Monument Red

The following are articles, affirmative and negative cases, and opposing arguments is for your study of the Lincoln-Douglas resolution that was debated during the 2010-2011 school year in the NCFCA and Stoa speech and debate leagues. Applications and citations may be outdated, so give attention to checking all hyperlinks before attempting to run in competition.

***Resolved: A government’s legitimacy is determined more by its respect for popular sovereignty than individual rights.***

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Section 1

Articles

Discussions on key terms, theories, philosophies, and applications

Understanding LD in This Year’s Resolution

1: The Resolution

“The noblest pleasure

is the joy of

understanding.”

**~Leonardo da Vinci“**

What, Where, and Who?

*Ideas and Discussions on Government Legitimacy*

by Samuel Johnson

The Purpose Driven Government

*Various Philosophies on the Purpose of Government*

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Individual Wants, uh, I mean Rights

*The Evolution of Rights to Desires for Education, Vacation and a Can of Coke*

by Shane Baumgardner

What, Where, and Who?

Ideas and Discussions on Government Legitimacy

by Samuel Johnson

I. Introduction

The resolution hinges on the concept of governmental legitimacy. For a complete understanding, several important facets of this idea must be explored. First: what is governmental legitimacy? Different philosophers have advanced numerous and varied ideas for how we decide and define what makes a government legitimate. Second: where do we determine governmental legitimacy? Should we examine the resolution merely in a domestic sense, only through the lens of foreign policy, or by examining both arenas? Each approach has advantages and disadvantages that should be carefully weighted. And finally: who decides whether a government is legitimate? Should the responsibility for deciding if a government is legitimate be left to every individual, to the group, or to some other arbiter? This article examines each of these issues from both sides of the resolution to enhance each debater’s ability to assess, analyze, and argue this year’s Lincoln Douglas debate resolution.

II. What is Governmental Legitimacy?

What is meant by the term “Governmental Legitimacy?” This question is one of the most fundamental issues in this year’s Lincoln Douglas resolution. There are at least four different approaches to this topic, each of which impacts how you will define, analyze, and debate the resolution.

A. Purpose-based Legitimacy.

This theory argues that a legitimate government is one which fulfills the purpose of government. This approach grants both debaters a considerable breadth within which to develop their cases. Your value will encapsulate what you believe to be the highest purpose of government. Common values under this theory might include justice, protection of human rights, general welfare, security, stability, or liberty. This structure requires that you link everything back to the values and show how your side more effectively works within the context of government to achieve the purpose of government.

The purpose-based legitimacy argument will generally use a definition of legitimacy such as, “conforming to recognized principles or accepted rules and standards” or “being exactly as purposed.”[[1]](#footnote-1) The debater will then argue that when the government is fulfilling its purpose, it is conforming to those recognized principles and standards.

Both the Affirmative and Negative can utilize this approach. For instance, the affirmative could argue that the purpose of government is to ensure the general welfare, and that respecting popular sovereignty is the best way to achieve this goal; while the negative could contend that the purpose of government is to preserve individual rights or maintain justice, and that the power of the majority (i.e. popular sovereignty) must be checked within government to reach this goal. This approach centers the debate on the values and provides plenty of room for philosophical value debate.

B. Beneficial Effect-based Legitimacy.

The “Beneficial Consequences” school of thought maintains that governments which provide positive benefits for their people are legitimate. Several Enlightenment philosophers advocate this theory, including Christian Thomasius, a German philosopher living in the 1700s.[[2]](#footnote-2),[[3]](#footnote-3) This is a utilitarian approach to governmental legitimacy that rejects the necessity of a social contract for a legitimate government.[[4]](#footnote-4)

The affirmative can clearly make a good argument that popular sovereignty will achieve societal benefits more effectively than will individual rights since popular sovereignty requires that the government listen to the majority. However, the negative can make two primary responses. First, the negative can attack the idea of utilitarianism as a means of legitimizing governments. As the *Stanford Encyclopedia of Philosophy* states, “Many are not convinced that such instrumentalist reasoning provides a satisfactory account of political legitimacy. Rawls and Jeremy Waldron object that the utilitarian approach will ultimately only convince those who stand to benefit from the calculus, and that it lacks an argument to convince those who stand to lose.”[[5]](#footnote-5)

Second, the negative can argue that respecting individual rights is the best way to maximize well-being. Consequentialism is an ethical theory that states that actions are good if they cause a maximally beneficial outcome – in other words if they cause the most good for the most people. The *Internet Encyclopedia of Philosophy* says “Consequentialism does not itself say what kinds of consequences are good. Hence people can agree on consequentialism while disagreeing about what kind of outcome is good or bad.”[[6]](#footnote-6) This means that if you convince the judge that the “best consequences” are protecting individual rights (or whatever value you may be running), then you can contend that the negative stance offers the most consistent path to ensure beneficial effects.

This theory offers a potentially viable alternative to social contract theory if the negative runs the consequences argument correctly. In essence this approach is a type of “purpose-based” legitimacy that seeks to persuade the judge that beneficial consequences should be the basis of government. Thus, it offers a counter to “origin-based” legitimacy, which relies on social contract theory.

C. Origin-based Legitimacy.

Many debaters are already familiar with the underlying principle of this approach, which is the social contract. A substantial amount of this theory turns on the debate between the reasons behind the social contract versus the actual implementation of the social contract. The affirmative can argue that popular sovereignty is the only effective way to measure or implement a social contract, while the negative can contend that the purpose underlying the formation of the social contract is the protection of individual rights.

The argument that the purpose of the social contract is the protection of individual rights is clearly supported. John Locke, one of the most famous social contract philosophers, stated, “To supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others: this was the cause of men's uniting themselves at first in politic societies.”[[7]](#footnote-7)

But some process must exist to end a social contract government; otherwise there is no method to prevent it from becoming tyrannical. Locke contended that, “Any single man must judge for himself whether circumstances warrant obedience or resistance to the commands of the civil magistrate; we are all qualified, entitled, and morally obliged to evaluate the conduct of our rulers. This political judgment, moreover, is not simply or primarily a right, but like self-preservation, a duty to God. As such it is a judgment that men cannot part with according to the God of Nature. It is the first and foremost of our inalienable rights without which we can preserve no other.”[[8]](#footnote-8) Of course, there are also problems with any theory that allows the individual to choose whether they will obey the government; debaters must be careful to delineate and articulate to the judge why their chosen theory must be paramount.

Ultimately, however, the biggest problem with origin-based legitimacy is that different governments and countries have different originating principles. The Athenian Democracy was built on the principle of total democratic control – the Assembly’s word was final. But the United States’ Bill of Rights advances a different conception of government’s power and purpose.

Social Contract theory will likely be a popular and widespread argument this year. However, both sides are able to make arguments within the context of social contract to show how either popular sovereignty or individual rights is more important in determining a government’s legitimacy.

D. De Facto Legitimacy.

This theory states that governments which are in control of a country are De Facto legitimate. This approach will primarily be useful for resolutional kritiks, although it may be possible to link this approach back to popular sovereignty by arguing that popular sovereignty is necessary to determine who is in control of a given nation.

There are two justifications for this approach. First, definitional: *The American Heritage New Dictionary of Cultural Literacy* defines a “Legitimate Government” as, “A government generally acknowledged as being in control of a nation and deserving formal recognition, symbolized by the exchange of diplomats between that government and the governments of other countries.”[[9]](#footnote-9) The benefit of this definition is that it is one of the only definitions that includes the actual phrase “Legitimate Government” rather than the debater putting together separate definitions for “legitimate” and “government.” The second justification is based on pragmatic real-world affairs. For instance, we may recognize the legitimacy of China’s government, even if we believe that it violates individual rights and does not respect popular sovereignty since it is not accountable to the people. This approach will lead the debate away from values and philosophy and more towards real world impacts.

III. Where is the determination of Governmental Legitimacy made?

There are two general answers to this question: at home and abroad. A given case may address governmental legitimacy in the domestic realm, foreign realm, or both areas. “At home” means that you are examining the legitimacy of a government from the point of view of those who live under its power. “Abroad” means you are considering whether a government is legitimate from the perspective of those living outside of that government’s boundaries and authority.

A. At Home.

Domestic Legitimacy is the most natural arena to debate the resolution. Both sides have grounds to argue when considering whether a domestic government is legitimate. Also, this area may have the clearest impacts for judges since you are debating about the methodology they would use to determine if their own government is legitimate.

The essence of the Domestic Legitimacy approach hinges on the question: if you were living under a given government, would you believe its legitimacy was more determined by whether it respected popular sovereignty or individual rights? It is likely that many debaters will limit the scope of their discussions to the United States or other Western Republics; however, if you expand your analysis to include other systems (Roman, Greek, Chinese, etc), your case will gain additional depth and likely be more persuasive to the judge.

Within the scope of domestic legitimacy, you can discuss whether individuals, small groups, a majority of citizens, or some other group should decide the legitimacy of their own government. However, that is not true of every venue.

B. Abroad.

Foreign Legitimacy has several perks and downsides that must be considered before you decide if you want to run a case dealing with this arena. Two of the advantages of discussing the resolution from this stance are: (1) opponents may not be as prepared for a foreign policy debate; and (2) proper foreign policy for a given nation requires that it discern between legitimate and illegitimate foreign states. This area raises several questions about which factor is more determinative when we look at other governments. Many of the issues addressed under this theory are very timely: should we engage with governments which are popularly backed, even if they violate some individual rights, such as China[[10]](#footnote-10) or Hamas?[[11]](#footnote-11),[[12]](#footnote-12) What about policies meant to protect individual rights even if that means supporting dictators, such as in South Vietnam or other US Cold War containment policies? These questions require debaters to formulate incisive analysis that is linked to their values to explain why their side must be held higher in foreign policy.

However, there are several problems with running a case focused on foreign legitimacy. First, some of the arguments may sound jingoistic, especially from the negative, since you will effectively have to argue that even though the people of a given country support their government, they’re wrong. That does not mean the argument is not viable, but that you must tread carefully and focus on examples that bolster your case (e.g. Hamas). Second, some judges may think there is little impact to their personal lives – since any decisions based off of your analysis are made at the governmental foreign policy level, leaving little for individual citizens to do.

Nonetheless, foreign policy offers a unique, and fascinating, arena for debaters to explore the resolution. If nothing else, considering the resolution’s application to other countries may clarify how you want to apply it to domestic affairs and strengthen the depth of your argument as you elucidate more principles.

IV. Who decides if a Government is legitimate?

Many cases seem to skip over this question, but this is a critical part of any case. The judges must examine the resolution as a principle – which includes thinking about how it might work if people actually applied it. In order to do this, the “who” must be clarified. The resolution states, “A government's legitimacy is determined more by its respect for popular sovereignty than individual rights,” but who determines the government’s legitimacy? Who decides if the government is sufficiently respecting popular sovereignty? Who determines what individual rights mean?

Clearly, debaters will at least partially answer these questions with their definitions. However, that does not end all these uncertainties. Suppose that the negative side defines individual rights as “encompassing only the negative rights of life, liberty, and property.” Is there any way to ensure that *most* people in a given society will agree that this definition captures the meaning of “individual rights”? (Note, “negative rights” here is invoking the “negative rights theory” that human rights only include “negative rights, in the sense that they only require governments to refrain from doing things.”[[13]](#footnote-13) This type of definition can be helpful to the negative side, since it clearly does not include such contentious “rights” as healthcare or welfare, although there are serious problems with this conception.[[14]](#footnote-14))

There are three generalized approaches to the issue of “who” will legitimize (or de-legitimize) a given government.

A. Theoretical “impartial observer” (in essence, the debaters).

This approach gives free rein to the debaters. It is assumed that an “impartial observer” will determine if the government is respecting popular sovereignty and individual rights *as defined*. This theory is especially helpful to the negative, since they can define individual rights (counter-defining if necessary) to make them minimally expansive and maximally good. The affirmative always has to deal, to at least some degree, with the fact that popular sovereignty, since it involves larger numbers of people, inherently includes different opinions.

The problem is that the “impartial observer” argument is philosophically untenable if explicitly formulated. To draw a philosophical analogy: many utilitarian theories assume that an omniscient impartial observer will determine whether an action is good or not – but of course there is no human individual or group that is omniscient or fully impartial, thus making this assumption incorrect when the theory is applied to the real world. Likewise, disagreements among people inside a given society will affect their determination of whether their government is legitimate. If the debate is to be grounded in reality, both debaters must recognize and account for this fact.

B. The Society or the Individual?

There are two primary real world determiners of a government’s legitimacy: the society, and the individual. The problem is that, at first glance, each appears inextricably linked to one side of the resolution: society to popular sovereignty, and individuals to individual rights. Many of the comparisons between these two standards parallel the comparisons between the affirmative and negative stances, which can make an even-grounded debate difficult. If debaters are not careful to address the opposing side’s analysis for why the society or individual should be the one to make the decision, then the debate is likely to fall into the “two ships passing in the night” trap. However, it is possible to find some common ground from which to debate.

If both sides use the individual person as the determiner, then the debaters are focusing on whether an individual should obey a government that he may have personal objections to, but that is supported by the majority. This gives both debaters ground from which to argue. Likewise, if both sides choose to have the society determine legitimacy, then the debate hinges on what society uses to decide the government’s legitimacy; is it sufficient for the members of that society to believe that the majority supports the government, or must the government meet some (societal or otherwise) determined standard of individual rights?

Ultimately debaters should be wary of two difficulties when considering “who” determines the government’s legitimacy. First, they should watch for the use of a theoretical impartial observer to decide the government’s legitimacy. Second, especially as negative, the debater must be careful not to concede too much ground in discussing the determiner of the resolution’s legitimacy. If the negative says that the society makes the decision based on individual rights, then the affirmative may well argue that that is simply popular sovereignty, since the will of the people is the ultimate determining factor. Both debaters’ cases should be structured carefully to avoid these types of pitfalls, as they can muddle the round and dampen otherwise persuasive arguments.

V. Conclusion.

This year’s resolution gives debaters considerable leeway to decide how they will define governmental legitimacy, focus the scope of their argumentation, and impact the resolution to their values. One danger is that people may think that this resolution precludes value-debate; however, clearly articulating the way in which your value-premise affects the validity of the resolution, by determining what governmental legitimacy is and where it applies, must be a fundamental aspect of any solid case. Ample room definitely exists for solid value argumentation and fascinating political theory debates within this resolution, and hopefully each debater will find the exploration enlightening!

The Purpose Driven Government

Various Philosophies on the Purpose of Government

by Susanna Griffith

This year’s resolution sends debaters on a quest to determine what makes a government legitimate. With that in mind, it’s important to become familiar with various philosophies on the purpose of government and to examine the historical results when those philosophies are implemented. This article will just scratch the surface of the various philosophies of old, dead, legendary, ethnically diverse thinkers and then look at some “case studies” (if you will) of ancient and modern civilizations that governed/govern based on different ideas about what the purpose of government is.

Generally, people hold to the idea that the purpose of government is to maintain order, stability and security and to secure the individual rights of citizens. However, not all great minds think alike when it comes to determining which is the highest priority. See for yourself as we compare various popular and influential philosophies.

The Ancient Greeks

**Socrates:** This founder of Western philosophy was confident and opinionated, yet his opinions were often difficult to discern. According to Plato’s *Republic*, Socrates did not approve of Athenian democracy and believed that government should be an art where the few govern the many in a way that made life livable and enjoyable for the governed. Popular sovereignty did not matter to Socrates, but individual rights were treasured as the aim of good government.

**Plato:** In *The Republic*, Plato explains his basic view on the specific purpose of government. He argues that since people are not self-sufficient, they form government to help them reach their goals. Therefore, the purpose of government is to be a unified body that helps people reach their goals, guards the state, and maintains order. Plato thought it was more important for people to be under philosopher leaders than for them to have popular sovereignty. He was a strong believer in the idea that government should be ruled by a “philosopher king” and he expressed concern over people with no background in philosophy having a say in the government.

"... And even in the smallest manner ... [one] should stand under leadership. For example, he should get up, or move, or wash, or take his meals ... only if he has been told to do so. In a word, he should teach his soul, by long habit, never to dream of acting independently ... There will be no end to the troubles of states, or of humanity itself, till philosophers become kings in this world, or till those we now call kings and rulers really and truly become philosophers, and political power and philosophy thus come into the same hands."[[15]](#footnote-15) (The Republic.)

**Aristotle:** In his *Politics*, Aristotle states “A state’s purpose is not merely to provide a living but to make a life that is good.”[[16]](#footnote-16) Essentially, preserving, protecting, and promoting quality of life is the chief end of government. Aristotle spent much of his life expanding on his view of the best form of government. He settled on aristocracy: he advocated placing political power in the hands of a competent sovereign who would act as a skilled craftsman and mold the nation into an ideal, flourishing society.

The Social Contract Theorists

**Locke**: In his *Second Treatise of Government,* Locke makes his argument that the only legitimate government is one that has consent of the people. He continues to say that any government that fails to meet this requirement can be overthrown. This government, he contends, is formed to protect property.

“Government has no end but the protection of private property.”[[17]](#footnote-17) (John Locke, Second Treatise on Government.)

**Hobbes:** In the pessimistic mind of Thomas Hobbes, man’s evil nature makes the state of nature unbearable and necessitates the rule of an absolute ruler. He argued that the purpose of forming this government is to maintain law and order.

“The government it self, or the administration of its affairs, are better committed to one, then many.”[[18]](#footnote-18) (Hobbes, Rudiments.)

“It belongeth therefore to the Sovereign to prescribe the Rules of discerning Good and Evil and therefore in him is the Legislative Power.”[[19]](#footnote-19) (Hobbes, Leviathan, ii. xx. 106.)

**Rousseau:** Like Locke and Hobbes, Rousseau agrees that the state of nature can’t be left alone. He famously states that “man is born free, but everywhere is in chains.”[[20]](#footnote-20) (Roussea, On the Social Contract.) His basic philosophy is that governments are established to protect rights of people. Governments are formed when people consent to be governed by rulers in exchange for protection. If they are no longer protected, they can legitimately dissolve that government and start another one.

The Founding Fathers

**Thomas Jefferson:** This author, patriot, and philosopher was a strong believer in both individual rights and popular sovereignty. He argued that government’s purpose is to enable people to live in safety and happiness.

"[The people] are in truth the only legitimate proprietors of the soil and government."[[21]](#footnote-21) --Thomas Jefferson to Pierre Samuel Dupont de Nemours, 1813. ME 19:197

"Governments are instituted among men, deriving their just powers from the consent of the governed."[[22]](#footnote-22) --Thomas Jefferson: Declaration of Independence, 1776. ME 1:29, Papers 1:429

"A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate."[[23]](#footnote-23) Thomas Jefferson

**Thomas Paine:** The ever-opinionated Thomas Paine strongly advocated government by the people and promoted it as the only legitimate form of government. He believed that a government that respected popular sovereignty through the implementation of democratic principles was the state that would best offer protection of natural rights. He viewed government as a necessary evil but believed that giving sovereignty to the people rather than a monarch was the best course of action.

“Society in every state is a blessing, but government, even in its best state, is but a necessary evil.”-Thomas Paine, Common Sense, 1776

**Alexander Hamilton**: This famous federalist and constitutional convention member was heavily influenced by David Hume’s philosophy and by the model of British government. He believed that government should maintain order and that therefore it needed a model that would provide the energy necessary to maintain that stability. He wrote in the Federalist Papers, “A nation without a national government is… an awful spectacle.”[[24]](#footnote-24) He was a bit of a pessimist when it came to his views on human nature and he thought that individual rights would best be protected if the central government was strong and if educated, intellectual, benevolent men ruled the nation.

It is obvious that there is no universal standard on what government’s purpose is. However, just about everyone agrees to the basic idea that the reason government exists is to maintain order and protect rights. The exception would be philosophers like Machiavelli who promoted the idea that “might makes right” or Hitler whose book *Mein Kampf* expressed his firm belief that the Aryan Race is superior and that the government’s job is to preserve that people. He thought the best mode of preservation was to appoint a supreme leader to justly lead the Volk (people) and carry out the principles of anti-semitism. By most definitions of legitimate, neither of these philosophies are compatible with legitimate government. This year, many appropriate and diverse applications can be incorporated into your cases and argumentation. Below are summaries of some successful and not-so-successful governments. Analyze the way these governments respected popular sovereignty and/or individual rights and then use the information to make conclusions in your rounds. If you take the time to learn the nuances of various fascinating cultures, you’ll collect a plethora of examples that can help prove your points. Let’s consider four very different societies, paying special attention to the purpose they were created to fulfill and the respect (or lack thereof) given to popular sovereignty and individual rights.

The Results

**Mussolini’s Italy:** Mussolini had about as little respect for popular sovereignty as possible. He was heavily influenced by the ideas of Plato and believed it was right for him to be a supreme leader. During a time of turmoil, he assumed power in Italy, corrected the economic and social problems by force, and continued on to assert his power however possible. Whether it was a border crisis between Greece and Albania or a conference with other European leaders, Mussolini did things the way he saw fit with little regard for others. This backfired when people in his country revolted, leading to his arrest and eventual murder.

**Present-Day North Korea:** In 1990, the infamous Kim Jong Il appointed the slogan “to serve the people” as the mantra of his state. Unfortunately, he “serves” the people in a way that disrespects their sovereignty and often their rights as well. His priority is for government to control education, discipline, business administration, and most other projects. Popular sovereignty is completely disregarded and when individual rights come into conflict with his dreams for a unified, nationalized political ideology, rights are ignored.

**Pre-Revolution France:** The French government respected the sovereignty of some people but only if they belonged to a certain class. Individual rights were respected but the extent to which rights were granted depended once again on social status. The level of education a person could receive or the amount of taxes they had to pay was decided based on class rather than determined by the people’s vote. Although the rule of law was often respected, most people had no voice in determining the law. This inequality led to unease that gave birth to a violent, bloody period of oppression which eventually led to a revolution.

**The Netherlands:** Holland’s constitutional monarchy tops many lists as the government that best protects human rights. What are they doing right? The leaders govern based on the constitution and a traditional civil law system. Strict adherence to a highly esteemed authority keeps the government from abusing rights. Notably, the Netherlands is not ruled by the people, per se. Although the people have a voice when electing members of the law-making second parliamentary house, elections are party-based, campaigns are short and low-budget, and the government rather than the people are sovereign in most legislative and administrative matters.

With all this information in mind, let’s think about how to apply various philosophies about the purpose of government and different stories of tried and failed government styles to the resolution. If you define legitimate along the lines of “able to be defended with logic or justification”[[25]](#footnote-25), you can argue that the most justifiable government is one that accomplishes its purpose.

Individual Wants, uh, I mean Rights

The evolution of basic human rights to desires for education, vacation and a can of coke

by Shane Baumgardner

I like coke. And when I say that, what I really mean is that I absolutely love coke. Dr. Pepper, Pepsi, Coke, Sprite— if it's carbonated, I'll take it. As a child, however, I was deprived. My mother did not seem to share my view that carbonated beverages were necessary to the survival of children. Instead, I was lucky to get one coke a week. Weeks would often go by between my fixes. Later in life, I decided that this should not and could not stand. I would simply not allow this cruel treatment to continue. I determined that coke was a necessity of modern life. The world had changed. A new deceleration of the rights of man was needed to include the right to a can of coke a day! It would be a new dawn for human happiness! This right would improve worker productivity, enhance America's sagging math scores, and cement the soda industry as a pillar of American manufacturing. In short, it was the solution to all our problems. Unfortunately, my mother once again did not seem to share my view and my “right to coke” idea was crushed in its infancy.

My genius did not go unnoticed, thankfully. Over the years, many pioneers of human happiness and “all things good” have proposed new “rights” of man. If you think that those great visionaries were probably less radical than myself, you would be wrong. They set out with the same treasured dream of making the comforts of modern life into universal rights of humanity. The revolution would be ground shaking, earth breaking, and truly, well, revolutionary.

It started in academia. Professors and students theorized on what would make the world a better place. They followed any number of paths, though few settled for the classic view of life, liberty and the pursuit of happiness. After all, why stop there? The western world had already upheld these rights and they were expanding throughout most of the world. They were looking for ways to make society better, not to simply keep it where it was. Progress was the name of the game and they were playing it to the best of their ability. Ideas were birthed— some crazy, some good, and many simply strange.

But through the chaos of academic debate, a movement began to arise. As at the beginning of the original theories of natural and human rights, a few pillars emerged again and again— those being life, liberty, and property. The same began to occur in this new debate. These pillars arose from simple, common sense ideas. The most basic was that, in this modern world of wealth, travel, and trade, no one should starve to death. That seems simple, not to mention moral, enough. Why should people starve while others throw their leftovers away? It seemed that we had finally found a right that even my mother could get behind. We've all heard it, right? “Eat your broccoli! There are starving children in Africa you know!” Surely the right to food was something that reasonable people ought to support. It seemed so basic, and so human, that it must be included on our list of rights.[[26]](#footnote-26)

The movement didn't stop there. Other rights soon found their way onto this new list. Next up was the right to adequate housing.[[27]](#footnote-27) Again, it seemed only human. Who would want their fellow man to live without adequate shelter? In this modern world of wealth there was simply no place for allowing death due to exposure or the elements, or poverty so deep that it kept people from even finding shelter. It seemed that this was only logical, if we were really determined to grant the rights of basic human necessity. Food and housing are certainly basic human needs that no one should have to worry about lacking in a world of billionaires, skyscrapers, and $100 million contracts for athletes.

Housing may have been the next step, but once again, not the last. What good is a house if you are sick all the time? The people who die of curable diseases constitute one of the greatest tragedies of our time, nearly on par with those who starve to death or are left to die without shelter. The result was a right to healthcare. The “logical flow of things” nearly mandated such a right. After all, everyone understands that healthcare is one of the comforts of modern life, right?

Then the critics started in. They said the visionaries were taking away the motivation for work. The only reason to work, these critics theorized, was to feed yourself and your family. Housing was a reason to work, and healthcare yet another. If those were provided by right, then where was the reason to work? The visionaries fired back, saying that many of the poorest people have no opportunities to work. This predicament left them with a lack of food, housing, and healthcare. They had all the reasons to work, but no way to provide those necessities. The solution became manifest— If people needed to work for the system to function, but couldn't, we had just found another way to improve society. So began the campaign for a right to work.

Even if people worked, however, they couldn't be expected to work under conditions that would endanger them. The right to safe labor and labor regulations became another battleground. Going even further, many argued that work is a laudable action but we simply cannot expect people to work all the time. The next great challenge would be to enshrine a right to vacation. That's correct, a right to vacation. And naturally, if people were going to work and be of any use, they need to have an education. The right to education was added to the list. At the same time, however, it was noted that children should not become workaholics as some in society demanded. Therefore, the rights of a child ought to include a right to play time. Yes indeed, we must forever guarantee that children will have the right to play. The development of educated, but well rounded, children demanded nothing less.

In the end, my idea of a right to a can of coke began to sound more and more reasonable. Given a decade or two and a great mind behind it, we may very well be able to win over academia and possibly even the government. To support this right would be the only reasonable thing for the government to do, since, as we reviewed earlier, this right would increase productivity, enhance education, and shore up American industry.

Now at this point you are probably becoming skeptical. After all, academia can say what it will, but most people don't listen to them, much less act on what they say. Surely our government would recognize that this evolution, however tempting in principle, simply couldn't work. It would be fantastic if everyone could have these great privileges to vacations, healthcare, food, and housing, but it simply isn’t practicable for the government to try and guarantee those rights. And, of course, we would realize this when these ideas began to creep out of academia and try and force their way into our government. At least, you would think that would be the case.

In reality that didn't happen. These ideas spread rapidly. Rather than being shot down by those who realized they were simply impossible to uphold, they marched on with the force of humanity and morality pushing them through. Before long these ideals had found friends in high places, and they marched faster. Those advocating for these rights soon began the search for a method of actually implementing these goals. The United States already had their bill of rights and attempting to change that could be political suicide. Europe, too, was well founded in its ways. Africa, China, and the rest of Asia fell so far behind the curve on even basic human rights that the likelihood of implementing these new rights in these regions was very low. This truly was a problem for those wishing to see these new rights in practice, so the search began for the perfect place to start the revolution.

It wasn't easy, but finally the perfect place was found— a bit of everywhere, all at once. Wait, you might say, they need a test case, somewhere to start, or at least a strategy to pull off a change of this magnitude. Normally, you would be right. However, their test case was the United Nations, the international body composed of 192 nations and full of idealists that would love to promote such an obviously right cause. But, more importantly, the UN held at least some influence over almost every country in the entire world.

The goal became to get the new set of rights enshrined in international law, and that goal was achieved. The UN Declaration on Human Rights contained the rights that the revolutionaries wanted. From the right to food, to the right to work, to the right to healthcare, vacation, welfare and social security, these new rights were all there. And then, as if simply getting that declaration to the floor wasn't enough of an achievement, all 192 nations signed it. It was the beginning of implementing those rights around the world and the first major victory for the evolution of rights.

This evolution of the rights of man doesn't just make for an entertaining history lesson. It has huge bearing on the resolution we will be debating this year. Both sides can find arguments on the issue, and it will be a topic that debaters will need to be familiar with. First, and foremost, the negative debater needs to have a firm grip on what individual rights are, since they will generally have to defend that position.

For a negative debater, understanding the evolution of the rights of man is absolutely crucial to your success. After all, you are defending individual rights, but what individual rights are you defending? Are you defending the individual rights of early Egypt that deprived its citizens even of the rights to life and property? Are you defending Locke's definition of life, liberty and property? Or do you appeal to the UN and its concept? Or perhaps a political philosophy professor that holds yet another view. To simply say that you are uphold the basic rights to which all men are entitled isn't good enough anymore. You need to explain what those basic rights are to a certain extent and who defines them. Now, should you choose the rights to life, liberty and property, you don't necessarily need to detail how that looks within a society. Simply stating that your case will defend the rights to life, liberty and property should suffice.

Negative debaters need to be able to defend their definitions, however. The affirmative would gain a huge advantage if they were able to define the terms of the negative position. They could define individual rights as the rights granted by Egypt and say that individual rights then give no freedom and disregard the voice of the people. What judge would want that? Because there is such an opportunity and incentive for the affirmative to try and counter-define individual rights, the negative must be ready to defeat such an attack.

If the negative chooses to use a classic definition such as life, liberty and property, they already have the upper hand in the judge’s mind. This is a definition the judge is familiar with and will probably accept easily. If the affirmative still decides that the benefit is greater than the risk and attack the definition the negative will have an easier time winning on a definition like this. Often times a simple argument such as: “This is the definition that has been used for centuries. It is the foundation of modern society and is widely accepted in all political circles of free nations. Additionally, it's also the definition that would come to mind if you asked your average citizen what his individual rights were.” The negative doesn't gain any huge advantage through a definition like this; it simply sets up any standard negative argument for the fundamental rights of man. It does give them a major leg up in the definition battle, however, as it's easy to defend and easy to link to your case. All in all, a sound definitional choice.

Some negatives won't just stick to a basic definition, though. If you feel the need to be adventurous and define your position in a less common way, you must have a very well prepared defense of your definition. For a more modern definition, like the UN definition or a modern professor, you need to make the argument that this is a new trend or the current definition of individual rights. The idea will be to make any definition that your opponent brings up, however familiar, outdated. If you choose an older philosophical definition your task will be even harder. There's really no standard argument for this. Essentially, you will have to make the same arguments as your chosen philosopher and force your opposition to debate it with you. It can be very difficult to hold that ground, so the only time I would recommend using a definition like this is if it gives you a very big advantage. If, for instance, you could prove, through your definition, that individual rights encompasses popular sovereignty or in some way achieves all things good in the universe, it's worth the risk. But if you cannot gain a significant advantage it is a very big risk with not nearly as big a pay-off.

