I negate.

I value morality. Value cannot be objectively grounded since any source of it can be questioned, meaning that we either assert our own individual starting points or question value into infinite regress. The solution to escape the skeptic’s questioning is a pluralistic society, wherein we recognize that values, by virtue of being subjective, are collectively created. Thus, the standard is consistency with democratic checks on government, because otherwise, the government will take action and impose its own conception of good rather than considering the population’s values. Prefer the standard:

(\_) Freedom is a prior question to morality since non-free actions are no different from mere physical events, outside the domain of morality – i.e. no matter how destructive, we wouldn’t call a hurricane ‘immoral’ since it had no choice. From freedom, it follows that groups have a right to control their collective action, so democratic checks are key, **Christiano:**[[1]](#footnote-1)

Some argue that the basic principles of democracy are founded in the idea that each individual has a right to liberty. **Democracy**, it is said, **extends the idea that each ought to be master of [their]** his or her **life** to the domain of collective decision making. First, each person's life is deeply affected by the larger social, legal and cultural environment in which he or she lives. Second, only when each person has an equal voice and vote in the process of collective decision-making will each have control over this larger environment. Thinkers such as Carol Gould (1988, pp.45-85) conclude that only when some kind of democracy is implemented, will individuals have a chance at self-government. **Since individuals have a right of self-government, they have a right to democratic participation. This right is established** at least partly **independently of the worth of the outcomes of democratic decision making**. The idea is that the right of self-government gives one a right, within limits, to do wrong. **Just as an individual has a right to make** some **bad decisions** for himself or herself, so **a group** of individuals have **[has] a right to make** bad or **unjust decisions for** themselves regarding those **[shared] activities** they share.

(\_) Moral systems axiomatically assume each person is morally equal, and democracy is the only way to respect this equality. **Christiano:**

Many democratic theorists have argued that **democracy is a way of treating persons as equals** when there is good reason to impose some kind of organization on their shared lives but they disagree about how best to do it. On one version, defended by Peter Singer (1973, pp. 30-41), when people insist on different ways of arranging matters properly, each person in a sense claims a right to be dictator over their shared lives. But these claims to dictatorship cannot all hold up, the argument goes**. Democracy embodies** a kind of peaceful and fair **compromise among** these **conflicting claims** to rule**. Each compromises equally** on what he claims **as long as the others do, resulting in** each having an **equal say over decision making.** 1999, chap. 5).

(\_) Democratic checks ensure the highest quality decision making, **Christiano**

Two kinds of in instrumental benefits are commonly attributed to democracy: relatively good laws and policies and improvements in the characters of the participants. John Stuart Mill argued that a democratic method of making legislation is better than non-democratic methods in three ways: strategically, epistemically and via the improvement of the characters of democratic citizens (Mill, 1861, Chapter 3). Strategically, **[First,] democracy** has an advantage because it **forces decision-makers to take into account the** interests, rights and **opinions of most people in society**. **Since democracy gives some political power to each,** more people are taken into account than under aristocracy or monarchy. The most forceful contemporary statement of this instrumental argument is provided by Amartya Sen, who argues, for example, that “no substantial famine has ever occurred in any independent country with a democratic form of government and a relatively free press” (Sen 1999, 152). The basis of this argument is that politicians in a multiparty democracy with free elections and a free press have incentives to respond to the expressions of needs of the poor. Epistemologically, **[Second,] democracy is** thought to be the best decision-making method on the grounds that it is generally **more reliable** in helping participants discover the right decisions. Since democracy brings a lot of people into the process of decision making, **it can take advantage of many sources of information and critical assessment** of laws and policies. **Democratic decision-making tends to be more informed** than other forms about the interests of citizens and the causal mechanisms necessary to advance those interests.

