE (1859); Office of Judge Advocate General, Federal Aid in Domestic Disturbances, S. Doc. No. 263, 67th Cong., 2d Sess. (1921-22). 4. See, e.g., ADAMS, DYNAMITE - THE STORY OF CLASS VIOLENCE IN AMERICA (1931); McCABE, THE HISTORY OF THE GREAT RIOTS (1877); YELLEN, AMERICAN LABOR STRUGGLES (1936). 5. See note 2 supra. 6. See note 60 infra. WESTERN RESERVE LAW REVIEW Although civil disobedience is not new on the American scene, the form of civil disobedience occurring in the civil rights movement is a relatively new approach. It is a non-violent defiance of some law or policy by persons who are attempting to challenge the validity of that law or policy, or are attempting to protest a wrong. There is no attempt to conceal the violation; rather, the disobedient individual is even willing and sometimes eager to submit to arrest and punishment. Specifically, two methods are employed: sit-ins and public demonstrations. While the sit-ins are generally conducted on private property, public demonstrations in the form of marches, meetings, and picketing are generally conducted on or near public property. In the sense that this conduct violates law, it can also be characterized as civil disobedience. However, it has been argued that such conduct is not disobedience to law at all, but is an outgrowth of a system of federalism wherein a national policy of equality for all people is asserted against a contrary state law;⁷ or that it is in accord with a legal system affording individuals the opportunity to challenge laws;⁸ or that it is merely incident to the exercise of some constitutional right. However these two methods are characterized, two questions must be asked. Under what conditions and authority are their participants protected from punishment under the laws they violate; and, to what extent are these methods sanctioned, if at all, by the judiciary' This Note is primarily devoted to a search for answers to these questions through an examination of the decisions of the United States Supreme Court,⁹ and the Civil Rights Act of 1964."

Aff

General

Civil disobedience works – with double the success rate of even armed conflicts.

Robinson 19 [David Robinson, 5-13-2019, "The '3.5% rule': How a small minority can change the world," No Publication, <https://www.bbc.com/future/article/20190513-it-only-takes-35-of-people-to-change-the-world>]

Nonviolent protests are **twice as likely** to succeed as armed conflicts – and those engaging a threshold of 3.5% of the population have never failed to bring about change. In 1986, millions of Filipinos took to the streets of Manila in peaceful protest and prayer in the People Power movement. The Marcos regime folded on the fourth day. In 2003, the people of Georgia ousted Eduard Shevardnadze through the bloodless Rose Revolution, in which protestors stormed the parliament building holding the flowers in their hands. While in 2019, the presidents of Sudan and Algeria both announced they would step aside after decades in office, thanks to peaceful campaigns of resistance. In each case, civil resistance by ordinary members of the public trumped the political elite to achieve radical change. There are, of course, many ethical reasons to use nonviolent strategies. But compelling research by Erica Chenoweth, a political scientist at Harvard University, confirms that civil disobedience is not only the moral choice; it is also the most powerful way of shaping world politics – by a long way. Looking at hundreds of campaigns over the last century, Chenoweth found that nonviolent campaigns are twice as likely to achieve their goals as violent campaigns. And although the exact dynamics will depend on many factors, she has shown it takes around 3.5% of the population actively participating in the protests to ensure serious political change. Chenoweth's influence can be seen in the recent Extinction Rebellion protests, whose founders say they have been directly inspired by her findings. So just how did she come to these conclusions? Needless to say, Chenoweth's research builds on the philosophies of many influential figures throughout history. The African-American abolitionist Sojourner Truth, the suffrage campaigner Susan B Anthony, the Indian independence activist Mahatma Gandhi and the US civil rights campaigner Martin Luther King have all convincingly argued for the power of peaceful protest. Yet Chenoweth admits that when she first began her research in the mid-2000s, she was initially rather cynical of the idea that nonviolent actions could be more powerful than armed conflict in most situations. As a PhD student at the University of Colorado, she had spent years studying the factors contributing to the rise of terrorism when she was asked to attend an academic workshop organised by the International Center of Nonviolent Conflict (ICNC), a non-profit organisation based in Washington DC. The workshop presented many compelling examples of peaceful protests bringing about lasting political change – including, for instance, the People Power protests in the Philippines. But Chenoweth was surprised to find that no-one had comprehensively compared the success rates of nonviolent versus violent protests; perhaps the case studies were simply chosen through some kind of confirmation bias. "I was really motivated by some scepticism that nonviolent resistance could be an effective method for achieving major transformations in society," she says Working with Maria Stephan, a researcher at the ICNC, Chenoweth performed an extensive review of the literature on civil resistance and social movements from 1900 to 2006 – a data set then corroborated with other experts in the field. They primarily considered attempts to bring about regime change. A movement was considered a success if it fully achieved its goals both within a year of its peak engagement and as a direct result of its activities. A regime change resulting

from foreign military intervention would not be considered a success, for instance. A campaign was considered violent, meanwhile, if it involved bombings, kidnappings, the destruction of infrastructure – or any other physical harm to people or property. “We were trying to apply a pretty hard test to nonviolent resistance as a strategy,” Chenoweth says. (The criteria were so strict that India’s independence movement was not considered as evidence in favour of nonviolent protest in Chenoweth and Stephan’s analysis – since Britain’s dwindling military resources were considered to have been a deciding factor, even if the protests themselves were also a huge influence.) By the end of this process, they had collected data from 323 violent and nonviolent campaigns. And their results – which were published in their book *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* – were striking. Overall, **nonviolent campaigns were twice as likely to succeed** as violent campaigns: **they led to political change 53% of the time** compared to 26% for the violent protests. This was partly the result of strength in numbers. Chenoweth argues that nonviolent campaigns are more likely to succeed because they can recruit many more participants from a much broader demographic, which can cause severe disruption that paralyzes normal urban life and the functioning of society. In fact, of the 25 largest campaigns that they studied, 20 were nonviolent, and 14 of these were outright successes. Overall, the nonviolent campaigns attracted around four times as many participants (200,000) as the average violent campaign (50,000). The People Power campaign against the Marcos regime in the Philippines, for instance, attracted two million participants at its height, while the Brazilian uprising in 1984 and 1985 attracted one million, and the Velvet Revolution in Czechoslovakia in 1989 attracted 500,000 participants. “Numbers really matter for building power in ways that can really pose a serious challenge or threat to entrenched authorities or occupations,” Chenoweth says – and nonviolent protest seems to be the best way to get that widespread support. Once around 3.5% of the whole population has begun to participate actively, success appears to be inevitable. Besides the People Power movement, the Singing Revolution in Estonia and the Rose Revolution in Georgia all reached the 3.5% threshold “There weren’t any campaigns that had failed after they had achieved 3.5% participation during a peak event,” says Chenoweth – a phenomenon she has called the “3.5% rule”. Besides the People Power movement, that included the Singing Revolution in Estonia in the late 1980s and the Rose Revolution in Georgia in the early 2003. Chenoweth admits that she was initially surprised by her results. But she now cites many reasons that nonviolent protests can garner such high levels of support. Perhaps most obviously, violent protests **necessarily exclude people** who abhor and fear bloodshed, whereas peaceful protesters maintain the moral high ground. Chenoweth points out that nonviolent protests also have fewer physical barriers to participation. You do not need to be fit and healthy to engage in a strike, whereas violent campaigns tend to lean on the support of physically fit young men. And while many forms of nonviolent protests also carry serious risks – just think of China’s response in Tiananmen Square in 1989 – Chenoweth argues that nonviolent campaigns are generally easier to discuss openly, which means that news of their occurrence can reach a wider audience. Violent movements, on the other hand, require a supply of weapons, and tend to rely on more secretive underground operations that might struggle to reach the general population. By engaging broad support across the population, nonviolent campaigns are also more likely to win support among the police and the military – the very groups that the government should be leaning on to bring about order. During a peaceful street protest of millions of people, the members of the security forces may also be more likely to fear that their family members or friends are in the crowd – meaning that

they fail to crack down on the movement. “Or when they’re looking at the [sheer] numbers of people involved, they may just come to the conclusion the ship has sailed, and they don’t want to go down with the ship,” Chenoweth says. In terms of the specific strategies that are used, general strikes “are probably one of the most powerful, if not the most powerful, single method of nonviolent resistance”, Chenoweth says

Only 3.5% population engagement in civil disobedience is required to guarantee positive social change. Historical precedent proves this has contributed to the end of segregation in the 1990s.

Robson 19 [David Robson, Bachelor's in Mathematics from the University of Cambridge and features editor at New Scientist, 04-13-2019, "The '3.5% rule': How a small minority can change the world", BBC, [bbc.com/future/article/20190513-it-only-takes-35-of-people-to-change-the-world](https://www.bbc.com/future/article/20190513-it-only-takes-35-of-people-to-change-the-world)]

Nonviolent protests are twice as likely to succeed as armed conflicts – and those engaging a threshold of 3.5% of the population have **never** failed to bring about change. In 1986, millions of Filipinos took to the streets of Manila in peaceful protest and prayer in the People Power movement. The Marcos regime folded on the fourth day. In 2003, the people of Georgia ousted Eduard Shevardnadze through the bloodless Rose Revolution, in which protestors stormed the parliament building holding the flowers in their hands. While in 2019, the presidents of Sudan and Algeria both announced they would step aside after decades in office, thanks to peaceful campaigns of resistance. In each case, civil resistance by ordinary members of the public trumped the political elite to achieve radical change. There are, of course, many ethical reasons to use nonviolent strategies. But compelling research by Erica Chenoweth, a political scientist at Harvard University, confirms that civil disobedience is not only the moral choice; it is also the most powerful way of shaping world politics – by a long way. Looking at hundreds of campaigns over the last century, Chenoweth found that nonviolent campaigns are twice as likely to achieve their goals as violent campaigns. And although the exact dynamics will depend on many factors, she has shown it takes around 3.5% of the population actively participating in the protests to ensure **serious political change**. Chenoweth's influence can be seen in the recent Extinction Rebellion protests, whose founders say they have been directly inspired by her findings. So just how did she come to these conclusions? Needless to say, Chenoweth's research builds on the philosophies of many influential figures throughout history. The African-American abolitionist Sojourner Truth, the suffrage campaigner Susan B Anthony, the Indian independence activist Mahatma Gandhi and the US civil rights campaigner Martin Luther King have all convincingly argued for the power of peaceful protest. Yet Chenoweth admits that when she first began her research in the mid-2000s, she was initially rather cynical of the idea that nonviolent actions could be more powerful than armed conflict in most situations. As a PhD student at the University of Colorado, she had spent years studying the factors contributing to the rise of terrorism when she was asked to attend an academic workshop organised by the International Center of Nonviolent Conflict (ICNC), a non-profit organisation based in Washington DC. The workshop presented many compelling examples of peaceful protests bringing about lasting political change – including, for instance, the People Power protests in the Philippines. But Chenoweth was surprised to find that no-one had comprehensively compared the success rates of nonviolent versus violent protests; perhaps the case studies were simply chosen through some kind of confirmation bias. "I was really motivated by some scepticism that nonviolent resistance could be an effective method for achieving major transformations in society," she says. Working with Maria Stephan, a researcher at the ICNC, Chenoweth performed an extensive review of the literature on civil resistance and social movements from 1900 to 2006 – a data set then corroborated with other experts in the field. They primarily considered attempts to bring about regime change. A movement was considered a success if it fully achieved its goals both within a year of its peak engagement and as a direct result of its activities. A regime change resulting from foreign military intervention would not be considered a success, for instance. A campaign was considered violent, meanwhile, if it involved bombings, kidnappings, the destruction of infrastructure – or any other physical harm to people or property. "We were trying to apply a pretty hard test to nonviolent resistance as a strategy," Chenoweth says. (The criteria were so strict that India's independence movement was not considered as evidence in favour of nonviolent protest in Chenoweth and Stephan's analysis – since Britain's dwindling military resources were considered to have been a deciding factor, even if the protests themselves were also a huge influence.)