On the affirmative, debaters will have the opportunity to at least cast doubt upon, and maybe even destroy, their opponent’s case through a definitional argument on individual rights. The first, and most obvious, argument is that: “The judge can't possibly vote for individual rights. We don't even know what those rights are. The negative defined them one way, but here's another way that they can be defined, and another, and another. Which definition are you *really* voting for? There's simply no way to know. This idea shifts so much that there is no way that it can be viable in today's round.” This argument can be devastating and probably the best argument to run against a negative. The response will always be that the negative has the privilege of defining their position, and in theory this is correct. Many judges will at least have a seed of doubt planted in their mind, though, as to the sturdiness of individual rights. If that is all the argument accomplishes, then it is still well worth the time that you spend on it during the round.

While just casting doubt is an excellent line of attack for the affirmative, there are other options when it comes to the evolution of rights. An attack that mentions all the definitions of individual rights can cast doubt, but if you tell the judge that your opponent has entirely missed the correct definition it could destroy their case. To do this, you cannot simply say there are many definitions and there's no way to know the negative chose the correct one. Instead, you have to pick one alternative definition and push that as the correct definition. This is a much riskier argument. Casting doubt is relatively easy; convincing a judge that your opponent has chosen a totally incorrect definition, while substituting your own, is much more difficult.

In order to carry an argument like this through a round, it must be sound, well thought out, and well reasoned. To simply say another definition exists and therefore your opponent chose wrongly won't cut it. Instead, you have to provide reasons that your definition is better. If you want to push the UN definition of individual rights you would need to make an argument that that definition is the only acceptable one today. This is difficult but not impossible, the argument might run like this: “Human rights have been changing for centuries. Just as Thomas Jefferson would no longer accept the definition used in the Roman Empire, we can no longer accept the definition my opponent brought to today's round. Just as Locke and Jefferson led a revolution and changed the way we viewed individual rights, the thinkers of today have done the same. The UN Deceleration of Human Rights enshrined these rights as international law and they are the rights that we have to debate today's resolution under. To do anything else is to pretend we are debating in the 1800's instead of 2010. Philosophical debates change over time and this debate has changed because of the new definitions of human rights.” If you carry this argument you can do all sorts of damaging things. You can attack this as a practicable idea: “The government simply can't guarantee these rights.” You can de-link your opponents case from the resolution: “My opponent only looks at life, liberty and property in their case. This, however, is far too narrow and doesn't really fit the debate we have today, so the case should be discarded form the round.” There are any number of options you have once you carry a definitional argument like this in the round. This is a high-risk yet high-reward argument.

The evolution of individual rights has a massive role to play in this year's resolution. If debaters recognize this they will learn a lot about where the world was versus where it is today. If they don't recognize it, they may end up incorrectly defining the round and missing an opportunity to debate some of the great issues of our time. As we begin this season, keep these issues at the front of your mind.

But obviously, the most important thing we can all take away from this discussion is that a right to coke is a basic modern right and ought to be respected by all. I'm looking at you, moms.

Further Reading:

* UN Declaration on Human Rights
* UN Declaration on the Rights of the Child
* Declaration of Independence and The Bill of Rights

2: The Theory

“Creatively speaking,

I know what I'm doing is unique.

I don't worry about running out of ideas.”

**~Sharon Hill**

Balanced Negative Theory

*Understanding and Running a Balanced Negative Case*

by Mackenzi Siebert

Kritik Theory

*Understanding and Running a Resolutional Kritik*

by Travis Herche

You Did WHAT With My Puppy?

*A Quick Guide through the Art of Avoiding the Fallacy of Equivocation in Definitions*

by Jesse Byrnes

The Impossible Choice

Balanced Negative Theory Article

by Mackenzi Siebert

Five debate seasons ago, a very dear friend of mine whose debating I respected immensely decided that he was going to run a balanced negative case. My coach and I spent months (quite literally) trying to argue him out of it because we felt that a balanced negative was an invalid and weak approach to a negative advocacy. But something strange happened. As the year progressed, this particular balanced negative consistently won rounds and tournaments – a fact which I attribute equally to the skill of the debater and the strength of the balanced neg approach. We’ve argued about the different benefits and pitfalls of balanced negative theory on and off over the past five years, and I have to admit that he’s made me into a believer in balanced negs. In fact, I’ve become so strong of a believer that my partner and I have constructed a balanced negative approach to some of the resolutions that we’ve been given in college parli debate and utilized the theory with a great degree of success.

Over the past several debate seasons, I’ve seen a tendency of debaters to run a balanced negative case, without fully understanding the complexities of balanced neg theory. This article is an attempt to crystallize some of the finer points of balanced neg strategy and integrate it with some of the resolutional interpretations that I would consider valid under this debate resolution.

At the heart of a successful balanced negative is the value/criterion debate. While this is true of any good Lincoln Douglas debate round, it is especially true of a balanced negative. The negative debater must make a case for an atypical view of the resolution because of the importance of the value and criterion that he selects. Every single application must unite to demonstrate that the value structure is enough to convince a judge to prefer the abnormal balanced perspective of the resolution.

The criterion plays an especially important role in the construction of a balanced negative philosophy. Although the value represents the good that is advanced by choosing to take a balanced view of the resolution, its esoteric nature makes it difficult to single-handedly justify taking a balanced perspective instead of the affirmative paradigm. The criterion, however, gives a judge a concrete way to determine if the balanced approach is justified. The criterion can be used as a weighing mechanism, a brightline, or a standard upon the value, among other things – the critical thing is that the criterion gives an unwavering standard by which to determine if both respect for popular sovereignty and respect for individual rights are determinative in the legitimacy of a government.

Next to winning the value/criterion debate, it is paramount that a balanced negative can successfully prove a lack of conflict in the resolution. A balanced negative is an interpretation of the resolution that denies the existence of any conflict between affirmative and negative ground. In this year’s resolution, a negative debater that chooses to run a balanced negative case must make the case that a government’s legitimacy is determined in a different method than the resolution suggests.

The resolution as phrased suggests that one must assume that popular sovereignty and individual rights cannot both factor into the determination of a government’s legitimacy; that one is more important than the other. Wording of the resolution will make it difficult for affirmative debaters to choose application scenarios that illustrate the clash between popular sovereignty and individual rights – and this is a weakness that gives a smart balanced negative an opportunity to capitalize.

Because the resolution does not specify a realm of value conflict, a balanced negative has several angles from which to approach a balanced view of the resolution.

1. Multiple types of legitimacy

In this type of a balanced negative approach, the negative debater argues more about legitimacy than about popular sovereignty or individual rights. The point of this type of a balanced negative is to argue that a government that respects popular sovereignty is equally legitimate as a government that respects individual rights. The function of the value and criterion in this approach to a balanced negative is to inject a brightline into the question of a government’s legitimacy. Thus, the value and criterion help distinguish when a government may be rightly labeled legitimate, outside of its respect for popular sovereignty or individual rights.

2. All Things Equal

This approach to a balanced negative attempts to hold everything equal. The interaction between popular sovereignty and individual rights is not only one that doesn’t conflict, it is one where respect for popular sovereignty AND individual rights convalesce into something that constitutes a legitimate government. The criterion is especially important in an “all things equal” approach to the resolution because it functions as the weighing mechanism that tells us when the correct balance between respect for popular sovereignty and individual rights has been struck. For example, a criterion might be Constitutionalism, Social Contract Theory, or degree of personal autonomy – each of these would be able to give an independent measure of the legitimacy of a government that is careful to respect popular sovereignty and individual rights equally.

A second method of arguing that all things in the resolution must be held equal is to argue that it is impossible to rate the respect for popular sovereignty against respect for individual rights. Though this is very similar to the strategy described above, it varies slightly because the existence of conflict between popular sovereignty and individual rights is allowed. Instead of taking the typical balanced negative view that there is no conflict between the two sides of the resolution, this method of all things equal strategy requires the debater to demonstrate that there is inherent conflict between popular sovereignty and individual rights, but each situation must be decided on a case by case basis. The particulars of the situation make it impossible to make the broad-sweeping claim that the affirmative asks us to make and always grant legitimacy to a government that respects popular sovereignty. A negative who adopts this highly technical strategy, must carefully select a criterion that is a natural mechanism for determining whether respect for popular sovereignty or individual rights is more important *in the given situation*.

3. Something Else

To take a “something else” view of the resolution is to argue that a legitimate government is made up of a trifecta of valuable government qualities. A traditional negative approach to this strategy is to argue that neither the respect for popular sovereignty nor the respect for individual rights are individually determinative of a legitimate government, but that something else – usually in the form of a value or a criterion – is the key determinate. A less common, balanced negative approach to the “something else” strategy is to argue that there is a third (and possibly more) factor that must be equally considered equally alongside popular sovereignty and individual rights. In most cases, the trait which is added to respect for popular sovereignty and individual rights will be either a value or an external value system, though a criterion can also serve the same function.

Finally, a word on applications. Applications must be carefully chosen in order to advocate the balanced negative position. It is usually helpful to have at least one application that concretely demonstrates the lack of clash within the resolution. Other applications must demonstrate the value/criterion system that you are advocating in practice in everyday life. It is on the practicality of their real world appeal that balanced negatives persuade judges, and the best way to demonstrate the practicality of a balanced negative approach is to couch it in terms of a familiar application.

This is by no means an exhaustive battle plan for winning a balanced negative – but it should provide you with some steps in the right direction as well as (hopefully) some food for strategic thought.

How to Not Hate Yourself for Running a Kritik

A Discourse on Kritik Theory

By Travis Herche

This year's resolution has two phrases that are not defined by a single respected English dictionary. It uses ambiguous words and creates a paradox that is hard to accept even at face value, thereby excluding vast libraries of political thought. Does this mean it's a bad resolution? No. We're still going to have a great year of serious, educational, entertaining debate.

But for the first time in a long time, we find ourselves with a host of perfectly reasonable resolutional kritiks. Negatives are facing a resolution that is so unbalanced in so many ways that it would be absurd not to at least consider running a kritik. Let me show you how.

Understanding Traditional Kritiks

A kritik (abbreviated “K” in debate parlance) is an argument against a mindset or assumption - usually implicit - in the argumentation or behavior of your opponent. This is in contrast with typical debate arguments, which either support/oppose the resolution or counter an opponent's argument.

Traditionally, a kritik argues that the opponent has done something that needs to be punished or immediately discontinued. For instance, you might say: “The negative should be punished for the coarse language in the last speech.” Or “The affirmative's competitive mindset is ruining the activity of debate.” Or “In use of the word 'he' to describe a hypothetical person, my opponent was sexist.”

Most kritiks are structured with a link-impact-alternative format, a little like a policy disadvantage. Link - “Negative's blind support of America is nationalistic.” Impact - “Nationalism destroys lives.” Alternative - “To prevent the further spread of this insidious idea, we must vote against the negative.” Some debate theorists call kritik impacts “implications.”

Kritiks are frowned on in most debate circles. This is because they tend to push the debate away from the resolution toward something that is less educational and more generic. For instance, if you're running a kritik arguing that debate resolutions are immoral, you're likely to have a very similar debate every single round, in which you argue theory instead of value.

While judges in most leagues are willing to accept a well-run kritik, homeschool leagues stigmatize them. Many judges will mentally drop their pen the moment they hear the word. This doesn't mean you can't run a kritik, but it does mean you have to be prudent.

The Two Kinds of Kritiks

There are many, many kinds of kritiks. Most of them are unimportant to you as a homeschool LDer. Let's divide the more important kritiks into two basic categories: reactional and resolutional. Reactional kritiks are a response to the behavior or arguments of your opponent. If you're accusing your opponent of something, it's probably a reactional kritik. If he should be punished for pushing an idea (feminism, hegemony), saying something (swearing, quoting Machiavelli), or using a certain tactic (making a new argument in rebuttals, speed and spread), it's a reactional kritik.

Many homeschool debaters unknowingly use kritiks all the time, particularly in policy debate. The correct impact to a resolutionality argument is burden – the affirmative case isn't supporting the resolution, so it has no impact on the round. This is a standard, non-kritik impact, because it counters affirmative arguments supporting the resolution. Many debaters, especially novices, will impact it differently. They'll run an impact of fairness – the affirmative is unbalancing the round and making it hard for the negative to debate.

This has no bearing on the round proper – instead, the negative is asking the judge to penalize the affirmative for abusive behavior. Even if the affirmative wins the arguments, the negative thinks the round should still go against him. Though few debaters realize it, this is a kritik.

Another kritik common in all forms of debate is the dropped argument kritik, in which a debater argues that an argument, having been dropped, should be considered a de facto victory for the other side. Debaters rarely argue that their opponents should be punished for dropping an argument with a loss, but they do say things like: “it's too late to bring this argument up again – this is the last negative speech so I wouldn't have a chance to respond.” In other words: “The only fair thing to do is flow this argument negative.” In yet other words: “Independent of the actual merit of this argument, I should win it.” This is a kritik.

Ironically, some debaters will respond to a kritik by saying that it is abusive or destroys the educational value of debate. This is a counter-kritik – a humorously oxymoronic one.

Kritiks don't necessarily reject the consideration of merit in kritiked arguments. They may also contend that the argument is true, but the kritik outweighs it. This is more popular in team policy debate, where a team might say: “The affirmative may solve their harms and save a billion dollars, but that's nothing when you consider the fact that they're spreading statism.”

You’re going to find reactional kritiks most prevalent in Team Policy debate, where students will often be very up-front that they are, in fact, running a kritik. These reactional kritiks, while present in Lincoln-Douglas, are generally hidden. As discussed earlier, the kritik-er may not know that’s what he or she is running, the kritik-ee will probably miss this fact as well. And when it comes to a kritik against a philosophy, well, that’s pretty standard argumentation for Lincoln-Douglas debaters anyway.

What is going to be large this year in Lincoln-Douglas is the resolutional kritik. The resolutional kritik contends that a fundamental assumption of the resolution is flawed or offensive, therefore it should not or cannot be debated.

Sample resolutional kritiks:

* + Resolved: that Asians are smarter than people of other races. Kritik: this resolution forces us to think in racist terms. Racism is evil, so we should avoid it by removing the resolution from the round.
  + Resolved: stuff and other stuff. Kritik: The resolution is meaningless and should be discarded.
  + Resolved: that McCain would have been a better president. Kritik: Obama is our president. Questioning him by considering the merits of a replacement is treason. This resolution should be removed because it is treasonous.
  + Resolved: that blue and triangle are complementary. Kritik: blue and triangle are incomparable. There is now way to determine whether or not they are complementary, so the resolution should be removed.
  + Resolved: that there ain't nothing more important than liberty. Kritik: the resolution forces debaters to use bad grammar. Preserve the educational value of debate by discarding it.

There are many ways to kritik a resolution. The key to all of them is that they do not argue about the veracity of the resolution, but instead question its place in the round. These examples show obvious problems within their resolutions, but kritiks are perfectly valid in this year’s homeschool resolution as well.

How to Run a Kritik

Kritiks are run all the time in homeschool debate – they're just not tagged as such. If debaters and judges realized how common they were, the stigma might begin to disappear.

But for now, you're not here to crusade for a better understanding of kritiks in your league. You just want to run good arguments that win rounds. Like it or not, many of your judges will have a knee-jerk negative reaction if they hear or suspect that you are running a kritik. When you question the merit of the resolution, the first question the judge asks is “Then… why are you debating? Are you wasting my time?” Even if you get past that, you need to run a valid kritik, not the kind that gives the whole class of arguments a bad name. Unless you're confident your judge can handle a kritik, adopt the following approach.

The first step is to cut the word “kritik” from your speech vocabulary. Protect your judge's ears from it. Run all the substance and logic of the kritik, but don't call it one. If your argument is valid, it will be given the light of day.

Second, disguise your kritik. If you run it as just another response, or structure it as a case, or as a “negative philosophy,” it will be easier to stomach. A spoonful of sugar makes the medicine go down. Professional college judges expect a link-impact-alternative format with quotations from obscure philosophers like Slavoj Žižek. But homeschool parents and community judges will be uncomfortable with anything other than a six minute affirmative case with a value, a few contentions, and at least one application, followed by a similar three to four minute negative case.

The link-impact-alternative structure is the most logically sound way to present a kritik. Converting it to standard case format is no easy task, and there are no real shortcuts for it. Work through the standard LD framework-contention-application structure and try to find something to fit into each slot. If you can't, note that you don't and explain why.

In a best case scenario, you will be the only person who knows there is a kritik in the room.

Stick to your guns when you run a kritik. Don't run it conditionally; don't qualify it; don't apologize for it. Be aggressive. Many kritiks are exclusive – they can't be run alongside normal arguments. If you're arguing that the resolution can't be debated, don't argue that and then go ahead and debate it anyway (thereby disproving your kritik).

For a sample resolutional kritik that has been carefully disguised as a standard negative case, check out the “No Conflict” case included in this book.

Resolutional Kritik Ideas for this Year

* + There is no such thing as government legitimacy.
  + There is no such thing as popular sovereignty.
  + There is no such thing as individual rights.
  + Government legitimacy cannot be determined.
  + Popular sovereignty cannot be determined.
  + Governments are incapable of respect.
  + Government legitimacy is determined by something other than popular sovereignty or individual rights.
  + Popular sovereignty and individual rights are the same/codependent.
  + Governments don't respect popular sovereignty or individual rights, they restrict them.
  + Government legitimacy is a dangerous notion.

Always impact the kritik back to the resolution. Bad: “The resolution is obviously ridiculous, so you shouldn’t vote for it.” Better: “We have been asked if respect for popular sovereignty is the bigger factor in the legitimacy of a government. However, since we cannot measure governmental legitimacy, as we saw in my negative case, we can neither answer the resolution with a solid Yes. Therefore, we must answer No, a government’s legitimacy is not more determined by its respect for popular sovereignty.”

The Divine Right Kritik

The Bible is both valid and essential as a tool in the search for truth. Citing it as evidence is theoretically acceptable. However, many novice debaters panic when they hear the Bible read against them. They mistakenly believe that they are being forced into arguing against it. I've heard of several occasions where debaters chose to forfeit the round rather than continue debating following a speech in which the Bible was quoted. This is tragic. There is always another argument; no one is ever forced into a corner by anything but their own lack of imagination.

However, you do not want to be the one to create such a situation. The risk that your opponent will panic is too high. Consider Paul's admonition in Romans 14:

“As for the one who is weak in faith, welcome him, but not to quarrel over opinions. One person believes he may eat anything, while the weak person eats only vegetables. Let not the one who eats despise the one who abstains, and let not the one who abstains pass judgment on the one who eats, for God has welcomed him. Who are you to pass judgment on the servant of another? It is before his own master that he stands or falls. And he will be upheld, for the Lord is able to make him stand.” (ESV)

You may be strong enough to eat meat and debate the Bible, but that is no excuse to condemn your weaker brother. If you had a conscientious vegetarian friend over to your house for dinner, would you serve him steak? Of course not. And though you knew that eating meat was permissible, you wouldn't ridicule him for his diet. Such behavior is ungodly.

In the same way, when a weaker brother enters a room to debate you, you ought not foist the Bible on him. He has a moral objection to debating it. Is he wrong? Yes. Should you overrule or ridicule him? No. Love your fellow debaters by keeping the Bible out of the round.

Perhaps the biggest flaw in this year's resolution is the fact that it cries out for a Divine Right kritik – the argument that government legitimacy is drawn from God, not from man. Such a kritik is almost impossible to run in a way that would not make a weaker debater feel he had to argue against the Bible. This is not worth the risk. There are plenty of other arguments out there - avoid this one.

You Did WHAT With My Puppy?

A quick guide through the art of avoiding the fallacy of equivocation

by Jesse Byrnes

Needless to say (but I will say it anyway), people love puppies. Young people love puppies, old people love puppies, girls love puppies, guys love puppies, cats love puppies, puppies love puppies… it can get out of hand. But have you ever had a puppy get kidnapped from your home, put into a baby tiger’s outfit, and put back in your home without anyone ever noticing? Probably not, but now I have you wondering. I mean, if someone is sneaky enough to steal your puppy, dress it like a baby tiger, and give it BACK to you without anyone including yourself noticing… well that, sir (or ma’am), is one clever puppy-nabber.

Our nation’s problem with puppy-nabbers aside, a similar issue finds itself ever-so-carefully working its way into Lincoln-Douglas debate –– equivocation. Equiv-o-what? According to the *WordNet* dictionary from Princeton University, *equivocation* (ee-kwiv-oh-kay-shun) is when one tries to “beat around the bush: be deliberately ambiguous or unclear in order to mislead or withhold information.”[[28]](#footnote-28) Intentional or not, debaters can oftentimes find themselves in the middle of confusion, and where there is confusion there is a definitional disconnect. While home-school debaters are not *deliberately* trying to confuse everyone (and especially not trying to *mislead* anyone), there is always room for that time and place when the aff, neg, and/or judge hit the 1AR and go “huuuh?”

Oftentimes, instead of thinking, “I’m going to mislead my opponent!” debaters will naturally find themselves saying, “I’m going to be strategic!” Even the most honest of debaters will realize, at some point, that they are trying to save that one killer argument or “game-changing application” for a later speech. When a student attempts to be “strategic” with definition of a term or the idea behind an argument, it usually ends in confusion for both the opposition and the judge. Take the following for example ––

AC defines A as B

NC argues B

1AR clarifies and defines A as B+

NR, confused, tries to rebut B+

2AR takes its B+ out for a celebratory ice-cream cone

Of course, this is not entirely limited to the affirmative, but those with the closing speech can oftentimes be the most creative in how they will go about constructing and refuting arguments.

Another, more precise interpretation of equivocation –– that is more likely to be found in home-school competitive forensics, at least –– is when one “…is using the same word or expression with different meanings in different places.”[[29]](#footnote-29) Unlike intentionally strategizing how one will end up on top of an argument, this view of equivocation suggests something a bit different than the above example. Intentional or not, this error occurs when a debater offers the definition of a certain word, then later argues for the same word though now defined differently (which, as it turns out, means that they are arguing something completely different as well). In this sense, it comes out looking like this–

AC defines/argues A

NC argues A

1AR “clarifies,” though is now arguing B

NR, confused, tries to rebut B

2AR takes its B out for another celebratory ice-cream cone

Ever happened to you? The aff starts by arguing A, the neg attempts to refute and/or turn A for their advantage, but then the aff gets back up and is like “PSYCHE! You were pretty awesome in how you argued against A, so now A is actually B.”

Let’s use an application to demonstrate this anomaly.

Say, for example, that your opponent argues that the U.S. government loses its legitimacy when it values collective rights over individual rights. You oppose their stance by arguing that collective rights in America exemplify –– and are in place for –– the individual rights of each person, and that the legitimacy of the U.S. government is heightened when this is done. Your opponent then argues that government in general is not legitimate because it does not inherently value individual rights. In addition to your opponent going from the U.S. government losing legitimacy to the idea that government in general is not legitimate, the argument has gone from one that is centered solely on the uniqueness of the U.S. government in illustrating a point to one that attacks your grounds based off governments in general, though *your* argument was dependant on sticking with the original example of the American system. In this scenario, your opponent has equivocated “the U.S. government” into a more vague reference of “government in general.” In relation to popular sovereignty and individual rights, this becomes an issue because it is not completely legitimate (pun?) to assume that government in general is the same as the specificity of the U.S. government in relation to the given issues.

That said, it is important to realize that clarification on the original definition or idea used earlier in a debate is encouraged, though the equivocation of the original definition or idea is not. Using the above example, if your opponent desires to supplement a rebuttal argument (“My opponent is wrong, collective rights in America *do not* exemplify individual rights”) with “government in general does not inherently value individual rights” then that is perfectly reasonable and makes for an excellent debate, as long as they are not bringing-up new arguments in a rebuttal speech. However, when your opponent changes the meaning of a word, the focus of an argument, and/or responds to your rebuttal in a manner inapplicable to your argument, then you must call foul. Playing their game (if it is one) will only result in you feeling empty inside, desirous of a dozen doughnuts, and wanting to find solace in reruns of the Oprah Winfrey Show.

However, when responding to the fallacy of equivocation, one must be careful in his or her approach. It is not helpful for your opponent to say “This is this!” and then you say “No, that is that!” for you will both find out that the judge agrees with neither of you, and that he/she was thinking that “this was this and that was that, so I guess I’ll just check a random box and put on a hat!” Instead, address yourself as Frank and call it as it is. “Actually, judge, when my opponent first constructed this argument, they said A but now they are arguing for B.” This is usually the most upfront and effective way of addressing the issue. I was once in a philosophy class when things were getting a bit out of hand (it’s philosophy, what do you expect?) and everyone was drifting off in the clouds of philosophical thought. A skeptical student, getting a little carried away with a particular metaphysical question, asked, “Well how do we know that it is what we say it is? I mean, how do we know that circles really are 360º and not 1,000º?” At this point the professor noted, “Well, if it is 1,000º then it is no longer a circle and you are talking about something entirely different.” This type of upfront, immediate clarification or rebuttal of an idea is sure to be the most effective of tools in a debater’s treasure chest of argumentative strategies. If you are a debater who has found himself amid the confusing current of equivocation’s destructive path, your strategy should be to let the judge know what is going on in the most skillful and subtle of argumentative ways. Like the work of Picasso, Jan Brewer, or Mozart, avoiding the fallacy of equivocation is an art.

Although it may be an art, it is a necessary art at its least. Equivocation happens to the best of debaters and can strike at any moment, reeking havoc on debates that would otherwise be excellent. Because of this, all eyes and ears must be opened and on the lookout (pun intended) for equivocation in any form.

Do not let your opponent steal your puppy, dress it up as something it is not, and place it back in your loving arms without anyone noticing. You have fantastic ideas in this year’s resolution and compelling arguments that need to be made concerning the legitimacy of government, so make sure all your hard-fought work does not fall victim to equivocation. Borrowing the humbleness of Smokey the Bear, “Only YOU! can prevent equivocation.”

Further Readings

* “Fallacies” by Dr. Michael C. Labossiere -- http://www.nizkor.org/features/fallacies/ - A quick reference for common fallacies
* “Fallacies” compiled by The Writing Center at the University of North Carolina -- http://www.unc.edu/depts/wcweb/handouts/fallacies.html - Descriptions and examples of a few of the most common fallacies seen in debate
* “Argumentation: The Study of Effective Reasoning” 2nd Ed. – 24 lectures on argumentation taught by David Zarefsky, PhD, Northwestern University -- http://www.teach12.com/ttcx/coursedesclong2.aspx?cid=4294 - Costly, but one of the best courses through argumentation available
* “Puppy Quotes” – BrainyQuote -- http://www.brainyquote.com/quotes/keywords/puppy.html

3: The Philosophy and Application

“Philosophy is common sense with big words.”

**~James Madison**

The Social Contract Trio

*Enlightenment Political Philosophy*

by Adam Nasser

Legally Legit

*The Primacy of the Western Legal Tradition*

By Joanna Griffith

Who Put YOU in Charge?

*An Explanation of the Theory of the Divine Right of Kings*

by Susanna Griffith

The Fourth Tier

*Special Interest Groups, Advocacy Groups, and Lobbying Organizations in Contemporary Democracy*

By Mackenzi Siebert

Individualism vs. Collectivism

*How Popular Sovereignty and Individual Rights Clash*

By Chase Harrington

Reasons for Revolution

*The Resolution in Political History*

by Sarah Sanderlin

¿Qué qué?

*Legitimacy of Colonial/Dynastic-based Governments and their Effects on Social Order*

by Jesse Byrnes

Don’t Tread on Me!

*Libertarianism and the Protection of Freedom*

by Rachel Seay

The Social Contract Trio

Enlightenment Political Philosophy

by Adam Nasser

The Enlightenment: an era of change, intellectualism, and revolution. It was in this ripe climate for philosophical inquiry and radical transformation that the discipline of social contract philosophy was born. This political philosophy, which spawned the most infamous revolutions of history, has completely altered the contemporary view of government. In the same way that the ideas engendered by the enlightenment were highly influential and almost explicitly referred to in events such as the American Revolution, so it is with this year’s resolution, which is inseparably linked to social contract philosophy. The notion of either popular sovereignty or individual rights serving as the primary determinant for the legitimacy of a government is a fairly new concept, developed most prominently by the social contract trio, alternatively known as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. An analysis of these philosophers and their respective ideas will help to shed light on the resolution and provide a firm foundation for both sides of the debate.

An understanding of the historical background of political philosophy helps to contextually understand exactly why the enlightenment was so revolutionary. In ancient philosophy and the middle ages, government was typically viewed as an entity which had an imperative to utilize its power for some higher noble end, such as justice, the good life, God, etc. However, in the renaissance – a precursor to the enlightenment – that view changed. As traditionally ethical standards were radically altered, the legitimacy of a government became less about the conformity of the state to some lofty ideal, and more about the state’s relationship with the people. This shift can be clearly perceived in the writings of Florentine philosopher Niccolò Machiavelli. Unlike any major political thinker before him, Machiavelli believed that power was an end it itself and that the only criterion for a government’s legitimacy was its ability to command the obedience of its people. Instead of holding that government is bound to ethical standards, Machiavelli asserts that “…*the end justifies the means. Let a prince therefore aim at conquering and maintaining the state, and the means will always be judged honorable and praised by everyone.”*[[30]](#footnote-30)Consequently, Machiavelli focuses more on the means by which a ruler can maintain control over his state, than on what defines a state’s legitimacy in the first place, making him more of a political scientist than a philosopher. However, it is in this new climate of political philosophy that the influential social contract philosophers enter the scene, focusing more on the state’s relationship with the people than anything else.

Thomas Hobbes (1588-1679), chronologically the first of the great social contract philosophers, is rightfully considered the father of social contract philosophy. Hobbes, an English philosopher, is famous for his authorship of *Leviathan*, which outlines his best-known political ideas. Like most of the social contract philosophers, Hobbes begins his inquiry in the theoretical “state of nature,” or society before the introduction and creation of government. Hobbes views this primitive state as a rapacious existence overrun by the avarice of mankind – a brutal world that is a *“condition of war, of every man against every man”* where there is *“continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.”*[[31]](#footnote-31) This perpetual fear of death compels men to form a social contract – a societal agreement that results in the creation of a government. In Hobbes’ conception of the social contract, the people collectively agree to totally obey the rule of an absolute sovereign. The important point of Hobbes’ contract is that the ruler is not a party to the agreement – that is, they do not have any responsibilities to the people. The sole duty of the sovereign is to protect the lives and security of the people (the reason for which society was created). With the exception of depriving the people of the right to life, anything is permissible for the government. Besides life, the people do not have rights; they have duties. They must obey absolutely. Since Hobbes denied the existence of God, he rejects the notion that men possess natural rights endowed from above which the state must respect. In fact, Hobbes believes that it is impossible for a law to be unjust (that is, deprive people of the rights to which they are due), because the laws themselves define the *“rules of just and unjust.”* [[32]](#footnote-32) Hobbes recognizes that some men may be inclined to defy these laws and break their pledge of absolute obedience as a result of their desire for power (which runs rampant in the state of nature). After all, if men were peaceable enough on their own, no government would be necessary to begin with. Because of this ever-lingering temptation, Hobbes views any institution that intervenes between the state and the individual as a threat to civil order, and an obstruction that ought to be cut asunder. Hobbes harbored a particular distaste for the Church and competitive elections because he saw them as destabilizing forces, which disrupted the people’s loyalty to completely obey the government. Hobbes also deemed harsh exercises of absolutist authority as permissible and necessary to intimidate the people into abiding by the contract. As could be expected, Hobbes’ contractual defense of absolutism was new and revolutionary in the context in which it was introduced. Before Hobbes, a line of religious despots including King James and Charles I ruled England – kings who disregarded parliament, unilaterally instituted taxes, and attempted to impose their religious beliefs on their people. Eventually, when pushed to the breaking point, Oliver Cromwell and company revolted against Charles I. However, once Cromwell died, the leaderless people called Charles II (the son of the former king) back from exile to be their king. Hobbes, who was Charles II’s math teacher and friend, provided the philosophical underpinnings for his absolutist rule. Just like his father, Charles ruled as a religious tyrant, who ignored parliament and the people, in perfect accordance with the philosophy of Hobbes.

