LD NEGATIVE CASE – BEEHIVE BONANZA 2017

All examples of justified civil disobedience throughout history have been concerning people attempting to subvert tyrannical, dictatorial, or oppressive governments. Democratic societies, which protect minority rights, should not tolerate uses of civil disobedience as an excuse for mob rule. Democracies are governments constructed to allow for representation of citizens; therefore, citizens should show their protest of their government by voting or other legal methods of change. Participating in civil disobedience in a democratic society only operates to hurt your neighbors.

VALUE: THE BODY POLITIC

VALUING THE BODY POLITIC IS VALUING OUR “NEIGHBORS”

Robert P. Lawry, Professor of Law, Case Western Reserve University School of Law, Director of Center for Professional Ethics, ETHICS IN THE SHADOW OF THE LAW: THE POLITICAL OBLIGATION OF A CITIZEN, Case Western Reserve Law Review, Spring 2002, p. 700-701.

So far, Thoreau seems to be saying two things. First, he thinks government is, at best, a necessary evil. He thinks people accomplish things. Government just gets in the way. This is a very American impulse, seen in the early Constitutional debates to have "limited" government, and seen today in its clearest form in Ronald Reagan's ascendancy to the Presidency and his legacy not just in conservative Republican thinking, but in much of the Clinton administration's positions as well. Seen as a healthy suspicion of those who seek power or as a political principle embodied in such ideas as "subsidiarity, the impulse toward limited government may be salutary. However, the tendency to distrust government can lead to utopian fantasy, or worse, practical naivete. We are political and social animals, as the ancients taught us. We need each other. In fact, we cannot do without one another. This is true not just in the minimal sense of needing some joint protection from adversaries, but also in our need to have an organization coordinating the myriad activities of any group. Thoreau is symptomatic of the problem. He refuses to pay the poll tax because he considers it an "allegiance" tax, one that binds him to the state. However, he "never declined paying the highway tax," as he viewed paying that tax as demonstrating him to be a "good neighbor." But surely he did not pay money directly to his neighbors to see that the roads were built and maintained. He paid the money to the State. As was suggested before, the State is simply the mechanism whereby the body politic operates. And the body politic is our "neighbors." Here is a compelling example of where the anti-State rhetoric spins out of control. The State is not the community; but the community needs to act in important ways through the mechanism of the State. If the State is destroyed, another State will be built. There is no other way. Of course, that does not mean that certain forms of government should not be overturned, or at least that some non-cooperation is not warranted. It just means we ought to understand what we are doing when we "rebel and revolutionize." It seems to me allegiance to a State is more complicated than allegiance to governmental leaders or to their laws and policies. It always entails some allegiance to the body politic, to our "neighbors," if you will. We damage them when we damage the State. Again, this does not mean it cannot or should not be done. It only means we ought to be aware of what we are doing, whom we are injuring, and how we are injuring them. Remember the Naomi's final point to Socrates: If you break the law--especially one the lawbreaker does not consider unjust--you injure "yourself, your friends, your country, and us."

**CONTENTION ONE: UNITY FOR THE WAR ON TERRORISM**

A. HONG KONG POLITICAL REFORMATION SHOWS CIVIL DISOBEDIENCE DESTROYS UNITY

James Tien Pei-chun, chairman of the Liberal Partyin Hong Kong, WHY PATIENCE IS A VIRTUE, South China Morning Post, February 25, 2004, p. 13.

Moreover, reforms have to be made in accordance with practical conditions in Hong Kong. The Liberal Party shares the political aspirations expressed by the public in the two protest marches, on July 1 and January 1, but we are anxious to make progress through harmony and careful deliberation. We do not wish to see action from any quarter which might try to steamroller radical measures on to the agenda, by encouraging people to take part in acts of civil disobedience. If that were to happen, the outcome would be factional strife and public discord. The unity which has been the hallmark of our city for so many years would be destroyed.

B. ONLY ACTING IN UNITY CAN WE BEAT TERRORISM

The Atlanta Journal-Constitution, NQA, ONLY IN UNITY CAN WORLD EFFECTIVELY FIGHT TERRORISM August 20, 2003, p. 12A.

"By their tactics and their targets," the president pointed out, "these murderers reveal themselves once more as enemies of the civilized world . . . All nations of the world face a challenge and a choice."  
That, too, is exactly right. All terror attacks are meant to be symbolic, and the symbolism of this attack on the United Nations is unmistakable. This is, indeed, a fight for all nations. And if it is to win that fight, the civilized world has to confront this challenge together.

CONTENTION TWO: THE LAW IS NECESSARY TO ESTABLISH MORALITY

A. WE CANNOT UNDERSTAND MORALITY WITHOUT THE LAW

Robert P. Lawry, Professor of Law, Case Western Reserve University School of Law, Director of Center for Professional Ethics, ETHICS IN THE SHADOW OF THE LAW: THE POLITICAL OBLIGATION OF A CITIZEN, Case Western Reserve Law Review, Spring 2002, p. 657.

For me, the positivistic separation between law and morality has thinned efforts to understand each. It is like trying to understand the left hand without mention of the right hand. It can be done, but every effort at real understanding entails an attempt to come to terms with both. The great positivist, Oliver Wendell Holmes, Jr., called the law "the witness and external deposit of our moral life." Simultaneously, Holmes insisted that even the language of law and morality must be distinct. Law influences morality as morality influences law. It is a dynamic two-way street. This is not a definitional issue. It makes sense to talk of "unjust laws." It just makes no sense to try to understand one without trying to understand the other. This may seem an audacious statement. However, I think one's specific moral obligation in a given case is often shaped or dictated by law in reasonably just democratic societies. We stop at a red light in city traffic because we do not want to cause an accident that brings harm to ourselves or to others. However, we stop specifically because the light is red and the law directs up to stop. Thus, although the question "What should I do in the face of an unjust law?" is wholly "ethical," it cannot be answered without grappling with the concept of law itself.

B. SOCRATES IS MORAL BECAUSE HE OBEYS THE LAW, EVEN IN THE FACE OF THE BIGGEST INJUSTICE – HIS OWN EXECUTION

Robert P. Lawry, Professor of Law, Case Western Reserve University School of Law, Director of Center for Professional Ethics, ETHICS IN THE SHADOW OF THE LAW: THE POLITICAL OBLIGATION OF A CITIZEN, Case Western Reserve Law Review, Spring 2002, p. 678.

He was philosopher, teacher, and gadfly; he was also citizen par excellence. As the famous ending of the Phaedo has it, Socrates was the bravest, wisest, and most just of all men. Superlatives aside, since his death--and partly because of the way he died--Socrates has been one of the supreme moral exemplars in the history of western civilization.The steadfastness of his personality and his principles in obeying the law leading to his own death have had much to do with this historic assessment. Indeed, it is not superfluous to add that it would have been "scandalous" for Socrates to escape. I believe it is self-evident that we admire him because he stayed. He taught us something by his refusal to escape, by his adherence to law in the face of death. What he taught was not blind obedience to law, but how to live and die a "good" man.