By the end of this process, they had collected data from 323 violent and nonviolent campaigns. And their results – which were published in their book *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* – were striking. Strength in numbers Overall, nonviolent campaigns were twice as likely to succeed as violent campaigns: they led to political change 53% of the time compared to 26% for the violent protests. This was partly the result of strength in numbers. Chenoweth argues that nonviolent campaigns are more likely to succeed because they can recruit many more participants from a much broader demographic, which can cause severe disruption that paralyses normal urban life and the functioning of society. In fact, of the 25 largest campaigns that they studied, 20 were nonviolent, and 14 of these were outright successes. Overall, the nonviolent campaigns attracted around four times as many participants (200,000) as the average violent campaign (50,000). The People Power campaign against the Marcos regime in the Philippines, for instance, attracted two million participants at its height, while the Brazilian uprising in 1984 and 1985 attracted one million, and the Velvet Revolution in Czechoslovakia in 1989 attracted 500,000 participants. “Numbers really matter for building power in ways that can really pose a serious challenge or threat to entrenched authorities or occupations,” Chenoweth says – and nonviolent protest seems to be the best way to get that widespread support. Once around 3.5% of the whole population has begun to participate actively, success appears to be inevitable. “There weren’t any campaigns that had failed after they had achieved 3.5% participation during a peak event,” says Chenoweth – a phenomenon she has called the “3.5% rule”. Besides the People Power movement, that included the Singing Revolution in Estonia in the late 1980s and the Rose Revolution in Georgia in the early 2003. Chenoweth admits that she was initially surprised by her results. But she now cites many reasons that nonviolent protests can garner such high levels of support. Perhaps most obviously, violent protests necessarily exclude people who abhor and fear bloodshed, whereas peaceful protesters maintain the moral high ground. Chenoweth points out that nonviolent protests also have fewer physical barriers to participation. You do not need to be fit and healthy to engage in a strike, whereas violent campaigns tend to lean on the support of physically fit young men. And while many forms of nonviolent protests also carry serious risks – just think of China’s response in Tiananmen Square in 1989 – Chenoweth argues that nonviolent campaigns are generally easier to discuss openly, which means that news of their occurrence can reach a wider audience. Violent movements, on the other hand, require a supply of weapons, and tend to rely on more secretive underground operations that might struggle to reach the general population. By engaging broad support across the population, nonviolent campaigns are also more likely to win support among the police and the military – the very groups that the government should be leaning on to bring about order. During a peaceful street protest of millions of people, the members of the security forces may also be more likely to fear that their family members or friends are in the crowd – meaning that they fail to crack down on the movement. “Or when they’re looking at the [sheer] numbers of people involved, they may just come to the conclusion the ship has sailed, and they don’t want to go down with the ship,” Chenoweth says. In terms of the specific strategies that are used, general strikes “are probably one of the most powerful, if not the most powerful, single method of nonviolent resistance”, Chenoweth says. But they do come at a personal cost, whereas other forms of protest can be completely anonymous. She points to the consumer boycotts in apartheid-era South Africa, in which many black citizens refused to buy products from companies with white owners. The result was an economic crisis among the country’s white elite that contributed to the end of segregation in the early 1990s. “There are more options for engaging and nonviolent resistance that don’t place people in as much physical danger, particularly as the numbers grow, compared to armed activity,” Chenoweth says. “And the techniques of nonviolent resistance are often more visible, so that it’s easier for people to find out how to participate directly, and how to coordinate their activities for maximum disruption.” A magic number? These are very general patterns, of course, and despite being twice as successful as the violent conflicts, peaceful resistance still failed 47% of the time. As Chenoweth and Stephan pointed out in their book, that’s sometimes because they

never really gained enough support or momentum to “erode the power base of the adversary and maintain resilience in the face of repression”. But some relatively large nonviolent protests also failed, such as the protests against the communist party in East Germany in the 1950s, which attracted 400,000 members (around 2% of the population) at their peak, but still failed to bring about change. In Chenoweth’s data set, it was only once the nonviolent protests had achieved that 3.5% threshold of active engagement that success seemed to be guaranteed – and raising even that level of support is no mean feat. In the UK it would amount to 2.3 million people actively engaging in a movement (roughly twice the size of Birmingham, the UK’s second largest city); in the US, it would involve 11 million citizens – more than the total population of New York City. The fact remains, however, that nonviolent campaigns are the only reliable way of maintaining that kind of engagement.

Civil disobedience gains four times as many participants and are twice as likely to succeed than violent actions.

Social Justice Resource Center 11 [Social Justice Resource Center, hub of innovative, justice-minded leadership & social action on Northeastern's campus, xx-xx-2011, "Civil Disobedience Facts", Social Justice Resource Center, socialjusticeresourcecenter.org/facts-and-figures/civil-disobedience-facts-figures]

Definition Civil disobedience is the active, professed refusal of a citizen to obey certain laws, demands, orders or commands of a government. It can be a form of public witness. By some definitions, civil disobedience has to be nonviolent to be called "civil". Hence, civil disobedience is sometimes equated with peaceful protests or nonviolent resistance. Henry David Thoreau popularized the term in the US with his essay Civil Disobedience, although this type of activity has been practiced long before. Types General strikes are one of the most powerful methods of nonviolent resistance. Other forms of protest can be **completely anonymous**, such as consumer boycotts in apartheid-era South Africa. Factors to consider One important factor is the unity among demonstrators. For example, with the failed uprising in Bahrain in 2011, the campaign initially engaged many protestors, but quickly split into competing factions. Success rates According to research by Erica Chenoweth, a political scientist at Harvard University, using data from 323 violent and nonviolent campaigns, in her book Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict. Nonviolent protests are **twice as likely** to succeed as armed conflicts. Nonviolent campaigns led to political change **53% of the time** compared to 26% for violent protests. Those engaging a threshold of 3.5% of the population have never failed to bring about change. Such a level of active participation probably means many more people tacitly agree with the cause. Of the 25 largest campaigns studied, 20 were nonviolent, and 14 of these were outright successes. Overall, the nonviolent campaigns attracted around **4 times** as many participants (200,000) as the average violent campaign (50,000). The People Power campaign against the Marcos regime in the Philippines, for instance, attracted 2,000,000 participants at its height, while the Brazilian uprising in 1984 and 1985 attracted 1,000,000, and the Velvet Revolution in Czechoslovakia in 1989 attracted 500,000 participants.

Civil disobedience is the last resort under systemic oppression and brings support to civil rights movements.

Library of Congress [Library of Congress, objective research to inform the legislative process, administers the national copyright system, and manages the largest collection of books in the world, "Tactics and Techniques of the National Woman's Party Suffrage Campaign", Library of Congress, <https://www.loc.gov/static/collections/women-of-protest/images/tactics.pdf/>]

Founded in 1913 as the Congressional Union for Woman Suffrage (CU), the National Woman's Party (NWP) was instrumental in raising public awareness of the women's suffrage campaign. Using a variety of tactics, the party **successfully** pressured President Woodrow Wilson, members of Congress, and state legislators to support passage of a 19th Amendment to the U.S. Constitution guaranteeing women nationwide the right to vote. In so doing, the NWP established a legacy defending the exercise of free speech, free assembly, and **the right to dissent**. The NWP effectively commanded the attention of politicians and the public through its aggressive agitation, relentless lobbying, clever publicity stunts, and creative examples of civil disobedience and nonviolent confrontation. Its tactics were versatile and imaginative, drawing inspiration from a variety of sources—including the British suffrage campaign, the American labor movement, and the temperance, antislavery, and early women's rights campaigns in the United States. Traditional lobbying and petitioning were a mainstay of NWP members, but these activities were supplemented by other more public actions—including parades, pageants, street speaking, and demonstrations. The party eventually realized that it needed to escalate its pressure and adopt even more aggressive tactics. Most important among these was picketing the White House over many months, leading to the arrest and imprisonment of many suffragists. The willingness of NWP pickets to be arrested, their campaign for recognition as political prisoners rather than as criminals, and their acts of civil disobedience in jail shocked the nation and brought attention and support to their cause. Through constant agitation, the NWP effectively compelled President Wilson to support a federal woman suffrage amendment. Similar pressure on national and state legislators led to the ratification of the 19th Amendment in 1920.

Civil Disobedience lead the Civil Rights Movement.

Zunes and Laird 10 [Zunes, Stephen, and Jesse Laird. "The US Civil Rights Movement (1942-1968)." ICNC, Jan. 2010, www.nonviolent-conflict.org/us-civil-rights-movement-1942-1968/.]

The US Civil Rights Movement (1942-68) restored universal suffrage in the southern United States and outlawed legal segregation. The movement's overall strategy combined litigation, the use of mass media, boycotts, demonstrations, as well as sit-ins and other forms of civil disobedience to turn public support against institutionalized racism and secure substantive reform in US law. Thousands were arrested in nonviolent protests as images of the confrontations inspired widespread public support for the movement's objectives. Hundreds of thousands more participated in marches, boycotts and voter registration drives throughout the US South. The movement helped spawn a national crisis that forced intervention by the federal government to overturn segregation laws in southern states, restore voting rights for African-Americans, and end legal discrimination in housing, education and employment.

Successful civil disobedience is non-violent and unites people.

Woozley 76 [A.D. Woozley 76 (Professor of Moral Philosophy at University of Virginia, "Civil Disobedience and Punishment," Ethics, Vol. 86, No. 4. (Jul., 1976), pp. 323-331, <http://www.jstor.org/stable/pdfplus/2380227.pdf?acceptTC=true>)]

For example, (a) The most prominent and influential practitioners of civil disobedience have also been practitioners of nonviolence, notably Gandhi and Martin Luther King. And, treating them as paradigmatic civil disobedients, it is easy to slide into supposing that a civil disobedient must match their paradigm and so, among other things, be nonviolent. But one of the dangers of the paradigm case argument is that, as it does not clearly distinguish essence and accident, it may tempt one to mislocate the distinction. (b) It is a fact that much (although arguably not all) civil disobedience is an appeal, across the heads of authority, to a hoped-for public conscience or sense of justice. And, as civil disobedience of that kind, if it is to be effective, needs public attention, it is no good getting public attention and alienation simultaneously. As violence turns people off, the use of violence by a civil disobedience campaign is selfdefeating; and therefore civil disobedience must be nonviolent.

Climate civil disobedience campaigners are representatives for future victims of Climate Change – who are not represented in the political process.

Bamford 23 [Bamford, Douglas. "Can Climate Civil Disobedience Be Justified?: Think." Cambridge Core, Cambridge University Press, 20 July 2023, www.cambridge.org/core/journals/think/article/can-climate-civil-disobedience-be-justified/F2C23E0191D26837906136F79B23C716.]

In recent years climate activists have engaged in direct actions and civil disobedience to demand greater policy action. Several groups have engaged in such activities. Extinction Rebellion have damaged the entrances to banks financing fossil fuel infrastructure and government departments. Just Stop Oil and Insulate Britain have blocked roads. The latter actions disrupted the daily lives of regular people to make their point that government policy and decision-making make achieving stated emissions targets harder, if not impossible, to meet. Political campaigns can use many tactics. In a democracy, people can vote for representatives who will act on their wishes. Constituents can also petition their representatives, or the relevant government ministers. Citizens can join political parties, attend political discussions and hustings, and could themselves stand as candidates if they wish. However, at some points in history some individuals and groups have felt these methods to be inadequate, considering it necessary to use other methods to demand political change or stand up against injustice. Some of these will be revolutionary actions seeking to overthrow the government, or violent acts to express dissatisfaction such as rioting. Acts of civil disobedience are not revolutionary or violent in these ways but do involve breaking some law or other to make a political point. I will argue that when it comes to climate policy inaction, civil disobedience can be justified. Civil Disobedience What is civil disobedience? Thinkers disagree about the key features, such as how civil it must be, but we can consider some prominent examples. Among the best-known examples are cases where victims of unjust laws visibly break those laws to make a point. Suffragist women voting when it was illegal for them to do so, Gandhi taking salt without paying the British colonial 'salt tax', and Rosa Parks refusing to move from a white-only section of a bus in Montgomery, Alabama. These are all cases where the law-breakers aimed to highlight the injustice of the existing laws, accepting the punishment that would come from violating those unjust laws. For groups who are unable to vote, illegal means of political expression may be the only effective route available to them. However, even those with the vote may consider civil disobedience a necessity to express their dissatisfaction with some injustice which their elected representatives and fellow citizens appear content to ignore. In the 1840s the author Henry David Thoreau decided he could no longer pay his taxes to a government that upheld slavery, mistreated native Americans and undertook a war with Mexico to expand its territory. Thoreau considered it important for people to think for themselves, and considered the actions of his government to be wrong, even though they were supported by the majority of voters. He did not think that he was duty-bound to accept the choice of the majority if this clearly went against his conscience. Thoreau was briefly jailed until a relative paid his tax on his behalf. Thoreau could not break unjust laws directly to express his dissatisfaction, as Rosa Parks and others did. He had to break another law and thereby express his dissatisfaction indirectly. It is not possible for people directly to break a law when it comes to slavery, police brutality or an unjust war after all. Climate and other environmental activists may sometimes block fossil fuel pipelines, or high-emitting activities or installations. These direct actions aim to disrupt environmentally damaging activities and make them more costly. However, these actions rarely gather much public attention or discussion. Campaigners have therefore taken to more disruptive actions which inconvenience the public to make them aware of an issue that could otherwise be ignored. As mentioned, thinkers disagree about the key features of civil disobedience that distinguish it from other kinds of political and illegal actions. The ultimate point is that those engaging in civil disobedience are not anarchists who believe that no states or laws are legitimate. Nor are they breaking the law to get some benefit for themselves, as would a thief. The lawbreaking aims to force fellow citizens, or perhaps those working in certain industries, to confront the injustice in question, which they could otherwise too easily ignore. To demonstrate their general respect for the law and society, the protestors will usually accept arrest for

their action. Some may, however, plead not guilty on the basis that it was necessary for them to undertake the action in question. Juries may sometimes acquit someone who clearly undertook an illegal action on the basis of this 'necessity defence', just as they might acquit someone who considered it necessary to break into a building to save the incapacitated owner from being burned to death by a fire. How Can Climate Disobedience be Justified? Climate campaigners may consider their disobedience justified on several grounds. I will present one possible argument. This holds that states have a duty to make very strong attempts to mitigate climate change, ideally to get to net zero greenhouse gas emissions, and that failing to do so is an injustice. Failing to make strenuous efforts is an injustice because climate change threatens to cause serious harms to people in the future. Indeed, several human rights appear to be threatened by climate change and its expected consequences, such as an increase in the number and intensity of extreme weather events. Climate campaigners are therefore taking themselves to be representatives of the future victims of climate change, whose rights they believe will be unjustly violated. Why should people take on this responsibility? They are no doubt concerned that the future victims of climate change inaction are not being represented within the political process. Some will be too young to vote, or even not yet born. Furthermore, when it comes to climate policy, greenhouse gases do not remain above their country of origin, and so there is an international element. Future victims of climate policy inaction will not be represented in the political process because they are based in other states. Some activists will also believe that parts of the natural world such as ecosystems that are threatened by climate change are also valuable, and not represented by the legal or political system. Many people think that these have value in themselves. However, not everyone agrees that ecosystems and non-human species have intrinsic value. Civil disobedience to protect the natural world might need a more detailed justification than the one I'm offering here. However, even those who disagree about the value of the natural world should accept that ecosystems provide 'ecosystem services' to humans around the world, and so there is – at least – indirect reason to protect them. People who conclude that wealthy states should make strenuous efforts to limit their contributions to climate change will be distraught by the limited and rather unhurried action undertaken by their states. To some, this represents an injustice to the future victims of climate change, and they must take action to demonstrate this to their political representatives and fellow citizens. The actions should be designed to force people to confront the current state of policy, and to ask them to justify the lack of action.