On the heels of Charles II and Hobbes’ corresponding apologetic for his absolute reign, came William of Orange and “his philosopher,” John Locke (1632-1704), almost the complete polar opposite of his predecessor. Locke, also an Englishman, argued that Charles II had broken the social contract with his people, and thus ought to be overthrown. With the looming possibility of Charles’ brother James taking the throne, English nobleman invited William of Orange to invade and take over the throne. This revolution - dubbed the Glorious or bloodless revolution – was justified and espoused by Locke. After William became king, he accepted a Bill of Rights, recognized parliament, and England has never experienced the same level of religious violence ever since. Locke - who supplied the philosophical underpinnings for this revolution – is considered the father of classical liberalism due to his views on government and social contract, most prominently delineated in his *Two Treatises of Government*. Like Hobbes, Locke also begins in the state of nature. Unlike Hobbes, Locke views the state of nature as a generally good world of freedom and equality, guided by reason and natural law: *“The state of nature has a law of nature to govern it, which obliged every one; and reason, which is that law, teach all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”*[[33]](#footnote-33) Although the state of nature is not the cruel, malevolent world that Hobbes depicts it to be, it is still unsatisfactory due to three deficiencies: misperception of natural law, lack of disinterested arbiters, and inequalities of strength. Essentially, although every individual possesses natural rights which are given by God, not everyone adequately perceives the natural law, people are biased to their own interests and cannot fairly adjudicate disputes between themselves (for example, they may be prone to excessively punish those who wrong them), and are not all equal in terms of strength (that is, some men may not be capable of executing the sentence that natural law dictates upon who harm them).

In order to protect the rights of man, then, society forms a social contract that takes the form of a fiduciary trust and conveys men out of the state of nature. The fiduciary trust structure of the social contract means that the people are the trustors and the beneficiaries of the contract and that the ruler is the trustee whose responsibility is to protect the people’s rights. Essentially, the people temporarily give power to the government so that their rights can better be protected, but the government is nothing more than the servant of the people. In Locke’s conception, government is merely the protector, not the source of man’s rights: God is. According to Locke, God – the author of natural law – endows men with natural rights. It is simply the duty of the state to safeguard these rights. Contrary to Hobbes’ view of the state acting as the legislator of morality, then, it is the task of the state to find the law, rather than create it. Locke argues that “all law is grounded in natural law, and natural law in turn is rooted in the eternal law of God,”[[34]](#footnote-34) and that the state needs only function in accordance with this already established law. Natural law dictates that men possess the natural right to property, which embodies (quite literally, in the first case) “their lives, liberties, and estates.”[[35]](#footnote-35) Since Locke’s social contract is constructed as a fiduciary trust, if the state fails to protect these natural, God-given rights - which is its “great and chief end”[[36]](#footnote-36)- then the government should be dissolved and the people may bring in a new leader (or “trustee”), as in the glorious revolution. In Hobbes’ contract, the leader has rights, and the people have duties. In Locke’s, the leader has duties and the people have rights.

Not only was Locke’s philosophy important and historically significant because it supplied the philosophical underpinnings for the glorious revolution, but it also changed people’s overall outlook on government and provided the inspiration and justification for the American Revolution, which bears several almost explicit references to Locke and other like-minded enlightenment philosophers such as Baron de Montesquieu and others. Strapped by debt after the 7 years’ wars, Britain - the world’s greatest colonial power - needed money, and resorted to heavily taxing the American colonies. Appalled by this violation of their rights (their property was being taken through taxes without any representation or consent), the Americans declared independence in 1776, and eventually secured this independence with the 1781 British surrender at Yorktown and the 1783 Treaty of Paris. As justification for this revolution, the Americans borrowed from Locke’s philosophy of natural rights as they affirmed that they were *“endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”*[[37]](#footnote-37) – rights that were violated by Britain’s unjust taxation without representation. Truly, R.C. Sproul insightfully points out that “Language such as ‘We are endowed by our Creator with certain inalienable rights…’ is Lockean to the core.”[[38]](#footnote-38) Additionally, many of the elements of our constitutional system such as limited government and the inviolability of property are “directly traceable to Locke.”[[39]](#footnote-39) The American Revolution vindicated Locke and the other like-minded enlightenment thinkers in that it demonstrated that liberal political enlightenment ideas could work in practice.

In the historical and philosophical wake of Locke arrives the third member of the social contract trio, French philosopher Jean-Jacques Rousseau (1712-1778). Rousseau is historically significant for serving as one of the main ideological fountainheads for possibly the most infamous political revolution in all of history, the French Revolution. The French revolution was born out of significant economic equality, manifesting itself through simultaneously high inflation and unemployment (known as stagflation), which created a sharp division between the privileged and the underprivileged. After working itself into a colossal debt through wars, foreign aid, and extravagance, parliament was forced to be called. In parliament, divisions over voting processes, royalist favor for the clergy and nobility, and the creation and seclusion of a national assembly, eventually caused the common people to rise up in opposition to the monarchy of Louis XVI, who eventually became impotent due to an inability to enforce his own will. After more conflict, attempted flight of the King, recapture and execution of the king, and international disputes, the inappropriately named “Committee of Public Safety,” led by Maximilien Robespierre was created and empowered by the National Assembly. The committee raised a massive army, beat back their international opponents, and then instituted the domestic “reign of terror” which systematically exterminated the so-called “opponents of liberty” – who numbered approximately 50,000. This carnage was justified as a “temporary expedient” necessary to bring the revolution to its conclusion after which the declaration of the rights of man and the “republic of virtue” could be restored. The Committee eventually became less necessary, turned on its most radical supporters, and the revolution was finally put to a complete end by Napoleon’s coup.

Rousseau, who inspired many of the ideas that fueled the French revolution, was born into a poor family and ran away from home at age 16, causing him to sympathize with the peasants of France. In Rousseau’s philosophy, his conception of the state of nature is more optimistic than Hobbes’, but more pessimistic than Locke’s: he holds that man in his natural state is something of a “noble savage,” but that society and the introduction of property is responsible for the corruption of mankind, ringing through in his famous words that “Man is born free, and everywhere he is in chains.”[[40]](#footnote-40) As Rousseau’s thoughts progressed, however, he became less pejorative of society, and recognized that it could be a useful instrument in safeguarding liberty. According to Rousseau, three types of liberty exist: natural liberty, which consists in simply asserting your own strength and is devoid of rational reflection; civil liberty, which is obeying the law; and moral liberty, which is acting as one’s own master and living by the laws that one has created. When society is created, the natural liberty is eternally destroyed, but civil and moral liberties are simultaneously secured. In order to achieve this synthesis, Rousseau argued that men needed to submit to the governance of the “General Will, which tends always to the preservation and welfare of the whole and of every part, and is the source of the laws, constitutes for all the members of the state, in their relation to one another and to it, the rule of what is just or unjust.” [[41]](#footnote-41)As society progresses out of the state of nature, men must coalesce together and agree to a social contract which entails “the total alienation of each associate, together with all his rights, to the whole community”[[42]](#footnote-42) Rousseau advocated pure democracy as the practical means of accomplishing this rule of the General Will, and an individual in such a system achieves both civil and moral liberty because they obey society’s laws which they also contributed to making. Rather than having to conform to a higher standard of moral or natural law, Rousseau argues that the dictates of the general will *are* laws of morality, since he didn’t believe morality existed independently in the state of nature. Law and ethics are both social creations. To critics who say that the concept of the general will results in the unjust tyranny of the majority, Rousseau responds that those who are in the minority deserve to be “forced to be free”[[43]](#footnote-43) This idea of absolute reign of the general will is clearly reflected in the actions of the French revolutionaries, evidenced by statements such as “Since the French people has manifested its will, everything opposed to it is outside of the sovereign. Whatever is outside of the sovereign in an enemy.”[[44]](#footnote-44) The Committee of Public Safety took into its own hands the task of discerning the general will and systematically oppressed those who “failed to recognize it,” which produced the reign of terror. Since the concept of the general will is itself the dictator of morality, there are no limitations imposed on the means necessary in achieving the general will.

The ideas of these famous social contract philosophers are not only important to the history of political revolutions, but also to this year’s resolution. The philosophies of all three social contract thinkers can be used by both sides to justify their side of the resolution as the primary determining factor in the legitimacy of government. Hobbes could be used by Affirmative to illustrate the consequences of straying away from the will and consent of the people even if their individual rights are protected. For example, even though Charles II (who ruled in accordance with Hobbes’ philosophy) recognized and respected the people’s individual right to life, his disregard for the voice of the people caused him to fall out of touch with the needs of his constituents transformed him into a religious despot. Conversely, the negative could argue that the extent to which Charles II’s actions were illegitimate was the extent to which he violated the people’s intrinsically valuable individual rights. The reason for the illegitimacy of his government was due to his lack of respect for freedom of religion and other individual rights, and this only happened to intersect with a violation of popular sovereignty. Negative could argue that even when a violation of individual rights is not unpopular with the majority of people (i.e., abortion), it is still an illegitimate action because individual rights are inherently valuable whereas popular sovereignty is not.

Locke could be used by affirmative to argue that legitimate governments operate on the basis of a fiduciary trust in which political leaders are nothing more than the temporary trustees of the people. When a government no longer abides by the will of people (the trustor), it ceases to be legitimate and ought to be overthrown. As Locke once stated, *“there remains still in the people a supreme power to remove or alter the legislative when they find the legislative act contrary to the trust reposed in them.”* Negative could argue that a government only has to rule in accordance with the will of the people to the extent that the will of the people aligns with the protection of individual right. A government that upholds the individual rights of its people is still legitimate even if it doesn’t bestow upon the people every single benefit that they desire. After all, it is property (which includes life, liberty, and estate), and property alone that is the *“great and chief end of government.”*

Rousseau could be used by negative to illustrate the deleterious ramifications of popular sovereignty overriding individual rights in situations in which the two come in conflict. For example, the negative could use the French Revolution as an example where the mob rule of the people’s general will created a tyranny of the majority which produced unspeakable bloodshed. Although the revolutionaries supposedly espoused individual rights (“Declaration of the Rights of Man”), since popular sovereignty was king to them, these rights could be trampled upon in the name of the collective good. On the other hand, Affirmative could argue that popular sovereignty is not equivalent to mob rule or tyranny of the majority, but is defined as consent of the people. Obviously, those who were brutally executed in the French Revolution did not willingly consent to the violation of their individual rights, so the extent to which the government was illegitimate was the extent to which it overrode the will of its citizens.

The philosophies born out of the enlightenment have shaped the course of history and will continue to shape the course of history. Social contract philosophy - created and developed primary by Hobbes, Locke, and Rousseau - has been the foundation for many of the world’s most important revolutions, and will also serve as the foundation for this year’s resolution. The ability of the debater to clearly understand and debate social contract philosophy will be directly proportion to the ability of the debater to effectively and persuasively construction their argumentation.

Legally Legit

The Primacy of the Western Legal Tradition

by Joanna Griffith

The concept of legitimacy relates closely to the notion of law. In fact Princeton University’s WordNet Dictionary defines the term ‘legitimacy’ as “lawfulness by virtue of being authorized or in accordance with law.”[[45]](#footnote-45) This resolution asks whether legitimacy is determined more by the weight of popular sovereignty in a nation’s governance or by the individual rights protections present in that governance system. Both affirmative and negative advocacy therefore require some analysis of how a legal system should and in actuality does work.

In practical terms a government’s claims of legitimacy are meaningless without the ability to enforce laws. Vigilante justice works well in old Western movies but very rarely in reality. The lone vigilante may assert political power and make legal declarations but the winner in the end is the one who can back those laws up with force. Although might does not make right from a moral standpoint, might is necessary for a government’s survival. More importantly though, legitimacy has become intertwined with the rule of law in western philosophy which places great value on the primacy of law in any legitimate government structure. In this article we will briefly examine critical events and concepts in the evolution of western legal theory and then consider application of these ideas to both sides of this year’s resolution.

Western Legal History

The story of western legal history actually predates western civilization itself. Law emerged immediately at creation with God’s commands to Adam and Eve. Thus a distinctly Christian legal theory began to develop in the Garden of Eden. Among the curses imposed on mankind after the fall is that Adam will rule over Eve. This curse foreshadows the reality of conflict between humans which necessitates law. Christian theology presents law as a necessary tool to counter the evil tendencies of corrupt, sinful mankind. Augustine and Aquinas both affirm this Christian view of law. Writing shortly after the collapse of the Western Roman Empire, Augustine had occasion to remark on the failings of what was once the strongest human political state and to consider the nature of earthly government. Russell Kirk describes Augustine as a Christian realist:

“Put no faith in salvation through the political order. Nevertheless the state is necessary—a necessary evil, if you will. For the state restrains men from the ruinous indulgence of their appetites and passions: the only alternative to the state is anarchy, which would bring destruction swiftly upon the whole race. Originating in force, the state inevitably exerts force so that men may live together at all.[[46]](#footnote-46)”

The Christian should respect human law as a necessary tool to apply God’s order, albeit imperfectly, to human affairs. This perspective provides a framework for approaching legal theory.

Signed by England’s King John in 1215, the Magna Charta marked a dramatic achievement for the English people and remains a hallmark of Western history. With this document the English compelled their king to accept the principle that the ruler himself must be subject to certain limitations. Laws uphold an objective standard of right, infused with moral meaning, rather than the subjective decisions of a sovereign. Over the next several centuries the English system built on this idea that political power may be rightly limited by a fixed legal standard. Respect for the rule of law emerged from this train of thought as a developed tenant of legal and political theory. Scottish Presbyterian minister Samuel Rutherford famously coined the phrase *Lex Rex* (translated ‘the law is king’) as the title of a work challenging the concept of the divine right of kings and advocating limited government.[[47]](#footnote-47) John Locke joined this critique of the divine right of kings with support for his social contract theory which held that the consent of the citizenry is a necessary condition for legitimate government.

During this time England developed what is known as the common law system. Common law was based on tradition and precedent. Initially unwritten, it was preserved and expanded via application. Judges drew from the principles established by common law to apply them to a given set of particulars. Eighteenth century English legal scholar William Blackstone undertook the monumental effort of putting common law in writing in his famous *Commentaries on the Laws of England*. Blackstone’s Judeo-Christian framework is evident in his writings. He recorded fundamental principles of English law in a written work which heavily influenced the American legal system and served as the primary legal textbook for aspiring lawyers for decades. The writings of the American founders include copious references to Blackstone’s voluminous writings and the American legal system owes him an enormous debt.

Most of the United States still follows common law though Blackstone’s influence has waned. Louisiana is the only state which does not follow the common law model. It instead employs Napoleonic law, a code-based system created by the French emperor Napoleon in the early 19th century. Rather than using principles and judicial precedent to decide cases, the Napoleonic system relies on extensive codes.

Tens of thousands of pages have been written on the western legal system and this tradition continues to develop. Those who wish to incorporate legal principles into their debate argumentation this year will be benefitted by doing further reading on these topics.

Popular Sovereignty and Individual Rights

By this point you’re probably wondering, how can all of this relate to the resolution’s treatment of popular sovereignty and individual rights? These two topics lie near the nexus of law and politics, dealing with the way a citizen interacts with the government. Modern political systems may be accurately, albeit elementarily, classified in one of two categories: they are either free or not free. Obviously freedom exists in varying levels. The nations within either category differ in regards to the legal authority of the people and the protections offered for individual rights. But each nation is based on one of two general frameworks that are antithetical to each other. Either government begins with the assumption of individual freedom, or it assumes government control. This concept may be better understood analogously by considering the use of presumption in a policy debate. Just as the negative team presumes that the status quo is innocent until proven guilty, so free nations presume that freedom belongs to the people unless explicitly taken away for the advancement of a legitimate goal.

These free nations have traditionally been classified as liberal. This use of the word does not refer to liberalism as a political ideology fundamentally opposed to conservatism, but rather to an ideology based on individual freedom. “Liberalism in its generic form is surely something that all decent men accept as good—‘conservatives’ included. In so far as the word ‘liberalism is used to describe the belief that political liberty is a central human good, it is difficult for me to consider as sane those who would deny that they are liberals.”[[48]](#footnote-48) George Parkin Grant goes on to explain that “[liberalism] is the only political language that can sound a convincing moral note in our public realms.”[[49]](#footnote-49) If one is approaching this resolution in light of the western legal tradition, adherence to the tenants of liberalism may be assumed. In pitting popular sovereignty and individual rights against each other, it will be important to provide a basis for examining the fundamental questions of law and politics. These considerations briefly discussed above as well as the framework of liberalism supply a valuable starting point.

Law and Popular Sovereignty

Turning to address the resolution, affirmative advocacy drawn from a legal standpoint should contend that it is more important for a government’s law to respect popular sovereignty than for it to protect individual rights. Before offering some resolutional analysis, a note of caution is in order. Popular sovereignty and individual rights are both highly valued concepts in western philosophy and even popular American culture. Both ideas deserve this high regard and debaters should avoid valuing either concept to the exclusion of the other. However if one follows this advice it is easy for this juxtaposition of sovereignty and individual rights to become a chicken and egg conflict where each debater argues that both ideas are important but insists that his side must come first. This strips the round of clash, educational merit, and much of its enjoyment. With that said the legal concepts developed and prized by western civilization provide valuable material for both sides of the resolution. Although the wording of the resolution does not explicitly mandate it, it is to the debater’s advantage to create conflict, and thus clash, between these two concepts.

On the affirmative side, contend that a government must in some way give legal weight to the popular will of the people. Popular sovereignty is a broad term but in modern political contexts is generally connected with the concepts of representative democracy and constitutional government. Most literally, popular sovereignty can be interpreted to mean that the people, namely the majority, have the ultimate legal voice. In reality direct majority rule is used only for limited purposes. Rather, popular sovereignty is most commonly found in an arrangement in which the will of the people is expressed through written constitutions, laws, and representatives.

Popular sovereignty draws from the western liberal tradition and is fundamental to governance throughout the free world. As previously mentioned, contemporary government structures can generally be divided into two categories—free and not free, democratic or totalitarian. As illustration of this consider the ranking systems employed to measure political and economic freedom. Freedom House publishes rankings of political freedom in each nation, basing those rankings on such factors as the extent of voting rights, the competitiveness of national elections, and the authenticity of election results.[[50]](#footnote-50) Similarly the Heritage Foundation annually produces their Index of Economic Freedom. These rankings look at the relative openness of a nation’s economy and the freedom of citizens to own and manage their own property and capital.[[51]](#footnote-51) In both instances analysts measure a nation’s relative freedom by the ability of its citizens to participate politically or economically. This measure of popular sovereignty translates into many political discussions today. Either a nation derives it authority from the people and considers itself to be ultimately accountable to them, or the state assumes totalitarian control.

Returning to the resolution then, popular sovereignty is a legal structure while individual rights is a goal commonly pursued by democratic governments. Popular sovereignty ensures that at least some element of power remains in the hands of the governed—that is, the collection of individuals whose rights the governors are tasked with protecting. The principle of human self-interest dictates that individuals will naturally make rational choices to protect themselves. Without popular sovereignty rulers have no accountability to the people and can redefine protected individual rights in a manner restrictive to the freedom of the common person. Adam Smith’s image of the invisible hand is a helpful analogy. He famously used this image in *The Wealth of Nations* to explain the value of market forces. Each man does those things which promote his own well-being. He does not grow or produce or trade in order to sustain the national economy but rather to ensure his own livelihood. But by doing so he indirectly sustains the economy as a whole. Similarly, the individual citizen participates with the protection of his own rights in view. But provided that the law protects equality between citizens, the legal protection advanced by one should protect all of his fellow citizens.

Compare the French and American revolutions. Both took place in the late 18th century with the advantage of growing European support for political openness. Both claimed to pursue individual rights. But the French failed to ensure popular sovereignty in their government system while the Americans built this protection into the text of the U.S. Constitution. Consequently, the French people had no legal avenue for redress when revolutionary leaders turned tyrannical and revoked the individual rights protections they claimed to advance with aristocratic overthrow.

Valuation of popular sovereignty originates from the assumption that man is a selfish, self-interested creature whose interests must be constrained so that his pursuit of those interests does not harm his fellow selfish and self-interested mankind. Albeit pessimistic, this is a Biblical view of human nature. Popular sovereignty uses the fallen nature of man to check against the pernicious effects of his fallen nature. It does this by pitting the interests of fallen men against each other for the greater good.

Law and Individual Rights

Turning to the negative side of the resolution, Western legal thinkers have long warned against excessive reliance on majority rule. Augustine warned against the inherently corrupt nature of human institutions. Man, whether in a large or small group, cannot be trusted to act rightly. Affirming Augustine’s negative view of human nature, James Madison defined tyranny as the concentration of all power in one body, regardless of its size.[[52]](#footnote-52) Direct democracy, arguably the most literal embodiment of popular sovereignty, is itself tyrannical under Madison’s definition.

The social contract thinking which heavily influenced the development of liberalism in the 17th and 18th centuries built on the premise that government exists to protect the rights of the people. Though they embraced starkly disparate views on other matters, thinkers as distinct as John Locke and Jean Jacques Rousseau agreed on this principle that government is formed by the agreement of the people to use a human institution to secure their rights.

It may be tempting on negative to paint popular sovereignty as undiluted majority rule via direct democracy. Not only is this philosophically inaccurate, it will reduce the clash and overall quality of the debate. As previously discussed, generally free nations such as the United States affirm popular sovereignty but their leaders never suggest pure majority rule. Popular will is always constrained by laws, constitutions, and other legal mechanisms. Having established that, the negative can argue that popular sovereignty jeopardizes all of these legal mechanisms. Legislation may be repealed, statutes reinterpreted by judges, Constitutions amended, and individual rights lost in the process. Regardless of any layers of representation and despite any legal checks on the will of majority, individual rights remain insecure against the threat of the majority’s will. If the legal weight of the majority’s opinion is sufficient to change the system of representation or the nature of the checks in place, rights are insecure.

Consider the checks in the American system. Currently the Constitution guarantees freedoms of speech, press, assembly, and religion. It forbids unwarranted search and seizure, grants citizens the right to bear arms, and affirms a number of other foundational individual rights. The American system combines these written guarantees with structures that divide and limit power. The bicameral nature of Congress, term limits, division of jurisdiction between local, state, and national governments, Presidential veto power, the judicial appeals system and a host of other structures in the American system all attempt to protect individual rights. But they are, at root, subject to majority rule. Any of these checks, whether found in the Constitution, a law, or an official, could be overturned by the people.

Aside from the insecurity of valuing popular sovereignty over individual rights on a practical level, moral arguments also support the negative side of the resolution. Individual rights come from God, the transcendent creator and king of the universe. No man or group of men has the prerogative to deny these rights, regardless of majority opinion. Allowing the legal mechanism of popular sovereignty to possess the power to alter recognition and protection of a God-given individual right inherently denies the true source and power of that right. Even if the majority decides to protect a right in any given instance, the very act of claiming this power is immoral.

The United States prides itself for staunchly advocating human rights protections abroad. This moral obligation was among the reasons used to justify most of our nation’s recent wars including the current occupation of Iraq and Afghanistan. And regardless of one’s position on these wars, the nation is right to recognize a moral duty to advocate for the human rights of the oppressed. But this condemnation of human rights abuse is only legitimate if human rights are superior to popular sovereignty. The genocide in Sudan, the imprisonment of political dissidents in Saudi Arabia, and the forced abortion of unwanted children in China are all morally abhorrent actions. But a majority vote in support of them would not make these actions morality. Their rightness or wrongness is determined by transcendent divine truth, not the political voice of the majority.

Therefore legitimacy is determined by a government’s adherence to the moral obligation to protect individual rights. The structure used to ensure attainment of this goal is of secondary importance to the goal itself. This does not mean that the ends necessarily justify the means. If the end goal of protecting individual rights is violated by the means used to attain it then the government is indeed illegitimate. But this illegitimacy derives not from the flawed structure but from a failure to pursue moral rightness.

In conclusion the discussion of legitimacy in this year’s resolution merits close examination of the development of western legal theory and its application. Policymakers, philosophers, and legal theorists throughout history have wrestled with the questions posed by this resolution. Their thinking, writing, and arguments offer abundant material for both affirmative and negative advocacy. The suggested readings below will provide helpful material for delving further into these concepts.

Suggested Reading:

Bastiat, Frederic. *The Law*. 1850.

Kirk, Russell. *The Roots of American Order*. 4th ed. Wilmington: ISI, 2003. Print.

Zakaria, Fareed. *The Future of Freedom*. New York: W.W. Norton & Co., 2003. Print.

Who Put YOU in Charge?

An explanation of the creation and destruction of the theory of the Divine Right of Kings

by Susanna Griffith

Go back in time to the age of kings and queens, lords and ladies, and princes and princesses. Living in those beautiful castles were royal families who, according to tradition, were divinely placed in political power. For a notable chunk of history, the notion that power ought to be granted based on family connections dominated political thinking and determined government structure. This article is an examination of the philosophy of the divine right of kings. By hearing the stories of some of these divinely appointed kings and exploring the way this philosophy went from prominent to obsolete, we’ll see the way government structure has changed since the days when Prince Charming routinely saved damsels in distress from dragon-induced doom.

The theory of the Divine Right of Kings dominated European governance for a significant period of time. It’s worth considering because it was a prominent political philosophy that slighted the notion of popular sovereignty and even went so far as to disregard it. The basic idea of the theory is that kings are given their divine power by God through the pope. Therefore, divine authority is vested in them, and they are free to rule in whatever way they see fit and are under no obligation to submit to any earthly authority. The doctrine is both political and religious. The concept was dominant in the middle ages and became commonplace in England when the pope crowned Charlemagne to be the Holy Roman Emperor. It continued as the crown was passed down to the next family heir as determined by family lineage.

Some people trace the origins of the theory back to St. Augustine’s writings in *City of God.* Augustine explained his concept of the Two Cities, describing the City of Man being at odds with the City of God. His theory was that God put monarchs in the city of man to maintain order and ensure safety of those in the city of God (believers). He argued that God appointed monarchs for a certain purpose. Furthermore, to question that purpose was to question God. This theory, although carried to illogical and dangerous extremes, laid the foundation for governance in the middle ages and renaissance.

During these periods, power given to the monarch was unlimited. Citizens believed that their king had a divine right to rule because that was tradition and the only government theory they’d ever known. That power manifested itself in social, economic, and religious ways. Vested in the monarch was the sole authority to discipline, tax, declare war, educate, etc., in whatever way he saw fit. Naturally, it took some effort to keep citizens convinced that the divine right was a legitimate theory. Rebels were routinely punished in publically painful ways to send the message to citizens to that disobedience was serious and unwise. Propaganda promoted the king’s agenda and reinforced his power. As the theory became tradition, political affairs continued to operate under the king’s instructions. It was not until the Glorious Revolution and the Enlightenment that people questioned the legitimacy of this theory strongly enough to get rid of it. Until then, the king ruled. In modern days, the theory is laughed at in a sense and never given much weight; however, for years it affected all political processes.

The popular saying “Absolute power corrupts absolutely” was proven correct during this period. Although some kings ruled benevolently, others ruled on an oppressive political or religious platform. Their powerful position enabled them to oppress rights and take lives of many. This theory was the basis of political rule during the middle ages. During medieval times, power and prominence was determined almost solely by birth. Royal babies grew up having all of the luxuries imaginable; those born peasants remained peasants until death. Kings reported to no higher authority and acted without accountability. Deeds committed by these divine rulers make for some of the most memorable stories in today’s history books. Here are a few you may or may not remember:

Mary I (1553-1558 AD)

This proud catholic daughter of Henry VIII ascended the throne after the 9 day reign of Lady Jane Grey. Mary ordered the lady’s execution in order to avoid a potential power struggle and secure her marriage to the royal Phillip II of Spain. Her first act was to overthrow the protestant reforms implemented by Edward. She reinstituted mass and imposed heavy punishments on those who did not profess Catholicism. In history, she is known as “Bloody Mary” for the way she murdered hundreds of protestant leaders or anyone else who refused to support Catholicism. Her tragic reign demonstrates the danger of absolute power.

James I (1603-1625)

The son of Mary, Queen of Scots and the first of the Stuart Kings, James was a strong believer in the divine right of kings. He would often remind members of parliament that he had divine authority and was not to be questioned. Routinely, he would quote his book, *The True Law of Free Monarchies,* and declare statements like this one: "The State of monarchy is the supreme thing on Earth....As to dispute what God may do is blasphemy, so is it treason in subjects to dispute what a king may do..... A good king will frame his actions according to the law, yet he is not bound thereto but of his own goodwill."[[53]](#footnote-53)

Charles 1 (1625-1649 )

Charles succeeded the throne after James I passed away. He came to power in a time when principled, determined, and ambitious puritans were joining parliament. As soon as these leaders began to question his authority, he abolished parliament completely and ruled by himself for eleven treacherous years. He taxed as he saw fit and only gave power to those who supported his reforms. William Laud, the archbishop of Canterbury, agreed with Charles that he had a divine right to rule and proclaimed that those who failed to obey the king were rebelling against God.

Not surprisingly, this theory lost prominence after a while. Uprooting this traditional theory and exposing the fallacious foundation of government took many years and many steps. It actually started back in 1215 when citizens started to question divine authority and fight for their individual rights. At Runnymede, Englishmen presented the Magna Carta to King John and won his signature. The document obligated the king to give his citizens rights and apply laws consistently. The final article of the document states, “IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fullness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.”[[54]](#footnote-54) These demands became the foundation for individual rights protection and inspired the authors of the US constitution, written 500 years later. Although this document demonstrated that the King could not be above the law, it did not debunk the theory of the divine right. That reform came years later; it was denounced in England after the Glorious Revolution in 1688. The House of Commons put William and Mary on the throne with the understanding that no monarch would rule without the consent of parliament. This move represented the end of the theory of the divine right of kings in England.

After the American and French revolutions, it became nearly obsolete. Those revolutions in themselves represent a battle for both popular sovereignty and individual rights. In 1776, America officially and dramatically declared independence from unjust English rule. The declaration famously declares, “…to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” The document continued on to list King George’s numerous violations and reinforce the importance of legitimacy stemming from the people’s voice. The American Revolution was truly a victory for legitimate governance.

The fight for popular sovereignty continued during the French revolution. Louis XIV was a prime example of the danger of this theory. Just looking at the lifestyle of this extravagant king makes it obvious that he truly valued the political prominence given to him based on his royal birth. Frenchman Jacques Benigne-Bousset was the courtman to Louis XIV and strongly supported his divine rule. He carried the theory Augustine formulated based on Romans 13 to the extreme. Bousset even based his theory on Old Testament patterns of appointing kings based on heritage. Yet the degree to which he held to this theory helped Louis XIV attain even more political power and led to a period of absolutism during which anyone who disagreed with the government faced a torturous death. Thankfully, this illegitimate government did not last forever. Citizens of France revolted against this disrespect for their dignity. After several messy years of bloodshed, hundreds of violent deaths on the guillotine, and immeasurable sacrifice, the French people successfully reformed an illegitimate government into one that respected popular sovereignty. The constitution written after the revolution was inspired by the democratic traditions in Switzerland and the writings of philosopher Jean Jacques Rousseau who gave his support to popular sovereignty.

