Governmental Legitimacy  
 Negative Case by Micah Chapman and Mark Csoros



Article 11, Section 1 of the United Nations’ Universal Declaration of Human Rights states:

“Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

This mindset, the Presumption of Innocence, is crucial to a justice system. That’s what this case focuses on. It’s fairly easy to run, and extremely theoretical. Make sure to do a few things while running this case:

1. Outweigh the examples. Affirmatives are presumably going to have many examples, which isn’t a problem for this case. Make sure to outweigh those examples by stating that, morally, those attacks were unjustified. Affirmatives are going to run example after example of preemptive attacks being successful. However, just because something is successful does not mean it is morally justified.

2. Use the “morally justified” definition to your benefit. Every affirmative example can be brought back to those 6 key criteria. When an example arises, test it against those criteria, and determine whether it was just or not.

3. Don’t let the affirmative get away with justified examples. Affirmatives may say, “In the example I brought up, the country in question had done something illegal, making the preemptive strike justified.” If that’s the case, it’s not truly preemptive warfare. Remember, *pre*emptive means *before*. An attack isn’t preemptive if it’s done to punish an action. It has to be initiated before the action occurred. By using this rhetoric, you can defeat most examples that come up.

4. Use gripping rhetoric. The affirmative side (by definition) kills innocent people, no matter if they were actually planning an attack or not. Focus on that aspect of the resolution. Don’t overdramatize it, but make the judge feel bad about voting for the resolution.

Be the philosopher in the room, and don’t let the affirmative get away with cheap examples. Good luck!

Governmental Legitimacy

“Injustice anywhere is a threat to justice everywhere.” It is because I agree with Dr. Martin Luther King, Jr. that I stand in negation to today’s resolution, and believe that preemptive warfare is not morally justified.

# Definitions:

## 1. Preemptive

“Taken as a measure against something possible, anticipated, or feared.”[[1]](#footnote-1)

## 2. Warfare

“The process of military struggle between two nations or groups of nations.”[[2]](#footnote-2)

## 3. Morally Justified

“Morally justified”, in the context of warfare, means conforming to 6 specific standards. These standards make up the “Just War Theory”, as outlined by philosopher Thomas Aquinas. They are:

1. War must be in a just cause, such as self-defense, the defense of others, the protection of the innocent, or corrective punishment.
2. A war can only be waged as a last resort.
3. A war has to be waged by a legitimate authority.
4. A war must not contain ulterior motives.
5. A war must have a probability of success.
6. The acts of war must be proportionate.[[3]](#footnote-3)

Essentially, a war is just if it meets the standards of common decency and common sense. Now that we have the definitions established we can move onto…

# Value: Governmental Legitimacy

The value, or weighing mechanism, in today’s round should be **Governmental Legitimacy**. A legitimate government, upholds justice and promotes due process of law. We should prefer this value over my opponent’s for one reason: Quality of Life.

## Reason to prefer: Quality of Life

When a government acts legitimately, it does more than uphold a theoretical ideal. It makes life better for its citizens, and makes the world a safer place. Because governmental legitimacy adds to our quality of life, we should use that concept of legitimacy to weigh today’s round.

With the value in place, we’ll explore how affirming today’s resolution fails to uphold the value of governmental legitimacy.

# Contention 1: Innocent Until Proven Guilty

In a majority of developed countries, the justice system is run on an “innocent until proven guilty” basis. The accused is assumed innocent until evidence proves that a crime has been committed. We can all agree that a person should not be punished if they have done nothing wrong.

Let’s explore a scenario for a second. If the American government received intelligence that France was planning to attack innocent American citizens, would France be guilty of a crime? The answer is no, at least not yet. A crime cannot justifiably be reprimanded until it has been committed. Preemptive warfare, by definition, kills innocent people. Even if those individuals planned on attacking another country, they cannot be guilty of a crime they have yet to commit.

## Example: Pearl Harbor

One of the most tragic acts of war in American history was the Japanese attack on Pearl Harbor. In 1941, Japan had taken over most of Southeast Asia, and was trying to gain hegemony of the Pacific Ocean. The only problem was the U.S. Navy. So, Japan decided to take preemptive action. On December 7th, 1941, Japan launched a surprise attack on Pearl Harbor, killing over 2,400 people. Innocent American citizens lost their lives because Japan thought that preemptive warfare was justifiable.

# Contention 2: Preemptive warfare hurts citizens

Often, preemptive warfare will hurt the very citizens it’s designed to protect. Again, look to the example of Pearl Harbor.

## Example 2: Pearl Harbor

As a result of Japan’s unprovoked attack, the U.S. entered World War II, which  took the lives of hundreds of thousands of soldiers on both sides. As we all know, the war ended because of the nuclear annihilation of two Japanese cities. Conservative estimates place the death count from the atomic bombs at 130,000. The attack on Pearl Harbor didn’t keep Japanese citizens safe, it put them in harm’s way. Legitimate governments don’t do that. Legitimate governments choose to reject the resolution, avoid punishing the innocent, and above all, refuse to punish their own people. That leads us to…

# Contention 3: Legitimate Governments Don’t Preempt

As we have seen, human beings are innocent until proven guilty. The fabric of a civil society rests upon the protection of that basic principle. When a country decides to ignore that principle, and attacks without provocation, it undermines justice and morality. It harms its own citizens. It takes innocent life. Because legitimate governments never punish the innocent, I ask that you help me negate this resolution. Thanks.

Opposing This Case

Make your response example-heavy. Use examples of where people’s lives were saved due to preemptive warfare and make your opponent argue against them. If you can, find an especially gripping story or statistic regarding a preemptive strike, and show how it saved lives. Then, turn the tables on them and *make* them say that saving those lives was “morally unjustified.” The negative is going to make your side sound atrocious, so you have to do the same.

The next thing you need to do is be the most reasonable person in the room. Focus on how, in real life, you can’t always wait to for the perfect amount of evidence to punish someone. That’s why people who have committed serious crimes are kept in confinement *before* they have been convicted at a trial. We can’t wait for people to die before we act.

Lastly, weigh your examples back to governmental legitimacy. Press the negative to tell you that a legitimate government wouldn’t save lives (like in your examples) if it gets the chance. You have to be pragmatic and realistic to beat this case.

Good luck!

1. <http://www.dictionary.com/browse/preemptive> [↑](#footnote-ref-1)
2. <http://www.dictionary.com/browse/warfare> [↑](#footnote-ref-2)
3. Lazar, Seth, "War", The Stanford Encyclopedia of Philosophy (Spring 2017 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2017/entries/war/> [↑](#footnote-ref-3)