Democracy

Democracy is on a downfall

Potts 24 [Potts, Monica. Bryn Mawr and Columbia university, journalist who won the Sidney award. "Americans Think Democracy Is in Peril in the 2024 Election." ABC News, ABC News, Feb. 2024, abcnews.go.com/538/americans-democracy-peril-2024-election/story?id=106803471.]

Americans are worried about their democracy to an unprecedented degree. Only 28 percent of adults said they were satisfied with the way democracy is working in the U.S. in a December Gallup survey. That's lower even than the 35 percent in a survey right after the Jan. 6 insurrection, which came amid former President Donald Trump's repeated and ongoing claims that the 2020 election was "stolen" from him. In an AP-NORC poll from Nov. 30 to Dec. 4, 67 percent said the outcome of the 2024 election will be extremely or very important for the future of democracy in the country. It's a message both Trump and President Joe Biden are echoing as they gear up for a likely rematch in November.

Civil Disobedience legitimizes and strengthens democracy

Delmas and Brownlee 24 [Delmas, Candice and Kimberley Brownlee, "Civil Disobedience", *The Stanford Encyclopedia of Philosophy* (Fall 2024 Edition), Edward N. Zalta & Uri Nodelman (eds.), URL = <<https://plato.stanford.edu/archives/fall2024/entries/civil-disobedience/>>.]

The justification of civil disobedience further articulates the conditions for its effective role in society. Far from undermining the rule of law or destabilizing society, civil disobedience could strengthen the social and legal order. Civil disobedience can have a justice-enhancing value: it can serve "to inhibit departures from justice and to correct them when they occur" (Rawls 1999, 336). Equally, it can have a legitimacy-enhancing function, with some thinkers conceiving of civil disobedience as 'the guardian of legitimacy' (Habermas 1985, 103). Both ideas deem the practice of civil disobedience to be a valuable component of the public political culture of a near-just constitutional democratic society. Habermas even took the state's treatment of civil disobedience as a 'litmus test' for the maturity of the political culture of a constitutional democracy: "Every constitutional democracy that is sure of itself considers civil disobedience as a normalized – because necessary – component of its political culture" (Habermas 1985, 99). While Habermas's account resembles Rawls's liberal approach in many ways, its distinctive deliberative strand has also influenced democracy-based accounts, which defend the justification and role of civil disobedience on the basis of its contribution to democracy. Deliberative democrats (Markovits 2005; Smith 2013, ch. 1–3), republican democrats (Arendt 1972), and radical democrats (Celikates 2014, 2016) focus on the potential of civil disobedience to enhance democratic legitimacy and to constitute in itself a form of democratic empowerment. Agents engaged in civil disobedience can enhance democratic legitimacy in a number of ways, including by putting a heretofore-neglected issue on the political agenda and raising awareness about its stakes; contributing to and informing democratic deliberation; highlighting the outsize influence of powerful players and the exclusionary effects of certain processes of public deliberation, and working to make the latter more inclusive. Civil disobedience does not only aim to invigorate democratic sovereignty, but also can constitute a form of democratic empowerment in itself – an exercise of political agency that is especially meaningful for marginalized groups. Through civil disobedience, individuals discover and realize their power. They work together and forge bonds of solidarity. They engage in democratic politics. Theorists' examples to illustrate democratic civil disobedience include: the Occupy Movement, pro-democracy movements around the world, anti-globalization and anti-austerity protests, climate justice activism, and Campesino movements for land redistribution and agrarian reform. Many activists further enact within their movement the norms and values that guide their struggles, for instance through radical inclusion, direct democratic decision-making, aspiration to consensus, and leaderless organizational structures. Some theorists insist on the need to align the means of protest with its aims, by deploying only persuasive, non-violent forms of protest that reflect democratic ideals (Habermas 1997, 383–4; M. Cooke 2016), while others contend that civil disobedience can be confrontational and coercive without betraying its democratic aims (Smith 2021; Fung 2005, 409).

US democratic backsliding spills over globally wrecking stability worldwide through a litany of challenges

Haas 23 [(Richard, President Emeritus of the Council on Foreign Relations and a senior counselor at Centerview Partners, previously served as Director of Policy Planning for the US State Department) "The World's Stake in American Democracy", Project Syndicate, 1/24/2023, <https://www.project-syndicate.org/commentary/world-still-depends-on-us-leadership-by-richard-haas-2023-01>]

What might be the most serious threat to global security and stability, though, stems from developments within the US, from the deep political and social divisions that threaten the country's competitiveness, its ability to design and implement consistent policy, and even its stability. No doubt some readers will feel more than a little schadenfreude at all this and take satisfaction from US difficulties following decades of having to follow America's lead. But any such satisfaction will be short-lived, because in a world that is sometimes violent and always global, America's difficulties can and will quickly become theirs. Further erosion of American democracy will be used by anti-democratic governments elsewhere to justify and extend their repression of their own populations. And, absent a strong US economy, other countries' economies will grow more slowly as their exports lag. A weaker and less predictable US would fray the fabric of alliances, which to be effective require mutual assistance to be near-certain. Similarly, foes would grow emboldened in the belief they could act with impunity. The result would be a world of more frequent conflict, one in which advanced weapons proliferate more widely and aggressive countries wield more influence. Moreover, a US that is distracted and divided at home would lack the capacity and the consensus to exercise leadership on global challenges such as climate change. Without American resources and leadership, the already large gap between these global challenges and global responses would almost certainly grow. There is no other country or group of countries both willing and able to take America's place on the world stage.

Judicial Review

More than 30% of the world's countries require concrete judicial review – a law must be broken in order for it to be repealed.

Sinani 24 [Sinani, Blerton, „Global Patterns of Constitutional Judicial Review Systems: Two Major Models of Constitutional Judicial Review in the World”, Juridical Tribune - Review of Comparative and International Law 14, no. 1 (March 2024): 156-173, <https://tribunajuridica.eu/arhiva/y14v1/10.%20Blerton%20Sinani.pdf>, (Sinani is a professor of law at the South East European University, with a D.Sc. and M.S. in constitutional and administrative law)]

The archetype of the “decentralized” model is American-style “judicial review”, which is performed by the judiciary in the context of litigation. The second- the “centralised” or “European” model – grants review powers to a special organ – a constitutional court – while ordinary (that is, non-constitutional) courts are denied the authority to invalidate statutes.⁴⁴ The first model is a strong judicial review, sometimes known as the American model (also known as the “American” or “diffuse” model involving “incidental” review). It is interesting and important to note that the US Constitution did not explicitly establish judicial constitutional review,⁴⁵ but this was established in the Supreme Court ruling of 1803 in the famous landmark William Marbury versus James Madison case, in which the U.S. Supreme Court created the practice of judicial review,⁴⁶ i.e., set a vital precedent for the exercise of judicial review in the United States under Article III of the Constitution,⁴⁷ and that was consequently regarded as a historical foundation of the institution of judicial review in constitutional democracies.⁴⁸ Namely, in the seminal decision rendered in the 1803 case of Marbury v. Madison,⁴⁹ Chief Justice John Marshall established the Court’s authority to invalidate laws that conflict with the Constitution through a judicial tour de force. Marshall wrote the Hamiltonian theory of judicial review into law. And in doing so, he overcame major institutional and political obstacles.⁵⁰ According to this model, every court of law has the power to carry out judicial review, with the Supreme Court standing at the top of the pyramid of justice. In this model the review is exercised only as part of a concrete legal dispute. A decision of a lower court in a constitutional matter will apply to the parties to the hearing only (inter partes), and if following the appeals to the lower courts the decision on the question arrives to the Supreme Court, its decision in the constitutional question will apply to everyone by virtue of the binding precedent principle (stare decisis).⁵¹ In the 19th century this model was adopted in several countries in Latin America. After the Spanish colonies gained independence they examined constitutional models, and following the prestige of the United States in the region, its constitutional model, with judicial review, became the example for constitutional model across the continent. As a result, the American decentralized model was very successful in Latin America, and in the early 20th century it became the dominant model of constitutional review. This model remains accepted today and more than 30% of the world’s constitutions stipulate that judicial review be conducted in the Supreme Court within the ordinary court system.⁵²

That makes civil disobedience a functional necessity.

Delmas 24 [Delmas, Candice and Kimberley Brownlee, "Civil Disobedience", The Stanford Encyclopedia of Philosophy (Fall 2024 Edition), Edward N. Zalta & Uri Nodelman (eds.), URL = <<https://plato.stanford.edu/archives/fall2024/entries/civil-disobedience/>>. [Candice Delmas is an associate professor of philosophy and political science at Northeastern University, associate director of its Politics, Philosophy, and Economics Program, former Dworkin-Balzan Fellow at NYU School of Law, and holds a Ph.D., M.A., and B.A. in philosophy and politics from Boston University, Georgia State, and the Sorbonne.]]

** Gendered pronouns bracketed.

When civil disobedients directly break the law that they oppose – such as Rosa Parks violating the Montgomery, Alabama, city ordinance requiring African Americans to sit at the back of public buses and give up those seats to white riders if the front of the bus filled up – they engage in direct civil disobedience. By contrast, when disobedients break a law which, other things being equal, they do not oppose, in order to demonstrate their protest against another law or policy – such as anti-war protesters staging sit-ins in government buildings – they engage in indirect civil disobedience. The distinction between direct and indirect civil disobedience is mainly relevant to the possibility of mounting constitutional test cases, since one **cannot test the constitutionality of a law in court without actually breaching it**. Although some scholars argue that direct civil disobedience is preferable to its indirect counterpart because it is most clearly legible as an act of protest against the law breached (C. Cohen 1966, 4–5), most scholars maintain the acceptability of indirect disobedience given that not all unjust laws or policies can be disobeyed directly (M. Cohen 1970, 109–110; Rawls 1999, 320; Brownlee 2012, 19–20). For instance, a same-sex couple living in a jurisdiction that forbids same-sex marriage cannot get married in violation of the law. Black Lives Matter activists cannot directly disobey police brutality, stop-and-frisk policing, or the acquittal of police officers who killed unarmed Blacks. Also, even when a person can engage in direct disobedience of a law, doing so may be unduly burdensome, such as when the punishment for the breach would be extreme.

Neg

General

Civil disobedience goes BOTH ways – it's not inherently virtuous, it just means no rule of law. Both MLK and the segregationists in the South were civil disobedients fighting for their own beliefs.

Johnson 89 [Frank M. Johnson, Jr., Civil Disobedience and the Law, 22 Vanderbilt Law Review 1089 (1969) Available at: <https://scholarship.law.vanderbilt.edu/vlr/vol22/iss5/2> [Frank Minis Johnson Jr. was a United States district judge and United States circuit judge serving 1955 to 1999. He made landmark civil rights rulings that helped end segregation and disenfranchisement of African Americans in the South, including ruling in favor of Rosa Parks, ordering desegregation of bus depots, and the Montgomery police to stop the harassment of Freedom Riders.]]