17th and 18th century philosophers like Rousseau published their thoughts regarding this theory and the importance of popular sovereignty. Thomas Hobbes’ book, Leviathan, was placed on the banned books list for questioning the legitimacy of the theory of the divine right of kings. The French philosopher Montesquieu (1689-1755) also bravely challenged the theory as unjustifiable.

Although it is an outdated philosophy, it is still important one. It explains the behavior and political patterns of a significant time period. It demonstrates the importance of popular sovereignty and shows just how vulnerable individual rights are when authority is given to an absolute power.

How to use this on affirmative: See the “That’s not Fair” affirmative case for an example of this application used in an affirmative case. It’s easy to point out that the doctrine of the divine right of kings and the doctrine of popular sovereignty are not exactly compatible. On the affirmative, you can use the stories of tyrannical “divinely appointed” governments to show the danger of ignoring popular sovereignty. You can also tell the stories of how these governments were overthrown to demonstrate the establishment of legitimate governments based on respect for popular sovereignty.

How to use this on negative: This application probably naturally favors the affirmative but it can be turned into an effective negative illustration as well. Some kings were benevolent and ruled their kingdoms in a way that favored individual rights. You can use some of the “good kings” of Judah as examples. Use it as an example that individual rights can thrive without popular sovereignty and therefore, they’re more important when considering what makes a government legitimate. After all, governments were created to protect those rights.

Sources Used:

* http://www.britannia.com/history/monarchs/mon44.html
* http://history.wisc.edu/sommerville/367/367-04.htm
* http://www.civiced.org/wtpcompanion/hs/index2009.php?menu=menu&&lesson=1&&detail=primary%20sources

The Fourth Tier

Special Interest Groups, Advocacy Groups, and Lobbying Organizations as Unelected Policymakers

by Mackenzi Siebert

The start of the movement was auspicious enough. Recognizing that a government did not adequately protect the rights of all individuals, lobbyists began to speak up for the voiceless, and advocate on their behalf. Political lobbying, however, has a sordid past, and is an element of political life that creates interesting dynamics within this year’s debate resolution.

Philosophical/Historical

If there was one thing that political philosophers agreed about throughout the centuries, it was the belief that a democratic government must be limited in both size and scope. Greek philosophers taught that democracies had the potential to become huge machines that became obsessed with their own success instead of the well-being of citizens. Enlightenment philosophers revered democracy, but frequently argued that democracy was only functional in governments with a relatively few number of people. Contemporary philosophers who have the benefit of evaluating the benefits and drawbacks of existing democratic governments can pinpoint one of the greatest sources of contention in modern political societies – a citizenry that is far too large with a host of conflicting opinions.

Over time, political institutions evolved which addressed the inherent conflicts within a large democratic government. Safeguards exist that prevent an absolute tyranny of the majority; lobbyist and special interest groups constantly act as representatives of underrepresented viewpoints, minorities, and neglected protection of human or civil rights. Proliferation of lobbyist and special interest groups has guaranteed that almost every conceivable aspect of individual preference is represented by professional lobbyists.

Perspective

Before evaluating the role of special interest groups within the context of the resolution, it is important to understand precisely what the role of a special interest group or lobbyist is within the political system. Lobbyists are not a part of the government, strictly speaking – they are not elected, and they represent the viewpoints of only a small portion of the population. However, lobbyists are a fixture of contemporary democratic politics and are very influential in the lawmaking process. It is helpful to see how the role of the lobbyist evolved out of democracy’s development.

**Direct Democracy**: In a direct democracy, a simple majority trumps everything. Every law that is passed is either approved through a popular referendum, or by a majority of elected officials. In this system, there is no real room for lobbyists because the majority is valued as the most important. Government officials are not concerned with guaranteeing equal protection for special interest groups – they are concerned with fulfilling the will of the majority.

**Representative Democracy**: The government conceived by America’s founders was direct democracy, with several restraints against tyranny of the majority. American democracy was the first to implement the belief that might does not mean right and that every sphere of government needed another sphere with the power of oversight. The inherently watchdog nature of the checks and balance system facilitates transparency and the promise that the government cannot act arbitrarily or unjustly. Power breeds corruption, however – and as the machinery of government grew, the idealized western standard of “good government” became what I call Contemporary Democracy.

**Contemporary Democracy**: A contemporary democracy includes facets of political life that have become an inseparable part of modern governments. In this political world, special interest groups lobby elected officials on the behalf of members of an organization. The number of organizations that actively lobby for their members has steadily grown over time – largely due to the success that such organizations have experienced. In some ways, lobbying and special interest groups have become one of the most powerful voices in government. If enough time is spent pestering Congressmen, writing legislation and feeding it into the hands of elected officials, and funding political campaigns, special interest groups are able to largely determine the shape of public policy.

It is nearly irrefutable that although lobbyists and special interest groups are unelected, they are invaluable in facilitating the righting of injustice and the protection of individuals. Special interest groups have been instrumental in the African American Civil Rights movement[[55]](#footnote-55), in winning women’s suffrage, and in guaranteeing that parents have the ability to homeschool their children.[[56]](#footnote-56)

Special Interest Groups and the Resolution

I’m sure that by this point, you’re wondering what on earth lobbyists and special interest groups have to do with the resolution this year. The answer is that they add a unique element to the debate regarding respect for individual rights. A traditional interpretation of the resolution will argue for the respect for individual rights on the basis of natural law, human rights, inalienable rights, or some variety thereof.

Unlike individual rights, which fall under the category of fundamental rights, the rights that are sought by special interest and lobbying groups are often rights that are much more highly specified in nature. Some of the most effective special interest and lobbying groups include People for the Ethical Treatment of Animals (PETA), the National Rifle Association (NRA), Concerned Women for America (CWA), the American Civil Liberties Union (ACLU), and a host of others. As you can see, the scope of special interest/lobbying groups runs the full gambit of political orientations.

The existence of the special advocacy groups creates a unique dimension of resolutional clash. When evaluating whether a legitimate government is determined by respect for popular sovereignty or individual rights, many debaters will default to the natural rights interpretation of individual rights. However, recognizing that contemporary politics considers special interest groups to be working on behalf of individual rights allows both sides of the resolution to shift the debate to a new realm.

The affirmative has the leeway to argue many things by adopting a view of the resolution that includes special interest groups. Some unique arguments include:

-Popular opinion should always trump a lobbyist organization that uses financial capital and obnoxious pressure tactics to force elected representatives to vote for specific legislation.

-Popular sovereignty is more legitimate than whatever views are advanced by a special interest group because it represents the interest of a wider sector of the population.

-Special interest and lobbying organizations are important, but they must always be held in check by elements of popular sovereignty. Because lobbyists are not elected, they do not have the responsibility that is supposed to belong to elected officials. The dangerous lack of transparency within special interest organizations means that without oversight, a small yet politically savvy group of individuals are capable of largely dictating public policy.

Negative debaters also have plenty of fuel that can be added to the debate regarding the role of lobbyist groups.

-Special interest and lobbyist organizations are checks against the tyranny of the majority. It is the natural state of governments to consume the rights of the their citizens, and the work of lobbyist groups creates another important check that allows contemporary democracies to function. Many lobbying organizations do nothing more than ask that traditionally protected rights continue to be protected by the government. (This is the type of lobbying that is done by the NRA.)

-It is impossible for a government to automatically provide legal protection for all the rights that ought to be protected. When there are cases where a significant percentage of the population is discriminated against in one way or another (such as in the pre-Civil Rights Movement era), it is proper for apolitical advocacy groups to lobby for reform.

Most people have a mixed response to the idea of lobbyist groups. Though thankful that groups exist that will advocate on behalf of underrepresented minority groups, or who will voice determined opposition to the erosion of rights – there is also the nagging sense of unease that unelected organizations have so much political capital. For better or for worse, special interest and lobbying groups are a fixture of political life. A wise debater will understand how deeply organized lobbying groups can affect Congressional policy, and will weigh this component of the popular sovereignty/individual right debate accordingly.

Individualism vs. Collectivism

How popular sovereignty and individual rights clash.

by Chase Harrington

As soon as most homeschool LD’ers hear “Individual rights”, almost instantly they imagine a middle-aged man dressed in colonial garb with a feather pen, inscribing the words “…that all men are created equal and are endowed by their creator with certain unalienable rights, among these are life liberty and the pursuit of happiness.” There is nothing wrong with that definition, but I believe that there is a much more interesting way to define Individual Rights for this year’s resolution.

**Individual Rights:** “Rights are held, individually, by every man, by all men, at all times… Man holds these rights, not from the Collective nor for the Collective, but against the Collective—as a barrier which the Collective cannot cross” - Ayn Rand, social and political philosopher, Textbook of Americanism, pgs. 83-84[[57]](#footnote-57)

Essentially, instead of defining Individual Rights as the generic life, liberty, and property, you are instead emphasizing “Individual” as opposed to the “Group”. This definition is more useful for several reasons: First, it creates biting clash between Individual Rights and Popular Sovereignty. For example, the clash no longer is rights to property vs. will of the people but individual rights vs. group rights. Ayn Rand also says, "Individual rights are not subject to a public vote; a majority has no right to vote away the rights of a minority; the political function of rights is precisely to protect minorities from oppression by majorities (and the smallest minority on earth is the individual)."[[58]](#footnote-58) This definition is also better because it saves you from a “what are rights?” debate, or worse, “What is the exact list of every individual right?” debate. Instead, this definition claims that only individual people hold rights and that rights serve as limits on the “popular sovereignty” of the collective. It is a functional definition describing the origins of rights and why they exist. Thirdly, (if you are negative) this definition can accompany virtually any Affirmative definition because it doesn’t contradict the generic “We have and individual right to life, liberty, and property” definition, but compliments it.

Now that I have your mind (hopefully) thinking in a new and more creative direction, I want to give you a philosophical overview of the competing ideas that the above definition creates. They are called Individualism and Collectivism.

**Individualism:** The doctrine, "that man has inalienable rights which cannot be taken away from him by any other man, nor by any number, group or collective of other men. Therefore, each man exists by his own right and for his own sake, not for the sake of the group."[[59]](#footnote-59)

-Ayn Rand

**Collectivism:** The doctrine that the social collective -- called society, the people, the state, etc. -- has rights, needs, or moral authority above and apart from the individuals who comprise it. [[60]](#footnote-60)

-Jarret Wollstein, director of the International Society for Individual Liberty

I’ll start with individualism. There are many different twists and disfigurements of Individualism, so if you use this philosophy in the competitive season, you have to be clear that you are defining Individualism from Ayn Rand. Individualism essentially holds 2 things: First that all human beings have unalienable rights that can never be trampled. Secondly, that individual’s must not leech off society or exploit others for their own good. These are the only two tenets of individualism. Most hear the term Individualism and immediately conjure up an image of selfish, greedy person, who only serves himself or worse, does what he wants outside of any social constraint. Nothing could be further form the truth. Ayn Rand argues, “Do not make the mistake of the ignorant who think that an individualist is a man who says: ‘I’ll do as I please at everybody else’s expense.’ An individualist is a man who recognizes the inalienable individual rights of man—his own and those of others. An individualist is a man who says: I will not run anyone’s life—nor let anyone run mine. I will not rule nor be ruled. I will not be a master nor a slave. I will not sacrifice myself to anyone—nor sacrifice anyone to myself.”[[61]](#footnote-61) Here is why this matters to the Lincoln-Douglas debater: If you can successfully establish that the legitimacy of government is to fulfill its primary duty of protecting the people and their possessions, individualism becomes a very powerful weapon in your philosophy arsenal. Because individualism values personal rights above the popular sovereignty of the collective, it not only assists government in fulfilling its primary duty (protect the people), but does so by severely limiting the collective. In other words, government is more legitimate if it respects individual rights more popular sovereignty.

Collectivism is practically the inverse of individualism in every single way. Essentially collectivism holds that the needs of a group of people override the needs and sometimes rights of an individual. The justification used for this mentality is often utilitarianism or simple pragmatism. If you do not already know what those ideas mean, I strongly encourage you to look them up. While I do not recommend embracing this philosophy entirely, there have been times when collectivism was needed to check and balance individualism. (see possible applications below). More often than not, however, collectivism is just plain bad. A clever LDer will not have too much trouble demonstrating the relationship between Popular Sovereignty and collectivism. No matter what definition the affirmative uses, Popular Sovereignty ultimately means that the people rule. When the people are not unanimous, then majority rules. Some good CX questions then might be, “There are not any limits intrinsic to Popular Sovereignty, correct? So the majority can do anything, is that right?” On the other hand, be prepared also to sever this link if you are the affirmative. You may say that Popular Sovereignty merely means that the government has the consent of the governed, and it is not a tyrannical mob rule, but merely a measure of a government’s legitimacy. Either way, make sure you understand both individualism and collectivism. They are sure to come up this year, whether the debaters using them know it or not!

Possible applications demonstrating the value of individualism (and the abuse of collectivism):

NOTE: All these applications should be researched thoroughly before run at a tournament. I have provided a brief description, but it is crucial that debaters understand their applications backwards and forwards.

* Witch trials (especially the Salem witch trials): In the 1600’s, nearly 20 people were executed in Salem Massachusetts on the suspicion that they were witches. If you use a broader, more international scope, witch trials are responsible for the deaths of tens of thousands, especially in medieval Europe. This mentality behind witch trials is completely collectivistic: group power is unlimited; anyone who threatens the wellbeing of the group can justifiably be eliminated. I recommend studying the work of Richard Kieckhefer **Professor of Religion and History at Northwester University. Namely, his book**, European Witch Trials: Their Foundations in Popular and Learned Culture, 1300-1500.
* French revolution: Besides a clash of collectivism vs. individualism, this application has potential to discuss the illegitimacy of the French government (before and after revolution). After the French people executed King Louis the XVI, the French people acted like a large, bloodthirsty mob and killed thousands of innocent people for either being loyal to particular political party, or for getting the way of what the group wanted at the time. Using this application, I would argue that the will of the people (popular sovereignty) is no better then a violent mob that must be restrained by individual rights.
* Kelo v. New London: In 2005, the United States Supreme Court ruled that property taken under eminent domain could be given to private owners, as long as the owners used the land for a public venture. In this case, several families lost their homes so a private contractor could build a mall. Should individual rights be sacrificed to the good of the group?
* Buck v. Bell: In 1927, the Supreme Court upheld compulsory sterilization of mentally handicapped persons. The entire field of eugenics could possibly apply as well, but this case demonstrates an extremely collectivistic philosophy. Oliver Wendell Holmes even wrote in the majority decision, that “three generations of imbeciles are enough”. Bottom line: In order to uphold the good of the group (purer gene pool) individual rights were sacrificed. That does not mean automatically that popular sovereignty was involved, but it makes a good case for the sacredness of individual rights.
* Alien and Sedition Acts: Signed into law by President John Adams, the Alien and Sedition Acts consisted of four pragmatic laws that allowed imprisonment of aliens considered dangerous to the peace and outlawed criticism of the government. Essentially, individual rights were sacrificed on the alter of common good. On a side note, this is a great application against the value of national security.
* Japanese internment camps: In February of 1942, President Roosevelt authorized the internment of all Japanese Americans in the United States. His decision was collectivistic because, during the wartime angst, it was pragmatic to lock up any possible enemies of the United States in order to ensure public safety. However, this law completely suspended the individual freedoms of these people and once again demonstrates the danger of collectivism.
* Marxist revolutions and ethical philosophy: In my opinion, the most violent and dangerous idea Karl Marx created was actually not communism, but the worldview that calls any action morally right if it serves the interests of the group by leading to a classless society, otherwise known as Marxist ethics. Because Marxism views man as basically good, the power of the collective group is unlimited, ultimately justifying the murder of untold millions in the name of the “common good”.

Possible applications demonstrating the value of collectivism (and the abuse of individualism):

* Military draft: A military draft is when a government decides that it needs more soldiers then the volunteers, so a draft is used to gain more men by conscripting them into the military. I would caution you from using the Vietnam draft because first, that war is very unpopular and will turn off a large portion of your judges, and second, it was not a completely vital war. I am thinking more like American Revolution, World War I, and World War II. Had the United States government not violated the individual rights of its citizens in the name of the common welfare, we would have lost these crucial wars, and all American freedom would cease to exist.
* Typhoid Mary: Mary Mallon, commonly called Typhoid Mary, was the first woman in the United States to found as a carrier of Typhoid Fever. She is somewhat infamous to this day for her stubbornness in denying that she was a carrier, and also her refusal to stop cooking. She was involuntarily quarantined twice, ultimately dying in quarantine at the age of 69. It is estimated that she infected around 50 people, and three of those dies from the disease. However, had the public health services not violated her individual rights, she likely would have infected and killed far more.
* Suspension of Habeas Corpus: Habeas Corpus is a Latin term that means, “We command that you have the body.” It deals primarily in criminal law and is a writ that determines whether or not someone is lawfully imprisoned; or, more simply, we have a right to free and fair trial. In times of war however, this is frequently suspended. Article 1, Section 9 is the main constitutional provision regarding Habeas Corpus and it grants the president the power to suspend this legal writ in times of war when the public is in danger which Abraham Lincoln took advantage of during the Civil War. This is another example of the collective welfare (justifiably) taking precedence over the rights of an individual.

Reasons for Revolution

The Resolution in Political History

by Sarah Sanderlin

Intro

John F. Kennedy once said, “Those who make peaceful revolution impossible, make violent revolution inevitable.[[62]](#footnote-62)” Throughout history, one of the foremost things that has “made violent revolution inevitable” is government neglect of popular sovereignty and individual rights. Let’s take a look at some of the most famous revolutions that were inspired by resolutional ideas and examine the effects that they had on later thought.

French Revolution

The French Revolution had strong philosophical ties to both popular sovereignty and individual rights at its outset. Jean-Jacques Rousseau, one of the most influential philosophers of the Enlightenment era, was one of the main contributors to the revolutionaries’ philosophy of popular sovereignty. Rousseau’s idea of the social contract, which proclaimed the absolute necessity of popular sovereignty, was widely embraced by many leading revolutionaries.In fact, Rousseau was so influential that many consider him the philosophical father of the French Revolution. The revolutionaries also seemed to show respect for individual rights during the early years of the rebellion, publishing the *Declaration of the Rights of Man and of the Citizen*, which drew heavily from Locke’s ideas of natural rights and equality. In addition, Thomas Paine’s *Rights of Man,* published in reply to Edmund Burke’s denunciation of the Revolution (*Reflections on the Revolution in France)*, served as a rallying point for many revolutionaries. In this work, Paine advocated a republican form of government for the sake of both individual rights and popular sovereignty—for rights, because he believed all men possessed equal natural and political rights; and for sovereignty, because he believed that government must be based upon the social contract and rationally requires sovereignty of the people[[63]](#footnote-63). Although Paine’s influence was not nearly as significant as that of philosophers like Rousseau, his work did clearly set forth the ideals of the Revolution in the language of the common man.

Popular Sovereignty and Individual Rights in the Revolution

A concern for popular sovereignty became evident early in the Revolution when a meeting of the Estates-General, the French legislative assembly, was called to deal with the country’s financial problems. Tension arose within the body as members of the Third Estate, representing the middle class and populace, argued that it was an injustice for the First and Second Estates, who represented a significantly smaller share of the population, to be able to outvote them. This culminated in the Third Estate seceding from the Estates-General and forming its own body, the National Assembly. Claiming to be the true representatives of the people (see Abbe Sieyes’ *What is the Third Estate?,* claiming that the Third Estate is essentially the nation), members of the Assembly declared that they planned to deal with the country’s business with or without the participation of the other two estates. Shortly thereafter, the king locked the Assembly out of their meeting place, forcing them to convene at the nearest available location: a tennis court. There, the members swore the now-famous Tennis Court Oath, agreeing not to disband the Assembly until they had drawn up a constitution for their nation.

Later in the year, the Assembly abolished many feudal privileges, demonstrating further concern for equality. A few weeks thereafter, *The Declaration of the Rights of Man and of the Citizen* was adopted. This document set forth many of the original philosophical foundations of the revolution, emphasizing both popular sovereignty and individual rights. It proclaims that “[t]he aim of all political association is the preservation of the natural … rights of man”, and also that “the principle of all sovereignty resides directly in the nation.”[[64]](#footnote-64)

At this point, a curious contradiction began to arise between the ideas and the actions of the Revolution. While still vocally supporting individual rights and popular sovereignty, leaders of the Revolution started a slow but inexorable process of restricting freedoms. The first target was the Catholic church: all church property was nationalized, most religious orders were abolished, and all church officers were to be appointed by the National Assembly. About a year later, in 1792, the arrest of all suspected enemies of the Revolution was authorized, despite the fact that the Assembly’s Constitution of 1791 guaranteed “[l]iberty to every man to come and go without being subject to arrest or detention, except according to the forms determined by the Constitution.” This was taken even further when the Law of Suspects was passed in 1793, subjecting suspects to trial by revolutionary tribunal, and reached its culmination in the Law of 22 Prairial (September), which allowed suspected enemies of the state to be executed without defense counsel and even if no witnesses were called. At approximately the same time, members of the National Convention (a convention called for the purpose of creating a new constitution to replace the Constitution of 1791) declared that the Revolution was a revolt against all kings3 and proclaimed that France wished to help all oppressed peoples gain freedom. But shortly after these same proclamations, the Convention began to restrict freedom of speech by decreeing capital punishment for anyone who spoke against the right to property. As the philosophical focus gradually shifted towards collectivism at the price of individual rights, the Committee of Public Safety was established with the goal of protecting the people as a whole from alleged conspirators. Gradually this committee consolidated its power, becoming the central figure in the Reign of Terror and eventually giving way to increasingly tyrannical forms of government that culminated in the dictatorship of Napoleon.

American Revolution

Probably the most famous of all revolutions, the American Revolution is also one of the most strongly tied to popular sovereignty and individual rights. In fact, since it drew from nearly every major political philosopher and the examples of many previous governments, the American Revolution was in many ways the culmination of the political philosophy of the day. John Locke, Jean-Jacques Rousseau, and the Baron de Montesquieu all contributed to the American founders’ ideas about sovereignty, rights, and the proper role of government. These ideas significantly influenced the way the founding fathers viewed the events leading up to the Revolution.

Many of the grievances suffered by the colonists had to do with popular sovereignty. The famous slogan of “no taxation without representation” expressed the colonial sentiment that the government that ruled them should be accountable to them. In the *Declaration of the Causes and Necessity of Taking Up Arms* published by Congress on July 6, 1775, the founding fathers asked, "What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it [Parliament], is chosen by us; or is subject to our control or influence….”[[65]](#footnote-65) What the colonists viewed as Parliament’s theft of power from locally elected legislatures through multiple controversial legislations further aggravated the situation. By the time the Declaration of Independence was issued, popular sovereignty was important enough in the minds of the founders that it was mentioned multiple times in this founding document, most famously in the phrase “Governments are instituted among Men, deriving their just powers from the consent of the governed”.

Perhaps even more important to the revolutionaries was the issue of individual rights. The Quartering Act, forcing colonists to house British soldiers in their homes, stood in direct violation of the Petition of Right, a 1628 document guaranteeing several basic rights to English subjects. Britain also restricted Americans’ right to trial by jury through the Stamp Act, mandating that all those suspected of smuggling should be judged by admiralty courts instead of by jury. This also violated the Petition of Right and was later specifically mentioned in the Declaration as one of the grievances that drove the revolutionaries to seek independence. In fact, an examination of the Declaration reveals many grievances pertaining to individual rights, but most importantly, it reveals the founders’ vision of the purpose of government: “That to secure these rights [life, liberty, and the pursuit of happiness], Governments are instituted among Men.” In order to secure these rights, the founders attached the Bill of Rights to our Constitution, guaranteeing individual rights to every American citizen.

Glorious Revolution

Background

Though it’s certainly not the most well known political revolution, England’s Glorious Revolution of 1688 did play a major role in shaping later generations’ thinking about popular sovereignty and individual rights. The discontent leading up to the revolution began to come to a head when James II ascended the throne in 1685. A staunch Catholic and believer in royal absolutism, the king angered much of the nation by replacing Protestant officials with Catholics and attempting to pack Parliament with his supporters. Not long thereafter, several members of Parliament secretly invited William of Orange and his wife Mary to assume the throne. William and Mary accepted, sailed into England with their fleet, and overthrew James with next to no violence. But none of the events of the revolution are so important as William and Mary’s acceptance of the English Bill of Rights, an important document in the history of both popular sovereignty and individual rights. The Bill of Rights asserted the citizen’s right to petition his government officials, the right to free elections, the right to complete freedom of speech in the government arena, the right to bear arms, and right of the church to be free from government control. Undeniably a major contributor to the slow shift of power from the king to Parliament, this document also provided a foundation for America’s founding documents, as well as guaranteeing a greater degree of freedom and self-rule to the people of England.

Conclusion

Clearly, the ideas of this year’s resolution have been highly influential in the course of political history. France, England, and America are only three of many countries where revolutions have occurred for the sake of individual rights and popular sovereignty. Each of these examples can, in one way or another, be made to stand for either side of the resolution. Be sure to hone in on the philosophical basis of each revolution and the way that these ideas were manifested in the actions of the revolutionaries, and you’ll be able to make each of these revolutions into a gold mine of historical support for your case.

¿Qué qué? Spain and the Decolonization of Ideas

Legitimacy of Government in Regards to Popular Sovereignty & Individual Rights

by Jesse Byrnes

Intro

GOOOOOOAAAAAALLLLL! It happened in the 116th minute of the 2010 World Cup final game. The goal for Spain ushered in the end of the laborious victory over the Netherlands. After Spain's first game of the World Cup tournament (which they lost, 1-0, to Switzerland), New York sports columnist Chuck Culpepper noted Spain’s “…legacy of unusual difficulty in World Cups...”[[66]](#footnote-66). Six games later, the “deafening sounds of cheering, klazons, firecrackers and cars horns rang out across the city as the World Cup's perennial underachievers won the trophy in their first appearance in the final,”[[67]](#footnote-67) as South Africa's *Star* put it. Spain won the final FIFA game –– ergo the entire tournament.

For a country barely more than twice the size of Oregon, Spain boasts more than Picasso, bull fighting, and some of the best olive oil in the world. The closest country geographically to Africa, Spain and its involvement in the 2010 World Cup is an excellent example of much more than an exhibition of fantastic soccer, unmatched talent, and an athleticism that was almost out of this world. Beneath the turf of media coverage, international one-up-ya's and multimillion-dollar stakes, the Spanish victory in the World Cup highlights several contentious social and political issues –– specifically, the role of a nation's government in the social order of a country and the legitimacy of government in relation to the collective and individual rights of a people.

Spain: Its Early Years

Since the dawn of time –– alright, alright. I won't go back that far. How about the 15th century? You will recall from your grade-school days that, “In 1492, Columbus sailed the ocean blue.” His three ships exuded much loyalty to the Spanish crown and its respect and dedication to Catholicism –– the Niña ("girl," a nickname for the ship Santa Clara or "Saint Clare"), Pinta ("spot," or La Pinta meaning "the spotted one") and Santa María ("Saint Mary"). Even to this day, 94 percent of Spain (España) is classified as Catholic[[68]](#footnote-68). Why is that important? It shows us that, from the fifteenth century to the twenty-first century, Spain has remained largely united in realms of religion. It shows that religious differences are not the major issue driving modern-day Spanish tensions (that will be discussed later) as is the case within many nations and between many countries, such as present-day India and China as well as between Israel and Palestine.

“The fool is obsessed with his search for a strait. On the flame of his ambition he will crucify us all.” *–captain of a Spanish ship involved in Magellan’s 1519 voyage through America to Asia*

The 15th century is part of the Age of Exploration for many European nations. Venetian sailor John Cabot is exploring North America for England, Vasco de Gama is sailing around the Cape of Good Hope while Pedro Cabral is discovering Brazil, both for the Portuguese, and Florentine explorer Amerigo Vespucci is naming things. Portugal and Spain –– back-to-back rivals taking it easy on the eastern coast of the Atlantic –– are responsible for the majority of explorations to the New World and trade routes around the world. Although Portugal began their first voyages in the early fifteenth century, Spain is en-route to catch up and take over by the end of the century. (But then again, Portugal is to Spain as Alaska is to Canada and Australia is to the world, at least in modern, geographic terms.) Though Columbus, an Italian, is a good place to start in relation to Spain's exploratory voyages (as most all can relate), realize that he is only one of many adventurists who are exploring the oceans for the Spanish crown. Spanish-sponsored voyages include those of Columbus (1492), Balboa (1513) and Magellan (1519), and culminate with the conquests led by Cortés against the Aztecs (1520) and Pizarro against the Incas (1530). Why is any of this important to know?

“The manner of living among the people is very similar to that in Spain, and considering that this is a barbarous nation shut off from a knowledge of the true God or communication with enlightened nations, one may well marvel at the orderliness and good government which is everywhere maintained.” *–Cortez’s remarks on the Aztecs before his conquest (c. 1519)*

The Spanish modus operandi in the Age of Exploration was to get more, more, more. (*Modus operandi* is Latin for “way of operating” – more memorable as one’s “mode of operation.”) Though several European powers were following Portugal and Spain in rising to the global stage and establishing their own empires (first the Dutch, then the French and English), Spain––in purely geographical terms––continued to dominate the majority of the world’s trade and economy. Slavery, now being capitalized upon by many European nations, had boosted the economy of Spain and other Atlantic powers, with the Spanish being the first to carry African slaves straight to the New World.[[69]](#footnote-69)

Governmental Effects of Spain’s Successes

Few to none of the voyages, explorations, and grandiose discoveries of the Spanish nation (moral and otherwise) would have been possible without the dynastic patronage of the Spanish crown. The meekest of researchers will realize that many of the most notable pieces of art, discoveries, or highlights of past centuries have been due to the sponsorship of a particular ruler or government body. To this day, although private organizations have much success in almost every area of the economy, the government continues to subsidize those things that they believe must succeed. During the Age of Exploration, because of the wealth generated by crown-sponsored voyages and foreign conquests, the wealth of royalty continued to increase. This roundabout machine of increasing crown wealth became a very real basis for many of the European tensions and revolutions into the seventeenth and eighteenth centuries. In the sixteenth century, however, the discoveries and occupation of the Americas of and for the Spanish crown led to Spain being the most dominant world power in all of Europe.[[70]](#footnote-70)

For many years, Spain was plagued by ideas of conquest and social dominance as it conquered new lands and cultivated the fruits of foreign people. Because of its various colonies, the Spanish nation turned into an empire and a dominant world-leader for several centuries. For Spaniards to and fro, this colonization transformed a nation lagging in the currents of Portugal's prowess, and at the mercy of English and French dominance, into a world power that would grow to be the most powerful of its kind. The fact that the Spanish crown became so rich due to its expansive colonization (at the expense of individual rights) demonstrates the Spanish government’s legitimacy (or lack thereof) in the fifteenth century. Even into the seventeenth century, because of an expanding empire, Britain and Spain continued as the leading superpowers.[[71]](#footnote-71) Unfortunately for Spain, however, much of its prowess was lost after its peak of international power in the sixteenth century. In addition to various wars and revolts, Spain’s tragedies began to culminate with the English defeat of the “Invincible Armada” in 1588.[[72]](#footnote-72) As the U.S. State Department synopsizes,

Controversy over succession to the throne consumed the country [of Spain] during the 18th century…The 19th century saw the revolt and independence of most of Spain's colonies in the Western Hemisphere; three wars over the succession issue; the brief ousting of the monarchy and establishment of the First Republic (1873-74); and, finally, the Spanish-American War (1898), in which Spain lost Cuba, Puerto Rico, and the Philippines to the United States. A period of dictatorial rule (1923-31) ended with the establishment of the Second Republic… Pressures from all sides, coupled with growing and unchecked violence, led to the outbreak of the Spanish Civil War in July 1936.[[73]](#footnote-73)

In light of the Spanish unrest, many social changes began to take place. With the decolonization of the vast majority of Spain’s geographic and material assets, the spotlight began to emphasize the dichotomy between its dynastic, colonial, and (future) democratic governmental bodies and the benefits and disadvantages of each (Princeton University defines *decolonization* as “the action of changing from colonial to independent status”[[74]](#footnote-74)). A vital component of the governmental dichotomy, the rise to (and use of) power by Francisco Franco is notable. In 1936, during the Spanish Civil War, Franco became the Generalísimo of the Nationalist army, and within a year was elected Head of State.[[75]](#footnote-75) In 1939, seeing the defeat of the republic, Franco established his dictatorship, something that would last until his death in 1975.

