

The Final Round Decisions

Adjudicators

David Dirgo, Creighton University, voted Government
Gary Gillespie, Northwest College, voted Government
Konrad Hack, Point Loma Nazarene University, voted Government
Edward S. Inch, Pacific Lutheran University, voted Government
Jim Klumpp, University of Maryland, voted Government
Rona Liggett, University of Nevada, Reno, voted Government
Dan West, Rice University, voted Government

Decisions

David Dirgo
Creighton University

This was a very difficult decision for me to make. The problem, as I see it, is that each team clearly won the debate it thought it was having. The task for me, then, is to sort out the paradigm and criteria and determine what debate did, or at least should have, occurred. As I finally work it out, there are three key dichotomies that must be resolved in order to determine the winner: (1) is this a value or policy debate; (2) what is the appropriate criterion, and what does it mean; and (3) should I consider civil disobedience in the here and now or more abstractly.

First, I turn to the fundamental question of whether the debaters are trying to frame value or policy arguments. Uniquely, they seem to have done both, and no one ever address the inherent contradiction in the arguments being presented. This initially goes astray when the Prime Minister, after discussing civil disobedience in a value context throughout his speech, then presents the argument that civil disobedience is superior to the alternative, and justifies this claim with what certainly appear to be solvency arguments and case side advantages. So what do I do with that? The opposition does not help, because its response to this is to try and turn the advantages, and put a disadvantage on offcase.

The challenge for me, in weighing these arguments, is that the link, if any, between the value-oriented criteria debate and the policy impacts of the advantages and disadvantages is never explained to me. For instance, the opposition tells me that I should use the categorical imperative as a criterion — but how does the disadvantage impact upon this criterion? It is a mystery.

There is a larger lesson in this for these debaters and all the other debaters who watched the round. What happened in this round is something I have seen in a lot of other rounds — the debaters have criteria, but do not make a conscious effort to use those criteria in evaluating the arguments presented in the round. One of the essential purposes of the criterion is to limit the world of arguments to those that are relevant to that criterion. If the debaters are not applying the criterion to their arguments — not making those arguments "flow through" the criterion - then they are usually offering a lot of argumentation that is irrelevant to what they implicitly claim is the decisive factor that I as the judge should consider.

Ultimately, I find that the government wins the policy and the value debate, although this is not precisely determinative in the round. Since the debaters seem to concur that the criterion should be value oriented, the value debate must trump the policy debate. Nonetheless, I find that the government won the policy arguments. The problem for the opposition is that they never really contest the solvency arguments put out in the government's case. Their attacks on the solvency are premised on their argument that civil disobedience provides a universal justification for violence, which is an argument I will address in its more general sense later. Nonetheless, I have strong solvency claims from the government and must determine if they are outweighed by the disadvantage claimed by the opposition.

The opposition offers a disadvantage based on the Watts riots, arguing that the riots resulted from the universalization and/or misapplication of the civil disobedience of Dr. Martin Luther King Jr. and others. The opposition never defines the scope of this impact, however, and on the empirical level the example does not persuade me. Even assuming that the Watts riots resulted from Dr. King's civil disobedience, if I weigh the negative of the rioting against the positives of King's civil rights movement, then comparative advantage clearly runs in favor of civil disobedience.

Next, I turn to the critical question of the criterion. The government initially tells me to use the social contract, while the opposition counters with the categorical imperative. Both teams win and lose some issues here.

I am persuaded that the categorical imperative is the criterion by which I should judge the round. The government seems to throw out the social contract almost as an afterthought, as that criterion is never applied coherently to the subsequent claims made by the government. In fact, the government never explains to me *how* I can use the social contract as a criterion. It does not seem to me that the concept is normative enough to serve a criterial function, and the government never tells me how it can.

The government wisely chose, however, to also attempt justification of their case through the categorical imperative. The critical issue then becomes the meaning of the categorical imperative. Essentially, the opposition is telling me that a moral action under the categorical imperative is one that can be universalized in the broadest sense — that such an action should be considered as the universal norm from the inception of society. The government, on the other hand, tells me that I should use the categorical imperative to determine what I, as a moral actor, should do in the here and now.

The opposition ultimately loses this argument by reliance on proof by vehement assertion, rather than responding to the government's pragmatic critique of the opposition's position. I recognize that the opposition's interpretation of Kant has some basis in his writing, although Kant is hardly a model of consistency. What Kant may or may not have intended the categorical imperative to represent, however, is not the determining factor. Saying that something is moral and/or true because Kant said so is merely an appeal to authority, a classic logical fallacy. Moreover, given the context of a parliamentary debate round, it would be inappropriate for me to evaluate the arguments in light of my own independent understanding of Kant. I have to judge the arguments presented in the round on their own merit, without reference to my own long-neglected Kantian education, and without relying on the opposition's assertions that "Kant said so" to justify the claim.