**** Sole bracket is for historical context, not meant to be read.**

Civil disobedience is usually thought of as open violation of the law under a banner of morality or justice accompanied by at least a theoretical willingness to accept the appropriate punishment. Those who make moonshine whisky in my part of the country are usually merely law violators trying to conceal their violations, even though some of them doubtless feel that it is unjust for the United States to prosecute them for such activity. Those who believe that the taxing of income is contrary to natural law and therefore surreptitiously refuse to record their income should not be put in the same category with Thoreau, who announced to all the world his refusal to pay what he considered an illegal and unjust tax and willingly went to jail for that refusal. By the Aristotelian process of distinguishing away what it is not, we have now approached a useful notion of the concept of civil disobedience: an open, intentional violation of a law concededly valid, under a banner of morality or justice by one willing to accept punishment for the violation. To this definition might be added another refinement, one which distinguishes a civil disobedient from a revolutionary. A civil disobedient is one who generally obeys the law and usually recognizes its supremacy. In other words, civil disobedience is directed at changing the existing legal order. A revolutionary, on the other hand, directs his lawbreaking at the total eradication of the existing legal system. It is this concept of civil disobedience, then, that I have indicated cannot be condoned by me in my capacity as a federal judge. The law cannot as a matter of law officially recognize a right of civil disobedience. It is also in this sense, I believe, that Justice Fortas suggested that as a moral man he hoped that he would have violated certain laws in extreme circumstances, an opinion in which I cautiously concur. It is this concept which was advocated by Thoreau, Gandhi, and, at least in the early years, Dr. Martin Luther King. Similarly, unless they were nothing more than fraudulent political demagogues, it appears to have been the belief of Governors Ross Barnett, John Patterson, and George Wallace [**Famous segregationist governors; Barnett said "no school will be integrated [...] while I am [...] governor," Wallace claimed "segregation now, tomorrow and forever."]. These latter three may be distinguished from the former group on the grounds that as government officials they had a sworn duty to obey the federal laws they were violating. Having conceded as a moral matter that in certain extreme circumstances civil disobedience may be justified, I cannot distinguish my position qualitatively from the position reflected in the actions of those mentioned above. This may be one of those situations, however, where a quantitative difference becomes a difference in kind. I say that because I take the writings and the utterances of Thoreau, King, and Wallace as attempts to redefine obligation to law as individual right, or perhaps individual duty, to determine whether a law is just or unjust, and to obey it if it is considered just, and to disobey it if it is not. The advocates of this position do not, as I understand them, offer any

qualifying principles which limit the situations in which an individual has a right to disobey the law. With no qualifications, of course, George Wallace, **to be consistent**, must acknowledge that Dr. King had a right as an individual to violate what Dr. King considered to be unjust laws, and **Dr. King should have acknowledged the same right to George Wallace**. Moreover, the radical student who forcibly and illegally takes over college buildings cannot consistently criticize, in the name of the law, the administration's denial of due process (e.g., without hearing and notice) in throwing him out of school. Those of us who attempt to act and think consistently must have grave misgivings about **an unqualified doctrine that an individual has the right to violate any law he determines to be unjust**. This doctrine **is morally unsound and practically foolish**. While morality and law are not coextensive, the rule of law is a necessary condition for the exercise of individual morality in a social context. Embodied in the notion of the rule of law are basic principles of fair dealing among men, widely agreed upon, which govern the situations in which men's interests and ideals conflict. These principles protect individuals from the exercise of another man's morality and provide a degree of flexibility for the exercise of one's own morality free from the interference of other individuals or the state. Under the rule of law, these principles apply, prima facie, to everyone. **The unqualified doctrine that an individual has the right to disobey any law he determines to be unjust is simply a more sophisticated way of saying that a man is entitled to take the law into his own hands**. It means government by force, not by law. **It means might makes right**. In short, while such **an unqualified doctrine may find short-run justification** in protesting or preventing a single injustice, it is actually **extremely shortsighted** because it destroys the condition for our full development as moral beings—the rule of law. It is obvious that the unqualified doctrine is practically foolish for those who now advocate it, namely, minority groups such as **militant blacks, radical students, and die-hard segregationists**—all groups with unorthodox ideas and limited access to the levers of power. A society where each man decides which law to obey has really reverted to anarchy, to a state of nature. Hobbes described life in the state of nature as "solitary, poor, nasty, brutish, and short." He might have added as a corollary that it is historically nastiest and shortest for those of weak body and strong principle. It is only under the rule of law that moral heterogeneity can peacefully flourish.

Civil disobedience being good assumes good actors. Civil disobedience includes Southern segregationists and other protests to enforce racism in America – Turns the 1AC.

Laidler 16 [Laidler, P. (2016). "GOOD LAW " VERSUS "BAD LAW": CIVIL DISOBEDIENCE DURING THE DESEGREGATION PROCESS IN THE UNITED STATES OF AMERICA. *Politeja*, 45, 27–42. <http://www.jstor.org/stable/26213926> [Pawel Laidler holds habilitation with honors in political science (Faculty of International and Political Studies, Jagiellonian University, 2012); PhD. in political science (Faculty of International and Political Studies, Jagiellonian University, 2003), and M.A. in law (Faculty of Law and Administration, Jagiellonian University, 2000). He was a Visiting Professor at JFK Institute for North America Studies, Freie Universitaet in Berlin (2015). He conducted research and lectured in the United States, Germany, Great Britain, Ireland, Italy, Japan and Australia.]

The 1954 Supreme Court pr]ecedent produced an immediate reaction of the white seg-
regationists from Southern states. These opinions were supported by official statements of states' authorities. For example, governor Ross Barnett of Mississippi announced that no school will be integrated [...] while I am [...] governor. 14 The newly elected Alabama governor, George Wallace, made a strong statement opposing Brown decision by de- claring **segregation now, tomorrow and forever.**15 And the governor of Arkansas, Orville Faubus, during the campaign of 1956, pronounced, that court edict could not change centuries old customs, and that he could not be a party to any attempt to force acceptance of change to which the people [we]re so overwhelmingly opposed. 16 The language of segregationists depicted their political and ideological enemies as challenging the "American way" of life and referred to the supporters of desegregation as "socialists" and "Marxists". It is important to acknowledge that the language used by most of white Southerners was just the first step to the organized social and political disobedience against the legal holding of the Brown precedent. By criticizing, on the one hand, the Supreme Court's activism in changing social relations in America and, on the other, by neglecting its usurpation of power, white segregationists, led by state authorities, called for disorder which was mainly expressed in growing social violence. The first organized opposition to Court's desegregation order took place in Arkan- sas, where the School Board in Hoxie School District initiated integration efforts of black children with the white majority. As the process continued, local groups, orgaized as Citizens Committee Representing Segregation in the Hoxie Schools, began to hamper the decision of the School Board. It led to various forms of provocative behav- ior, such as late night anonymous phone calls, mysterious knocks on doors, and even threats addressed towards school officials, as well as members of the black community. The most effective way of showing **civil disobedience** was the **boycott of the school un-**
dertaken by many white students, which led to reduced attendance in Hoxie schools in the following months.17 A more dramatic situation occurred in the other part of the state, in Little Rock, where Governor Faubus had ordered the state's National Guard to prevent nine black students from enrolling into the Central High School. The students were registered in 1957 by local branch of N.A.A.C.P., but their entering the school was endangered by the threats from segregationists, who were additionally supported by state authorities. As a result, the Arkansas National Guard blocked the school entrance, which, on the one hand, made Faubus a local hero, but, on the other, forced the federal government to pay closer attention to the events at Little Rock. To ensure that the Court's decision would come into effect, President Dwight Eisenhower took the National Guard from state's jurisdiction and ordered it to provide for enforcement of the Supreme Court ruling. On that day, the President addressed the American people and explained that his duty to uphold the holding of the highest judicial instance was "inescapable".18 The subsequent successful entry of black children to high school did not obviously end neg- ative attitudes of

white children towards them, which made the desegregation process in Arkansas long and complicated.¹⁹ A similar clash of state and federal powers occurred three years later at the University of Mississippi. The turmoil arose during the process of enrollment of a black student, James Meredith. When Meredith applied for the University and was officially admitted, thousands of white citizens of the state organized protests against desegregation in public education facilities. As the black student approached the campus, which was guarded by 200 security patrolmen, more than **2,500 protesters**, many of whom were armed, gathered in order to prevent him from entering. There were also about 1,000 students who openly disagreed with the policy of the University resulting from the Brown decision.²⁰

Civil disobedience is inherently undemocratic and destabilizing.

Dusen 69 [Dusen, L. H. V. (1969). Civil Disobedience: Destroyer of Democracy. American Bar Association Journal, 55(2), 123–126. <http://www.jstor.org/stable/25724673>]

**** Bracketed for biased language.** “[the civil rights leader]” is from the original text.

Law violations, even for ends recog nized as laudable, are not only **assaults on the rule of law**, but **subversions of the democratic process**. The disobe dient act of conscience does not ennoble democracy; it erodes it. First, it **courts violence**, and even the most careful and limited use of nonviolent acts of disobedience may help sow the dragon-teeth of civil riot. Civil disobedience is the progenitor of disorder, and disorder is the sire of violence. Second, the concept of civil disobe dience does not invite principles of general applicability. If the [good people] are morally privileged to resist particular laws on grounds of con science, so are [evil people]. Former Deputy Attorney General Burke Marshall said: "If the decision to break the law really turned on indi vidual conscience, it is hard to see in law how [the civil rights leader] is better off than former Governor Ross Barnett of Mississippi who also be lieved deeply in his cause and was will ing to go to jail."² Third, even the most noble act of civil disobedience assaults the rule of law. Although limited as to method, motive and objective, it has the effect of inducing others to engage in differ ent forms of law breaking character ized by methods unsanctioned and con demned by classic theories of law vio lation. Unfortunately, the most patent lesson of civil disobedience is not so much nonviolence of action as defiance of authority. Finally, the greatest danger in con doning civil disobedience as a permis sible strategy for hastening change is that it undermines our democratic processes. To adopt the techniques of civil disobedience is to assume 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 disobedi ence 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. Tho reau expressed well the civil disobe dient's disdain for democracy: As for adopting the ways which the state has provided for remedying the evil, I know not of such ways. They take too much time and a man's life will be gone. I have other affairs to at tend to. I came into this world not chiefly to make this a good place to live in, but to live in it, be it good or bad.³ Thoreau's position is not only mor ally irresponsible but politically repre hensible. When citizens in a democracy are called on to make a profession of faith, the civil disobedients offer only a confession of failure. Tragically, when civil disobedients for lack of faith ab stain from democratic involvement, they help attain their own gloomy pre diction. They help create the social and political basis for their own despair. By foreseeing failure, they help forge it. If citizens rely on **antidemocratic means of protest**, they will help bring about the undemocratic result of an authoritarian or anarchic state.

Civil disobedience props up existing systems and justifies their legitimacy—turns case because it wrecks civil rights movements.

Delmas 20 [(Candice Delmas Assistant Professor of Philosophy and Political Science, Northeastern University, “Uncivil Disobedience”, in PROTEST AND DISSENT Edited by Melissa Schwartzberg, pg. 24-25, accessed via google books)]

In response to the rule-of-law concern in particular, republican and liberal theorists have argued that, far from undermining the stable system of rights, civil disobedience can instead strengthen it. For Hannah Arendt, mass civil disobedience always occurs under unstable political circumstances and ultimately stabilizes society by reenacting the horizontal social contract and strengthening civic bonds (she articulated her argument in 1970 in response to American student activism). Ronald Dworkin conceived of pro-civil rights and anti-Vietnam War civil disobedients as engaged in constitutional disputes over the law and contributing in that way to law’s integrity. And following Rawls, William Scheuerman argues that, far from undermining the rule of law, civil disobedience buttresses it. In his view, fidelity to the law—the paradigmatic feature of civil disobedience—pushes actors not only to denounce government’s lapses but also to prefigure a legitimate legal order. Beyond the particulars of these arguments, the potential of civil disobedience to protect rather than undermine the rule of law is now widely accepted in the literature and (to a lesser extent) in public discourse.

Civil disobedience leads to contagious unrest.

Binder 24 [Binder, William. "Civil unrest and rioting." Ciottonone's Disaster Medicine, 2024, pp. 469–472, <https://doi.org/10.1016/b978-0-323-80932-0.00074-4>.]

Civil unrest, or civil disturbance, encompasses a spectrum of activities ranging from demonstrations and group protests to disruption of public order and violence. Civil disobedience can devolve into civil unrest. Civil unrest can also occur as a result of a triggering event unleashing underlying currents of resentment and inequity within society. Civil unrest is attributed to an interplay between social, political, economic, and environmental issues. These include racial and ethnic tensions, food scarcity and insecurity, price increases, climate shocks such as drought, and economic and demographic shocks. Group dynamics can lower individual thresholds, leading to a collective sense of anonymity and diffusion of personal responsibility resulting in violence. Groups can also have their own identity. Unrest is contagious, and social media further foments discord. Preplanning for events is crucial to a successful disaster plan and requires establishment of an Incident Command System (ICS), a medical threat assessment (MTA), integration of field medical response with law enforcement tactical response, an appropriate patient distribution plan, and proper hospital procedures for patient care. Afterward, an event debriefing should take place. In particular, kinetic impact projectiles, blunt injury, and riot control agents, including peripheral chemosensory irritants, are frequently used for crowd control, and specific injury patterns have been noted with each of these agents. Health care workers should be familiar with treatment for penetrating, blunt, and chemical injuries.

Collective civil disobedience supports devaluation of movements and political polarization amidst the rise of a digital era.