As Spain loses its mojo beginning in the sixteenth century and quite completely by the 1939 Franco dictatorship, it continues to view government power and military authority as more important than individual rights and popular sovereignty. Although many will note that Spain began to change direction following the death of its dictator, others realize that its direction shift has only been modernized and the root issues unresolved. While the terms used to describe the state and the power that it wields become somewhat modified (Franco’s military power could be viewed as a more modern version of the earlier power exemplified by Cortés and Pizarro, and instead of the Aztecs and Incas, Spaniards from different regions of the country), it is realized that the focus of Spain has modernized itself but has remained relatively unchanged. Grappling with the fascism and socialism of the 20th century, Spain seeks to uphold individual rights and popular sovereignty, though they sail ahead in the direction of governmental power –– once decentralized, but now uniting again under one governing body (for a fuller idea on the extent of Spanish governmental shifts, note the link under *Further Reading* for changes in Spanish government post-1975). But how successful are the Spanish at upholding popular sovereignty while trying to achieve government stability? Are individual rights bolstered by its past imaginative success at becoming a world power?

Sovereignty: How Popular is it Really?

Below the turf of media coverage on the Spanish team’s success in 2010, many Spaniard’s felt discontent on the Spanish team even being in the final game––let alone winning––due to regional and affiliatory disconnects within Spain resulting from internal political unrest. Madrid (the capital of Spain) and Barcelona (the capital of the autonomous region of Catalonia) are at odds based off strong separatist traditions on the side of Catalonia, amid other issues. In fact, many individuals in the Basque and Catalonian regions of Spain want greater to full autonomy from Madrid[[76]](#footnote-76) (reference the link under *Further Reading* for a simple map of Spain’s different regions).

The day before the Spain v. Netherlands final match, more than a million Catalans protested for increased autonomy from Madrid, a rally prompted after Spain’s national court “gutted” a statute from 2006 that granted increased power to Catalonia’s local parliament.[[77]](#footnote-77) Unfortunately for protestors, Spain’s successes in the tournament are viewed more as symbolic of the nation as a whole than as a result of its regional contributions and support. As one middle-aged economist from Basque noted, "If it were up to me, I'd have Netherlands beat Spain 30-0," going on to note that “(Madrid politicians) are using the success of the Spanish team, made up almost entirely of Catalans and Basques, to sell a concept of Spain that many Basques do not share.” Analyzing the various energy flowing through Spain from a realistic approach, Josep Lluis Carod-Rovira––the deputy head of Catalonia's regional government––noted that "There will end up being more Spanish flags because of the Spain-Netherlands match on Sunday than Catalan flags because of Saturday's protest.”[[78]](#footnote-78) Regardless, as one reporter noted, “Spain's players and coach said here that the unity on this national team, despite the different club and regional affiliations, is a key driver behind the astonishing 49-2-3 run over the past 3.5 years and their place in Sunday's final.”[[79]](#footnote-79)

“You have shown the capacity of Spain to reach united the successes that we aim for.”

*–Juan Carlos, king of Spain, speaking to the España team after their World Cup victory*

But did a simple soccer game QUIKRETE® the generational dichotomy within Spain? As *BBC News* put it, “Politicians and the media claim these days that the key to the Spanish victory in South Africa was unity - that it shows how important and easy it is to bury regional political differences. …[but] what this victory really shows is that Spain has a generation of fantastic players…”[[80]](#footnote-80) While many will agree that fantastic athleticism was on show in Spain’s victory in the tournament, others realize that it was much more than that. “The team’s triumph in South Africa not only was an unprecedented sporting achievement for a soccer-obsessed country but also helped bring Spaniards together at a time of economic unrest and political bickering over whether to grant greater regional autonomy to Catalonia,” wrote Spanish New York Times columnist Raphael Minder. “Seven of the 11 players who started the final for Spain are due to play next season for Barcelona, Catalonia’s flagship club.”[[81]](#footnote-81)

"There are players from all over Spain here in the squad, we are united and I hope the same feeling of unity occurs back in Spain. I think sport does many good things and I hope football could lead to better relations in our country." *–Vicente Del Bosque, España’s Coach, at the FIFA 2010 World Cup*

All things considered, as many sports commentators, reporters and viewers realized following all of Spain’s successes on the soccer field, España’s team did something, even if only temporarily, that the government has been unable to do thus far: unite the country.

Say what? – the (re)Solution as a Whole

Regardless of the social order of Spain, the views concerning its winning team, and the credit and pride for the nation itself, those in Spain were able to take a step back from the politics of the sport––and the politics of the country as a whole––to realize something every LDer will ponder this year: at the end of the day, is the governing system legitimate because it has allowed for individuals in a nation to have rights, or because it values the sovereignty of a people as a whole? Both socially and politically, is a government's legitimacy determined more by its respect for popular sovereignty or its advancement of individual rights? Can it accomplish both?

According to Noah Webster’s 1828 *Dictionary of the English Language[[82]](#footnote-82)*, *popular* is that which is “pertaining to the common people” and *sovereignty* is “supreme power... possession of the highest power.” Thus, *popular sovereignty* would be “supreme power held by the common people.”On a purely definitional stance, this can be viewed as leaving no room for a governmental system, though that argument will not be dealt with at this time. What we will deal with is how popular sovereignty––or supreme power held by all the people collectively––relates to individual freedom. Webster defines the adjective *individual*as“not divided, or not to be divided; single; one; as an individual man or city.” He offers over a dozen different interpretations on what *rights* may entail, but in a particular definition he defines *right* as “conformity to human laws, or to other human standard of truth, propriety or justice…” How are these values paralleled Spain?

“Justice; that which is due or proper; as to do right to every man.” – Noah Webster, 1828

On the individual freedom side of things, Spain is not the most oppressed of countries, ranking 36 out of 179 countries on the Heritage Foundation's *2010 Index of Economic Freedom*[[83]](#footnote-83) –– making them freer than eighty percent of the world, including nations such as France, Italy, Norway and even Israel. But a case can also be made dealing with the suppression of freedom in Spain –– as its ranking on Heritage's index has declined in recent years, in addition to the tensions regarding its regional states. So, which is it? Are Spaniards individually free or do they have popular sovereignty? Is having either one over the other good enough or do either of the two fall short of being necessary? In addition to the issue of individual rights, the tensions of such regions as Basque and Catalonia between Madrid highlight the very delicate nature of governmental power in its centralized and decentralized forms versus popular sovereignty and the power being given to the people as a whole. In light of all its recent attention and media hype, the bottom line for Spain currently is that neither individual rights nor popular sovereignty are necessarily determinants of government legitimacy because few are certain on the official governing body and power and many are in doubt concerning the legitimacy of the government itself.

Conclusion

When Spain won the 2010 World Cup, more hits could be found on Google for soccer (or fútbol) concerning Spain than any other country. Mariachi music began to sound livelier. Olive oil seemingly more fine. Soccer, well, more appreciated. Why is Spain important? Spain is one of many countries that boasts a rich history, a dynamic culture, (a great soccer team), as well as a contentious social and political climate. You now have an idea about one nation and how applicable it can be to this year's resolution. Every nation runs into the issue of popular sovereignty and individual rights. In many lights, they are the sole factors in determining whether a government is "good government" or (you guessed it) a "bad government." Ultimately, sovereignty and rights are upheld to protect a people of individuals.

Whether collective or individual, rights and the issue of sovereignty affect everyone in the twenty-first century. Decolonization, on some level, affects every nation –– even if the "colony" is the power structure and the decolonization is the distribution and execution of authority. Knowing something about a nation's history like that of Spain is something that makes you stand out against opponents that run over-emphasized applications and current events such as Mexico and the unprotected U.S. border, the Chinese oppression of human rights, or Nazi Germany. Make a mixed bag –– have applications past, present, and future (yes, be a philosopher).

That said, go out there and keep researching! If you are new to LD this is a great opportunity to learn history and current events through the eyes of Value Debate. If you are a seasoned competitor, realize that the world of applications is huge, and that only talking about America and the U.S. government can get old. Broaden your focal point. Get in shape. Regardless of your starting point, realize that you are an athlete and debate is a sport. This year, be a (soccer) player and cover some ground.

Further Reading

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* http://www.apartrent.co.uk/MAPS/regions-of-spain.gif
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A Note on Applications

What is one of the biggest mistakes that a debater can make? Providing an application that has very little to nothing to do with the resolution, their debate case, or much of anything. With that in mind, make sure you are using topical illustrations –– something to connect with the average person. I mean, who would have thought that Amy Adams, a redhead, would be such a talented actress? Who would have guessed that the Lebron James situation would get so heated? Who would have known that oil is the new blue and Justin Bieber the new cool? I mean, these are crazy times, ladies and gentlemen. As such, it is easy to find yourself using applications that are applicable to you or your case (or are topical as far as the news is concerned), but have nothing to do with the resolution. But does that stop debaters? Absolutely not. Although it takes some skill, almost anything and everything can be, and is, tied into a debate resolution. Amy Adams exercises her individual right to choose an acting career regardless of the popularity of blondes and brunettes in Hollywood. The Cleveland Cavs, though popular because of Lebron James, were unable to use their popularity to keep their star player from freely moving elsewhere. Progressive or otherwise, the oil spill in the Gulf of Mexico demonstrates the government’s response time, efficiency, and overall legitimacy (or illegitimacy) in dealing with matters of national interest, though the individual circumstances and components end up determining the popular opinion concerning the situation. Justin Bieber? Words cannot describe, so I will not go there.

The point is that most anything can be seen from a particular point of view –– that focal point being the resolution. That said, it is imperative that debaters weigh the benefits of certain applications in relation to their cases, their rebuttal argumentation, and their overall philosophies as debaters within the round. At the end of the day, ask yourself –– is there another example that illustrates this point even *better*? It is worth the extra five minutes. Almost all judges, when it comes down to having to make that final choice on which box to check, will opt for the debater that provided the most well thought-out applications and impactful illustrations of his or her point. And sometimes, judges do not even note the point of your speeches but rather judge you on the quality of your analysis concerning a real-world example. Judges vote for intelligent students who recognize certain values and philosophies in historical examples, current events, and future policies, and are then able to explain those issues to others. If you have a solid value, criteria, and overarching philosophy, *and* have real-world illustrations of the ideologies and core beliefs of your topics, you will win.

General Research Suggestions for AFF and NEG

Popular sovereignty

* “We the People” – Declaration of Independence; anything Thomas Jefferson
* Social contract: mid 1600's- mid 1700's
* The philosophical work of Hobbes, Locke, Rousseau

Individual Rights

* “Pursuit of happiness” – Thomas Jefferson; God-given right to pursue not what the whole thinks is good, but what individuals desire
* “Letter from Birmingham Jail” – National sovereignty was declared with in the Declaration of Independence, but tell MLK that his individual rights were being upheld when he was sitting in that Birmingham jail writing his letter. Sometimes sovereignty is upheld and individual rights are not

A Government to be reckoned with…

Below are specific questions dealing with different aspects of the nature of “government” in the context of this year’s resolution. Because “government” is such a broad term, it is important for one to understand which aspect they would like to take in tackling the issue. Whether used in a debate round for the AFF or NEG or used to kick-start your thinking and researching on the topic of authority and governing bodies, these questions look at angles of government sometimes left untouched in LD debates…

Specific government references

In general, are you referring to any government or the U.S. government specifically?

Any government

* Look to see if any arguments are specific or dependant upon linkage to the U.S. governmental system. If so, see below.

U.S. government

* Argue that elections and legislation change our “government,” so the U.S. government in 1945 can be viewed as different than the U.S. government in 2005

General legitimacy questions

* Does government ever have legitimacy? (Past, present, or future?)
* Every branch or the majority of its branches? (Can an entire government ever be legit?)
* What determines government legitimacy? (Does it change depending on the system?)
* Who determines government legitimacy? (Gov? Third party? You?)

Respect for popular sovereignty

* How does a government respect popular sovereignty? (Through its laws? Relations? Dialogue? Talking points?)
* Does it really have to come down to sovereignty vs. individual rights as a determinant for legitimacy?
* Even if a government respects popular sovereignty, is it legitimate?
* Even if a government respects individual rights, is it legitimate?
* Who says it is determined more by one over the other?

Resolutional Dichotomy

* Can individuals have personal rights and still be sovereign as a nation?
* Can a sovereign nation still have individual rights? Are they mutually exclusive?

Don’t Tread on Me!

Libertarianism and the Protection of Freedom

by Rachel Seay

“That government is best which governs least”

When searching for the author of this quotation, I was surprised. I found it attributed to over fifteen individuals! From Aristotle to Hobbes to Jefferson to Paine, it seems as if every statesman has said something along these lines at some point in their career. It made sense. Then I found something original:

“That government is best which governs none at all” -Henry David Thoreau [[84]](#footnote-84)

Thoreau’s thoughts resounded with his audience of middle class, pragmatic, go-getter Americans. The Americans who believed that government was, at best, a necessary evil. Through the years, Americans watched their government grow larger and larger. As they watched their government take a turn for the worst, they began going back to the ideals of the founders, and tried to take them literally. Liberty for all. The idea was different: What if that meant real and true liberty to do whatever you wanted, right or wrong, unless it harmed another? To those Americans, liberty sounded like the answer to the big government problem, and thus was born the Libertarian Party.

“Advocates for Self Government” defines libertarianism this way, “Libertarians support maximum liberty in both personal and economic matters. They advocate a much smaller government; one that is limited to protecting individuals from coercion and violence. Libertarians tend to embrace individual responsibility, oppose government bureaucracy and taxes, promote private charity, tolerate diverse lifestyles, support the free market, and defend civil liberties.”[[85]](#footnote-85) In simple terms, a libertarian is the ultimate small-government advocate. Join me as we discover what libertarianism is, why it's different from anarchy, and who's said what about it, through the ages.

Though this definition is helpful, implementation of it is slightly more challenging. Essentially, libertarians believe the simple motto of this common bumper sticker “Government: The greatest threat to your freedom.” Now does that mean there should be no government? No, just as little as necessary. A model libertarian is involved and knows what's going on in his nation. He also knows what happened in it’s past, being somewhat of a history buff. His hero is someone like Ronald Reagan, who said “Government's first duty is to protect the people, not to run their lives.”[[86]](#footnote-86) Any regulation, tax, or new law will most likely be voted down by a libertarian. His stance on business and labor regulation? Environmentalism? Alcohol? Guns? How your free time is spent? “It's your choice.”

Despite all the anti-government statements of libertarians, they are not anarchists as they believe government has one important role: to protect liberties. Therefore, libertarianism supports the military, anti-murder laws, anti-theft laws, and the like. If the economy can't self regulate it, the government should set a boundary to protect people's rights. If a law “protects” you by helping you, not by defending your rights, that is considered excess. I keep what I earn, you keep what you earn, and no person can tell me what to do with my free time. Libertarianism means freedom from coercion so long as your actions do not infringe another's freedom. In a word- liberty. The only way to have liberty for an extended period of time is to have a very small, decentralized, uninvolved government.

This camp has received support from varied and distinguished sources. Becoming its own entity in 1850, Libertarianism grew in form and popularity mainly in the 19th century. Frederic Bastiat, who is most commonly known for his book “The Law” (which you can find republished by the Foundation for Economic Education) is considered the “founder” of this movement. 1850 marks his death, but not the end of his influence. Bastiat is considered the best example of a comprehensive and realistic libertarian and has faced little criticism. I highly recommend reading “The Law” and learning as much about Bastiat as you can. However, libertarianism does not begin and end with Bastiat. Two other influential contributors to this idea are Locke and Mises.

John Locke believed that “The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of law, where there is no law, there is no freedom.”[[87]](#footnote-87) Thus he kept himself away from the hot topic of anarchy, yet still expressed a concept of liberty that was far beyond his time. Locke’s view of natural human rights shaped the world through its influence on The Declaration of Independence. Never supporting the French Revolution, John Locke is a great example of a Libertarian who dislikes government but believes it to be absolutely necessary. Law ought to preserve liberty, not destroy it. John Locke’s treatises on Government show the strength of a government that believes these things.

“The worst evils mankind has ever had to endure were inflicted by bad governments.” “The state can be and has often been in the course of history the main source of mischief and disaster.”[[88]](#footnote-88) Ludwig Von Mises is well known for his dislike of government and its officials. As an economist, he took libertarian ideals into the market place. Very similar to the school of Laissez-faire, Mises founded the school of “Austrian Economics.” If you feel like you can bite off a reading regimen of Mises, do! More background knowledge will always give you a stronger footing in the round. If you’re intimidated, don’t worry! Stick with resources such as “The Law” and “I, Pencil[[89]](#footnote-89)” for the basic ideas discussed and endorsed by Mises.

Henry David Thoreau leaned furthest towards anarchism out of all of these philosophers. Consider that he attempted to implement a libertarian way of life and was simply thrown in jail. Even a government as libertarian as 19th century America wouldn't put up with his concepts. Then you find that he campaigned against slavery. Was that campaign fighting for another's liberty, or fighting for increased economic and labor regulation by the federal government? Or was it simply the right thing to do? These contradictions may peak interest, but don’t undermine his ideas— his thoughts will definitely help in your debating.

However, it's not all fun and games. Libertarianism's implementation is messy! After all, how much protection is too much protection? What is liberty and what is government aid? Is it right to outlaw immoral behavior? Is personal choice best? Pragmatically, there will always be discussion on what is permissible regulation and what goes too far. Also, what about when people are uneducated and apathetic about government? Will libertarianism still work? Is government simply about individual rights, or is it more than that?

You also are faced with the question of ethics. Is libertarianism right? Thomas Jefferson and many others have reminded us that all it takes for evil to flourish is for good men to do nothing. Libertarianism would have you do nothing. Is it right to allow people the liberty of choosing an immoral lifestyle? After all, is it infringing any of your rights? Opponents of libertarianism are not only big-government socialist, there are also those who feel constrained by the moral duty to do the right.

Examine the well-known and celebrated man who is my personal hero: William Wilberforce. The abolition of slavery was a government economic restriction. Many would say that Wilberforce is a libertarian hero because he brought liberty to the millions of slaves. Yet when you take the mindset of his situation, he was using government powers to regulate property, people's possessions, and free trade. Not a very libertarian thing to do, but undoubtedly the right thing. Does the government have the responsibility to punish evil or simply protect others from it? Where is the line drawn between the right thing and liberty to do wrong? Surely if the government regulated all wrongdoing it would be over-controlling. Additionally, if the government determined what was wrong for the masses would it not be challenging God and therefore be a monstrous devil state of tyranny?

Albert Einstein said that education is what is learned after what was taught has been forgotten. When you step away from the philosophy of it all, what can be taken into the debate round and conveyed to the judges? As you can see, Libertarianism supports the negative side of this resolution due to its focus on individualism, rights, and liberty. Yet libertarianism is hardly the solution to the world's problems, and has many inherent difficulties. How does that fit into your case or your rebuttal?

Individual rights can be shown as highest through the words and lives of Libertarians. Another fabulous way of applying libertarianism is to research the results a country had when libertarian ideals were implemented and show the causal link. The affirmative can also show the shortcomings of libertarianism through similar examples. Often, that sort of application clash will come back around to your value. If you as the negative fail to show rights, liberty, or something of the sort as paramount, the affirmative has an easy job of sidetracking you onto more complicated fields of contest. Learn the ideas and then make the fight for liberty your own. Show the judge that Lady Liberty really is the sweetest of all earthly blessings and only a negative ballot can properly protect her.

Therefore, we come back to our original question: which government is best? That which governs least or not at all? Personally I think “least” is the correct answer. But that's not an answer that brings us to a conclusion, it's an answer that provides a beginning. What does “least” mean? A dictionary definition will not suffice to answer this question and a philosopher has yet to do so. It's your prerogative to determine whether individual liberty is to be valued above popular sovereignty. It's yours to decide which will create more liberty in the end. Yours to decide whether a government's legitimacy can be measured by respect and liberty, or something else entirely. Have a great year figuring that out, and always remember: Debate Responsibly!

Suggested Resources:

* Robert Locke writes for “The American Conservative” and critiques Libertarianism in his article “Marxism of the Right” http://www.amconmag.com/article/2005/mar/14/00017/
* “What is a Libertarian?” http://www.laissez-fairerepublic.com/LIBERTAR.htm
* Advocates for Self Government- http://www.theadvocates.org/
* For a marvelous application of Libertarianism to Education: http://www.schoolandstate.org/home.htm
* Foundation for Economic Education- http://fee.org/
* John Locke
* Ludwig Von Mises
* Henry David Thoreau’s essay “On Civil Disobedience”
* Thomas Jefferson and Ronald Reagan also have some fabulous libertarian-sounding quotes.

Section 2

Cases

Philosophies Transformed into Solid, Usable Cases

Understanding the Resolution in This Year’s Cases

1: The Affirmative

“Knowledge is of no value unless you put it into practice.”

**~ Anton Chekhov**

Breaking Down the Contract

*A Core Value Affirmative Case*

by Adam Nasser

Telos Through a Tenuous Stability

*A Core Value Affirmative Case*

by Joanna Griffith

On a Scale of 1 to 5…

*A Core Value Plus Affirmative Case*

by Jesse Byrnes

The “Right” Standard

*A Value Plus Affirmative Case*

by Samuel Johnson

Ear to the Ground | Listening to the People!

*A Value-Plus Affirmative Case*

by Mackenzi Siebert

That’s Not Fair!

*A Value Plus Affirmative Case*

by Susanna Griffith

When People Disagree

*An Anti-Value Affirmative Case*

by Shane Baumgardner

Breaking down the Contract

A Core Value Affirmative Case

by Adam Nasser

Intro

*“We the People of the United States…”* These opening words to the US constitution encapsulate the heart of the American spirit. Our country was not designed to be a nation administrated by aloof tyrants who unilaterally determine what the people’s rights ought to be. We live in a nation that is guided by the people, the only true source of justified political authority. It is because of my steadfast belief in these principles that I stand firmly *Resolved: [that] A government's legitimacy is determined more by its respect for popular sovereignty than individual rights.*

For clarity in today’s round, a few foundational definitions are necessary, starting with…

Definitions

**Legitimate:** being exactly as purposed (Merriam Webster Online Dictionary[[90]](#footnote-90))

**Popular Sovereignty:** Ultimate authority of the people. No law is legitimate unless it rests, directly or indirectly, on the consent of the governed. Popular sovereignty emerged from the seventeenth and eighteenth century idea of a social contract. (American Politics Democracy and Citizenship glossary (run by University of Texas at Austin[[91]](#footnote-91))

**Individual Rights:** Rights held by every person as an individual (The Department of Aboriginal Affairs and Intergovernmental Relations (DAAIR) (the central agency that supports the Minister Responsible for Aboriginal Affairs and Intergovernmental Relations.[[92]](#footnote-92))

With these definitions in mind, let’s take a look at my overarching position as the affirmative in today’s round.

Value

Today’s resolution proposes the values that are up for discussion – popular sovereignty and individual rights – and more specifically asks which one more determines the legitimacy of government. In order to provide a clear standard by which we can decide which factor determines the legitimacy of government, I propose the Value of **Purpose**. The factor that gives purpose to government is the factor that is more important in determining its legitimacy.

Criterion

The Criterionor factor that serves as the most important purpose of government is that of **Popular Sovereignty.**

With my stance on the resolution outlined, let’s take a look at my three contentions or justifications as to *why* the resolution is true.

Contentions

Contention 1: Popular sovereignty is the most important purpose of government

Something is legitimate or is “exactly as purposed” when it fulfills the task for which it is designed. How do we know that respecting popular sovereignty is the purpose for which government is designed? Since it is the people that create, empower, and continue to submit to government, the people’s interests are its purpose. British philosopher John Locke described the situation as a social contract, an agreement between the ruled and the ruler in which the legitimacy of government is contingent on how much it the ruler respects the consent of the governed. Whenever governments stray away from this social contract based on popular sovereignty, they cease to be legitimate. For example, the rule of 17th Century British King Charles II was illegitimate because he ignored the people’s voice through parliament, suppressed the people’s voice by precluding non-Anglicans from holding political office, engaged in secret agreements with foreign leaders, and sought to establish a Catholic hereditary monarchy, contrary to the desires of the people. In accordance with the philosophy of Thomas Hobbes – the man who provided the philosophical underpinnings to his reign – Charles II did meet his one obligation to the people: to protect their inalienable individual rights to life and security. However, when the king is allowed to unilaterally determine what the people’s individual rights are - because there is no accountability to the needs of the people through popular sovereignty - the government falls into illegitimacy. In response the Charles’s illegitimate reign, John Locke responded that *“there remains still in the people a supreme power to remove or alter the legislative when they find the legislative act contrary to the trust reposed in them.[[93]](#footnote-93)”* As a result of this belief, Locke was instrumental in justifying the overthrow of Charles II and the introduction of William of Orange as the new king – a king whose reign was legitimate because he respected popular sovereignty, recognized the authority of parliament, and settled the religious divisions. Ultimately, the government is simply a trustee that the people have empowered to represent their will, and is only legitimate to the extent that it abides by this social contract.

Contention 2: Individual rights are a subordinate purpose of government

The government is only bound to respect individual rights to the extent that the people desire it to. That is, if people do not desire a certain individual right to be granted to them, a legitimate government is not bound to bestow this right on its people. For example, when the government chose to bestow the right to healthcare upon the American people, this action was illegitimate because it ran contrary to the express desire of most Americans. Conversely, if the people are okay with one of their individual rights being limited to a certain extent, it is perfectly legitimate for the government to limit it. For example, when a government collects taxes, it is taking away some of the property of its citizens, but as long as this action is in accordance with popular sovereignty, it isn’t an illegitimate action. Consent legitimizes. In fact, the reason that America broke away from Great Britain was not because of taxation – it was because of taxation *without representation*. It is a violation of popular sovereignty that pushes a government into illegitimacy and justifies revolt, just as in the example of Charles II.

Contention 3: Legitimacy is determined more by popular sovereignty

As the Stanford Encyclopedia of philosophy states, *“government… has no intrinsic authority beyond the sanction bestowed on it by the free consent of the citizens*.[[94]](#footnote-94)*”* The only true source for government’s legitimacy is popular sovereignty, because it is the people that empower the government and thus it is the people who are its purpose. It is for all these reasons that, in keeping with the heart of the American spirit, I urge you to stand with me in my resolution that *A government's legitimacy is determined more by its respect for popular sovereignty than individual rights.*

Breaking down the Contract

Negative Brief

by Adam Nasser

1) No clear external standard

The Affirmative says that popular sovereignty is more important in determining the legitimacy of government because it is the purpose for which government exists. However, “legitimacy” is defined by AFF as “being exactly as purposed,” so legitimate governments = governments that fulfill their purpose. Essentially, then, AFF says that a government that is legitimate is legitimate, but doesn’t tell *why* individual rights determines the legitimacy of government (AFF merely asserts that it does). There is no clear external standard by which AFF can say that the legitimacy of government is determined more by respect for popular sovereignty.

2) Double-standard

AFF says that individual rights should not determine the legitimacy of government because the government is responsible for determining what individual rights are and may misinterpret what the people truly need. AFF conveniently doesn’t define what specific rights constitute individual rights to capitalize on vagueness. However, the same fault could also be said of popular sovereignty. In the same way that a vague definition of individual rights leaves room for the government to misinterpret with the people truly need, vague definitions of popular sovereignty also allow for the government misinterpret what the people truly need by misreading the general will. Thus, AFF’s argument that individual rights should not determine the legitimacy of government because the government may misread what the people truly need is fallacious and superfluous.

3) Turn Locke

Yes, Locke said that the government is the servant of the people, but he was more specific than that. Locke specifically delineated that the government operated as the servant of the people to *protect their rights*. A violation of popular sovereignty is only illegitimate to the extent that it also violated individual rights.

4) Press AFF on moral standards

Ask the affirmative whether or not immorality is the legitimate (the purpose of government), and then ask whether the will of the people can tend toward immorality. This brings to light the moral shortfalls of popular sovereignty.

5) Depict Popular Sovereignty as majority rule

Ask the affirmative whether or not all people have the same will. Argue that since not every person’s will can be simultaneously respected, popular sovereignty in practice means respecting the will of most people. The shout of the majority is the loudest. Tyranny of the majority and mob rule sounds a lot less attractive than “we the people.”

Possible Applications:

1) Slavery

Most people favored the American Revolution. Most people favored slavery. However, the allowance of slavery was illegitimate because it trounced upon the inherently valuable rights of the individual.

2) French Revolution

Popular sovereignty degenerates into mob rule. The minority is brutally crushed by the power of 51%. In the French Revolution, the rights of the individual were disregarded in favor of the “collective good,” and the “general will,” which never turn out to be as collective or general as they sound.

Cross-Examination:

* What was your definition of legitimacy? So legitimacy and purpose are essentially the same? Then by what external standard can you say that the resolution is true?
* Was John Locke an advocate of individual rights?
* Can the will of the people ever be morally wrong? Should the government still follow it?
* We the people of a nation ever entirely agree on anything? Then how is it possible to respect the will of all people?

Further Reading

* Two Treatises of Government by John Locke
* “Political Legitimacy” by the Stanford Encyclopedia of Philosophy (<http://plato.stanford.edu/entries/legitimacy/>)

Telos Through a Tenuous Stability

Core Value Affirmative Case

by Joanna Griffith

Intro

Few authors rival George Orwell’s masterful ability to communicate alarming political messages in compelling narrative form. Orwell’s *Animal Farm* opens with a group of farm animals rallied by the pigs to overthrow their human oppressors. Successful in their revolution, the pigs inscribe the commandments of their new society on the barn wall. But as the story unfolds the pigs pursue goals contrary to those they claimed during the revolution. Preying on the ignorance of the illiterate masses they paint over the commands on the barn wall and change the law of the past. Orwell illustrates the danger of a government not accountable to a sovereign citizenry. This ongoing danger leads me to wholeheartedly affirm the resolution that “A government's legitimacy is determined more by its respect for popular sovereignty than individual rights.”