I contend nullification is undemocratic. It substitutes the opinion of potentially one individual for the deliberated decisions of democratically elected legislature, **Haynie:**

Erick J. Haynie “Populism, Free Speech, and the Rule of Law:The Fully Informed Jury Movement and its Implications” Fall 1997 Journal of Criminal Law and Criminology Volume 88 Issue 1 *Fall* <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6948&context=jclc> WH

Closely related to their damaging effect on due process and the rule of law, nullification instructions also run contrary to democratic principles. As the D.C. Circuit observes, “[a]ny arguably salutary functions served by inexplicable jury acquittals would be lost if that prerogative were frequently exercised… [for] calling attention to that power could encourage the substitution of individual standards for openly developed community rules.” Indeed, the ultimate effect of **nullification instructions** is simply to **give twelve “random**ly selected **individuals** with no constituency but themselves” **an open invitation to frustrate the policies of** Congress or the state **legislatures, whose laws in all probability will “reflect the majority’s view.” The undemocratic force** of nullification instructions **is particularly strong given that it takes** not twelve but **one nullifying juror to prevent conviction** of a man guilty of the crime charged beyond a reasonable doubt. Nullification instructions are also inherently undemocratic because **they frustrate the right of the people to insure that those who violate their laws do not go without punishment.** Furthermore, jurors who are forced into the unaccustomed role of making macro-social choices would undoubtedly tend to “overlook the broader implications of their decisions.”

Jury nullification takes power away from citizens, **St. John:**

Richard St. John Editor Yale Law Journal “Note: License to Nullify: The Democratic and Constitutional Deficiencies of Authorized Jury Lawmaking” Yale Law Journal 1997

Third, by explicitly delegating to juries a power to make law or even to make exceptions to the law, legislators undermine their own ability to speak clearly, credibly, and coherently. In so doing, **they alienate the ability of the people** as well **to speak** and act **through their legislature.** Because, as we have seen, **the jury cannot** be designed in such a way as bothto **represent the community** and to do so **in a majoritarian manner**, it is only a sour substitute. [n138](http://www.lexisnexis.com.ezproxy.lib.utexas.edu/us/lnacademic/frame.do?reloadEntirePage=true&rand=1266708269968&returnToKey=20_T8613896610&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.17866.521755324437" \l "n138) Functionally, then, when a legislature invests juries with the power to make law, it abdicates its own legislative function; formal legislation becomes advisory. Citizens then would be foolhardy to petition their legislators (except, perhaps, for repeal of the act conferring the nullification right), and the statute books would serve as little more than a point of departure from which law might or might not be drawn. If a legislature says that the law is "X," but then explicitly gives jurors the power to say that it is "not-X," then the initial statement of the law as "X" is little more than an illusion. The jury might stand in the stead of the law, but **the jury cannot function as a** **democratic lawmaking institution.**

The system needs its people’s voices in order for it to be a democracy and ensure justice. So nullification effectively eliminates justice and the democratic system.

Jury nullification does not check the government let alone provide an effective one, **St. John 2:**

St. John, Richard. (Partner at Munger, Tolles, Olson LLP; Former Articles Editor, Yale Law Journal). “Licence to Nullify: The Democratic and Constitutional Deficiencies of Authorized Jury Lawmaking.” *Yale Law Journal, 106*(8), 1997. p. 2587

Although **some** would **argue** that **nullification provides a "check"** against the sorts of discretion that police and prosecutors exercise, **that hope seems misplaced**. While we perhaps ought to be troubled by the wide latitude that law enforcement officials and prosecutors enjoy in deciding whether or not to investigate or prosecute particular criminal acts, the jury does not enjoy a particularly apt vantage point from which to evaluate such acts of discretion. **Because juries sit in isolated cases, they do not** have the opportunity to **observe or review the pattern of** allocative **decisions** that has led to a particular defendant's being charged and Prosecuted. **Moreover**, because of the black box nature of the jury's decision-making, **we may never know what factors influenced its use of discretion.** A more promising remedy-at least where prosecutorial discretion has resulted in an uneven pattern of enforcement against constitutionally protected groups-is judicial supervision; judges cannot force more prosecutions per se, but they can release those defendants who have been prejudiced.