Keemink 22 [Bas Keemink, Bachelor's in Philosophy at Tilburg University, 12-14-2022, "The Risks of Civil Disobedience Influenced by Online Culture", Diggit Magazine, diggitmagazine.com/academic-papers/risks-civil-disobedience-influenced-online-culture/]

The Polarizing Consequences of Civil Disobedience Polarization and radicalization have become global challenges to contemporary societies (Moisés, 2019). I argue, based on Ernesto Laclau's (2005) point of view of political groups that collective civil disobedience does not particularly strengthen the argument and convinces the majority but rather supports current polarization. Moreover, I argue that the current online culture causes radicalization that also supports this polarization. If civil disobedience movements are acting collectively to influence the political debate, they are considered to be political groups. Arendt argues that these groups are bound together by common opinion and not by common interest and that the number of those with whom this opinion is associated demonstrates the strength of this opinion. In contrast, Laclau (2005) argues that if a large number of people join a political collective, a message tends to lose its value, i.e. the more people involved, the emptier the message. Laclau's investigation is mainly focused on populism in the political discourse. He claims that every political movement is, to some extent, populist and that this is not political or ideological but an ontological phenomenon (Laclau, 2005). Political movements tend to radicalize and polarize instead of causing a shift where minorities convince the majority According to Laclau, political movements, so also civil disobedience movements, are based on a chain of equivalence and empty signifiers. A chain of equivalence is a chain that consists of various unfulfilled demands of citizens. This results in an equivalence among people in terms of a lack of pervasive demands. As a result, movements lose intention when they grow in extension. This clearly opposes the view of Arendt that assumes that individuals in civil disobedience collectives share more or less the same opinion. Subsequently, according to Laclau, movements become anti-institutional which divides society into different fronts: the powerful and the underdog. This anti-institutionalism is not in particular against the government in power, since Laclau argues that political parties in power are also populist and place themselves in the underdog position regarding other institutions. The chain of equivalence results in empty signifiers which are the accumulation of various demands that are represented as one demand. In other words, the support of the group grows while the message and goal of the group become more unclear. An example is the meaninglessness of slogans like 'Make American great again'. This phrase does not refer to something specific but is used as an extensive political message. An example of a civil disobedience movement is the slogan 'Freedom Now' from the Civil Rights, this empty signifier remains vague and most people are supposed to support freedom, however, many have different opinions regarding racial segregation and freedom. Again, this highlights the problem of subjectivity. Demagogues, but also politicians, increasingly appeal to fake news and pseudoscience. Notably, Laclau does not claim that populist movements are a threat to democracy or society. Nevertheless, an us-versus-them situation emerges, resulting in polarization. This polarization is obviously happening in the current global society (Moisés, 2019). Social media expose polarization in contemporary debates regarding the EU, Immigration, etc. (Arthur, 2019). This polarization has clearly manifested in the last decade in several political situations like Brexit which moved forward due to a referendum where 52% of the voters were in favor (BBC, 2016). I claim that in the current society it is indeed more likely that civil disobedience contributes to polarized situations instead of supporting the progression of society. Online culture, social media in particular, causes radicalization of individuals and political collectives resulting in increased polarization. Human beings are likely to discover and discuss topics that align with their pre-existing beliefs. The Internet made these more accessible. Therefore, it becomes easy for people to remain in their own bubbles and exclude people with different views (Pariser, 2011). Moreover, social media websites such as Facebook and YouTube have algorithms that offer content that is slightly more radical than users were previously exposed to. As a result, the opinion of people using these media

slightly shifts to one side of the political debate (Ledwich & Zaitsev, 2020). Therefore, political movements tend to radicalize and polarize instead of causing a shift where minorities convince the majority (Arthur, 2019). Hence, I argue that the current social media era results in a more complicated world where it is less likely to convince the majority based on the characteristic of collective civil disobedience in the public eye as Arendt suggests.

Vigilantism DA

Recent protests never escalated to civil conflict but proved far-right extremists have growing interest to respond to movements.

Gais 20 [Hannah Gais, June 18 2020 Far Right Exploits Racial Justice Protests to Further an Agenda of Hate
<https://www.splcenter.org/hatewatch/2020/06/18/far-right-exploits-racial-justice-protests-further-agenda-hate>]

Nationwide protests in response to the killings of George Floyd, Tony McDade, Sean Reed and Breonna Taylor and so many others have arisen throughout the U.S. in recent weeks. As public support for Black Lives Matter has risen rapidly, far-right extremists have sought to respond in turn. Emboldened by President Donald Trump's insistence to spread misinformation about and encourage violence against protesters and ongoing vicious police crackdowns, these extremists are using the protests to direct attention to themselves online. In so doing, they further an agenda in support of systemic white supremacy. "No more LARPing Trump. Put up or shut up," one racist skinhead group posted on the encrypted messaging app Telegram. The turnout of militarized police forces has alarmed even the most staid critics. But Trump's leadership is not the only thing that has been called into question. Others have pointed to our present quandary as the result of an effort to protect and enforce white supremacy and hegemony. "Too many citizens prefer to cling to brutal and unjust systems than to give up political power, the perceived benefits of white supremacy and an exploitative economic system," observed Michelle Alexander, author of The New Jim Crow, in The New York Times on June 8. As in decades past, these efforts have encouraged far-right groups and white extremists to take part in the moment. Hatewatch has found that far-right extremists' on-the-ground involvement in these protests has been both fragmented and limited. Many groups have instead sought to use these events to signal their online presence. Among those who have appeared at protests sporadically, their presence at these events has often been broadcasted either in real time or after the fact for their particular audience. White nationalists and neo-Nazis appear sporadically at protests Hatewatch identified white nationalists and neo-Nazis attending protests in Dallas, Texas, Knoxville, Tennessee, and Washington, D.C., beginning on May 29. Most appear to have attended as individuals, and not as members of larger groups. There have, however, been a few exceptions. Since the protests began, members of the Nationalist Social Club (aka NSC-131) have taken to an encrypted social media network to post numerous photos of their members engaged in flyering and banner drops related to the protests in Massachusetts and Tennessee.

Civil disobedience creates a feedback loop of “affective polarization” that locks in far-right lash and vigilantism back.

Bullon-Cassis 24 [Laura Bullon-Cassis, 2024, "Democracy, Civil Disobedience and Populism", Geneva Graduate Institute, <https://globalchallenges.ch/issue/16/democracy-civil-disobedience-and-populism/>]

In Europe and North America, much attention has been paid to potential and actual gains by the far right. The lead-up to the 2024 European Parliamentary elections was filled with unease, and the results were indeed sobering. Across Europe, the far right made significant gains, topping polls in Germany, France, and Austria, and leading French President Emmanuel Macron to call a snap legislative election. While Marine Le Pen's bid for power was eventually thwarted thanks to a left-wing coalition, the far right's electoral success nonetheless reflects a broader trend that has echoed throughout 2024.

Accordingly, almost every election in Europe and North America is now approached with anxiety, with many fearing that far-right populists could come to dominate the political landscape. This anxiety is not just about ideas and policies. Of course, there are concerns about what far-right policies would mean for gender rights, immigration, public services, and related issues. But there is a broader concern about the repercussions of the electoral success of the right-wing parties on the very nature of democracies and their political institutions. In this regard, the United States in particular stands out, mired in the recent memory of the contested 2020 election, the assault of the Capitol, and blatant anti-democratic claims by the Republican candidates. 2024 also saw a rise in far-right violence in the UK, with far-right riots over the summer, and in Germany, where a report found that extremist crimes across the ideological spectrum increased last year, “with a particularly strong rise of about 25% in far-right offences”. Less blatant, but equally worrisome, are restrictions to press freedom under right-wing populist governments such as Italy's Giorgia Meloni. But these trends should not be understood on their own. 2024 indeed saw another significant trend in the form of a disruptive activism, often conceived as emerging from the other end of the political spectrum. These movements' tactics differ significantly from the protests that marked the period just before and after the pandemic, which rallied around movements such as Fridays for Future, MeToo, or Black Lives Matter. This year, in contrast, activists – most of them young – have not only taken to the streets: activists have also glued themselves to airport tarmacs, occupied campuses and museums, interrupted public speeches, and performed attacks on well-known art pieces. While largely nonviolent, activists seemed more willing than in past iterations of similar movements to create discomfort, be met with opposition, take risks, and face legal repercussions for their actions. While acts of civil disobedience can sometimes look more isolated – mobilising, for example, just a handful of activists rather than the tens or hundreds of thousands that can be rallied to protest in the streets – they should nonetheless be understood as a force in their own right. Activists – primarily either anti-war or pro-climate – have belonged to a range of different movements that could appear disjointed at first glance, but which are in fact networked and coordinated. On the climate front, the A22 Network, for example, gathers 10 movements, including Just Stop Oil in the UK and Letzte Generation in Germany. Campus occupations by the anti-war, pro-Palestine movement, inspired by the first protests at Columbia University, were connected by their methods and demands, by millions of online followers worldwide, and by the involvement of existing groups such as the Boycott, Divestment, Sanctions movement, Students for Justice in Palestine as well as Jewish pro-peace movements. Climate and pro-Palestine movements emerged throughout 2024, independently of electoral campaigns and in line with their members' distrust of representative politics which, both movements argued, were responsible for the extended yet invisibilised violence that was unfolding in the very backyards of industrialised nations. For climate activists, climate change is violence towards the non-human world, towards future generations, as well as human contemporaries – particularly those already vulnerable – through extreme weather events. I use the term “backyard” because this violence is not separate from the societies in which activists operate, but rather intimately connected to them, very much the result of a “meta-paradigm with European and North American roots”, reliant on notions of progress and consumerist lifestyles that

are still promoted and desired. Yet much climate violence is not recognised as violence because it “occurs at a speed and scale outside of human perception”, or it is dismissed as secondary to concerns deemed more immediately pressing. These climate movements are further disillusioned with Western governments’ rhetoric of adherence to sustainability objectives, which they perceive as insincere. Climate activists have indeed been met with increasingly heavy-handed treatment in countries such as Australia, Germany, France, the Netherlands, Sweden, the UK and the US: a much-cited recent report found that these governments are imposing “lengthy prison sentences, engaging in preventive detention, and filing criminal charges for trivial offenses against climate activists”. Furthermore, activists feel inadequately represented in electoral politics. Activists I spoke to during my research often expressed disappointment, even with green parties, which they argue do not sufficiently confront the scale of this violence head-on. Somewhat similarly, for many campus protesters, the Western political class’s at best feeble response to the scale of destruction taking place in Gaza has exposed the selective application of the human rights regime – something already apparent to many across the world. They struggle, too, with representativity: the Uncommitted National Movement – a US campaign to encourage Democratic primary voters to vote “uncommitted” rather than for the major candidates – stresses on its website that it “has highlighted a clear disconnect between the Democratic party and key constituencies in their base”. And, as with the climate crisis, this violence in Gaza is in great part embedded in structures that can feel beyond the reach of citizens – from tax money and weapons to the persistent silence or omissions of many media outlets. With the violence so enmeshed in the fabric of our own societies, instead of targeting electoral politics, activists are calling for institutional and behavioural change: they are asking for institutions such as universities and museums to divest from the worst offenders, for more stringent legislation to be passed, and – at the very least – for politicians to practice transparency. It would be dangerous to draw direct parallels between these movements and the extreme right. They indeed have close to nothing in common ideologically, demographically, and sociologically. Further, social movements on the left often feel attached to democratic principles. The far-left’s focus is typically on systemic change aimed at equity, social justice, and inclusion, seeking reforms or dismantling structures perceived as perpetuating inequality. In contrast, far-right movements often stem from nationalist or exclusionary ideologies, frequently resisting globalisation and multiculturalism in favour of traditionalism and often ethnocentric unity. Nonetheless, what they do have in common is a lack of trust in democratic politics, in which they do not feel represented – a process sometimes dubbed “affective polarisation”. This creates a feedback loop where emotional divides deepen mistrust, and mistrust further intensifies emotional divisions, weakening the fabric of democratic engagement. On the extreme right, this was well-documented after the double surprise of the Trump and Brexit wins in 2016: some analysts pointed to the role played by economic disaffection, while others emphasised a reaction by once-predominant groups, such as white working-class males, to disruptive, progressive value change. Regardless of the ultimate reason, populist rhetoric argued that they were not represented by a metropolitan, liberal elite that catered mostly to centrist parties. While, undoubtedly, disobedient protest is polarising and has sometimes slipped into more violent practices, these actions, combined with the increasing appeal of the far right, frame 2024 as not just an electoral year, but also a year that must lead to profound learnings for democratic parties and systems. These must not only address the disaffection felt by those who no longer feel represented on both sides of the political spectrum, but also the causes and reach of the sometimes invisibilised but pervasive violence that goes on within, and much beyond, the boundaries of our local or national jurisdictions. They must learn to see protest movements not as threats, but as the opening of an important dialogue with the law and with democratic spaces as currently formulated, calling for their urgent evolution.

Right-wing vigilantes will respond with bioweapons.

Bob 20 [YONAH JEREMY BOB JUNE 24, 2020 19:50 Far-right obsession with bioterror could lead to work with al-Qaeda, Iran
<https://www.jpost.com/international/far-right-obsession-with-bioterror-could-lead-to-work-with-al-qaeda-iran-632662>]

The obsession of the radical Right in the US and Europe with bioterrorism could lead it to partner with Iran and jihadists like al-Qaeda and Iran, says a new report exclusively obtained by The Jerusalem Post. The report by IDC's International Institute for Counter-Terrorism (ICT) also notes that the coronavirus wave has spiked the far right and other terrorists' interest in bioweapons, as well as assisted them with their recruitment. ICT report lead author Ely Karmon writes that, "Biological weapons [BW] could be considered the second threat among CBRN [chemical, biological, radiological and nuclear] weapons in order of priorities, after the threat of chemical terrorism." Karmon explains that a biological weapon has components "produced from pathogenic microorganisms or toxic substances of biological origins," and they "can be a hundred to thousands of times more potent than chemical agents and provide a much cheaper route to CBRN capability, considering an equal quantity of chemical agents." According to the report, "As international controls are strengthened on nuclear and chemical weapons materials, biological weapons become more attractive," since until now governments have viewed them as a less likely or frequent threat. In addition, biotechnology expertise has spread more rapidly in recent years with the advent of terrorists of different backgrounds sharing information online, whereas in the past it was viewed as being beyond the reach of anyone, but an elite highly-educated few. Since the coronavirus pandemic hit, the report says there has been a "heightened volume of graphics, posters and memes circulating online in far right channels in recent weeks," which "clearly indicates the eagerness of some to use biological weapons as a means of terror."

Disease spread is an existential threat.