Definitions

**Legitimacy** – “lawfulness by virtue of being authorized or in accordance with law” (Princeton University’s WordNet Dictionary).[[95]](#footnote-95)

**Popular** **sovereignty** – “Ultimate authority of the people. No law is legitimate unless it rests, directly or indirectly, on the consent of the governed. Popular sovereignty emerged from the seventeenth and eighteenth century idea of a social contract” (University of Texas at Austin).[[96]](#footnote-96)

**Individual rights** – “Individual rights are the means of subordinating society to moral law” (Ayn Rand).[[97]](#footnote-97)

Value

This resolution asks us to determine whether popular sovereignty or individual rights are more important in assessing the legitimacy of a government. Governments are tasked with the responsibility to provide and protect stability for their citizens. **Stability** is therefore the highest value in this debate and the one I advocate as the affirmative debater. Princeton University defines stability as “the quality or attribute of being firm and steadfast.”[[98]](#footnote-98) In the context of a government, stability requires a structure or system which is reliable and safe.

Contentions

Contention 1: Fulfilling the Telos of Government Requires Stability

Stability is necessary for government to fulfill its purpose. Aristotle argued that everything has a predetermined purpose, what he called a telos. Fulfilling one’s telos excellently should be the goal of any human and human institution. According to Edward Clayton of Central Michigan University, Aristotle asks, “how can we discover and put into practice the political institutions that will develop virtue in the citizens to the greatest possible extent?”[[99]](#footnote-99) The telos of civil government is to promote a virtuous citizenry. But it is the corruption of human nature which makes such an institution needful in the first place. Thus the pursuit of a government’s telos must combat the disorder that naturally arises from human interaction. St. Augustine described government as the only alternative to anarchy because the corrupt nature of humanity leads men to fight each other in rabid pursuit of their own selfish interests. This presents an imposing challenge to those who wish to craft good governments. For a good government is one which uses fallen human beings to stop the pernicious effects of human evil to create a system which promotes human virtue. Stability in this structure is necessarily tenuous but when it exists it ensures that citizens can rely on the government’s ability to fulfill its purpose. In other words stability is ensured.

Contention 2: Legal Systems Must Limit Power

The law defines the power of a state by limiting it or by failing to stipulate limits and thereby implicitly granting unlimited power. This was the failing of the French revolutionaries. They had lofty ideals without the stable legal system to make the new French Republic work long term. It is this failing which most significantly distinguishes this movement from the American Revolution several years before it. The writings of the American founders clearly confess the fallen nature of man and the inability of government to achieve perfection. They hoped not for earthly utopia but merely for a government structure which could curb some human evil. The French revolutionaries, in contrast, conceived of a brand new society which could avoid the failings of the past altogether. Their rejection of religion along with such seemingly inconsequential things as the names given to the days of the week point to this intention of throwing out the past, going back to the drawing board, and starting from scratch to achieve perfection. History obviously tells us that this plan failed. While the French Revolution began with rhetorical advocacy for many of the same individual rights which motivated their American counterparts, it lacked a legal system with the structural limits needed to stop human abuse. Lofty goals cannot be obtained with a secure infrastructure. Individual rights cannot be secured without a stable legal structure.

Contention 3: Popular Sovereignty Checks Power

Having established that a sound legal structure is necessary to protect rights, the logical next step is to consider the proper form of that legal structure. Edmund Burke suggests in his *Reflections of the Revolution in France* that society should be balanced with little platoons.[[100]](#footnote-100) These little platoons, comprised of families, communities, or other social groups, will inevitably advance conflicting interests which balance each other out to prevent one interest from squashing the voices of all others. In other words, what Burke suggests is that fallen human nature may itself be tapped to curb its own evil influence. Popular sovereignty does just that. A government structure in which the people posses final legal authority is the only reliable, stable arrangement. As people pursue their own self interest their actions have a balancing effect on the self-interested actions of others.

Just as the animals in Orwell’s *Animal Farm* saw their rights trampled by an unaccountable regime, so citizens whose voice does not have ultimate sovereign legal power face a daily threat to their individual rights. Because a legal system based on popular sovereignty is the only stable means for achieving a government’s telos, I stand strongly in support of the resolution.

Telos Through a Tenuous Stability

Negative Brief

by Joanna Griffith

Value: Stability

-Stability is a state devoid of change. A bad government may be reliably and consistently bad. From a moral standpoint, justice must trump stability.

-Cuba and North Korea are two examples of unjust regimes that may be described as stable. Little changes in either of these nations because both consistently oppress human rights, isolate their people, and oppose progress.

Contention 1: Fulfilling the Telos of Government Requires Stability

-Contrast the value of stability with justice and moral rectitude. Aristotle’s idea of telos encompasses not just a government that can avoid or repress insurrection or invasion but also a government which promotes virtue among its people. Stability may ensure public peace but use repressive measures to do so. Such a government is not upholding its Aristotelian telos.

-The affirmative adopts Ayn Rand’s position that individual rights function as a means of subjecting society to moral law. It is this pursuit of morality that will promote virtue.

Contention 2: Legal System Must Limit Power

-Popular sovereignty is a dangerous basis for limiting political power. People are generally fickle and ignorant. Most citizens in a democratic society decide it is not worthwhile for them to be fully educated on current political issues. While this may appear rational, it also means that the people cannot be relied upon as the final legal authority.

Contention 3: Popular Sovereignty Checks Power

-Cross apply the argument under Contention 2. Popular opinion does not guarantee that power will be sufficiently limited.

-Consider the public participation allowed in Middle Eastern nations that lack the western legal tradition. Fareed Zakaria is an excellent resource for further research on this subject. He explores the dangers of popular sovereignty absent a commitment to individual rights.

-Turn the Edmund Burke argument. Burke’s idea of the little platoons requires moral elements in society. He writes of the importance of the spirit of the gentleman and the spirit of religion.[[101]](#footnote-101) These public attitudes inspire moral virtue which demands that individual virtue and worth be respected.

-Tie this in with the historical correlation between moral degradation and the decline of nations. The fall of the Roman Empire followed closely on the heels of moral decline. England’s high point in the Enlightenment and shortly after that time was followed by moral decline. The great abolitionist William Wilberforce also fought for social reform. While he was successful in some of these attempts, an general social decline continued and England never returned to the position of global prominence it once held.

On a Scale of 1 to 5…

Core Value Plus Affirmative Case

by Jesse Byrnes

Intro

When weighing any given object, issue, or decision, it is best to know what kind of scale is being used. You might hear, “On a scale of 1 to 10, how great was that movie?” or “On a scale of 1 to gazelle, she was a 9,” or perhaps even “On a scale, ma’am, how much do you weigh?” (JUST KIDDING, no one is that heartless.) But it raises an important issue: how much do you value certain things, and how much stock should be placed in them? Take popular sovereignty, for instance. Would a legitimate government value a nation’s popular sovereignty over individual rights, or vice-versa? Does government value the collective rights of individuals enough, or does it value them too much and should it *scale*-back a bit? As I stand resolved, I will show you throughout this speech and entire debate round why *A government's legitimacy is determined more by its respect for popular sovereignty than individual rights*.

Definitions

Before going any further, I’d like to clarify what I mean when I say things such as a “government’s legitimacy,” “popular sovereignty,” and “individual rights.” (All of the following definitions are taken from the *Compact Oxford English Dictionary*.[[102]](#footnote-102))

Just so we are all clear, a **GOVERNMENT** is “the system by which a state or community is governed.” Pretty straightforward. For a government to be considered **LEGITIMATE**, however, it must be “able to be defended or justified,” meaning that the governing system itself must be justified. So, what justifies or legitimizes government –– popular sovereignty or individual rights?

Although it will be discussed in more depth later, for something to be **POPULAR** (in regards to a “political activity”), it must be “carried on by the people as a whole,” while **SOVEREIGNTY** is “supreme power or authority.” Thus, to be valuing *popular sovereignty* as an entire idea, one would be valuing “the supreme power of––or carried on by––the people as a whole.”

On the other hand, something that is **INDIVIDUAL** is “relating to or for one particular person” while a RIGHT is “a moral or legal entitlement to have or do something.” To combine the two and value *individual rights*, one would be valuing “a particular person’s moral or legal entitlement(s) to have or do something.”

In this round, the affirmative believes that **RESPECT** is illustrated through one’s actions.

Value

My valuein today’s debate round is that of **Human Rights**. Defined by the *American Heritage Dictionary*, HUMAN RIGHTS are “[t]he basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law.”[[103]](#footnote-103) As you can see, these basic rights are rights inherent in human nature. Think Thomas Jefferson, human dignity, and religious freedom… not the ACLU, welfare, and the United Nations.

Criterion

To uphold this value, I offer **Popular Sovereignty** as the criterion or “bridge” to the value of human rights. Why is popular sovereignty needed for human rights to be upheld? The basis for human rights lies in the existence of order and stability within society. One can only have “life, liberty, [and] freedom of thought and expression” *if* they have “equality before the *law”* (italics added). They might be human rights, but unless the law (social, political or moral) legally protects them, they are merely illusions of rights, not rights themselves.

It is the philosophy of the affirmative that respecting human rights through popular sovereignty –– giving rights and supreme power to the people as a whole –– determines a government’s legitimacy. To support this, the first point I would like to contend is that…

Contentions

Contention 1: Human Rights are Paramount

Abraham Maslow’s 1943 psychological “hierarchy of needs” pyramid[[104]](#footnote-104) is a fancy feast on basic human rights. Regardless of which right goes where and what necessities fall into which level, it can be noted that human rights *together* are paramount. Check your pulse. Alive? You have the right to stay that way. Liberty? How truly blessed *are* you? Freedom of thought and expression –– when we want to say something we usually make room for it (especially in debate). And most can agree that we have equality before the law, or at-least have a legal system to ensure such a thing. If we ever find room to complain, we can always look at China, Iran, or Saudi Arabia. Regardless of how much our rights are protected and/or exercised, most everyone will agree that *having* the right to life, liberty, freedom of thought and expression, and equality before law is absolutely necessary and that human rights are, in fact, paramount.

Contention 2: Popular Sovereignty promotes Human Rights

*Unus pro omnibus, omnes pro uno.* What the world? Yes, it is Latin. “All for one, and one for all.” Sound familiar? It is, of course, the inverted motto of the Three Musketeers in Alexander Dumas’ classic 1844 book.[[105]](#footnote-105) Popular sovereignty –– “the supreme power of––or carried on by––the people as a whole” –– promotes humanrights because each individual within a people is looking out for his/her own rights (“all for one”) which collectively allows for “one for all.” Thus, popular sovereignty promotes human rights.

**Contention 3: Legitimate Governments promote Human Rights**

“Government of the people, by the people, [and] for the people.” Abraham Lincoln encapsulated the spirit of a government’s existence –– to *serve* the people. Although Kim Jong-il in North Korea might think otherwise, most all agree that government should *promote* God-given human rights, not harm them. The Heritage Foundation’s *2010 Index of Economic Freedom*[[106]](#footnote-106) and the United States Commission on International Religious Freedom’s *Annual Report 2010*[[107]](#footnote-107) both demonstrate that legitimate governments –– governments in place *for* the people –– are governments that promote human rights.

**Contention 4: Popular Sovereignty determines a Government’s Legitimacy**

You might ask, “How do we *know* that popular sovereignty determines a government’s legitimacy more so than individual rights?” For starters, popular sovereignty leads to the furthering of each individual’s human rights, not just the *individual rights* of certain people. For example, Spain’s popular sovereignty for the people within its nation has received much more praise than the individual rights they have entrusted to those at the top. Also, because human rights come with “equality before the law,” no right for any one person is more justified than the right of the next person. Because of the advantages of human rights and popular sovereignty compared to individual rights, it is realized that popular sovereignty determines a government’s legitimacy more than individual rights.

Conclusion

When I first mentioned weighing an object, issue, or decision, I said it was best to know what kind of scale is being used. In today’s debate round, the scale being used is the legitimacy of government, and the measure is your basic human rights –– rights that are only achievable through popular sovereignty. A legitimate government does not take away rights, ambitions, and dreams; rather, a legitimate government is determined by the power that it gives to the people, the *sovereignty* that it offers individuals. How much do you value your basic rights and how much stock is placed in popular sovereignty? I stand resolved, and I would hope that you would too, in believing that *a government's legitimacy is determined more by its respect for popular sovereignty than individual rights*.

On a Scale of 1 to 5…

Negative Brief

by Jesse Byrnes

Strategy

As with every Lincoln-Douglas case, all logical and existential ties must be contended. Just because a Mr. Affirmative says that XYZ is the case (pun intended) does not mean that it necessary *is* the case. The best debaters are the ones that first make the logical argument and secondly have the support to win the argument. Also, when a third-party argument or quotation is brought into the debate round it reduces the argumentation mentality of “Yes.” “No.” “Yes!” “No!”

That said, before delving into your own applications and illustrations of the arguments in the round, make sure you contest the sound nature of your opponent’s case itself. I have included sample cross-examination questions here (with Affirmative responses *italicized*) along with bulleted suggestions on how to use your opponent’s responses to your advantage.

Note: There are many issues that can be raised with the definitions for the affirmative case “On a Scale of 1 to 5…” However, you are free to make those on your own. I have only included rebuttal arguments here for the steak and sweet potatoes of the case itself.

Value - Human Rights

Can and do people define their own rights? *What do you mean?* Do people have their own individual ideas on what they believe should and shouldn’t be rights?

Point out that human rights are subjective. In the real world, whose definition do we run with?

Do all of the human rights that you defined (“life, liberty,” etc.) have to be valued as a whole or can individual rights be valued in different instances?

They will answer one of two ways –– 1) Human rights should be valued as a whole because they are all awesome! or 2) Even if you value one of them as an individual right, you are still upholding that basic human right which is why it is a right in the first place! Either way, you can demonstrate that human rights are really just individual rights and that by voting negative you are able to uphold them both individually and collectively (though stay away from technicalities).

Criterion – Popular Sovereignty

You mentioned that popular sovereignty is a bridge *to* human rights, is that right? *Yes.* So without popular sovereignty, one cannot have human rights? *Yes*.

Do one of two things –– 1) “Judge, we really do not need popular sovereignty (and, consequently, human rights) because we have individual rights being valued on the negative!” or 2) “Judge, human rights and individual rights are comparable, but by voting affirmative you are banking these basic rights on popular sovereignty continuing while by voting negative you are valuing these basic rights without any risk!”

Philosophy – HR through PS determines GL

Your philosophy is that a government’s legitimacy is determined by the respect of human rights through popular sovereignty, correct? *Yes*. Fantastic; now, do individuals determine that a government is legitimate when it protects their rights or does a government deem itself legitimate when it values their individual rights? *A government is legitimate when it values people’s individual rights… well, wait––.* Alright, thank you.

Somewhat facetious, but you get the idea. When dealing with “rights” the affirmative may try to beat around the bush and claim that a “vote for aff is a vote for rights!” but in reality it is the *negative* stance in this year’s resolution that advocates valuing rights instead of *popular sovereignty* as a means to a legitimate government. This is key, so run with it several times throughout the debate round.

Main Points – (NOTE: 2 and 3 were indirectly covered earlier)

1. Human Rights are Paramount

Wait, *which* human right is paramount? *All of them.* Oh, okay. Just making sure.

Turn this on the affirmative when they try and point out that the negative’s “individual rights” have no equality before the law, and therefore one “individual” right can be overvalued at the expense of other basic rights. Your rhetoric should include, though is not limited to, “But judge! They said that human rights –– or, in the case of the negative, *individual* rights –– are all paramount. One CANNOT be valued over the other!”

4. Popular Sovereignty determines a Government’s Legitimacy

Is popular sovereignty the only thing that determines a government’s legitimacy? *No, other things might exist –– but popular sovereignty is the greatest determinant.* Okay, so other things might exist as determinants too? Thank you.

This alludes for the judge that other determinants exist (i.e., individual rights, etc.) and that you will be addressing them soon.

The “Right” Standard

Value Plus Affirmative Case

by Samuel Johnson

Intro

In February of 2010, Andrew Stack flew his private airplane into the IRS building in Austin, TX, killing himself and one IRS employee and seriously injuring two others. Why did he do this? He believed that US government taxes and policies were violating his individual rights, so he chose this means to protest the government’s perceived illegitimate actions.[[108]](#footnote-108) Because focusing primarily on Individual Rights leads to such extreme actions, I stand resolved that “A government’s legitimacy is determined more by its respect for popular sovereignty than individual rights.”

Definitions

**Legitimate Government**- “A government generally acknowledged as being in control of a nation and deserving formal recognition” (American Heritage)[[109]](#footnote-109).

**Determined** is “decided or resolved” (American Heritage)[[110]](#footnote-110)

**Popular Sovereignty**- “The doctrine that the people are sovereign and a government is subject to the will of the people” (Encarta World Dictionary)[[111]](#footnote-111)

**Individual Rights** are, “The basic rights which it is generally considered all people should have” (Cambridge Dictionary – “Human rights” definition).[[112]](#footnote-112)

Value Analysis

Legitimate governments are formed by social contracts, where the citizens agree to give up some of their rights in order to gain certain benefits such as the protection of their lives or property. Because a government should seek to maximize the rights of the largest number of its citizens, my value is the **Maximization of Rights**.

Criterion

My criterion, or way of maximizing rights, is Popular Sovereignty; for only by respecting and being accountable to the will of the people can a government maximize its citizens’ rights.

Contentions

Contention 1: Legitimacy is the Question

A legitimate government is deserving of formal recognition. Many legitimate governments, such as the United States, respect both Popular Sovereignty and Individual Rights; while some illegitimate governments, such as North Korea, respect neither. But this resolution asks us which concept is more important in determining the legitimacy of a government. Is a focus on Popular Sovereignty or on Individual Rights more likely to lead to a legitimate government that maximizes its citizens’ rights? This question brings me to my second contention.

Contention 2: Focusing on Individual Rights leads to Anarchy

Focusing on Individual Rights without the guidance of Popular Sovereignty leads to anarchy for two reasons. First, Individual Rights are subjective. While most Americans agree that we all have a right to life, liberty, property, and freedom of expression, other legitimate societies, such as China or Saudi Arabia, disagree. Different viewpoints about the extent of our individual rights become clear after examining written declarations of the United Nations. For example, the UN Convention on the Rights of the Child states that, “the right of the child to rest and leisure” must not be abridged.[[113]](#footnote-113) And even in America today, debates continue over issues such as: how much of our property is the government allowed to take through taxation? Does a woman have a right to an abortion? Should homosexuals have the liberty to marry? Individuals disagree – and these disagreements reveal fundamentally different views of individual rights.

Second, focusing on Individual Rights gives no objective standard to determine legitimacy. It allows each individual to decide for himself whether a government has violated his rights so much that it is now illegitimate and need not be obeyed. This was the mindset of Andrew Stack when he flew his plane into the IRS building. It was also the view of Malcolm X, who believed that violence against police was warranted due to violations of his individual rights. Focusing on individual rights effectively says that each individual is to decide if the law will be binding on them. Because allowing each individual to determine a government’s legitimacy ultimately leads to anarchy, this cannot maximize rights.

Contention 3: Focusing on Popular Sovereignty Maximizes Rights.

Respecting Popular Sovereignty means that the government is accountable to the will of the people, who express their views through elections and representative government. Because popular sovereignty includes the opinions of all the people, a vocal minority is not permitted to disobey or destroy the government merely because it objects to a policy approved of by most. This stops individuals from deciding on their own whether the government is legitimate, preventing anarchy.

Instead, a respect for Popular Sovereignty means that individuals who believe their government is not maximizing rights must work within the rules of society to impact the culture and encourage positive changes. This was the mindset of Martin Luther King, Jr., who encouraged peaceful civil disobedience to transform society as a whole through respecting Popular Sovereignty. It was also the viewpoint of William Wilberforce, who worked tirelessly for decades to bring about the abolition of slavery throughout the British Empire. Focusing on Popular Sovereignty maximizes rights by seeking to change society as a whole, promoting and sustaining governmental legitimacy.

Conclusion

Because focusing on Individual Rights leads to anarchy while focusing on Popular Sovereignty maximizes rights for everyone, you should affirm that “A government’s legitimacy is determined more by its respect for popular sovereignty than individual rights.”

The “Right” Standard: Addendum

Supplementary Notes for Running this Affirmative Case

by Samuel Johnson

Value Notes:

The Value of the Maximization of Rights gives you a considerable amount of flexibility in your approach. I would generally argue that it includes maximizing the quantity and quality (breadth and extent) of people’s rights, although you can emphasize either one. Also, it is likely to fit well with the Negative’s value-premise, since they are likely to run something “-rights” based, and any arguments against this value will be seen as undermining their own position.

Malcolm X Application:

You don't have a peaceful revolution. You don't have a turn-the-other-cheek revolution. There's no such thing as a nonviolent revolution. Revolution is bloody. Revolution is hostile. Revolution knows no compromise. Revolution overturns and destroys everything that gets in its way.” - Malcolm X[[114]](#footnote-114)

Malcolm X and Martin Luther King Jr. both faced the same problem: the rights of African-Americans were being flagrantly violated. Malcolm X said that those violations of individual rights made the US government illegitimate, and he advocated violence in response. MLK said that the government was still legitimate and worked to change popular opinion (i.e. popular sovereignty) so that the people would end the violations through transforming the government.

UN Rights Application:

You can find a great of information about various UN Rights declarations by using a search engine such as Google. Here are two links that are good references about the UN CRC (Convention on the Rights of the Child):

• http://www.un.org/Pubs/CyberSchoolBus/crc/text.html

• http://www.parentalrights.org/index.asp?Type=B\_BASIC&SEC={81C1F260-4A9F-4013-8164-68A360E295A5}

Martin Luther King Jr. Application:

“In no sense do I advocate evading or defying the law ... That would lead to anarchy. An individual who breaks a law that his conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.”[[115]](#footnote-115)

Sophocles: “There is no greater evil than anarchy.”[[116]](#footnote-116)

Impact and Importance of the Case:

The ultimate principle of this affirmative: the minority is every bit as likely as the majority to be wrong. Don’t sanction minority violence. Get people to work within the system to change public opinion (i.e. popular sovereignty; e.g. MLK) to improve conditions and maximize rights.

The “Right” Standard

Negative Brief

by Samuel Johnson

A. Preliminary comments:

A lot of your approach against this case (as against all Aff cases) will be dictated by the type of Negative case you are running. This Aff case is very strongly focused on defeating standard Negative cases (that only deal with popular sovereignty and individual rights), and will be less effective against more unusual theories (for instance kritiks). Nonetheless, there are several specific points you can make against it in refutation using the individual-rights stance.

B. Specific Refutation:

Value-Criterion:

You’ll obviously have to disagree with the criterion, but you may not have to argue value-preeminence. If you are running something such as individual rights, then you can either choose to link the values and argue the means, or argue that you must focus on protecting *all* rights, even if that doesn’t maximize them (although this argument will likely be hard to win on).

Depending on your approach, you may also have to argue against social contract. If you are going to do that, make sure that you have clear arguments against social contract, a counter-theory for determining governmental legitimacy, and reasons to prefer your counter-theory.

Contention One:

This is the crux of this Affirmative case. If you can effectively refute the analysis that the debate is about determining legitimacy versus illegitimacy, then you win. But you’ll have to propose a counter standard. The resolution’s “determined more” is vague, and there are solid theory justifications for discussing it in the context of legitimacy versus illegitimacy (since otherwise the debate has no impact to the values). But if you have a counter standard that you can clearly articulate, then this is a good point to contest.

Contention Two:

You may be able to counter some of the Aff’s subjectivism arguments by using a limited definition of individual rights. Nonetheless, so long as the affirmative brings the debate back to the real world, it will be very difficult to avoid subjectivism.

In dealing with the “no objective standard” argument, perhaps the best response is to incorporate the value. In essence, you can argue that if de-legitimizing the government will – in the long term – maximize rights, then it is acceptable even if popular sovereignty supports the government.

The American Revolution is an application you can run under this argument (many modern historians estimate that somewhere between 25% and 40% of Americans actually opposed Great Britain – most either supported Great Britain or were apathetic).[[117]](#footnote-117) Nonetheless, this argument has problems, since there is no provably effective way to determine if a given rebellion or governmental de-legitimization will succeed, much less actually maximize rights.

Contention Three:

The first point you want to make here is that while popular sovereignty prevents a vocal *minority* from running rampant, it has no such check upon a *majority*. It is possible to argue that MLK held individual rights highest, since his ultimate goal was to stop rights violations; although the affirmative can still argue that despite the violations MLK treated the government as legitimate.

General:

The biggest thing you must do as Negative is find an effective way to distance your side from anarchy. The goal of this affirmative case is to show how allowing individual rights to determine whether a government is legitimate leads to anarchy. All of your refutation should be made with the objective of distancing yourself from anarchy, since if the judge agrees with the affirmative on that point, then you will have difficulty proving to the judge that your side is the best way to achieve the preeminent value.

Ear to the Ground | Listening to the People!

A Value-Plus Affirmative Case

by Mackenzi Siebert

Intro

Over the past century, a new element of democratic governments has arisen. Accountable to no one save their members, special interest groups and lobbying organizations successfully manipulate public policy to fit their platform. Because I believe that a legitimate government must take a stand to protect the voice of the governed from the pressure of specialized interest groups, I am firmly Resolved: That a government’s legitimacy is determined more by its respect for popular sovereignty than individual rights.

Definitions

Let’s start off with a few definitions:

**Government** - an established system of political administration by which a nation, state, district, etc. is governed (Webster’s Law Dictionary)[[118]](#footnote-118)

**Legitimate** - in accordance with established or accepted patterns and standards (American Heritage Dictionary)[[119]](#footnote-119)

**Respect** - to express deference, honor, or esteem towards (Wordsmyth English Dictionary)[[120]](#footnote-120)

**Popular** **Sovereignty** - Supreme authority residing in the consent of the people. (Nelson Political Science Dictionary)[[121]](#footnote-121)

**Individual** **Rights** – The rights which are possessed by a person by virtue of their humanity. These rights are typically believed to be fundamental and can be protected, but not granted by governments. (Self defined by Mackenzi Siebert)

Value/Criterion

The value I will be upholding in this debate round is **balance**, which is defined by Princeton University as, “harmonious arrangement or relation of parts or elements within a whole”.[[122]](#footnote-122) In order to understand the value of balance, we must be evaluate it through the lens of a criterion, **Aristotle’s Golden Mean**. The Golden Mean is described by Aristotle as “the middle between extremes; one an extreme of excess, and the other an extreme of deficiency.” It is my contention that both popular sovereignty and the protection of individual rights are intrinsically valuable, but that the two must be held in tension with one another. Popular sovereignty without individual rights or vice versa is a devastating situation for a political entity.

In contemporary political societies, too great of an emphasis is placed on the protection of individual rights while the voice of the people that is expressed through popular sovereignty is sidelined and made ineffective. This, I believe, is an extreme of excess in relation to individual rights, and an extreme of deficiency relative to popular sovereignty. In order to restore the proper balance between popular sovereignty and individual rights, and thereby restore a balanced legitimacy to government, we must affirm the resolution and increase respect for popular sovereignty.

Contentions

Contention One: Limits

Boundaries, restraints, limitations – most people understand that, to a certain extent, restrictions are needed in our lives in order to maintain balance. Work is good, but all work and no play makes Jack a dull boy – or so the saying goes. At every level of life, limitations are imposed, either by ourselves or by others, which seek to instill moderation. The resolution asks us as debaters to construct a limit scenario that tells us the limits on both popular sovereignty and individual rights. Very few will contest that there is anything inherently wrong with a government that displays respect for either popular sovereignty, or for individual rights. However, a government that respects either good disproportionately in relation to the other is a government that has lost its perspective of the delicate tension between popular sovereignty and individual rights.

Contention Two: Imbalance

A fixture of contemporary democratic governments, special interest groups have gradually assumed a hugely powerful position. Accountable to no one except their members, the lobbyists of special interest groups have played an undeniable role in shaping the public policy of modern day nations. The American Civil Liberties Union (ACLU), the preeminent civil rights lobbyist organization and arguably one of the most powerful special interest groups in contemporary America, has been the driving force behind policies that cut against popular opinion. A brief survey of the policies advocated by the ACLU includes the prohibition of religious displays on government property, LGBT rights, the abolition of capital punishment, support for pro-choice legislation, and immigrant’s rights.[[123]](#footnote-123)

Undoubtedly, there is nothing wrong with an organization that actively seeks to protect American’s hard-won civil rights. However, when a special interest group is able to influence public policy in a manner that is directly contradictory to popular opinion, it indicates a flaw in the political system.

The controversial S.B. 1070 measure passed by the Arizona State legislature as a measure to enforce federal immigration laws illustrates the unlimited amount of influence that is possessed by special interest organizations. Public support for S.B. 1070 hovers around 70% of voters[[124]](#footnote-124), however the ACLU and other immigrant rights organizations have been extraordinarily vocal in expressing their disapproval of the law. Only time will tell whether special interest organizations of popular opinion will win the ongoing debate regarding enforcement of immigration law, yet the massive amounts of money that are being spent, the intense lobbying efforts, and the high profile pro immigrant media coverage suggests that once again, special interests will win out against public support.[[125]](#footnote-125)

Contention Three: Legitimacy

It is no wonder that crime rates continue to increase, that illegal immigrants flow unhindered into the country, and frivolous lawsuits are prevalent. Each of these symptoms, along with many others, indicates a flaw in the government. As the entitlement and special interest mentality began to take over, everyone began to believe that they had a legitimate reason to bypass the law. George Washington observed, “*Laws or ordinances unobserved, or partially attended to, had better never have been made*.”[[126]](#footnote-126) The sentiment well defines the crux of this resolution. If a government is unable pass laws that are widely supported, or if they are unable to enforce the laws that they do pass, then the legitimacy of the government is severely undermined because there is no reason or incentive for citizens to follow the law.

In conclusion, the often unnoticed political special interest groups have forced the government to listen to the plea for individual rights, typically at the expense of popular sovereignty. Though both individual rights and popular sovereignty are of utmost importance, the vast imbalance between the two creates a government that cannot effectively govern and offer protection for all individual rights. When forced to decide between the two, we must elevate the virtue of popular sovereignty, because only by regaining an ear that is attentive to the voice of the people, will the imbalance of the political system be rectified.

Ear to the Ground | Listening to the People!

Negative Brief

by Mackenzi Siebert

General Strategy

Show that the weakest part of this case is that it wants to deny political influence to special interest groups. The case does not explicitly claim that special interest/lobbying groups are harmful in general, instead it looks at a specific type of lobbyist organizations that seeks to expand the power of government.

Value Arguments:

1. **Both Sides**: The value of balance is twisted into supporting the affirmative position in this case, but it really isn’t any sort of an intrinsic good that supports popular sovereignty. It would be just as simple to demonstrate how a political system is out of balance by placing too great of an emphasis on popular sovereignty while ignoring individual rights.

2. **No Reason**: It sounds nice in theory to have a balanced government, but this is a goal that is unattainable, unreasonable, and ultimately, has no intrinsic worth. This is a clear reason to prefer <insert negative value here.>

Main Arguments:

1. **Varying Intents**: Not all lobbyist organizations try to expand the size of the government, some are dedicated to protecting rights from encroachment by the government.[[127]](#footnote-127)

2. **Important Rights**: Some lobbyist organizations can be credited for accomplishing great things for our country. For example, the Southern Christian Leadership Conference which was started by Martin Luther King Jr. and five other civil rights organizations were instrumental in securing equal protection between American citizens of all races.