Framework hijack – the Constitution justifies democratic ideals, means that the NC turns your aff, **Civitas:**

*CIVITAS: A Framework for Civic Education*, a collaborative project of the Center for Civic Education and the Council for the Advancement of Citizenship, National Council for the Social Studies Bulletin No. 86, 1991. You can obtain a copy of “Civitas” by calling 1-800-350-4223

**Core democratic values are** the fundamental beliefs and constitutional principles of American society, which unite all Americans. These values are **expressed in** the Declaration of Independence, **the U**nited **S**tates **constitution** and other significant documents, speeches, and writing of the nation. Below are definitions of some core democratic values. Source: *CIVITAS: A Framework for Civic Education*, a collaborative project of the Center for Civic Education and the Council for the Advancement of Citizenship, National Council for the Social Studies Bulletin No. 86, 1991. You can obtain a copy of “Civitas” by calling 1-800-350-4223 FUNDAMENTAL BELIEFS LIFE: The individual’s right to life should be considered inviolable except in certain highly restricted and extreme circumstances, such as the use of deadly force to protect one’s own or others’ lives. LIBERTY: The right to liberty is considered an unalterable aspect of the human condition. Central to this idea of liberty is the understanding that the political or personal obligations of parents or ancestors cannot be legitimately forced on people. The right to liberty includes personal freedom: the private realm in which the individual is free to act, to think and to believe, and which the government cannot legitimately invade; political freedom: **the right to participate** freely **in the political process, choose** and remove **public officials**, to be governed under a rule of law; the right to a free flow of information and ideas, open debate and right of assembly; and economic freedom: the right to acquire, use, transfer and dispose of private property without unreasonable governmental interference; the right to seek employment wherever one pleases; to change employment at will; and to engage in any lawful economic activity. THE PURSUIT OF HAPPINESS: It is the right of citizens in the American constitutional democracy to attempt to attain – “pursue” – happiness in their own way, so long as they do not infringe upon the rights of others. COMMON GOOD: The public or common good requires that individual citizens have the commitment and motivation – that they accept their obligation – to promote the welfare of the community and to work together with other members for the greater benefit of all. JUSTICE: People should be treated fairly in the distribution of the benefits and burdens of society, the correction of wrongs and injuries, and in the gathering of information and making of decisions. EQUALITY: All citizens have: political equality and are not denied these rights unless by due process of law; legal equality and should be treated as equals before the law; social equality so as there should be no class hierarchy sanctioned by law; economic equality which tends to strengthen political and social equality for extreme economic inequality tends to undermine all other forms of equality and should there fore be avoided. DIVERSITY: Variety in culture and ethnic background, race, lifestyle, and belief is not only permissible but desirable and beneficial in a pluralist society. TRUTH: Citizens can legitimately demand that truth-telling as refraining from lying and full disclosure by government be the rule, since trust in the veracity of government constitutes an essential element of the bond between governors and governed. POPULAR SOVEREIGNTY: **The citizenry is collectively the sovereign of the state and hold ultimate authority** over public officials and their policies. PATRIOTISM: Virtuous citizens display a devotion to their country, including devotion to the fundamental values upon which it depends. CONSTITUTIONAL PRINCIPLES RULE OF LAW: Both government and the governed should be subject to the law. SEPARATION OF POWERS: Legislative, executive, and judicial powers should be exercised by different institutions in order to maintain the limitations placed upon them. REPRESENTATIVE GOVERNMENT: The republican form of **government** established **under the Constitution is one in which citizens elect others to represent their interests.** CHECKS AND BALANCES: the powers given to the different branches of government should be balanced, that is roughly equal, so that no branch can completely dominate the others. Branches of government are also given powers to check the power of other branches. INDIVIDUAL RIGHTS: Fundamental to American constitutional democracy is the belief that individuals have certain basic rights that are not created by government but which government should protect. These are the right to life, liberty, economic freedom, and the “Pursuit of happiness.” It is the purpose of government to protect these rights, and it may not place unfair or unreasonable restraints on their exercise. Many of these rights are enumerated in the Bill of Rights. FREEDOM OF RELIGION: There shall be full freedom of conscience for people of all faiths or none. Religious liberty is considered to be a natural inalienable right that must always be beyond the power of the state to confer or remove. Religious liberty includes the right to freely practice any religion or no religion without government coercion or control. FEDERALISM: Power is shared between two sets of governmental institutions, those of the states and those of the central or federal authorities, as stipulated by the Constitution. CIVILIAN CONTROL OF THE MILITARY: Civilian authority should control the military in order to preserve constitutional government.

1. Christiano, Thomas (University of Arizona). *Democracy,* Stanford Encyclopedia of Philosophy.Jul 27, 2006. <http://plato.stanford.edu/entries/democracy/#NonInsVal> [↑](#footnote-ref-1)