# JF Constitution AC

### Framework

#### I affirm, ethical obligations are incoherent:

#### [1] Any account of morality is regressive since it predicates one universal rule on the existence of another moral rule. Since every human chain of reasoning must be finite according to our finite nature, such a reasoning process must terminate in a rule for which no reason can be given.

#### [2] The open question argument disproves any moral obligations.

Pidgen[[1]](#footnote-1)**,** For any naturalistic or metaphysical ‘X’, if ‘good’ meant ‘X’, then (i) ‘X things are good’ would be a barren tautology, equivalent to (ii) ‘X things are X’ or (iii) ‘Good things are good’. (1.2) For any naturalistic or metaphysical ‘X’, if (i) ‘X things are good’ were a barren tautology, it would not provide a reason for action (i.e. a reason to promote X-ness). (1.3) So for any naturalistic or metaphysical ‘X’, either (i) ‘X things are good’ does not provide a reason for action (i.e. a reason to promote X-ness), or ‘good’ does not mean ‘X’**.**

#### [3] Moral values have no physical presence.

**WWP Summarizes Mackie**, The Arguments from Queerness and Relativity (Mackie Part 2), March 3, 2012, <http://missiontotransition.blogspot.com/2012/03/arguments-from-queerness-and-relativity.html> ///AHS PB

Metaphysical Argument: Suppose there were objective moral values: real qualities that were part of the world--in short, they exist. What would they be made of? Do they inhere in matter? Can I taste them? Touch them? What colour are they? How is it that we can sense them but not explain their properties? It seems they would be queer entities or properties indeed! (Not that there's anything wrong with that--some of my best friends have queer properties). Epistemological Argument: Setting the metaphysical issue aside and continuing with our supposition, by what faculty might we come to know these queer qualities? If I can't see, touch, taste, smell, or hear them, by what sense faculty do I come to know them? It seems any theory that says moral values are objective must give us some sort of account of how it is we come to know them. And to reply that ethical thinking occurs simply by sitting down and having an 'intuition' turns ethical thought into a travesty of a mockery of a sham. What about application of reason? conceptual analysis? deliberation?

**[4] Hume’s Guillotine: In order to produce a binding obligation, moral systems must have some relation to the concrete world. However, they try to derive what ought to be from what is. However this impossible insofar as a descriptive quality of X cannot become a prescription to do X, without humans ascribing an arbitrary property to X. Only a system of institutional obligations coherently derives an Is from an ought because by participating in organizations we have bound ourselves to their rules. For example if I strike out in baseball, I now have an obligation to leave the field as by playing the game I have committed itself to its constitutive rules. This entails only the aff provides morally binding reasons for action. Two additional implications: A) winning my metaethic proves truth testing is inescapable and B) Performativity: by abiding by speech times, order, and the fact the aff speaks first in debate they have already conceded institutional obligations exist and are binding.**

#### Thus the metaethic is consistency with institutional obligations. Prefer:

**[1] Specificity—Other frameworks prescribe universal actions but different agents have different obligations so their normative link chain doesn’t apply.**

**[2] Meaning and Identity are institutional: In the same way I can only differentiate money from a piece of paper given the institution of currency, things only have meaning within broader social constructs where we can identify their functions in relation to others. This hijacks theories of subjectivity, as we can only make identifying features non arbitrary when they are contained in systems.**

#### [3] Grounding morality in inviolable institutional contracts is the only way to avoid skepticism since it spells out the exact permissible and prohibited aspects of a moral rule and removes the abstractness that the rule could have.

#### [4] Regress: When we compare between frameworks, we presuppose a higher framework to determine what benefits of the competing moral theories matter. Because we can argue between metaframeworks this chain becomes infinitely regressive, so only self contained instutional rules are coherent.

#### And, the resolution questions what the United States ought to do, the constitution is the defining source of institutional obligations in the US.

John Dickinson, Gouverneur Morris, Thomas **Jefferson**, John Adams, Thomas Paine, Edmund Randolph, James Madison, Roger Sherman, James Wilson, and George Wythe (Founding Fathers). Constitution. **1787**.