3. **About Face**: You can actually turn this argument about special interest groups around and say that democracy/popular sovereignty tends, the vast majority of the time, to restrict the rights of others (ethnic minorities, special needs, the elderly, those with whom the majority disagrees). Special interest and lobbying groups are vital to securing legal protection for those who are unable to represent themselves or who are oppressed by the tyranny of popular sovereignty.

That’s Not Fair!

A Value Plus Affirmative Case

by Susanna Griffith

Intro

“Animal Farm” by George Orwell tells the story of an incredibly dysfunctional group of animals that form a government based on unjust and unequal principles. The animals swear that individual rights are important to them, yet because they fail to respect the sovereignty of all animals, the protection of those rights falls apart. Human civilizations are susceptible to this same issue. Unless popular sovereignty is championed as the basis of governmental legitimacy, everything we hold dear is in jeopardy. Human rights, justice, stability, and virtue suffer in an environment that stifles popular sovereignty. This is why this statement is true: A government’s legitimacy is more determined by respect for popular sovereignty than individual rights.

Definitions

Legitimate: Conforming to the law; able to be defended with logic or justification. (The Oxford Shorter English Dictionary)

 Respect: the acknowledgment of the power of something other than ourselves to demand, command, or make claims on our attention, consideration, and deference. (Kenneth Feinberg, American Attorney)

 Popular Sovereignty: a doctrine in political theory that government is created by and subject to the will of the people (Merriam-Webster Online Dictionary)

 Individual Rights: Life, Liberty, and the Pursuit of Happiness (The Declaration of Independence)

Value Analysis

To put it simply, **Justice** is the reason this resolution must be affirmed. This foundational value is defined by the Duhaime Law Association as “A state of affairs in which conduct or action is both fair and right.” Philosopher John Rawls supported this definition in his book, “A Theory of Justice,” in which he essentially defines justice as fairness. In order for justice to be upheld, people must be treated fairly and with due regard to their rights.

Criterion

The standard we can use to determine how well justice is being upheld is **Equality before the law**. This can be defined contextually and essentially means that people are given equal rights under the law. Our country was founded on the principle that “All men are created equal and are endowed by their creator with certain unalienable rights.” Justice must be protected equally for all. As Eleanor Roosevelt explains, “Justice cannot be for one side alone, but must be for both.” Essentially, that’s why popular sovereignty must determine government legitimacy. Unless people are granted sovereignty, justice is almost assuredly denied to some minority group.

Contentions

Contention 1: Justice is Paramount

For two fundamental reasons, justice must be regarded as the highest value.

Governments must be just to be legitimate. When considering the role of government and what makes a government legitimate, it is important to consider the necessity of just governance. An unjust government, by definition, is illegitimate. Legitimate means accordance with logically justifiable rules.

Justice is foundational for individual rights protection. America’s beloved first president, George Washington, argued that “The administration of justice is the firmest pillar of government.” The reason is that it is foundation for all the rights government is created to protect. Justice is the bedrock of a stable nation, the guardian of liberty, and the predecessor to peace. As Benjamin Disraeli declared, “Justice is truth in action.”

Contention 2: Disregard for popular sovereignty undermines Justice

When popular sovereignty is stolen from the people, it automatically is given to an absolute sovereign or a smaller group of leaders. In the past, monarchical rule has often turned into tyrannical rule. Taking power from the people has led to the tragic abuse of justice and, consequently, individual rights. The examples are endless:

Example 1: Middle Ages. Political power during the Dark Ages had nothing to do with character, integrity, and respect for rights and everything to do with who was born into a royal family and who was a peasant. The idea of the Divine Right of Kings permeated political philosophy during these times. The result was subjection of lower classes to inhumane treatment and excessively royal treatment of those born in the highest classes. Obviously, equality was not upheld and justice was therefore undermined. This continued for years as we see in…

Example 2: England, pre Glorious-Revolution. Examining the life of “divinely appointed” English kings demonstrates the fact that disregarding popular sovereignty is often comparable to denying justice. Whether it was Mary I murdering protestants, James I asserting power irrationally and taxing unfairly or Charles I absolving parliament as soon as its members disagreed with him, it’s clear that disrespecting popular sovereignty is dangerous. This ageless truth is still relevant today; consider this final example:

Example 3: North Korea. Travel back in time a few decades and you’ll find that both North and South Korea denied people the right to be involved in government. Today, South Korea is a growing and flourishing democratic state that grants freedoms to all citizens equally. The North Korean regime still disrespects popular sovereignty and, as a result, citizens are oppressed and their dignity is scorned. Equality and justice are ignored, citizens are chained inside their country unless they gain the arbitrary favor of the government, and rights are trampled upon. Clearly, popular sovereignty is necessary for the survival of human dignity.

Contention 3: Legitimacy hinges on respect for popular sovereignty

A government that fails to grant people sovereignty in governance fails to treat them as equal citizens. This injustice renders the government illegitimate. Additionally, disrespecting popular sovereignty threatens human rights and undermines dignity. We must learn from history, or we are sure to repeat it. History tells the brutal, tragic stories of absolute monarchs who routinely abused subjects and of tyrannical dictators who failed to give their subjects equal protection under the law. Our textbooks also tell of triumphs of Englishmen at Runnymede forcing King John to sign the Magna Carta, of American colonists declaring King George’s reign to be illegitimate, and of Frenchmen overthrowing the unjust aristocracy. These and other victories for popular sovereignty demonstrate that the premise of this case is true: governmental legitimacy is determined by popular sovereignty.

Conclusion

“Justice and power must be brought together so that whatever is just may be powerful and whatever is powerful may be just.”-Blaise Pascal. This quote demonstrates the importance of just governance. Without equality, fairness, and regard for justice, the foundation for legitimate government falls apart. The doctrine of popular sovereignty must be respected less government be as illegitimate and oppressive as Orwell’s *Animal Farm.*

That’s Not Fair!

Negative Brief

by Susanna Griffith

* While this case proves the importance of popular sovereignty, it doesn’t necessarily create as much clash as it should. It also praises individual rights as important. A good negative can effectively agree that popular sovereignty is important but prove that individual rights is the basis of legitimacy.
* Value/Criterion: Using equality before the law as a criterion can be a weak spot if the negative debater argues that laws are not always justice. Equality under an unjust law is not justice. This case assumes a Lex Rex (the law is king) philosophy that is not always correct. Challenge the appropriateness of using this criterion by pointing out that not all laws are good.
* Another note about the criterion: This case assumes that popular sovereignty will lead to equality. Oppression of minorities can still occur in a democratic government. There is a weak connection between affirming the resolution and guaranteeing equality.
* Organization: The organization of this case allows the affirmative to make several arguments in that crucial first speech. As negative, remember time is on your side as the debate winds down and that the affirmative debater only has four minutes to respond to whatever you argue. Use that to your advantage, especially when a case uses so many sub-points and applications. Feel free to either group applications or to spread the affirmative further if you have enough unique and solid arguments to put on the flow.
* Applications: Most of these examples show individual rights being disrespected. Point out the affirmative’s responsibility to not only prove the danger of ignoring popular sovereignty but the fact that respect for popular sovereignty is MORE important than individual rights when determining government’s legitimacy. It’s typically not hard to convince a judge of the importance of individual rights.

When People Disagree

Anti-Value Affirmative

by Shane Baumgardner

Intro

Tyranny is the worst enemy of all people. Tyranny drove our founding fathers to begin anew in the new world. It has sparked uprisings, revolutions, change and campaigns for liberty around the world. It has claimed the lives of millions and the liberty of millions more. And it is because the aim of legitimate government should be to avoid that tyranny that I affirm the resolution that a government’s legitimacy is determined more by its respect for popular sovereignty than individual rights.

Definitions

**Individual** **Rights**, also known as Human Rights, can be defined as: “fundamental rights, esp. those believed to belong to an individual and in whose exercise a government may not interfere, as the rights to speak, associate, work, etc.” *American Heritage Dictionary[[128]](#footnote-128)*

**Popular** **Sovereignty** can be defined as: “the doctrine that sovereign power is vested in the people and that those chosen to govern, as trustees of such power, must exercise it in conformity with the general will.” *Random House Dictionary[[129]](#footnote-129)*

**Legitimacy**: “not spurious or unjustified; genuine”. *Random House Dictionary[[130]](#footnote-130)*

Value Analysis

The value the affirmative will be upholding today is actually an anti-value. In other words the affirmative believes the side that best avoids upholding this concept is the one that should win today’s round. The affirmative proposes the anti-value of **tyranny** for this round. Tyranny can be defined as: “arbitrary or unrestrained exercise of power; despotic abuse of authority” by *Random House Dictionary*. In a sense, it is the direct opposite of legitimate government. Legitimate government is concerned with not being unjustified or spurious with its power, whereas a tyranny despotically abuses its power in unrestrained ways.

The anti-value of Tyranny ought to be pursued in today’s round for two reasons. First, because of the terrible consequences of tyrannical governments. From Soviet Russia, to Nazi Germany, communist North Korea, Genghis Kahn’s Mongol empire and Rome’s abuse of conquered lands, tyranny has cost millions their lives, millions more their liberty, and has been a primary source of evil in this world. Governments should avoid this at all costs.

Second, we should evaluate today’s round based on an anti-value of tyranny because if we avoid tyranny we are, essentially, upholding legitimate government. We need to see whether a respect for popular sovereignty, or a respect for individual rights, more often achieves legitimate government. The easiest way to do that is to see whether respect for those ideas can lead to tyrannical government.

Contentions

**Contention 1: Choice demonstrates respect**

The respect that we, or a government, gives to something is best seen when we have to choose between one thing and another. For instance, we can see the respect you have for the law vs. the respect you have for your friend if your friend were to ask you to do something illegal. If you choose your friend you obviously value, or respect, his opinion more than the law. If you choose the law you respect its authority more than the opinion of your friend.

The resolution is no different. When determining whether we should give more respect to individual rights or popular sovereignty we have to look at situations where we have to choose. A government that disregards the will of the people to protect its view of individual rights falls on the negative side of the resolution. A government that is willing to let people define what they believe rights ought to be falls on the affirmative side.

Keeping that in mind, let’s look at why popular sovereignty is a superior way of building a legitimate government in the following two contentions.

**Contention 2: Governing by Individual Rights breeds a tyranny of the few**

To govern by individual rights you have to know what those rights are. Many simply assume that rights are defined as life, liberty and property or life, liberty and the pursuit of happiness and move on. But this thinking looks at only the last 200-300 years of history, and ignores the rest of human thinking, including modern thinking. For instance, many now hold that everyone has a right not to be a slave, better known as the right to liberty. But until recent history, even in America and the West, the opposite was true. Instead almost everyone held that people, at least certain people, had a right to own slaves. That was the point of view taken by nearly every civilization for the entire history of the world. Individual rights have not always been what we think of now.

And, lest you think we have reached a time where the concept is settled, there are even new ideas of individual rights today. The UN Declaration of Human Rights proposes the traditional rights of life, liberty and property. But then goes further, granting rights to work, food, housing, healthcare, even vacation. The list goes on and on. The UN Rights of the Child treaty give special rights to minors, such as free education and, crazily enough, play time. And these aren’t fringe movements; they are treaties and documents signed by the vast majority of nations in the world.

Because there are different concepts of individual rights someone has to choose which ones to uphold. That might seem like an easy answer, let the people decide! But remember our first contention we have to look at situations where we have to choose. So then, the negative side must stand for a government that would choose to uphold a certain set of individual rights against the will of the people. Whether that is expanding or contracting rights it has the potential to lead to a tyranny by the few. If, for instance, a government were to force companies to hire certain people because everyone has a right to work, we could probably all agree that is an arbitrary and unjust abuse of authority. But don’t think this is just theoretical— look at Affirmative Action in the United States, which mandates hiring quotas for minority people. Businesses don’t want this, but it is a right that the government feels it must uphold. Choosing rights over the will of the people can lead to tyranny by the few.

**Contention 3: Popular Sovereignty reigns in tyranny**

Now that we have concluded that choosing individual rights can lead to a tyranny of the few, we need to evaluate popular sovereignty. One of the major critiques of popular sovereignty is that it simply leads to a tyranny of the majority, or in other words, mob rule. And while choosing the will of the people over a belief in certain rights by the few can lead to mob rule, it is not likely.

James Madison best explained the reason why in his arguments for the new American Republic laid out in the Federalist Papers. In those papers Madison argues that the different groups within society will balance each other out, ensuring that any actions taken in accordance with the will of the people will be for justice and the general good. He would say that “In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good”.[[131]](#footnote-131) In other words, people disagree enough that a majority will never be formed in the interest of tyranny. Instead, the things that a majority of people can agree on will be the things that are just and in the interest of the general good.

So when we have to choose between the public will and a concept of individual rights we can be assured that popular sovereignty will rarely, if ever, pursue a tyrannical course. Instead it is, by nature, just and in the interest of the general good. It would seem, then, that if a concept of individual rights is in conflict with popular sovereignty and we have to choose, it is likely that the concept of rights is not just or in the best interest of the people. In short, it is tyrannical. Following popular sovereignty will check tyranny throughout the government, both tyranny by restriction of rights and tyranny under the guise of protecting rights. It best avoids tyranny and thus best upholds our anti-value in today’s round.

Conclusion

In conclusion, we all want to avoid tyranny and whatever side best does that deserves to win this round. To properly judge the resolution we have to look at instances where we have to choose between popular sovereignty and individual rights. When we disregard the will of the people for the concept of rights held by the few, we breed tyranny. However, when we follow the will of the people we check tyranny because a majority will almost always act in a way that is just and in the interest of the people. If we wish to avoid tyranny and pursue legitimate government we have to choose popular sovereignty.

When People Disagree

Negative Brief

by Shane Baumgardner

This case is a difficult one to attack because there are a few points that, if not properly refuted, can really ruin your whole day as a negative speaker. One of those points is the 1st contention. If you, as the negative, accept that first contention you could be in a lot of trouble down the line. You see, that contention is the key to setting up the Affirmatives 2nd contention that if you vote negative you are voting for some form of rights over the will of the people. Essentially you admit to tyranny . So the 1st contention has to be fought off at all costs. While the argument can be made that the resolution assumes conflict and thus we have to choose, it’s not necessarily true. Just as easily you can make the point that, really, no choice is necessary. Instead, the resolution simply asks us which, individual rights or popular sovereignty, more determines the legitimacy of government. It’s reasonable to suppose that a government can respect both and both principles can be present in the society, but one may still be more important in determining the government’s legitimacy. And, as noted earlier, the 1st contention is the key to the case. If you can take that down you can refute the 2nd contention by simply saying that we don’t have to choose so the point is irrelevant to the discussion as a whole.

Beyond that here are some point by point ideas for refutation:

* Anti-Value: You can accept this as the standard if it fits with your case. If not then argue that we should be looking for the positive traits of a legitimate government not simply seeing that a government isn’t a terrible one.
* C1: We discussed this before. Show that you don’t necessarily have to choose between them. This delinks you from C2.
* C2: First, cross-apply your argument from C1, you don’t have to choose. As a result, a negative ballot does not guarantee tyranny by the few. Next argue that you have the right to define what individual rights are, and then make an argument for whatever your definition is. The point here is to show that your definition ought to be used as the only one; there is no choosing a different definition on the negative side. Finally argue that if your definition is the correct one a government would not be acting arbitrarily if it acted to protect those rights, even over the will of the people. Tyranny is all about arbitrary use of power, but to protect basic human rights is not arbitrary.
* C3: You have two potential points here. First is tyranny by the majority. You can find any number of quotes and applications that say democracy is not a good thing because it leads to a tyranny of the majority. Essentially the greater number of people will deprive minority groups of their rights. This has happened in the past, even in the US with instances like civil rights and slavery. That feeds to a second point that Madison was obviously wrong. Even in the United States, where he said his theory would work, we had a tyranny of by the majority on certain issues.

2: The Negative

Logic is the beginning of wisdom,

not the end.

**~Leonard Nimoy**

Two Wolves and a Sheep

*A Negative Core Value case*

By Chase Harrington

Liberty: Sweetest of All Earthly Blessings?

*A Value Plus Negative Case*

by Rachel Seay

You can be happy. Government can help.

*A Value Plus Negative Case*

by Susanna Griffith

Resolutional Revolutions

*A Value Plus Negative Case*

by Sarah Sanderlin

“Steadyyy…”

*A Balanced Negative Case*

by Jesse Byrnes

The Height of Injustice: Making an Impossible Choice

*A Balanced Negative Case*

by Mackenzi Siebert

No Conflict

*A Negative Resolutional Kritik*

by Travis Herche

Two Wolves and a Sheep

Negative Core Value case

By Chase Harrington

Introduction

“Democracy is two wolves and a lamb deciding what to have for dinner. Liberty is a well-armed lamb.”  ~An expression commonly attributed to Benjamin Franklin[[132]](#footnote-132)

Because I believe that the will of the people must be limited by individual rights for a government to be legitimate, I stand resolved: A government’s legitimacy is more determined by its respect for individual rights than by popular sovereignty.

Definitions

For clarification, I will introduce some definitions:

**Popular sovereignty:** A doctrine in political theory that government is created by and subject to the will of the people (Merriam-Webster's Online Dictionary, 11th Edition[[133]](#footnote-133))

**Individual Rights:** “Rights ~~are~~ held, individually, by every man, by all men, at all times… Man holds these rights, not from the Collective nor for the Collective, but against the Collective—as a barrier which the Collective cannot cross” (Ayn Rand, social and political philosopher[[134]](#footnote-134))

**Legitimate:** justifiable or justified (Webster’s New World College Dictionary[[135]](#footnote-135))

The concept of legitimate and illegitimate government goes all the way back to the age of Kings. If the King had a son born in wedlock, he was the just heir to the throne and his future rule would be legitimate. Similarly, if a King was born out of wedlock, his rule was declared illegitimate. Today however, in the age of constitutions, democracies, and limited government, determining legitimacy is not black and white like it once was. Therefore, I proposed the philosophical definition of legitimacy, which states that government must be justified in wielding power over its citizens.

Value

The value I choose to champion today is **Justice**, defined by Webster's Revised Unabridged Dictionary, 1913 Edition as, “The rendering to every one his due or right; merited reward or punishment.” This value must be the guiding light in this round because the administration of justice is necessary for government to be legitimate. Since the clash in the debate revolves around what makes a government legitimate, this value operates as an essential measure that can be applied to individual rights and to popular sovereignty. As George Washington said, “Justice is the firmest pillar of government.” Because I am convinced both that popular sovereignty must be restrained and that individual rights are the essential duty of justice, I affirm that a government’s legitimacy is determined more by its respect for individual rights than by popular sovereignty.

**Contention 1: A legitimate government must uphold justice.**

Without government, there is only the wild anarchy that English philosopher John Locke termed the “State of Nature”[[136]](#footnote-136). To protect their rights, people join together and create a system of government that takes away their absolute, lawless freedom, in order to protect their rights and possessions. Therefore, government is justified when it has the consent of the governed and when it protects the individual rights of all. Popular sovereignty and Individual rights are both necessary to a degree. However, there is a precarious balance between the will of the people and the rights of everyone, which is where my value of Justice comes in. Because justice limits but protects the will of the people in order to uphold individual rights, Justice is necessary for government to be legitimate.

Contention 2: Individual rights are foundational.

As I said earlier, popular sovereignty is necessary to a degree, but respect for individual rights far more determines the legitimacy of government.

A) Individual rights limit the collective.

The inherent philosophy of individual rights is that there is a barrier against the group’s power. Ayn Rand argued, "Individual rights are not subject to a public vote; a majority has no right to vote away the rights of a minority; the political function of rights is precisely to protect minorities from oppression by majorities."[[137]](#footnote-137) Individual rights must always be respected above the will of the people, should the two conflict. Otherwise, individual rights cease to exist; they are mere privileges granted to men by the arbitrary benevolence of the collective.

B) Individual rights never harm Justice.

While popular sovereignty can frequently topple justice unless restrained, individual rights are self-limiting, and thus do not yield to a higher standard. For example, murder is wrong not because it violates some civil statute, but because it takes away another man’s right to live. Justice then steps in and punishes murder in order to deter others from violating individual rights. Individual rights are therefore foundational to a just society and a legitimate government.

Contention 3: Popular Sovereignty threatens legitimacy.

Popular sovereignty unrestrained is an extremely dangerous mindset because it promotes collectivism, the belief that any action is justified as long as the action is sanctioned by a majority. Justice and individual rights then are eliminated because the group outranks and overrules both. Consider the following examples:

A) Salem Witch Trials

In one of the darkest chapters of American history, nineteen men and women, were hanged on charges of witchcraft after a strange disease broke out in Salem Massachusetts. Though the disease was likely caused by infected rye, the town was swept up in collectivism and decided they were justified in killing those who threatened the well-being of the group, some even without evidence or trial.[[138]](#footnote-138) Had the village government allowed the legitimacy of their power to be determined more by a respect for individual rights as opposed to what the people wanted, this tragedy could have been averted.

B) Hamas

Four years ago, infamous terrorist group and political organization Hamas democratically gained control of Palestine through the 2006 general legislative elections. They enjoy popularity with the people of Palestine and nearly 90% of their budget is spent on social programs[[139]](#footnote-139). According to the council of foreign relations, Hamas funds schools, orphanages, healthcare clinics, and soup kitchens.[[140]](#footnote-140) Despite their seemly charitable nature, the Israel Ministry of Foreign Affairs Hamas has used children as soldiers on missions “for which they would not risk their own lives” [[141]](#footnote-141), as well as human shields from Israeli fire. Hamas has also killed, tortured and imprisoned any Palestinian suspected of being loyal to Israel according to Amnesty international[[142]](#footnote-142). Additionally, it has murdered at least 500 innocent people in acts of terrorism.5

Conclusion:

It is examples like Hamas and the Salem Witch Trials that illuminate the clash of perspectives in this debate round. Historically, the will of the people is not only morally bankrupt, but also a flawed method of determining the legitimacy of government because it favors majority rule over justice. Individual rights on the other hand, do not remove, but properly limit the sovereignty of the people. Therefore, I stand resolved that a government’s legitimacy is determined more its respect for individual rights, then popular sovereignty.

Two Wolves and a Sheep

Affirmative Brief

by Chase Harrington

It is crucial for the affirmative to challenge the link between Popular Sovereignty and majority rule. That link is not set in stone. For one, Popular Sovereignty merely says that government is subject to the will of people, not that the 51% of the people can do whatever they want. That is kind of like a parent saying, “we are going to McDonalds for dinner tonight because your little sister is allergic to the food at that Chinese place.” To which the brother retorts, “She always gets to decide where we go for dinner!” Obviously the brother here has committed a logical fallacy. In the same way, to say that government “derives its just powers from the consent of the governed”, does not equal mob tyranny.

On the value of Justice: What is “your due”? Does the just due of my freedom include selling harmful drugs to minors? Can someone’s due conflict with someone else’s due? Who determines what they are due? All are important questions to ask and exploit. A funny CX joke I generally use against the value of Justice goes something like this:

Q: You defined Justice as giving each their due, correct?

A: Yes

Q: Would you like to win this debate round?

A: Of course

Q: Would you consider it your due?

A: I guess so

Q: Well I also would like to win this debate round so how can the judge make the just decision since we both have claimed winning as our due?

Individual Rights: What are specific individual rights? Do I have a right to Healthcare? Who determines what rights we have? Does the collective?

Liberty: Sweetest of All Earthly Blessings?

Libertarianism and the Protection of Rights

A Value Plus Negative Case

by Rachel Seay

Intro

“That government which governs least, governs best.” [[143]](#footnote-143)

This simple principle is the core of American government. The core of every true American sentiment, statement, and action is due to the idea that human beings are given inalienable rights. Not given by their government but by their almighty God. Therefore, no government can take those rights from them. In order to preserve those sacred rights and stand in defiance against any government that would divest you of them- I negate this resolution.

Definitions (This case was written with these definitions in mind)

**Legitimate Government**- “A government generally acknowledged as being in control of a nation and deserving formal recognition, ~~symbolized by the exchange of diplomats between that government and the governments of other countries.”~~ (American Heritage New Dictionary of Cultural Literacy)[[144]](#footnote-144).

**Determine**- To limit in scope or extent. (American Heritage)[[145]](#footnote-145)

**Popular Sovereignty**- “The doctrine that the people are sovereign and a government is subject to the will of the people” (Encarta World Dictionary)[[146]](#footnote-146)

**Individual Rights (under “Human Rights”)**- “Fundamental rights, esp. those believed to belong to an individual and in whose exercise a government may not interfere, as the rights to speak, associate, work, etc.“ (Random House Dictionary 2010)[[147]](#footnote-147)

Value Analysis

While my opponent's value is worthy, there is a higher value: **Human Rights**. Various philosophers and dictionaries describe Human Rights as including the right to life, equality before the law, freedom from coercion and tyranny, the ability to speak freely, and the right to possess and protect private property.[[148]](#footnote-148)

Criterion

How do we know when we have upheld human rights or know when we've achieved our goal? Through Liberty. Liberty is the freedom to exercise your rights without coercion and the freedom to do what you know is right, regardless of what a government demands.

Contentions

Affirming this resolution would unknowingly and quite subtly undermine those rights and freedoms by taking the wrong side of the great dilemma of whether popular sovereignty or individual's rights are more important for a government to respect. Popular Sovereignty is the wrong answer for two reasons.

Contention 1: Human Rights are Paramount

Governments must value individual, human rights as paramount, or of utmost concern. When any government values something above the rights it exists to protect, in the words of the declaration: “it is their duty to throw off such government and establish new guards for their future security.”[[149]](#footnote-149) When a government takes on its own purpose, rather than protecting the rights of its people, it becomes a monster state. Imagine the incredible improvement in the gridlock and bureaucracy of the American Government if each politician went back to good solid government and believed whole-heartedly the libertarian words of Ronald Reagan when he said, “Government's first duty is to protect the people, not to run their lives.” [[150]](#footnote-150)

Contention 2: Governments Must Respect All Rights

When government favors majority rule over human rights, it also becomes a dangerous tyranny. As famous philosopher and statesman, Alexis de Tocqueville (pronounced toke-vil) put it, a “Tyranny of the majority”[[151]](#footnote-151) is created and allowed by the government. That tyrannical majority can commit any crime against the minority that it wishes to. Valuing popular sovereignty as paramount allows civil rights movements to be hastily blotted out and great men such as Martin Luther King Jr. are made merely civil criminals. Monstrosities such as the Rwandan Genocide occur, but the government that values majority over humanity will do nothing.[[152]](#footnote-152) The worst that can happen when individual rights are paramount is someone leads an immoral life—there are plenty of people doing that already—and they're not causing over 6 billion Rwandans to be slaughtered. Maybe Patrick Henry's famous words are still as timely, resounding, and realistic as they were 300 years ago, “Give me Liberty, or Give me Death.”

Conclusion

History's consensus is in: popular sovereignty is only valued as paramount at the peril of humanity and our God given rights. If men were perfect, our resolution could be affirmed, however they are not and we cannot affirm this resolution. Choose humanity over majority and vote negative.

Liberty: Sweetest of All Earthly Blessings?

Affirmative Brief

by Rachel Seay

What's wrong with my Case?

This case is solidly pro-libertarian. As such, its main flaw is its idealism. Your strategy for attacking this case ought to be:

* Destroy the idealist fancies,
* Disarm the rhetoric, and
* Show that when practically implemented, individual rights are not enough for an effective government.

Destroy Idealist Fancies:

Agreement that human rights are valuable is important but you must also show that they are inadequate. After all, is it really enough? To simply say “we value liberty” doesn't make a strong government. More guidelines, and much more practicality is required. Also, not every founding father was as libertarian as the negative would like to make them sound. For example, Martin van Buren accomplished much, did not slaughter millions. He also valued popular sovereignty much higher than individualism and believed whole-heartedly in political parties.

Disarm the Rhetoric:

As I already said, not all the founding fathers were as libertarian as the affirmative would like to make them sound. This case thrives on patriotic rhetoric. Acknowledge that and decide what is rhetoric and what is legitimate argumentation. The pro-American sentiment is strong therefore the judge will lean towards “the good” guy. Be sure to be just as “God and Country” as your opponent.

Practical Implementation:

Very little time is spent by the negative to build up individual rights as a governing system. Does it actually work? Challenge, press, and prove otherwise. You can also argue that individual rights are upheld through the criterion of popular sovereignty—just please don't undermine all clash in the round!

As always, remember to pull the negative rebuttal back to your case, show why their examples support your side of the resolution, and do your best to uphold your side!

You can be happy. Government can help.

Value Plus Negative Case

by Susanna Griffith

Intro

Since the days of the founding fathers, it has been obvious that “If men were angels, no government would be necessary.” However, you need to look no farther than the screaming two year old, demanding teenager, angry driver, greedy businessman, or overly zealous politician to see that man’s behavior is far from angelic. This less than perfect behavior mandates an orderly government. The challenge becomes to find the government that best sticks to its purpose and operates in a legitimate matter. I’ll be answering today’s resolution by arguing that respect for individual rights is what matters most when it comes to determining governmental legitimacy.

Resolutional Analysis

A legitimate government is one that is logically and practically justifiable. It is one that reasonably adheres to sensible rules. A government that does that is one that fulfills its purpose. The contention of this case is that the government that fulfills its function and respects its purpose is a legitimate one. Let’s further consider the purpose of government under the value observation.

Value Analysis

The reason the resolution ought to be negated is because of the value of happiness. This term doesn’t mean the happy-go-lucky, carefree, luxurious feeling sometimes associated with the word happiness. Aristotle extensively defines happiness in his *Nicomacean Ethics.* A happy person is one who lives to his fullest potential--one who flourishes. This sufficient and complete good must be virtuous, stable, and satisfying to be considered happiness. Government’s responsibility is not to make perfect citizens but to enable people to pursue a happy life.

Criterion

Virtuous Government. The meaning of virtue can be found by looking at the Latin word *virtus* or Greek *aρετή,* meaning “moral excellence.” Virtuous governments adhere to what is right and stray from what is wrong. They enhance rather than restrict people’s ability to live moral, virtuous, and consequently happy lives.

Contentions

Contention 1: Governments must be virtuous in order to be legitimate

Some of the most tragic stories found in history books can be blamed on the tyrannical rule of an illegitimate governmental figure. The somewhat recent mass genocide in Rwanda, the attempted eradication of Jews under Hitler’s regime, the devastation in Cambodia in Pol Pot, and the oppression under Sadam Hussein are all a result of a lack of virtue in government. In each case, those governments were declared illegitimate and eventually overthrown but not before harming precious lives. In order to be legitimate, governments must be virtuous—that is, morally excellent. Governments must highly esteem individual rights.

Contention 2: Respect for Individual Rights is crucial for the pursuit of happiness

As obvious as this point may seem, it is incredibly important. In order for people to be happy, their rights need to be respected. Pursuing a virtuous, full life is difficult when the right to life, liberty, property, or religion is blatantly disregarded. The consequences are dire for those oppressed as well as for citizens and governments of surrounding communities. In Zimbabwe, where rights are routinely disregarded, citizens risk all they have to flee to freer surrounding countries such as South Africa. Zimbabweans see a trip across the border as their ticket to a legitimate government. Surrounding governments have to adjust immigration policy and make provisions for refugees. The hostile environment in Zimbabwe makes it nearly impossible for citizens to pursue happiness.

Contention 3: Popular sovereignty is not a necessity.

Granted, popular sovereignty and individual rights often coincide. While the two are related, the resolution asks us which is more important in determining legitimacy. There are two reasons popular sovereignty is not the answer:

a) People do not always make the best choices.