Fox 18 [Maggie Fox, 4/4/2018, How to stop 'nightmare bacteria' from spreading across the U.S., " NBC News, <https://www.nbcnews.com/health/health-news/nightmare-bacteria-are-trying-spread-u-s-cdc-says-n862436>]

"Nightmare bacteria" with the power to resist most antibiotics are popping up across the U.S., but new, aggressive policies can help stop them from spreading, federal health officials said Tuesday. A new program for testing suspect bacteria turned up unusual antibiotic-resistance genes 221 times in 2017, the Centers for Disease Control and Prevention reported. And 11 percent of people screened for these superbugs carried them, even though they had no symptoms, the CDC said. "CDC's study found several dangerous pathogens, hiding in plain sight, that can cause infections that are difficult or impossible to treat," said the CDC's Dr. Anne Schuchat. "While they are appearing all over the place, an aggressive approach can snuff them out." Antibiotic-resistant germs kill more than 23,000 Americans a year. They evolve quickly, developing mutations that let them evade the effects of antibiotics. If they are not stopped fast, they spread. Worse, the antibiotic-resistant DNA can be carried in little cassettes of genetic material called plasmids that bacteria can slip in their entirety to one another and to other species of bacteria. It's already happened several times in the U.S. — and when one superbug gives new powers to a different superbug, the result can be an infection that is impossible to treat. "Once antibiotic resistance spreads, it is harder to control—like a wildfire," the CDC said in a statement. The World Health Organization has labeled antibiotic resistance a "fundamental threat" to humanity.

Bioweapons independently guarantee extinction.

Ochs 02 [Richard Ochs: 7-9-02, has published articles in the Baltimore Sun, Baltimore Chronicle, Science magazine, past president of the Aberdeen Proving Ground Superfund Citizens Coalition, member of the Depleted Uranium Task force of the Military Toxics Project and a member of the Chemical Weapons Working Group, "Biological Weapons must be abolished immediately," http://www.freefromterror.net/other_articles/abolish.html]

Of all the weapons of mass destruction, the genetically engineered biological weapons, many without a known cure or vaccine, are an extreme danger to the continued survival of life on earth. Any perceived military value or deterrence pales in comparison to the great risk these weapons pose just sitting in vials in laboratories. While a "nuclear winter," resulting from a massive exchange of nuclear weapons, could also kill off most of life on earth and severely compromise the health of future generations, they are easier to control. Biological weapons, on the other hand, can get out of control very easily, as the recent anthrax attacks has demonstrated. There is no way to guarantee the security of these doomsday weapons because very tiny amounts can be stolen or accidentally released and then grow or be grown to horrendous proportions. The Black Death of the Middle Ages would be small in comparison to the potential damage bioweapons could cause. Abolition of chemical weapons is less of a priority because, while they can also kill millions of people outright, their persistence in the environment would be less than nuclear or biological agents or more localized. Hence, chemical weapons would have a lesser effect on future generations of innocent people and the natural environment. Like the Holocaust, once a localized chemical extermination is over, it is over. With nuclear and biological weapons, the killing will probably never end. Radioactive elements last tens of thousands of years and will keep causing cancers virtually forever. Potentially worse than that, bio-engineered agents by the hundreds with no known cure could wreck even greater calamity on the human race than could persistent radiation. AIDS and ebola viruses are just a small example of recently emerging plagues with no known cure or vaccine. Can we imagine hundreds of such plagues? HUMAN EXTINCTION IS NOW POSSIBLE.

Kant NC

Ethic's can't begin in the natural world – First, is the is-ought gap. Statements about how the world is, like 'most people desire to maximize their own pleasure,' don't necessarily give us conclusions about how the world ought to be.

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For Kant, there is a close connection between the nature of moral truths—in particular, their prescriptive content (i.e., what they direct one to do), as well as their necessity and universality—and the way in which we discover those truths, namely, a priori. In his view, one can discover a maximally general, fundamental moral principle. This is a principle that he calls “the categorical imperative”. Kant holds it can be known through reason alone, specifically, via a transcendental argument (see entries on Kant's moral philosophy and transcendental arguments). He held that we could then deduce more specific, but still general moral truths from this fundamental principle. Kant provides various formulations of the categorical imperative, the first being that one ought to act only in accordance with a maxim[3] that one can at the same time will to become a universal law—roughly, an act ought to be done by someone only if the person could will, without contradiction, that everyone act as he or she is acting. Examples of more specific principles he deduces from the categorical imperative are that one ought not make lying promises or commit suicide. Kant's discussion of lying promises nicely illustrates how the categorical imperative works: A person in some difficulty is considering making a promise he knows he cannot keep to escape the difficulty. To apply the categorical imperative, the person must consider what would happen if everyone in some difficulty made a lying promise to escape. If so many lying promises were made, no one would believe a person who promised to do something, so under these conditions one could not escape a difficulty by making a promise. Hence, the person could not consistently will that his maxim be a universal law, since making it a universal law would frustrate his aim in making the lying promise. Therefore, one ought not escape a difficulty by making a lying promise.¶ In Book II of the Groundwork (1785 [1996]) Kant claims the fundamental moral truths are synthetic a priori because moral truths are prescriptive. Kant held that the categorical imperative is not analytic, because although Kant thought the applicability of the categorical imperative to any given individual is deducible from the assumption that the individual is rational, the concept of the categorical imperative is not contained in the concept of a rational being. Kant thought the categorical imperative must be discovered a priori—through reason—because, as a fundamental moral law applying to all rational beings, it cannot be discovered through mere experience: one cannot learn how one should act from how people do act.¶ Moreover, we can see why Kant may have thought that the necessity and universality of moral truths makes them impossible to discover a posteriori. Regarding necessity: observing how things actually go seems insufficient to find out how they must go. And regarding universality: if moral truths are universal in the sense that they are true in all contexts, then one could only verify the truth of a moral claim by (a) experiencing all contexts and (b) perceiving the moral truth in each one. But that is clearly impossible.

Second is intrinsic uncertainty in all empirical knowledge that means different agents can all justifiably adopt completely-different worldviews, making the moral consequences of those external worldviews non-universal.

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The final kind of argument derives from René Descartes (1641). I do not seem justified in believing that what I see is a lake if I cannot rule out the possibility that it is a bay or a bayou. Generalizing, if there is any contrary hypothesis that I cannot rule out, then I am not justified in believing that what I see is a lake. This common standard is supposed to be required for justified belief. When this principle is applied thoroughly, it leads to skepticism. All a skeptic needs to show is that, for each belief, there is some contrary hypothesis that the believer cannot rule out. It need not be the same hypothesis for every belief, but skeptics usually buy wholesale instead of retail, so they seek a single hypothesis that is contrary to all (or many common) beliefs and which cannot be ruled out in any way.¶ The famous Cartesian hypothesis is of a demon who deceives me in all of my beliefs about the external world, while also ensuring that my beliefs are completely coherent. This possibility cannot be ruled out by any experiences or beliefs, because of how the deceiving demon is defined. This hypothesis is also contrary to my beliefs about the lake. So my beliefs about the lake are not justified, according to the above principle. And there is nothing special about my beliefs about the lake. Everything I believe about the external world is incompatible with the deceiving demon hypothesis. Skeptics conclude that no such belief is justified.

Thus, my value is constitutive practical reason. Since agents are defined by choosing courses of action, we are constituted by our ability to exercise reason and make decisions a priori. This morality is universal, since non-agents cannot be posed practical questions and are thus morally irrelevant.

Vriend 22 [M.A. in philosophy and is a PhD student. (Justin Vriend, August 2022, "Agency and Practical Reason: A Consideration of Some Objections to Constitutivism," *The University of Guelph*, <https://atrium.lib.uoguelph.ca/server/api/core/bitstreams/2d29bd04-1229-49a9-9a48-92ee5730bd48/content>)]

Place yourself for a moment in a canvas tent pitched between tall snow-laden trees beside some remote lake, far from civilization. A small wood-burning stove sits in the middle of the tent, its smoke funneled out by a narrow chimney. You are eagerly reading some brilliant novel that is transforming how you think about the world and your place in it. But a sudden shiver informs you that the fire is beginning to die. Looking at your woodpile, you see that you are running short of fuel. And you know just how cruel winter can be. Without heat, you risk cold, quiet death. But just a few more chapters couldn't hurt, right? For a moment, you register confusion. You realize you are at odds with yourself. So, you take a moment to reflect on your situation. You pose yourself the prototypical practical question, "What should I do?"¹ Christine Korsgaard suggests that your ability to entertain this question, and the fact that your answer matters, are the practical consequences of your being a rational agent. In contrast with the actions of gibbons and other lower apes, your actions do not always flow mechanistically from the balance of your desires.² You are able to step back from your desires and reflect. In this reflective gap, you have powers not generally possessed by subrational animals. First, you are able to suspend your habitual and instinctual responses to your goals and desires. Second, you are able to observe and interpret your apparent goals and desires. You might call this having epistemic access to your goals and desires. Third, you are able to deliberate about how you will respond to which goals and desires, voluntarily affirming some while rejecting others, thereby choosing a course of action. You might call this having practical access to your goals and desires. Without these powers, you could not meaningfully be posed with practical questions, nor could you meaningfully be said to act in light of your answers to practical questions. The question 'Which of my desires should I act on?' presupposes that you are capable of suspending your instinctive responses to your desires, forming an interpretation of the buffet of desires that appears before you (epistemic access), and choosing between them (practical access).

Practical reason is an inescapable authority, but alternatives are non-binding, since they're either internal and thus subjective, or external and thus escapable.

Velleman 5, PhD [PhD from Princeton and professor of philosophy and bioethics at NYU. (J. David Velleman, 2005, "A Brief Introduction to Kantian Ethics" in *Self to Self: Selected Essays*, Cambridge University Press, p. 18–19)]

As we have seen, requirements that depend for their force on some external source of authority turn out to be escapable because the authority behind them can be questioned. We can ask, "Why should I act on this desire?" or "Why should I obey the U.S. Government?" or even "Why should I obey God?" And as we observed in the case of the desire to punch someone in the nose, this question demands a reason for acting. The authority we are questioning would be vindicated, in each case, by the production of a sufficient reason.¶ What this observation suggests is that any purported source of practical authority depends on reasons for obeying it – and hence on the authority of reasons. Suppose, then, that we attempted to question the authority of reasons themselves, as we earlier questioned other authorities. Where we previously asked "Why should I act on my desire?" let us now ask "Why should I act for reasons?" Shouldn't this question open up a route of escape from all requirements?¶ As soon as we ask why we should act for reasons, however, we can hear something odd in our question. To ask "Why should I?" is to demand[s] a reason; and so to ask "Why should I act for reasons?" is to demand a reason for acting for reasons. This demand implicitly concedes the very authority that it purports to question – namely, the authority of reasons. Why would we demand a reason if we didn't envision acting for it? If we really didn't feel required to act for reasons, then a reason for doing so certainly wouldn't help. So there is something self-defeating about asking for a reason to act for reasons.¶ The foregoing argument doesn't show that the requirement to act for reasons is inescapable. All it shows is that this requirement cannot be escaped in a particular way: we cannot escape the requirement to act for reasons by insisting on reasons for obeying it. For all that, we still may not be required to act for reasons.¶ Yet the argument does more than close off one avenue of escape from the requirement to act for reasons. It shows that we are subject to this requirement if we are subject to any requirements at all. The requirement to act for reasons is the fundamental requirement, from which the authority of all other requirements is derived, since the authority of other requirements just consists in there being reasons for us to obey them. There may be nothing that is required of us; but if anything is required of us, then acting for reasons is required.

The unit of moral analysis is a maxim —that’s three parts: it’s a circumstance which begets an action for a reason. Actions absent reasons can’t be morally relevant since they’re equivalent to cosmic randomness.

Korsgaard 19, PhD [PhD from Harvard, B.A. from University of Illinois, FBA, & Honorary LHD from University of Illinois. (Christine Marion Korsgaard, 2019, “Constitutivism and the virtues,” *Philosophical Investigations* 22(2),

<https://dash.harvard.edu/bitstream/handle/1/37366787/Korsgaard.Constitutivism.and.the.Virtues.pdf>, p. 11–13)] *edited for gender

First of all, no one thinks a wholly “external performance,” if that just means a bodily movement, has any moral value. Suppose that you are starving, and I am about to eat a sandwich when I learn about this. And suppose that just then I am attacked by a series of involuntary muscle spasms that cause me to make exactly the same physical movements I would make if I were giv[e]ing you my sandwich. Of course no one would claim that this wholly “external performance” has any moral value. An act must be done with a certain proximate or immediate intention in order to count as an act at all. And that proximate or immediate intention is already part of the action’s motive. So in order to even count as “giving you my sandwich” I have to at least intend to transmit the sandwich from my possession to yours.¶ But of course one can still have different motives for carrying out a certain proximate or immediate intention: I might give you a sandwich, say, simply in order to alleviate your hunger, seeing that as worth doing for its own sake. Or I might give you a sandwich because I believe you will pay me for it and I hope to get the money, or because I dislike you and I am hoping you will choke on it. Or, as Hume thought of the matter, I might give you a sandwich because I think it is my duty to give you a sandwich. But this last case, at least according to Kantians, is where Hume gets it wrong. Here is why:¶ I just contrasted these cases: ¶ 1. I give you a sandwich simply to alleviate your hunger. ¶ 2. I give you a sandwich to get the money you will pay me for it. ¶ 3. I give you a sandwich hoping you will choke on it. ¶ 4. I give you a sandwich because it is I think it is my duty to do so. ¶ There are two important points about this list of cases:¶ The first one has to do with the awkwardness on the “inner” side of Hume’s “inner/outer” contrast. Hume, as I mentioned, sometimes describes things like “benevolence” or “malice” or “ambition” as “motives.” But actually, there is a difference in the way we think about the idea of a “motive” when we think about it from the first person or the third person point of view. I have just said that any act has an immediate or proximate intention; when we think of motives for performing a certain act from the first-person point of view, it is natural to think of them as further or more fully specified intentions. So for instance when I say that I give you a sandwich in order to alleviate your hunger, or hoping you will pay me for it, or hoping you will choke on it, I am specifying the further ends I hope to achieve by transmitting the sandwich from my possession to yours. But of course I might have further intentions still: I might be hoping you will pay me for the sandwich because I hope to get rich, or because I need to pay a debt, or because I want to make a contribution to charity. We might reasonably suppose that from this first-person point of view, we have specified the agent’s motive only when we have reached what I will call [their] his final intention, which will be [their] his fully specified intention. We only get to the agent’s fully specified intention—his [their] final intention—when we arrive at a [is] description of the action under which the agent values it for its own sake. There is no further reason, let us say, why I want to alleviate your hunger; or to get rich myself—those are simply states of affairs I see as valuable. Everything else equal, therefore, they make it seem to me as giving you a sandwich is a thing worth doing.7

Thus, my Criterion/Standard is consistency with the categorical imperative. That asks us to universalize our maxim and determine if its universality defeats the point. If it does, it's self-contradictory since it's nonsensical to take an action and then expect other agents in identical scenarios to not take it.