**This Constitution**, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby,** any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State **Legislatures**, and all executive and judicial Officers, both of the United States and of the several States, **shall be bound by** Oath or Affirmation, to support **this Constitution**; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. Article 7. The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same. **[This was] Done in Convention by the Unanimous Consent of the States present** the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names.

#### Thus the Standard is consistency with the United States constitution: Prefer:

#### [1] Action Theory: Only a constitution unifies action

CHRISTINE M. **KORSGAARD Explains Plato’s Theory of Justice**, Harvard Prof, Cat Lover, and Uber Kantian, SELF-CONSTITUTION IN THE ETHICS OF PLATO AND KANT?, March **1999** //AHS PB

According to Plato, the normative force of the constitution consists in the fact that it makes it possible for the city to function as a single uniﬁed agent. For a city without justice, according to Plato, above all lacks unity – it is not one city, he says, but many (422d–423c; see also 462a–e). When justice breaks down, the city falls into civil war, as the rulers, the soldiers, and the people all struggle for control. The deliberative procedures that unify the city into a single agent break down, and the city as such cannot act. The individual citizens and classes in it may still perform various actions, but the city cannot act as a unit.

#### This also means that absent the constitution, any index becomes a sufficient maxim for action as agents are justified to fulfill their moral beliefs absent a mediating force to reconcile a plurality of opinion and ensure the state only wills one thing.

#### [2] The constitution is the ultimate force of legal obligations in the United States: two implications:

#### [A] It’s a side constraint on any framework. The United States government literally cannot take unconstitutional actions, which means that negative actions never happen and my affirms on face because it’s a logical contradiction for government to ought to do something that is against itself.

#### [B] Legal obligations produce independently plausible reasons for action

George E. Glos, The Normative Thought of Law, 11 Wm. & Mary L. Review 151 (1969)

The mutual relation of law and ethics can profitably be investigated only if ethics is understood as a normative science.31 If we compare legal norms with ethical norms, it appears that the contents of ethical norms are in agreement with a given concept or principle, whereas legal norms originate from a certain lawgiver regardless of contents. It follows that legal and ethical norms may be likened to two circles which cover the same area: legal and ethical norms may coincide, and the same norm may at the same time be both a legal and an ethical norm; but there are legal norms the contents of which have no relevance in ethics (norms regulating highway traffic), and there are legal norms which may contradict ethical norms (norms according to which a soldier is bound to fight and kill).

#### [4] There are two theories of justice, procedural justice, which holds that normativity arises from fulfilling certain procedures, and substantive justice, which holds an action good if its end state results in a certain principle. Prefer procedural justice: A) Only procedures like the constitution are objective as they are either fulfilled or not, while end states goodness are relative between different frameworks. B) Its impossible to definitively call an end state just or not, because it will always have more consequences making it impossible to determine when that state has occurred. C) its impossible for substantive justice to establish consistent rules as such rules are always contingent on variable end states.

#### [5] The constitution is empirically proven to be reliable source of obligations as we have used it for 200 years and defaulting to it is politically realistic, this means if the framework debate is uncertain err aff.

### Offense

#### Thus I affirm that the United States ought not provide military aid to the Kingdom of Saudi Arabia in the Yemen conflict: US military aid violates constitution in two ways:

#### [1] Trump’s and Republican’s recent actions in Yemen regarding military aid and stopping votes against violate the War Powers Resolution or WPR which demands resolution against military funding must be considered and binding.

Weisbrot, Mark, Co-director of the Centre for Economic and Policy Research in Washington DC. He is also president of Just Foreign Policy, . (2018). When will America stop participating in Yemen's genocidal war? | Mark Weisbrot. [online] the Guardian. Available at: https://www.theguardian.com/commentisfree/2018/nov/15/america-stop-participating-yemen-war [Accessed 24 Dec. 2018]. ///AHS PB