The opposition in essence tells me that I should look at the "should" of the round in the context of what I should do as a moral actor in the state of nature. The government tells me that while the opposition's interpretation of the categorical imperative might be speculatively useful, I should rely on their interpretation to make pragmatic moral decisions in the *status quo*. Since I am a moral actor in the *status quo*, I find the government's argument to be more persuasive. The opposition tells me that I must universalize actions because it is a deontological question, but the government persuades me that I should be a little more practical, since the train has already left the station from the state of nature.

This proves to be determinative when it comes to the key opposition argument - the contention that civil disobedience results in the delegitimizing of the rule of law. Essentially, this is the value side of the opposition's disadvantage — the argument that civil disobedience, even non-violent as defined by the government, will provide a moral justification for violent lawbreaking, and that citizens will be morally incapable of distinguishing between violent and non-violent civil disobedience. Opposition tells me that under their interpretation of the categorical imperative, essentially, breaking one law means that any lawbreaking is justified. The government limits the

criterion circumstantially, however, and tells me that for an action to be moral, the same or similar action must be appropriate under the same or similar circumstances.

Again, I recognize that Kant contains some support for the opposition's version of the categorical imperative, and I again conclude that I am not bound by Kant. I am not here to decide what Kant may or may not have meant — my role, in the criterial debate, is to determine what standard provides me with the most useful and appropriate weighing mechanism for this particular debate round, based upon the arguments presented by the debaters. Since the government is more persuasive to me in this regard, I find that the categorical imperative asks me to consider whether persons in the same oppressive situation should always be able to take the same action, defined by the government as non-violent civil disobedience. I conclude that they should, and that the government should not be held accountable for misuse of the justification they present for non-violent action. I determine that the government's use of the categorical imperative justifies non-violent civil disobedience, but that the government's limitation of civil disobedience to non-violent response to oppression is valid and does not inherently legitimize lawbreaking or other violence.

So this is how I resolve the three dichotomies I set out at the beginning: (1) this is a value debate, although the government also wins the policy arguments; (2) the criterion is the categorical imperative, although the government persuades me that their context-oriented version of the categorical imperative is a more appropriate standard in this round; and (3) I should use the criterion to determine whether civil disobedience is a justified real-world response to real-world oppression. Since that question is answered affirmatively, the government wins the round.

Gary Gillespie
Northwest College

I tip my hat in favor of the government team for the following reasons:

1. While more specific examples—especially current examples (such as the World Trade Organization (WTO) protests in Seattle) would have made this debate more vivid and compelling—the government team sets up a well reasoned case for civil disobedience. The opposition team, however, fails to adequately refute it on many levels.
2. The opposition value-criteria analysis is flawed. The key issue in the "real world" debate on the usefulness of civil disobedience is

"What should civil people do when they are oppressed by a powerful government?" Oppressed people can revolt violently to overthrow that government or they can nonviolently protest to force change. So the issue isn't that we should act morally and avoid treating each other poorly, but what do we do when those in power are not following Kant's moral imperative. Martin Luther King argued that unjust laws are illegitimate and fall outside of the constraints of the social contract. In other words, moral people are not only not obliged to obey unjust laws, but actually have a duty to break them. The government team does a good job showing this flaw in the opposition's value-criteria.

The opposition's only other significant attack is that civil disobedience leads to the wholesale breaking of laws and violence. However, the opposition fails to show the harm of violently revolting against oppression. The opposition falsely points to the Watts riots during the civil rights movement as an example of violence caused by civil disobedience. But Watts was the opposite of nonviolence. Rioters were motivated by the feeling that civil disobedience doesn't work. Therefore, there is no modeling of violence by civil disobedience as the opposition claims.

The opposition drops the government response that even if nonviolent protests might cause rioting, then the power base is at least forced to face the harms of oppression and the system is advantaged.

The opposition fails to clash with the historical examples of nonviolence as a successful means to resolve injustice. There is little offered about the cases of Gandhi and Martin Luther King. Further, the opposition misses the common objection to nonviolence as a method that is mostly ineffective. The opposition gives none of the pragmatic attacks, such as the argument that civil disobedience only works in nations that have a level of democracy and tradition of egalitarian justice. It is useless in a dictatorship (China's Tiananmen Square, 1989). Even in democracies, it is challenged as an inadequate means to fight oppression—as Black Power advocates of the 1960's argued. The government case is only gives three historical examples of success, where as in the vast majority of cases in the past when oppression is overcome, it requires the application of war and violent acts of liberation. I do not vote on issues not advanced in the debate. But, given these well-known objections, I expected better refutation.