Guthrie 1 [M.A. from Lacrosse University, professor of philosophy at Regis University. (Shandon L. Guthrie, January 2001, "IMMANUEL KANT AND THE CATEGORICAL IMPERATIVE," The Examined Life On-Line Philosophy Journal, Volume II Issue 7, <http://static1.1.sqspcdn.com/static/f/38692/701189/1262870571447/Immanuel+Kant+and+the+Categorical+Imperative.pdf>)]

The particular work under consideration here will be Kant's *Foundations of the Metaphysics of Morals* translated by H. J. Paton. This work, although relatively short, contains Kant's working definition of his concept of morality. In addition, a portion of Kant's work, *Good Will, Duty, and the Categorical Imperative* will be included in our discussion (edited by Professor Anthony Serafini). For Kant, the central radix of morality concerns obligation or reasons of ought. If it is defined in terms of ought, we must understand if conditional or unconditional usages are being applied here. That is, a conditional ought means that one ought to perform some act in order for something else to happen (i.e. possibly some type of reward). If something is an unconditional ought then one ought to perform some act apart from any consideration of merit. It appears that Kant himself adopts the view that morality is the unconditional ought. It is without regard to reward or merit. Dr. Ed L. Miller of the University of Colorado states: "For Kant, only the unconditional ought is the moral ought. Why? Because, as we all recognize--don't we?--morality must be necessary and universal, that is, it must be absolutely binding, and absolutely binding on everyone alike: Whoever you are, whatever your situation, you ought to do X."(3) The implication here is that moral acts are to be accomplished apart from any alternate considerations such as merit and reward. In fact, Miller suggests that this morality must be "binding" and "universal." After all there would be something wrong with the idea suggesting "murder is wrong" if it only applied to person Q and not person R. Indeed, Kant himself states: "I am never to act otherwise than so that I could also will that my maxim should become universal law." Here, now, it is the simple conformity to law in general, without assuming any particular law applicable to certain actions, that serves the will as its principle, and must so serve it, if duty is not to be a vain delusion and a chimeric vision.(4) Kant further dismisses the notion that morality operates in a meritocracy: "[T]he moral worth of an action does not lie in the effect expected from it, nor in any principle of action which requires to borrow its motive from this expected effect."(5) When one understands the departure of a moral act from its consequences then it becomes clear what Kant was attempting to convey. This is what he and others refer to as duty. The fulfillment of our duty then does not rest on the consequences of our actions. However, the results of an action may be necessary in determining duty, while it must be remembered that this is not to be confused with the consequences that result from human action. In the terms of 19th century philosophy, the results of the thing-in-itself (the moral act) affect both the subject (the moral agent) and the object (the other individual(s) affected). By making the act universal and necessary, the highest good must be achieved in the subject-object relationship. This determines what our duty is. In understanding what the proper ideal is in the maximization of the highest good of each action, we look through it in our perception of the world and how we ought to act in it. So now the categorization of morality as a priori must be established. MORALITY AS A PRIORI Kant emphasizes the absolute necessity of separating genuine morality from all empirical considerations. Instead, the necessity of deriving it a priori, or from the categorization of claims alleged to be true apart from experiencing them first, is derived from pure reason. For Kant, morality must be a priori. If it is not, then morality falls into the realm of "anthropology" or empirical truths about human nature. This means that morality must be "freed from everything which may be only empirical"(6) For Kant, morality simply must

be separate from experience due to the very idea of duty itself. In his Foundations Kant makes this argument:¶ Everyone must admit that a law, if it is to hold morally, i.e., as a ground of obligation, must imply absolute necessity; he must admit that the command, "Thou shalt not lie," does not apply to men only, as if other rational beings had no need to observe it. The same is true for all other moral laws properly so called.(7)¶ Again, the clear message of duty's transcendence of human experience becomes the idea shared by all rational beings who embrace an objective ethic. So, if all of us are wearing the rose-colored glasses of morality (the "idea") then the world must look rose-colored in perception to all of us (the "projection"). If morality appears to exist universally then it seems that all of us share the same idea, namely that morality exists a priori. This is how Kant's ethical system roots itself in the a priori assumption. Since Kant's system is known a priori then this presents us with a universal and necessary view of morality. It might be said that morality is a matter of discovery and not one of invention.¶ THE "GOOD WILL"¶ Kant gives a concise definition of what makes morality a priori, but the matter remains as to where these a priori assumptions derive from. Graciously enough, Kant has provided a foundation for these intuitions about morality, namely the "Good Will." Consider what Kant states:¶ Nothing in the world--indeed nothing even beyond the world--can possibly be conceived which could be called good without qualification except a good will. (8)¶ As seen in alternate ethical systems, such things as pleasure and happiness are seen as basic virtues or foundations of moral action (and in some cases its motive). But Kant wishes to avoid linking moral intuition to natural proclivities such as these. Thus morality must be rationally conceived apart from our human inclinations. Kant, through analogy, shows why morality cannot be based on such inclinations:¶ Intelligence, wit, judgment, and the other talents of the mind, however they be named, or courage, resoluteness, and perseverance as qualities of temperament, are doubtless in many respects good and desirable. But they can become extremely bad and harmful if the will, which is to make use of these gifts of nature and which in its special constitution is called character, is not good.(9)¶ What he is saying here is that just as qualities such as intelligence, wit, and judgment are neutral tools of the person, so are pleasure and happiness. It could be the case that pleasure and happiness motivate evil or morally forbidden acts. Slavery in one sense made many Europeans complacent but such acts are undeniably sinister to most people today. Dr. Miller explains what Kant connotes in the concept of the good will:¶ For Kant a good will, or a pure will, is an intention to act in accordance with moral law, and moral law is what it is no matter what anything else is. To act out of a good will is, then, to do X because it is right to do X, and for no other reason. This would be rational morality.(10)¶ Kant's motivation by the "Good Will" to enact a duty differs from acting in accordance with duty. Such difference neglects motivation. For example, someone who saves the life of a woman from a murderous man so that he may rob her may be considered to act only in accordance with duty in regard to her deliverance from the murderer. He did not act out of the "Good Will" since his motivation was to rob her. Therefore, to take both intent and motivation into account in order to do the right thing considers one to be acting morally or dutifully. This act is said to proceed from that universal "Good Will."¶ THE "CATEGORICAL IMPERATIVE"¶ One final thought remains in Kant's ethical system. Having presented his view on how and why something may be considered moral, the issue of examination caps the end of his view in this section. That is, Kant presents us with a test or a method of determination on whether or not a particular act is considered to be morally right, morally wrong, or somewhere beyond the moral realm. For Kant the source of moral justification is the categorical imperative. An imperative is said to be either hypothetical or categorical. Kant writes, "If now the action is good only as a means to something else, then the imperative is hypothetical; if it is conceived as good in itself and consequently as being necessarily the principle of a will which of itself conforms to reason, then it is categorical . . ."(11) So he says that in order for an act to be categorically imperative, it must be thought to be good in itself and in conformity to reason. As a categorical imperative, it asks us whether or not we can "universalize" our actions, that is, whether it would be the case that others would act in accordance with the same rule in a similar circumstance. This is seen in Kant's statement

about the categorical imperative: Act only on that maxim whereby thou canst at the same time will that it should become a universal law.(12)¶ The point Kant makes in his presentation of the categorical imperative is that an act becomes imperative (or commanded) when it ought to be applied to everyone. Miller comments:¶ [A] categorical imperative would command you to do X inasmuch as X is intrinsically right, that is, right in and of itself, aside from any other considerations--no "ifs," no conditions, no strings attached . . . a categorical imperative is unconditional (no "ifs") and independent of any things, circumstances, goals, or desires. It is for this reason that only a categorical imperative can be a universal and binding law, that is, a moral law, valid for all rational beings at all times.(13)¶ This is to say that because a moral act is the right thing to do, it is universal and binding on the agent to follow through with the moral act. However, the act should not be done out of any condition ("ifs" or "if . . . then").¶ With the categorical imperative becomes the guiding principle of morality, it becomes the impetus for determining whether an act is moral or not. At this point it should be emphasized that Kant's categorical imperative is concerned only with general and abstract moral actions. Therefore, the categorical imperative determines whether or not any act is right or wrong. It is at this point that to do the opposite (to not will to do an act that everyone in similar circumstances would do) would be to invite contradiction. This is to say that something is morally wrong when it would result in a contradict[s]ion. By contradiction we are not referring to a logical one (i.e. $A = [\sim A]$) but a practical one (i.e. when something is self-defeating). Kant himself uses four examples, one of which illustrates this ethical antinomy. He posits a man in extreme despair who considers whether or not he should take his own life.(14) The dilemma is this: Either he takes his own life thereby thwarting the threat of ongoing dissatisfaction or he remains alive to face his situation. Kant states that the nature of feeling "despair" is one which impels one to improve live (e.g. feeling bad requires one to do something to feel good). If he chooses to take his own life, he is actually universalizing the maxim, "In order to love myself, I should shorten my life." This maxim is a practical contradiction because the consequent works opposite to the antecedent. That is, killing myself does nothing to improve my life. It results in a contradiction. In this sense the categorical imperative is used as a test for general moral principles in order to determine a particular act based on its own general maxim. The criterion for a particular action is found in its general principle. This general principle is tested to be either a contradiction or a morally permissible act. Consequently, the nature of the action is determined from this process.

Consequences fail – They use induction to justify induction, which is circular.

Schurz 19, PhD [Gerhard Schurz and Ralph Hertwig, Director of Logic and Philosophy of Science at Heinrich Heine University Düsseldorf, Wiley Online Library, "Cognitive Success: A Consequentialist Account of Rationality in Cognition," 01/21/19, <https://onlinelibrary.wiley.com/doi/full/10.1111/tops.12410>, chin]

One key counterargument to the view that circular justifications have epistemic value demonstrates that contradictory rules can be pseudojustified by the same circular argument structure. For example, the circular inductive justification of induction goes as follows: Inductions were successful in the past, whence, by induction, they will be successful in the future. If one accepts this justification, then—to avoid inconsistency—one must equally accept a counterinductive justification of counterinduction³ that runs as follows: Counterinductions were not successful in the past, whence by counterinduction they will be successful in the future (see Douven, 2011, sect. 3; Salmon, 1957; Schurz, 2018). Eventually, circular justification may also be given for fundamentalist doctrines, such as the “rule of blind trust in God’s voice,” which a person may hold in reflective equilibrium with the intuition that “God’s voice in me tells me that I should blindly trust his voice.”

Even if they win everything else, empirically predictions fail.