In recent Palestinian elections, the Palestinian citizens who were exercising more sovereignty than they had ever been granted previously, used their voice to place the terrorist group Hamas into political power. This is a poignant yet not isolated example of popular sovereignty not always coinciding with a virtuous government.

b) Individual rights can flourish in any form of government.

As long as the government is virtuous, rights will be respected and the government can be considered legitimate. The Netherlands is currently topping the charts as the freest country in the world. The people enjoy consistently strong protection of rights, even though their voice is not authoritative when passing laws.

Conclusion

Government is a necessity in this far-from-perfect world, yet because of the importance government has in the lives of citizens, it is imperative that governments be legitimate and virtuous. Highly esteeming a person’s individual rights is a necessary quality of legitimate government and enables people to pursue happiness and live the fullest life possible.

You can be happy. Government can help.

[Affirmative Brief]

by Susanna Griffith

* Value/Criterion: Challenge vagueness and comprehension. This value is defined philosophically and requires the debater to have a firm grasp on Aristotle’s theory of ethics. In cross-examination, question the debater to specify the meaning of this value.
* Value/Criterion: Challenge connotation. Is it actually a good thing for our highest value to be people’s right to live “the good life”? That creates a risk when people’s desires are not in line with the good of the nation.
* Zimbabwe application: You can contend that this is a moot point. Granted, citizens of Zimbabwe typically don’t have their rights protected. However, popular sovereignty is also undermined. While the application may prove that the tagline is correct, it doesn’t give any reason to negate the resolution.
* Netherlands application: Argue that popular sovereignty is more respected in the Netherlands than this case leads you to believe. The state department’s background notes explain how government structure works: http://www.state.gov/r/pa/ei/bgn/3204.htm. Despite the short and deliberate election process, the people’s voice is what matters at the end of the day. You can argue that the government’s success is due to the blessing of virtuous leaders, but the government’s legitimacy still stems from the voice of the people.
* Argue that individual rights are a by-product of popular sovereignty being respected. Of course, you’ll want to prevent your rounds from turning into a circular battle where one debater argues that popular sovereignty often leads to individual rights and the other debater insists that individual rights are still more important when determining legitimacy. Make sure you create the clash.

Resolutional Revolutions

Value Plus Negative Case

by Sarah Sanderlin

Intro

John Adams once said, “You have rights antecedent to all earthly governments: rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the universe.” Here Mr. Adams, one of our greatest founding fathers, stresses an imperative point: the inherent value of individual rights and the duty of government to respect them. Because I believe that the negative side of the resolution offers the most viable option for respect of these rights, I oppose the resolution and stand resolved that a government's legitimacy is not determined more by its respect for popular sovereignty than individual rights.

Definitions

**Legitimacy:** government generally acknowledged as being in control of a nation and deserving formal recognition (American Heritage) [[153]](#footnote-153)

**Respect:** deference to a right(Random House Dictionary)*. [[154]](#footnote-154)*

**Popular sovereignty:** doctrine that sovereign power is vested in the people (Random House Dictionary). [[155]](#footnote-155)

Value Analysis

The value I will be upholding today is that of **individual rights**, defined as “basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law”[[156]](#footnote-156) (American Heritage). These rights and freedoms are not only inherently valuable, but also provide the foundation for almost all societal innovation and progress.

Criterion

The criterion, or means that I propose to achieve to achieve individual rights, is the **social contract**, defined as “an agreement … between the community and the ruler that defines and limits the rights and duties of each”[[157]](#footnote-157) (Merriam-Webster’s Dictionary of Law). The social contract is basically an agreement in which the people agree to limit their freedoms by obeying the law and the government agrees to protect the people’s rights. Let’s see how these ideas pertain to the resolution by examining my two contentions, or main arguments.

Contentions

Contention 1: The foundation of successful government is the social contract.

The great political philosopher John Locke put forth the idea that the government is established by the consent of the governed in order to protect their rights. Under the social contract, the protection of individual rights is the highest duty of government. Therefore, when a government neglects or destroys its people’s rights, the people are justified in replacing the old government with one that will respect their rights. This may be observed in many political revolutions throughout history, including England’s Glorious Revolution of 1688 and our own American Revolution. Both of these revolutions occurred when the people rebelled against governments that disrespected their rights and instituted governments that would abide by the social contract and protect their people’s rights.

Contention 2: Respect for individual rights determines legitimacy.

One thing that all political revolutions have in common is that they are an expression of popular sovereignty, the last resort for the people to express their will when all peaceful means have failed. But the transformational element that determines whether a revolution will establish a successful new government is the respect that that new government has for individual rights. For example, the French and American Revolutions were both popular revolts against a tyrant, and were both based on ideas of liberty, equality, and rights. The reason that France’s revolutionary government failed while America’s succeeded is because France’s new government failed to respect individual rights. The new French government broke its social contract with its people through arbitrary arrests and executions, restriction of religious freedom, and eventually martial law. Clearly, though the French Revolution was at its start an expression of popular sovereignty, its failure to respect individual rights led to an illegitimate government. Thus, it was not popular sovereignty that determined the government’s legitimacy, but its respect for individual rights.

Conclusion

Through all of these points, it’s clear: though popular sovereignty is a foundation, it is individual rights that are the transformational element that truly make a government successful and legitimate. For the sake of these sacred rights, I strongly urge you to negate the resolution.

Resolutional Revolutions

Affirmative Brief

by Sarah Sanderlin

The entire premise of this case is that revolutions are an expression of the people’s will and that they seek to establish a new social contract to replace a broken one. Firstly, revolutions are not always an expression of the general will of the people. It is dubious that most or even many revolutions are supported by a majority of the people within a nation, which casts severe doubt on the assertion that revolutions = popular sovereignty. Secondly, revolutions do not necessarily try to institute a new social contract. In fact, many revolutions are little more than one small faction trying to take power from another faction—exchanging an illegitimate government for another illegitimate government.

Dealing with the specific example of the French Revolution: the problem with this revolution was not merely that it disregarded individual rights; it also did away with popular sovereignty by instituting the Committee of Public Safety, then the Directory, and ultimately the dictatorship of Napoleon. Likewise, in the American Revolution, success was not achieved by individual rights alone—popular sovereignty was also an integral part of America’s new government. Therefore, since the French Revolution violated both rights and sovereignty and the American Revolution respected both, there does not seem to be any exclusive relationship between individual rights and the success of a government.

“Steadyyy…”

A Balanced Ajax Negative Case

by Jesse Byrnes

Intro

August 7th, 1974. Using a bow and arrow, French high-wire adventurist Philippe Petit and two teams flung a cable and attached it between the tops of the World Trade Center’s Twin Towers in New York. Past the guards and suspicious eye of bystanders, Philippe and his entourage secured the tightrope. Philippe––balancing on the cable­­––began to walk back and forth between the buildings. The shouts of spectators began to ring loose as he tripped and fell to his death. Just kidding, he lived! Soon after the event, Philippe became one of the most recognized people in America, his face appearing in newspapers around the country.[[158]](#footnote-158) To validate his expedition to police, Mr. Petit said, “When I see two oranges, I juggle; when I see two towers, I walk.”

Do you oftentimes find yourself saying, “I *have* to do this” and “I *have* to do that”? Do we juggle, or do we try and find a *balance*? In today’s debate round, my opponent would have you think that a government’s legitimacy is determined *more* by its respect for popular sovereignty than individual rights. As the negative––and as a person––I want to show you why this is false. However, instead of right-out disagreeing with my opponent and taking the side that “*individual rights* determine a government’s legitimacy more than *popular sovereignty*,” I want to show you the *balance* between the two. I want to show you why a government’s legitimacy is *not* determined more by its respect for popular sovereignty than individual rights.

Definitions

Just so we are clear, according to the *Compact Oxford English Dictionary*,[[159]](#footnote-159) for a government to be considered LEGITIMATE it must be “able to be defended or justified,” meaning that the governing system itself must be justified. What “determines” if a government is legitimate? To DETERMINE something means “to cause to happen in a particular way or to have a particular nature,” also from Oxford. To RESPECT means to “agree to recognize and observe a law or rule.”

In order for either side in today’s debate to win, that side must prove a) their value is able to be defended and justified, b) that their value causes a governing system to act in a justifiable manner, and c) that respect for their value over their opponent’s leads to a legitimate government.

Values

In today’s debate round, I will be upholding the balance of two values –– **National Sovereignty** and **Human Rights**. Defined by *West's Encyclopedia of American Law*, NATIONAL SOVEREIGNTY is “[t]he supreme, absolute, and uncontrollable power by which an independent state is governed and from which all specific political powers are derived…”[[160]](#footnote-160) This can be viewed as similar to the popular sovereignty mentioned in this year’s resolution. Similar to the individual rights mentioned in the resolution, the *American Heritage Dictionary* defines HUMAN RIGHTS as “[t]he basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law.”[[161]](#footnote-161)

The ***philosophy*** of the negative in this round is that neither popular sovereignty nor individual rights –– neither national sovereignty nor human rights –– can be valued above the other as a determinant of legitimate government. Both values must be valued equally. My first point in advancing the negative case is that…

Contentions

**Contention 1: Both National Sovereignty *&* Human Rights must be upheld**

Think present-day North Korea. It is a sovereign nation, but are human rights protected? Does anyone remember Yugoslavia? “In which form?” you might ask. There were several, and each arrangement of Yugoslavia disintegrated, leaving national sovereignty nearly nonexistent and human rights easily harmed.[[162]](#footnote-162) Comparing illustrations such as America and Switzerland to Iran and Rwanda, it is realized that both national sovereignty *and* human rights are necessary for a government to be deemed legitimate.

**Contention 2: A legitimate government cannot value one over the other**

When a government holds one value over another, no one really knows what is going on, and *everyone* knows that something is wrong (just ask a Spaniard). A nation may be sovereign, but if the human rights of its citizens are not protected then the government has accomplished nothing. Similarly, if a government attempts to value individual human rights without protecting the sovereignty of a people as a whole, neither of the two will be upheld. Hence, both national sovereignty and human rights must be valued equally.

I’m not asking you to juggle oranges, nor am I suggesting you balance a thousand feet midair on a tightrope like Philippe Petit, but I *am* asking you to value the balance in the resolution… the balance of popular sovereignty and individual rights.

“Steadyyy…”

Affirmative Brief & General Resolutional Intricacies

by Jesse Byrnes

Strategy

As with every Lincoln-Douglas case, all logical and existential ties must be contended. Just because a Mr. Negative says that XYZ is the case (pun intended) does not mean that it necessary *is* the case. The best debaters are the ones that first make the logical argument and secondly have the support to win the argument. Also, when a third-party argument or quotation is brought into the debate round it reduces the argumentation mentality of “Yes.” “No.” “Yes!” “No!”

That said, before delving into your own applications and illustrations of the arguments in the round, make sure you contest the sound nature of your opponent’s case itself. I have included sample arguments and cross-examination questions here (with ideal Affirmative responses *italicized*) along with bulleted suggestions on how to use your opponent’s responses to your advantage.

*Note: There are many issues that can be raised with the proposed negative definitions in the case* “Steadyyy…” *However, you are free to make those on your own. I have only included rebuttal arguments here for the burger and fries of the case itself (yes, I am talking about meat and potatoes of the case).*

Values

Did you provide a counter-definition for “popular sovereignty”? *No*. Does your definition of “*national* sovereignty” absolutely correlate with my definition of “*popular* sovereignty”? *Well, not exactly.* So you would agree that national sovereignty and popular sovereignty are defined as two different ideas, correct? *Well*… Yes, okay, great.

• The same questioning can be used in relation to the terms “individual rights” and “human rights.” Depending on your affirmative definition of each of the resolutional terms, the negative definitions of “national sovereignty” and “human rights” may be very similar to the words chosen for the resolution, though it is YOUR job to draw the distinction between the two. It might help your case to think of the negative values as parallels of terms used in the resolution, though you must be conscious of such a thing. If you allude to the judge that the negative is boasting an equivocation as his/her value(s), you must go into detail and show how it impacts the round.

Main Points

**1. Both National Sovereignty *&* Human Rights must be upheld**

Is a balance between national sovereignty and human rights possible? *Yes.* Do they balance-out or is one inherently more valuable than the other? *They balance.* Do they always balance, or, as was the case in your North Korea example, can they negate each other and become counterproductive? *Well, well…*

• **Busted.** North Korea values national sovereignty (above all else) though they are one of­­––if not *the*––most oppressed nations in the world in regards to individual rights. Because of this, while the North Korea illustration does demonstrate that a balance is *needed*, it does not demonstrate that a balance is *possible* (many negative applications related to this case will suffer this issue). Even when the NEG argues that a country like the U.S. has found the balance, there are always exceptions.

• **Balance.** Realize this –– if you can get the NEG to agree that national sovereignty is at times of greater value than human rights, then the negative position in the round has been conceded. Also, if going with the idea of “balance” that the negative proposes, they MUST ensure that the balance never tilts in favor of national/popular sovereignty. If it does, they have just agreed with the affirmative stance on the resolution. If a golden mean balance can never be met, there is no case for the NEG. This may not be Policy Debate, but it is definitely not a debate in the clouds.

**2. A legitimate government cannot value one over the other**

Your argument is that a government loses legitimacy when it values collective power and/or rights over individual, human rights, correct? *Yes*. Would you agree that legitimacy is determined by what is *valued* in today’s debate round? *Yes*.

(If they answer *No* or *Both sides should be valued equally, then we have legitimacy*, then ask “But we have to value *something* as a determinant of legitimacy, right?” … There is no way to get around it: Legitimacy is determined by an external criterion –– in this case, a value. Repeat question.)

So *illegitimacy* is determined by what is undervalued, correct? *Yes.* Excellent, thank you.

• **Agreement.** The argument is about to be turned. Here an AFF may argue that a government’s legitimacy is currently NOT determined by collective rights, therefore it cannot lose legitimacy by valuing collective, popular sovereignty (more). What the what? It comes out looking like this ––

1. NEG: Gov loses legitimacy when it values collective, popular sovereignty
2. NEG CX admission: Legitimacy is determined by what is valued
3. NEG CX admission: Illegitimate government undervalues X value
4. AFF: Government cannot lose what it never had. Because government undervalues popular sovereignty, it is illegitimate. Its legitimacy (inherently stuck in the future tense) is determined by what is to be valued. Therefore, if X affirmative value is legitimate, and the government values X, then the government is legitimate.

• **Addition.** To cap-off the argument, the AFF would note that a government’s legitimacy *should* be determined by popular sovereignty, even if it is not currently. (*Note:* This argument in its entirety is tricky to pull-off well. In terms of LD theory, it can get complicated quickly, so only run with it if you have a fair grasp on the ideas.)

The Height of Injustice: Making an Impossible Choice

A Balanced Negative Case

by Mackenzi Siebert

Intro

Today’s resolution asks us to make an impossible choice – a choice between two definite goods, neither of which can exist in a vacuum. It is because I believe that a legitimate government must protect both popular sovereignty and individual rights that I stand firmly resolved, That a government’s legitimacy is not determined more by respect for popular sovereignty than individual rights.

Value

The value I will be upholding in this debate round is the value of **justice**, which is defined by the Duhmair Law Association as, “A state of affairs in which conduct or action is both fair and right and everyone receives what is due.” I contend that it is the chief end of government to create a society in which justice can flourish, and in which citizens may act with the knowledge that good actions will be rewarded while wrongful actions will be punished.

Criterion

In order to contextualize the concept of justice to this debate round, I propose the criterion of **legalprotection**. The concept of legal protection is especially appropriate to this resolution since both popular sovereignty and individual rights are subject to the range of protection that is offered by the government. By valuing justice through the lens of legal protection, it is clear that both of the options that are presented by the resolution are highly desirable. It is for this reason that I am arguing for a balanced perspective. Instead of simply arguing that a government must protect individual rights in order to be legitimate, it is my argument in this round that a legitimate government must carefully balance legal protection of individual rights against legal protection for popular sovereignty. When a government masters these two conditions, then it has earned the right to be a legitimate government.

Contentions

Contention One: Don’t Fly Solo

The resolution gives us an impossible choice when it asks us to rank a government’s respect for popular sovereignty against respect for individual rights. In reality, a government that emphasizes either aspect of freedom over the other results in a government that wrongly allows for a portion of the population to suffer injustice. We can further see this in the following sub-points.

**A. Popular Sovereignty – Tyranny of the Majority**

In the year 399 B.C., 500 men voted to condemn to death the founder of Grecian philosophy. For the crime of “corrupting the youth of Athens,” the philosopher Socrates was sentenced to death by a simple majority of his 500-member jury. Political theorists throughout the centuries have recognized the potential for abuse that coexists with popular sovereignty. Plato and Aristotle expressed their disdain for democracy on the grounds that the poor masses were incapable of leading an effective government. James Madison, Alexander de Tocqueville, and John Stuart Mill proffered complex arguments against popular sovereignty, contending that the majority wielded too much authority and the ability to suppress minority groups. Some of the worst injustices of the past century, including the religious persecution in Northern Ireland and the decades of racial discrimination in the United State until passage of the Civil Rights Act, can be attributed to a majority willfully bringing the weight of their numbers against the individual rights of the effectively voiceless minority.

**B. Individual Rights – Results in Social Justice**

One of the most renowned philosophers of the twentieth century, John Rawls articulated the preeminence of individual rights when he wrote, “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override…. In a just society…the rights secured by justice are not subject to political bargaining or to the calculus of special interests.”[[163]](#footnote-163) A political paradigm that considers individual rights to outweigh popular sovereignty will devolve into a society that emphasizes social justice programs. The 2010 Healthcare plan that was adopted by the Obama Administration aptly illustrates the dangers of focusing solely on individual rights. By recognizing a fundamental right to healthcare, recent healthcare reform is indicative of a government’s decision to respect individual rights higher than, and to the exclusion of, popular sovereignty.

Contention 2: The Fine Line

In November of 2008, California voters shocked LGBT groups everywhere by voting to adopt Proposition 8, a state measure that defines marriage exclusively as a union between a man and a woman. In the ensuing litigation, one of the questions that the Supreme Court of California was asked to consider was whether a ballot initiative could be used to take away what State Supreme Court Justice Kathryn Werdegar termed “fundamental rights.”[[164]](#footnote-164) Although the Supreme Court sympathized with the plaintiffs in opposing Proposition 8[[165]](#footnote-165), the 185 page ruling[[166]](#footnote-166) sided with the defendants on the basis that the Proposition was valid as written and approved by the voters. Through this application we can see the careful balance that is required by the resolution. California justices delicately walked the fine line with aplomb as they articulated the absolute necessity of the recognition of individual rights – but only when tempered by the voice of popular sovereignty. It is the model of respect and temperament that we must pursue when evaluating the resolution.

Only by casting a negative ballot can the twin goods of respect for individual rights and respect for popular sovereignty reach their apogee.

The Height of Injustice: Making an Impossible Choice

Affirmative Brief

by Kaitlin Nelson

General Strategy

Any time you run into a balanced negative case, there are a few key questions and standards you by which you need to measure the negative.

1. Is the negative showing true “balance”? Having an application on each side isn’t enough. Look for the principles under the applications. Does the logic hold out in the big picture?

2. Can popular sovereignty and individual rights always be balanced? Are there examples of direct conflict?

The negative will want to show a lack of conflict to support the idea that balance can exist. It’s important to show solid examples where one idea must be chosen above the other. Not every situation can achieve balance, but the value and role of each side can only be truly measured when there is clash.

Main Points

Value/Criterion

How you approach the value and criterion of this case depends on your own case. If possible, subsume the value or at least accept it as a good thing and turn in to your side (i.e., Vote affirmative and you uphold my value and justice!]. Question the links between the value/criterion and the resolution. Specifically, the case states:

“[I]t is my argument in this round that a legitimate government must carefully balance legal protection of individual rights against legal protection for popular sovereignty. When a government masters these two conditions, then it has earned the right to be a legitimate government.”

Where does that idea come from? Is it only the author’s opinion? What is the impact to the actual resolution, not just this interpretation?

Contentions

**C1- A:** Every affirmative ought to have a strong defense ready for this issue. Either have this in your case to spike, or pre-empt, this negative argument, or have something prepared. Look into checks on “tyranny of the majority.”

**C1- B:** Accept this. If you take out or turn the first subpoint, you own the negative’s first contention. Essentially, Popular Sovereignty is the check on valuing Individual Rights.

**C2:** Does this really show a balanced between the two? In this situation, it appears that popular sovereignty really trumped individual rights. If proposition 8 truly infringed on an individual right, well, that right was lost when the bill passed. On the other hand, if this right to marriage was not in fact a fundamental right, the application is irrelevant because you cannot have balance when only one idea –popular sovereignty— is present in the situation.

The negative says:

“California justices delicately walked the fine line with aplomb as they articulated the absolute necessity of the recognition of individual rights – **but only when tempered by the voice of popular sovereignty.**”

Again, you’re still faced with the fact that, even in this example, Popular Sovereignty is the check on Individual Rights. If respecting rights is dangerous by itself, Popular Sovereignty must be the higher good.

No Conflict

A Negative Resolutional Kritik

by Travis Herche

Intro

In this debate, I will demonstrate that the resolution is meaningless because popular sovereignty and individual rights are inseparable aspects of government legitimacy.

Definitions

**Government Legitimacy** is not defined by a respected English dictionary. Thus, it is *operationally defined* as: “The degree to which government officials, institutions, and actions conform to the appropriate use of power and the fulfillment of its obligations.”

**Popular Sovereignty** is defined by *Merriam-Webster's Online Dictionary 11th Edition[[167]](#footnote-167)* as:

“a doctrine in political theory that government is created by and subject to the will of the people.”

**Individual Rights** is also not defined by a respected English dictionary. However, a useful definition was issued by *Kentucky Secretary of State Trey Grayson in October 2009[[168]](#footnote-168)* He called it:

“The concept that each person is assumed to possess certain rights because of the fact that they are human. This concept stems from the inalienable rights outline[d] in the Constitution as well as the Bill of Rights.”

Now let's dig into an explanation of the negative position in

Thesis – No Conflict

The resolution is the political science equivalent of saying: “Resolved: that the appearance of a penny is more determined by heads than tails.” It is impossible to reasonably debate such a position because proving that one side is more important than the other is a laughable prospect. Thus, I will contend that the only reasonable judgment in this round will be a vote against a meaningless resolution.

Remember, the resolution does not say that government legitimacy stems from both popular sovereignty and individual rights, it holds that government legitimacy is *more determined* by popular sovereignty – and as we'll soon learn, that position is untenable.

[If the affirmative runs a framework] Because of the position I will be taking in the round, frameworks are unimportant. I neither accept nor concede the affirmative value [and criterion]. It has no bearing on the round and will not be discussed further.

With that, let's turn to

Contentions

Contention 1: Individual Rights depend on Popular Sovereignty

We all seek our own interests. Despotic governments – those that do not answer to the people – have no interest in the rights of the individual; their only concerns are the rights of the state. Violation of individual rights by a despotic government is typical, as only a repressed people can be considered safe to the ruling elite.

Popular governments are run by a vast accumulation of individuals. They take great interest in the rights we possess because of the fact that we are human. Violation of individual rights by a popular government is much more rare, as it constitutes suicide.

In other words, individual rights can only be upheld by popular sovereignty.

Contention 2: Popular Sovereignty depend on Individual Rights

Cynthia McKinney once described the right to free and fair elections as “our most precious right of all.”[[169]](#footnote-169) Why? Because without it, the fabric of society collapses.

Imagine a king who looked out upon his people, nodded with satisfaction, and said: “They like me. I draw my legitimacy from my people.” Such a conclusion would be absurd. We would surely remind the king that the only way to determine the will of the people is through a free and fair election, in which everyone’s right to vote is upheld.

Without the protection of individual rights, there can be no popular sovereignty.

Contention 3: Popular Sovereignty and Individual Rights are Inseparable.

It is impossible to consider one side of the resolution without the other, just as it is impossible to consider one side of a coin without the other. The claim implicit in the resolution – that government legitimacy can find one side more important – is logically impossible and absurd.

To prove this further, let’s examine the Declaration of Arbroath.

In 1320, the people of Scotland announced the ascension of Robert the Bruce to the throne of Scotland. This was a formal declaration of independence from the disastrous, tyrannical rule of the English King Edward II.

The declaration is widely viewed as one of the earliest expressions of popular sovereignty. It contended that the Scots people, not any king, could decide whether or not Scotland was free. Consider this excerpt[[170]](#footnote-170):

“To ~~him~~ [Robert], ~~as to~~ the man by whom salvation has been wrought unto our people, we are bound ~~both by law~~ ~~and by his merits~~ that our freedom may be still maintained, and by him, come what may, we mean to stand.”

Robert was given the throne of Scotland, but only on the condition that he protected Scottish freedom. If he failed to do so, he lost his legitimacy and would be replaced by the people. Again from the declaration:

“As long as ~~but~~ a hundred of us remain alive, never will we ~~on any conditions~~ be brought under English rule. It is ~~in truth~~ not for glory, nor riches, nor honours that we are fighting, but for freedom – for that alone, which no honest man gives up but with life itself.”

I submit that these brave Scots would laugh at today's resolution. They knew full well the consequences of trying to separate individual rights and popular sovereignty. We do well to learn from their example.

No Conflict Addendum

Helpful stuff!

by Travis Herche

* Arbroath is pronounced “AH – brothe.”
* It is critical that you take out the affirmative application(s). The easiest way to do this is a turn. Thank the aff for providing an example of the importance of popular sovereignty and remind the judge that it would only be possible with the individual right to vote.
* The neg application is a chance for you to recover from the stigma of running a resolutional K. Position yourself as the defender of freedom, and your opponent as its opponent (naïve or deliberate). Try to inspire a patriotic enthusiasm in your judge. The resolution is trying to make you choose between popular sovereignty and individual rights! What an affront to everything we hold dear!
* It’s wise to carry a complete copy of the Declaration of Arbroath. You can find it here: http://www.clanstirling.org/Main/lib/research/TheDeclarationofArbroath.html

No Conflict

Affirmative Brief

by Travis Herche

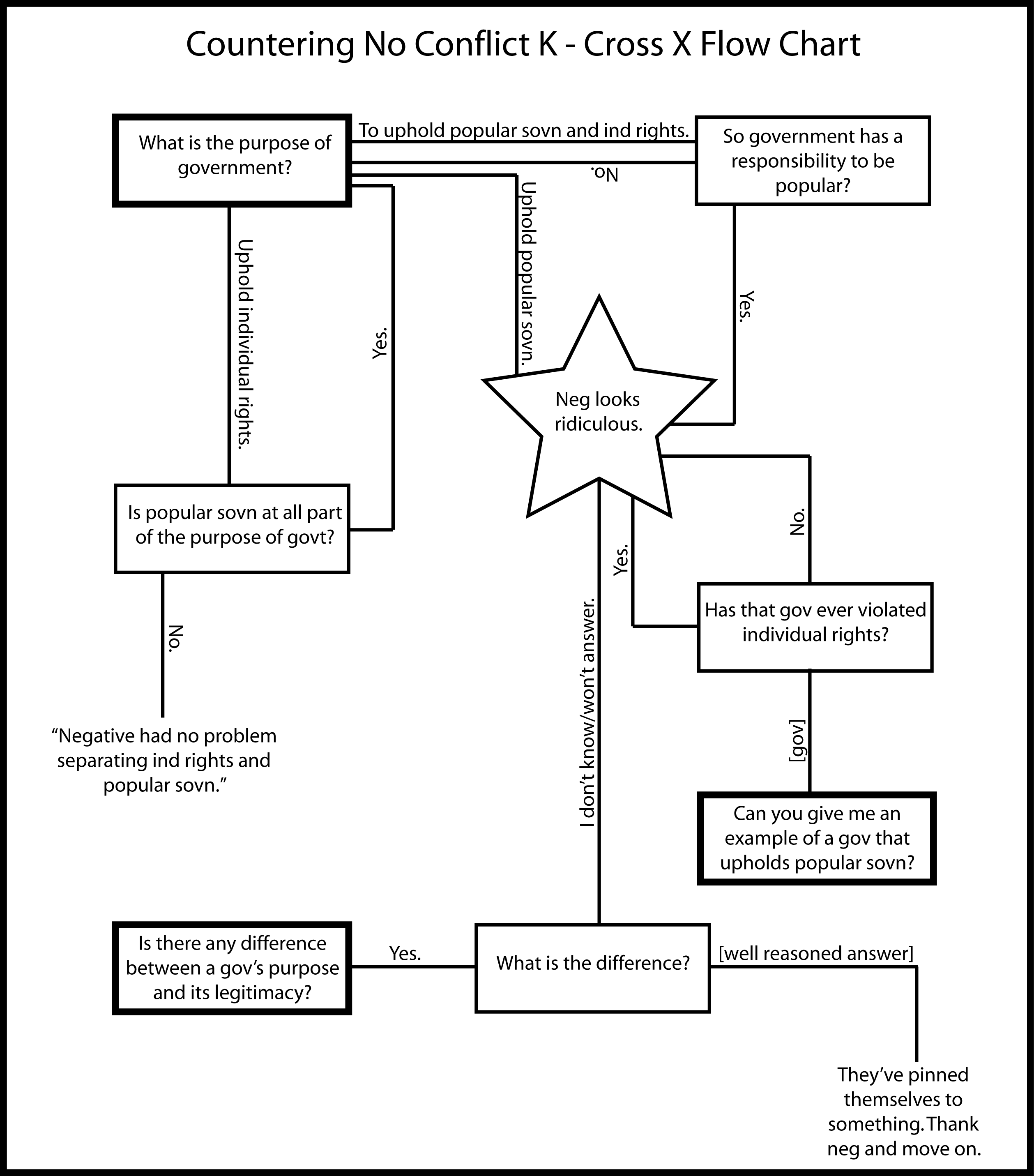
Draw a distinction between the purpose of government and its legitimacy. A government’s purpose may involve individual rights, but its legitimacy is drawn from popular consent. This may mean attacking the negative definition of government sovereignty. If you have a definition of your own – especially a non-operational one – you have a head start.

In general, this will become a definition debate. Be ready.

Consider this analogy: The purpose of a car is to travel. A car with no engine has the same purpose, but it is not legitimate. Cars draw their legitimacy from the fact that they are complete and in good repair. If they don’t travel, it doesn’t reduce their legitimacy. It just means they aren’t being driven.

Just because popular sovereignty and individual rights are important to legitimacy doesn’t mean they’re equal. One can still be more important. At this point you don’t even need to argue that popular sovereignty is the most important – you just need to prove that such a debate is possible. Your aff case is proof of that.

Check out the cross ex chart on the next page for a few nifty routines. Each line of CX starts on a bolded square.



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164. Justice Kathryn Mickle Werdegar, Cited in “Justices seem to be leaning in favor of Prop. 8,” by Bob Egelko. Published in The San Francisco Chronicle 06 March 2009. [↑](#footnote-ref-164)
165. After all, this was the Court that originally ruled that homosexual marriage was equally protected by the 14th Amendment. [↑](#footnote-ref-165)
166. *Strauss v. Horton* 46 Cal.4th 364. http://www.courtinfo.ca.gov/opinions/archive/S168047.PDF [↑](#footnote-ref-166)
167. http://www.merriam-webster.com/dictionary/popular+sovereignty [↑](#footnote-ref-167)
168. http://www.sos.ky.gov/kids/civics/glossary/. [↑](#footnote-ref-168)
169. http://thinkexist.com/quotes/cynthia\_mckinney/2.html [↑](#footnote-ref-169)
170. http://www.clanstirling.org/Main/lib/research/TheDeclarationofArbroath.html [↑](#footnote-ref-170)