6. The opposition drops several other government arguments, such as civil disobedience is needed as a safety valve. But the main problem is that the opposition only briefly challenges the second contention that civil disobedience is effective.
7. It is weak to argue that there is no distinction between violent and nonviolent acts of breaking the law.
8. The government team dominated the argumentative ground in defending their case with extensions and stronger analysis.

After a long day of high-pressure elimination rounds and the many technical delays that required moving the final match much later into the evening, our champions did a wonderful job that we all enjoyed. It was an honor to serve as judge. Congratulations to two fine teams who worked hard to make it to the top of a huge pool of highly competitive students. Long live Parli!

Konrad Hack
Point Loma Nazarene University

This debate begins rather slowly, but then we pick up a lot of momentum by the time the Member of Government begins his speech. By the end, the Prime Minister Rebuttal gives us a nice flare and emotional appeal that makes me forget about the slow start. A few comments on the style and flow of issues before I get into my reason for decision. First, I thought that where the government introduced the concept of "civil disobedience" we would have much more discussion about symbolic action theory than this debate did. While much of the modeling and attention in public arguments address it tangentially, they didn't discuss the issue head-on. I think such a discussion would have allowed for clearer analysis of some of the competing claims. Second, the attack by the opposition is really based in theory to a great extent and therefore the types of support made by them are not, in my opinion, as strong as the government claims. Finally, the criterial discussion, in my opinion, was excellent. The comparison of issues is wonderful and this makes the discussion easier for me. Now, onto the reason for decision.

1. Criteria. The key arguments here are two-fold. First, whichever comes first, categorical imperative or the social contract. The Leader of the Opposition argues that since you have categorical imperative before a social contract can be established, categorical imperative subsumes. Member of Government tells me that this may be true, but people don't and can't follow the categorical

imperative and that is why we need a social contract. Well, the opposition block only suggests that and this leaves me with the "rule of law" and that this is a self-fulfilling prophecy. These seem to take out the Member of Government's analysis, so I elect to reject categorical imperative since people can't follow it. However, the Member of Opposition spends a lot of time on the deontology question indicating that I do things based on deontology. But the Member of Government is right, I think, that you do not make decisions in a vacuum. While he does not use this terminology, what I get from his argument is that when values conflict, I have to choose one. How? Based on contest, which is what the government advocates. I am, therefore, in the government camp on criteria.

2. Modeling. This is, frankly, a powerful argument. I weighed this argument for a while, but ultimately, I think the opposition isn't there just yet. First, violence is not really impacted. I know it's bad, but just how bad is it? How do I weight it versus the opposition case? Second, I think the government is right when they say that civil disobedience can stop the spread of violence because the oppressed parties have a release mechanism. While this isn't ultimately persuasive, I don't think the Member of Government and Prime Minister rebuttal answers on definition get them out of this disadvantage.
3. The Case Debate. By now, there are not very many case arguments left by the opposition and Contentions III and IV are essentially conceded by the opposition after the Leader of Opposition constructive. The answers to the subpoints on Contention III are specific answers to much of the advantage debate and so I think the government meets the criteria well.

For Mr. Patchen, a fine debater, I am sorry to vote against you in what I believe is your last debate round. However, congratulations to Truman State in an impressive run to finals and a great tournament. To Wyoming, a fine year and a fine tournament as well. Congratulations to both teams. To whoever is not victorious, remember that 222 teams wish they felt your disappointment.

Edward S. Inch
Pacific Lutheran University

I want to extend my congratulations to each team. It is an impressive feat to achieve the final round and debate in front of your peers

and mentors. Debate at this level involves a sophistication and complexity that represents the best of what we do. To each of you good job, this achievement is well deserved.

This decision is not easily reached. I struggle in part because some of the arguments are muddled or presented and not concluded. I also struggle, in part, because both sides advocate positions that do not entirely or clearly connect with the position offered by the other. But it is mostly I struggle because each side presents competing philosophical viewpoints with independent merits and impacts. One of the challenges with academic debate is that time constraints often leave the broader, more significant discussion underdeveloped. I think that is true in this case where a true comparison of competing frameworks were left to the audience's interpretation and discretion.

That being said, I was persuaded by the position taken by the opposition that the deontological perspective of Kant's categorical imperative suggests a certain cause of action exists before the social contract and its surrounding laws. However, the proposition sets a different framework for interpreting the definition of oppressed people. They accept the resolutive interpretation of the government and once that is accepted, we understand that oppression exists and a rule. The Prime Minister's rebuttal effectively pointed out that we have placed the debate at sometime after the establishment of a social contract which means that the decision-making standard must also exist after the social contract. And while the categorical imperative should have been what we might have understood, it is not what we have.