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It's an open secret in my discipline: in terms of accurate political predictions (the field's benchmark for what counts as science), my colleagues have failed spectacularly and wasted colossal amounts of time and money. The most obvious example may be political scientists' insistence, during the cold war, that the Soviet Union would persist as a nuclear threat to the United States. In 1993, in the journal *International Security*, for example, the cold war historian John Lewis Gaddis wrote that the demise of the Soviet Union was "of such importance that no approach to the study of international relations claiming both foresight and competence should have failed to see it coming." And yet, he noted, "None actually did so." Careers were made, prizes awarded and millions of research dollars distributed to international relations experts, even though Nancy Reagan's astrologer may have had superior forecasting skills.[¶] Political prognosticators fare just as poorly on domestic politics. In a peer-reviewed journal, the political scientist Morris P. Fiorina wrote that "we seem to have settled into a persistent pattern of divided government" — of Republican presidents and Democratic Congresses. Professor Fiorina's ideas, which synched nicely with the conventional wisdom at the time, appeared in an article in 1992 — just before the Democrat Bill Clinton's presidential victory and the Republican 1994 takeover of the House.[¶] Alas, little has changed. Did any prominent N.S.F.-financed researchers predict that an organization like Al Qaeda would change global and domestic politics for at least a generation? Nope. Or that the Arab Spring would overthrow leaders in Egypt, Libya and Tunisia? No, again. What about proposals for research into questions that might favor Democratic politics and that political scientists seeking N.S.F. financing do not ask — perhaps, one colleague suggests, because N.S.F. program officers discourage them? Why are my colleagues kowtowing to Congress for research money that comes with ideological strings attached?[¶] The political scientist Ted Hopf wrote in a 1993 article that experts failed to anticipate the Soviet Union's collapse largely because the military establishment played such a big role in setting the government's financing priorities. "Directed by this logic of the cold war, research dollars flowed from private foundations, government agencies and military individual bureaucracies." Now, nearly 20 years later, the A.P.S.A. Web site trumpets my colleagues' collaboration with the government, "most notably in the area of defense," as a reason to retain political science N.S.F. financing.[¶] Many of today's peer-reviewed studies offer trivial confirmations of the obvious and policy documents filled with egregious, dangerous errors. My colleagues now point to research by the political scientists and N.S.F. grant recipients James D. Fearon and David D. Laitin that claims that civil wars result from weak states, and are not caused by ethnic grievances. Numerous scholars have, however, convincingly criticized Professors Fearon and Laitin's work. In 2011 Lars-Erik Cederman, Nils B. Weidmann and Kristian Skrede Gleditsch wrote in the *American Political Science Review* that "rejecting 'messy' factors, like grievances and inequalities, which are hard to quantify, 'may lead to more elegant models that can be more easily tested, but the fact remains that some of the most intractable and damaging conflict processes in the contemporary world, including Sudan and the former Yugoslavia, are largely about political and economic injustice," an observation that policy makers could glean from a subscription to this newspaper and that nonetheless is more astute than the insights offered by Professors Fearon and Laitin.[¶] How do we know that these examples aren't atypical cherries picked by a political theorist munching sour grapes? Because in the 1980s, the political psychologist Philip E. Tetlock began systematically quizzing 284 political experts — most of whom were political science Ph.D.'s — on dozens of basic questions, like whether a country would go to war, leave NATO or change its boundaries or a political leader would remain in office. His book "Expert Political Judgment: How Good Is It? How Can We Know?" won the A.P.S.A.'s prize for the best book published on government, politics or international affairs.[¶] Professor Tetlock's main finding? Chimps randomly throwing darts at the possible

outcomes would have done almost as well as the experts.” These results wouldn’t surprise the guru of the scientific method, Karl Popper, whose 1934 book “The Logic of Scientific Discovery” remains the cornerstone of the scientific method. Yet Mr. Popper himself scoffed at the pretensions of the social sciences: “Long-term prophecies can be derived from scientific conditional predictions only if they apply to systems which can be described as [that are] well-isolated, stationary, and recurrent. These systems are very rare in nature; and modern society is not one of them.” Government can — and should — assist political scientists, especially those who use history and theory to explain shifting political contexts, challenge our intuitions and help us see beyond daily newspaper headlines. Research aimed at political prediction is doomed to fail. At least if the idea is to predict more accurately than a dart-throwing chimp.

Vote Neg. Civil disobedience violates the categorical imperative because it disobeys the universalized social contract.

Wit 97 [Professor of Statistics and Probability, The University of Chicago, 07-xx-2022, "Kant and the Limits of Civil Obedience", University of Groningen, diggitmagazine.com/academic-papers/risks-civil-disobedience-influenced-online-culture]

For philosophy, to pay society its due respect is to attend it, i.e., to examine it critically within the limits society sets on philosophy. And philosophy, thus equipped, draws up the limits of society in turn. We shall formulate an answer to the question, "To what extent does our respect for society allow for civil disobedience?" For the examination at hand, we shall use a Kantian model of society. The Kantian model describes society in terms of a system of laws. Following Kantian lines, we shall argue that, on the basis of a hypothetical social contract, citizens are subject to coercive laws of the state. For Kant it is a moral duty to obey the law, thus framing civil obedience in moral terms. Thus it may seem dubious whether, within the Kantian framework, there exists any leeway for civil disobedience at all. We pursue this issue along three different lines of argument. First, we claim that the head of state cannot possess absolute authority without internal inconsistencies. Secondly, the conflict between moral and positive law puts us in an unresolvable dilemma. We can only hope for a future reconciliation between moral and positive law. Thirdly, this hope constitutes, as we shall see, a duty that demands our public involvement. Respect for the laws of society does not mean mute subordination; quite on the contrary, it commands us to speak out for social reform. Keywords: Kant, civil disobedience, political philosophy, moral philosophy, moral person, teleology, sign of history, hope, principle of publicity.

1. Introduction All resistance against the supreme legislative power ... is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations. Kant's general position is characterized by a **strong suspicion** of any form of civil disobedience. Kant does not seem to allow any challenge of legal authority, e.g., rejecting the right of revolution or rebellion even when the head of state has violated the contract which originally sanctioned his legitimate claim to power. Nonetheless, it is our central claim in this article that there exist Kantian limits to civil obedience. At times discrepancies will appear between our claim of what Kant's position should be and what it actually is. To deal with such discrepancies, we may introduce a distinction between Kant's position and a Kantian position. We shall use the word Kantian for either anything that Kant explicitly maintains or for something that follows from his general position --- even if in his writings he holds the opposite. We shall say that a certain claim is Kant's position only when it is evident and indubitable that he defends it. This distinction allows us to put Kant's thoughts in a coherent form, even though he himself never expressed such claims so clearly. In this article it is our aim to find the Kantian limits to civil obedience. We shall follow Kant's writings diligently, but we shall not try to brush possible inconsistencies aside. The argument that we want to put forward is that Kant's absolute claim for civil obedience depends on two important presuppositions. First, Kant treats the sovereign as identical to the constitution. This enables Kant to argue against the legality of dethroning the sovereign; if we were to depose the sovereign we would break the law, and breaking the law is an inconsistent action, as the maxim underlying that action is not universalizable. Secondly, Kant presupposes that there exists only a single set of harmonious laws that demand our obedience. If there were to exist a strict autonomy, any form of disobedience would necessarily not be sanctioned by anything in favor of it. A single set of autonomous laws would not sanction any form of disobedience. However, by finding the limits of the application of these two assumptions, we shall analyze several ways that Kant accommodates or could have accommodated certain forms of civil disobedience. Kant himself notices a tension within the first assumption, generated by the fact that the sovereign is of a human nature. How can a mortal represent the ideal character of the law? It is clear that the empirical sovereign can be only a symbol of sovereignty. To resolve this tension Kant suggests a distinction between the physical and moral character of the head of state. The physical aspect of the head of state is the particular mortal individual who the sovereign is at the moment, while the moral character of the sovereign indicates the sovereign in the function of sovereign. Because the argument of inviolability

pertains only to the sovereign in the function of sovereign, there exists the possibility of a physical change of sovereigns without any Kantian principle being violated. The second part of our argument will aim at the tension in the claim that there exists only a single set of harmonious laws. Kantian philosophy recognizes, besides the validity of the positive law, also the absolute validity of the moral law. What if the moral law and the positive law are in conflict? We shall argue that there is no a priori principle that can synthesize these two laws. The civilian has to apply her judgment in each particular case to resolve the conflict. This means that there exists a fundamental heteronomy of civil and moral law, which makes civil disobedience (as motivated by obedience to the moral law) an inherent possibility within any state. Although there exists no constitutive synthesis of moral and positive law, Kant argues for a regulative synthesis: it is our duty to hope that one day moral and positive law will coincide. Not only is it our passive duty to hope for such improvement, but duty calls upon us to act as well. We shall argue that for a Kantian civilian it is a duty to reason freely and to criticize laws that are not in harmony with the transcendental principles of the state. There is no guarantee that our criticism will result in improvement of the constitution, but publicity is the only hope for any moral improvement of the law.

2. Obedience and the Categorical Imperative We shall now investigate the two-fold root of the claim that all citizens have to obey the laws of the state. Kant claims that in addition to an enforceable obligation we also have within us a moral obligation to obey the law. The reason for this fact emerges from Kant's Critical philosophy. Nicholson argues, explicitly recognizing the importance of Kant's moral philosophy to his political writings, that Kant's position on resistance is a similar application of the Categorical Imperative, though he uses that terminology only occasionally. ... The maxim upon which the resister acts cannot be conceived as a universal moral law without contradiction. For example, is it right to resist a tyrannical sovereign? The maxim of the proposed action would be: "whenever it can prevent injustice and oppression, I shall resist the sovereign." When this maxim is universalized, it contradicts itself; it is willed that there be justice (by ending the sovereign's unjust actions) and simultaneously that there be no justice (by denying the sovereign the authority which is the necessary condition for justice). The Categorical Imperative conditions all actions, and a citizen should therefore test her act of disobedience to the law against this criterion. Kant's arguments against disobedience often involve an appeal to pure practical considerations. That human beings have to obey the laws of the state, he says, is "a requirement of pure reason." Nonetheless, the idea that the Categorical Imperative prohibits all instances of disobedience depends on two important presuppositions, both of which we shall challenge in the second part of this article. First, it assumes that there is a single set of harmonious, i.e., non-contradictory, moral rules, because if we could find a pair of contradictory rules, then, on the basis of the Categorical Imperative alone, each maxim could be argued to be non-universalizable and thus the action immoral. Most commentators take this assumption for granted. What if a human being could be subject to contradictory laws? The tension lies in the fact that the system of positive law ties a plurality of free human beings together into a unity. Kant says, "A civil constitution is a relationship among free men who are subject to coercive laws, while they retain their freedom within the general union with their fellows." The system of laws demands strict obedience of the subjects of a state, because that is what makes them subjects of the state; but herein may lie the seeds of a possible conflict. Kant retains freedom only within the limits of the union, which leads to the possibility of disharmony between morality and the laws of the state. Unlike other moral duties, the moral duty to obey the laws of the state is enforceable. Its coerciveness is indeed peculiar to this duty, but this does not mean, as Beck suggests, that positive law is for Kant "prior in its claims." Neither does its empirical nature make positive law subordinate to morality as Reiss claims. The coerciveness of the laws of the state indicates that they are prior to moral laws in empirical implementation and that non-observance invalidates them. We shall discuss this issue in sections four and five. The second assumption underlying the prohibition of disobedience to the sovereign is that the head of state is identical to law as such. Kant relies on the association of these two concepts in the arguments against revolution or rebellion. Kant

rejected any form of rebellion by defending the legality of authority on an a priori basis. He argued that disobedience to the authority of the head of state cannot be a right, because if it were, then there would have to be a law permitting the abrogation of the constitution --- which is a contradiction. This argument relies on the fact that the head of state and the constitution are identical. We shall assess this presupposition carefully in the next section. We have shown in this section that it is a moral duty to obey the law. In this sense we agree with most commentators. However, they usually did not acknowledge that there are at least two presuppositions underlying such a view. In the subsequent sections we shall make these assumptions explicit. In both cases there emerges some kind of regulatory vacuum that makes room for Kantian disobedience.

Vote Neg. By choosing to stay in a society agents implicitly recognize the state as morally fundamental and therefore agree to abide by the laws. Thus, Civil disobedience violates the categorical imperative since it is an intentional violation of the agreed law.

Friend 03 [Friend, Celeste. "Social Contract Theory." *Internet Encyclopedia of Philosophy*, 2003, iep.utm.edu/soc-cont/.]

In the early Platonic dialogue, *Crito*, Socrates makes a compelling argument as to why he must stay in prison and accept the death penalty, rather than escape and go into exile in another Greek city. He personifies the Laws of Athens, and, speaking in their voice, explains that he has acquired an overwhelming obligation to obey the Laws because they have made his entire way of life, and even the fact of his very existence, possible. They made it possible for his mother and father to marry, and therefore to have legitimate children, including himself. Having been born, the city of Athens, through its laws, then required that his father care for and educate him. Socrates' life and the way in which that life has flourished in Athens are each dependent upon the Laws. Importantly, however, this relationship between citizens and the Laws of the city are not coerced. Citizens, once they have grown up, and have seen how the city conducts itself, can choose whether to leave, taking their property with them, or stay. Staying implies an agreement to abide by the Laws and accept the punishments that they mete out.

And, having made an agreement that is itself just, Socrates asserts that he must keep to this agreement that he has made and obey the Laws, in this case, by staying and accepting the death penalty.

Importantly, the contract described by Socrates is an implicit one: it is implied by his choice to stay in Athens, even though he is free to leave. In Plato's most well-known dialogue, *Republic*, social contract theory is represented again, although this time less favorably. In Book II, Glaucon offers a candidate for an answer to the question "what is justice?" by representing a social contract explanation for the nature of justice. What men would most want is to be able to commit injustices against others without the fear of reprisal, and what they most want to avoid is being treated unjustly by others without being able to do injustice in return. Justice then, he says, is the conventional result of the laws and covenants that men make in order to avoid these extremes. Being unable to commit injustice with impunity (as those who wear the ring of Gyges would), and fearing becoming victims themselves, men decide that it is in their interests to submit themselves to the convention of justice. Socrates rejects this view, and most of the rest of the dialogue centers on showing that justice is worth having for its own sake, and that the just man is the happy man. So, from Socrates' point of view, justice has a value that greatly exceeds the prudential value that Glaucon assigns to it. These views, in the *Crito* and the *Republic*, might seem at first glance inconsistent: in the former dialogue Socrates uses a social contract type of argument to show why it is just for him to remain in prison, whereas in the latter he rejects social contract as the source of justice. These two views are, however, reconcilable. From Socrates' point of view, a just man is one who will, among other things, recognize his obligation to the state by obeying its laws. The state is the morally and politically most fundamental entity, and as such deserves our highest allegiance and deepest respect. Just men know this and act accordingly. Justice, however, is more than simply obeying laws in exchange for others obeying them as well. Justice is the state of a well-regulated soul, and so the just man will also necessarily be the happy man. So, justice is more than the simple reciprocal obedience to law, as Glaucon suggests, but it does nonetheless include obedience to the state and the laws that sustain it. So in the end, although Plato is perhaps the first philosopher to offer a representation of the argument at the heart of social contract theory, Socrates ultimately rejects the idea that social contract is the original source of justice.