Most Americans have heard nothing of this ongoing clash in Congress, which has lasted for more than a year, and is probably the most important foreign policy action that Congress has launched since it cut off funding for the Vietnam war. What the Republicans did on Wednesday was illegal and unconstitutional. Under the War Powers Resolution of 1973, Khanna’s resolution must be allowed a debate and vote. The War Powers Resolution was a response to the prolonged tragedy of the Vietnam war. It reaffirms that under the constitution the president does not have authority to use offensive military force without specific authorization from Congress. And it establishes procedures to help Congress prevent and end unauthorized wars. One of these procedures is that when the president introduces US armed forces into hostilities without authorization, any member of Congress can demand a debate and vote on that military intervention, and it cannot be blocked procedurally. The 1973 War Powers Resolution is still the law of the land, and the courts have not overturned any part of it. There are officials in the “national security state” who believe that the president can decide without Congress to participate in a war. But that is not the law, or is it consistent with the US Constitution – even if some prior presidents have claimed this power. Two Republican representatives who supported H Res 138 cited James Madison in a letter to their colleagues on Wednesday: “In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature, and not to the executive department.” In the 20th century the most important checks on US military overreach came from Congress. In addition to the historic 1973 War Powers Resolution, the Congress cut off funds for US military intervention in Angola in 1976. In the mid-1980s the Congress cut US aid to the Contras who were waging a war to topple the government of Nicaragua; this led to the Iran-Contra scandal, after the Reagan White House decided to continue funding the war through illegal weapons sales to Iran. Following the Saudi murder of Washington Post journalist Jamal Khashoggi, more people have begun to see that ending US military participation in this war and complicity in war crimes – which include using mass starvation as weapon – is the most urgent priority in the “re-evalutation of our relationship with the Saudis.”

#### [2] A large amount of current aid is a carry over from the Obama administration which also violated the WPR

Lee, Mike, Senator from Utah. (2018). Remarks on S.J. Res 54: The Yemen War Powers Act. [online] Lee.senate.gov. Available at: https://www.lee.senate.gov/public/index.cfm/2018/11/remarks-on-s-j-res-54-the-yemen-war-powers-act [Accessed 24 Dec. 2018]. //AHS PB

In March of 2015, Saudi Arabia launched a war against Houthi rebels shortly after the Houthis ousted the Saudi-backed government in the capital city of Sanaa. The Obama administration, without consulting Congress, quickly authorized U.S. military forces to provide “logistical and intelligence support” to the Saudi coalition. U.S. military support has continued since then, including midair refueling, surveillance, reconnaissance information, and target selection assistance. In other words, we have been supporting and actively participating in the activities of war. But Article I, Section 8 of the Constitution states that Congress shall have the power to declare war—Congress, not the President, not the Pentagon, not someone else within the Executive branch, but Congress. The Founders could not have been clearer about this. And they did so with good reason: the Founders set up our system of government in such a way as to protect the people from excessive concentration of power in the hands of the few. We know from experience under British rule that bad things happen, especially at the national level, when too few people exercise too much power. And nowhere is this more evident than in the power to declare war. So the Founders placed the war power squarely in the legislative branch: the branch where honest, open, and public debate is supposed to happen; and the branch that is held most accountable to the people through elections at the most regular intervals. As Alexander Hamilton points out in Federalist Paper 69, this power would not be exercised by the executive branch so that it would be less likely to be abused, like it was when the King of England acted in and of himself to send his country – and ours, for that matter – into war.

# 1ar/Frontlines

## Extensions

#### Extend the framework: Obligations are not found in abstract theories of morality but rather in participation inside institutions. Only my framework avoids skep which means proving the AC false, justifies voting aff on presumption. The only way to derive an is from an ought as we have constitutively bound ourselves to follow their rules. Consistency with the constitution is the defining institutional obligation of the United States, so my offense comes first. That’s the Jefferson evidence.

#### Extend the offense: United States funding to Saudi Arabia for the war in Yemen violates the constitution in two ways. First, current was passed without open debate which is inconsistent with the War Powers resolution, that’s Weisbrot, and Second, aid has continued over from the Obama presidency which violates Article 1 Section 8, that only congress can take military actions. That’s Lee.

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1. Pigden, Charles. “Russell’s Moral Philosophy.” SEP. 2007. [↑](#footnote-ref-1)