The only question in my mind, then, is the issue of modeling violence. Kant does not equivocate the methods as suggested by the opposition and I concur with the government argument that sometimes it is the only reasonable way to balance competing interests and rights. Further, it has the potential to serve as a "relief valve" and may diminish other, more destructive forms of violence.

Therefore, in a close decision, I agree with the government's interpretation of the proposition. Good job both teams.

Jim Klumpp
University of Maryland

This was an excellent debate worthy of a final round. I particularly applaud a government team who went right to the heart of a proposition and confronted it head on. I also applaud an opposition who understood also the

fundamental issues on the resolution. Two issues dominate:

The value comparison. The debate ends too soon here and repetition sets in. From the beginning the opposition asks for me to use the "comparative values" frame but does not justify my doing so. The opposition winds up saying the categorical imperative is best but never responds to the government's argument (well developed) of why as a "reality" the categorical imperative is a non-stated and civil disobedience is required to avoid oppression. On that basis, the resolution is justified.

Does non-violence lead to modeling of violence? The second government speaker argues violence is uncivil disobedience. This is important because it defines the government's burden. The opposition responds to this argument empirically rather than by burden. Thus, the distinction cannot be made. I am satisfied that plenty of examples illustrate the ability to distinguish. The opposition's initial argument that nonviolence is related causally to violence does not respond to the burden argument. In the end I think there was a bit more slippage in the opposition's arguments than government's. The government case justifies the wisdom of Civil Disobedience in the world we live in.

Rona Liggett
University of Nevada, Reno

The government presents and defends a case that successfully proves the resolution true. The opposition's counter value is not sufficiently justified. The opposition says it "ought to come first. . . Kant's categorical imperative," but why is the government's criteria/value not reasonable? The opposition says its criteria should be preferred because it comes before laws, but that does not directly refute/counter why civil disobedience is not justified when majority rule (as in case of the British in India or Anglo-Americans over Afro-Americans) is oppressive. The government is debating the present — when something "is oppressive". The opposition wants me to look before "is" but never offers a clear standard as to why the government's criteria is unreasonable, unfair, or not possible to debate.

There is insufficient proof for me that civil disobedience includes violence. As the government claims, nonviolence may precede violence but civil disobedience by its nature is nonviolent; and thus, the opposition loses the modeling disadvantage. The government provides clear claims, ample evidence and sound reasoning. The opposition "loses" me in some of their positions - the claims, evidence and reasoning are not clear, i.e. the rule of law versus the force of law, that nonviolence includes violence, and that the social world "can" adopt Kant's Categorical Imperative - Utopia versus the

real world, as the government claims. The lack of clarity weakens the assault against the government's case.

Dan West
Rice University

Ryan: A very well structured case but I disagree with your analysis of the resolution. "Should" to me indicates a policy resolution and I expect burdens as such to be fulfilled. However, I will wait to see what the opposition does with it. It seems to me that if this to be a value debate the word "justified" would have been used.

Justin: I understand where you are going with Kant but you don't contextualize it well. Additionally, why is your definition of "civil disobedience" better than the government's? You don't give me an example of civil disobedience that fits your definition or a standard by which to evaluate both. Lack of evidence on case doesn't help strengthen your position. Kant can't refute all arguments.

Jacob: WOW! You just gave the best answer to a question that I have ever heard. Great job refuting definition argument that wasn't well developed by opposition. You pull all arguments and refute everything.

John: When you use tags like "the next argument" you run the risk of losing me and you did. You do a better job of explaining categorical imperative but the arguments on rule of law are not impacted well to government's case position. You dropped argument on definition of "civil disobedience."

Justin: Shame on you for "should" argument in rebuttal. That should have been in first speech. How can modeling prove when you only give me one example—Watts riot—and that is refuted by government?

Ryan: A very good rebuttal - you quickly deal with issues and crystallize the debate for me.

Reason for Decision:

While I would have preferred to see this as a policy round, I found the debate to be well done. Congratulations to all of you. You should be proud. I voted government and here is why:

1. Definition of Civil Disobedience, opposition challenges and gov-

ernment points out that opposition does not say why their definition is better. No reason for me to accept opposition definition.

2. Value clash, opposition presents Kant's categorical imperative to challenge the social contract. However, rule of law is contradictory to categorical imperative (Member Government Constructive). Additionally government proves that social contract is most effective in real world, opposition can't seem to make categorical imperative applicable.
3. Government argues in Member of Government that violence is a tool and opposition drops.
4. Opposition can't prove that modeling will occur. Additionally, government counters with argument that if modeling occurs as Kant says, then actions will be non-violent.
5. Evidence. I am not big on specific evidence in NPDA but government does a better job of contextualizing position with examples.
6. Opposition does not convince me that civil disobedience is not justified.

Thanks for a great round!