## AC

### Shell 1

#### Interpretation – The negative must concede the affirmative framework or contention level offense.

#### It’s preemptive, you violate by reading turns or defense to my offense and reading an alternative framework.

#### Prefer –

1. Strat skew – A) It’s impossible for the 1AR to win both layers of framing and offense when you can frame me out and read a bunch of turns to the aff making the round impossible in 4min – especially since the 2n can collapse on either the framework or the contention for 6 minutes B) Neg reactivity advantage, aff disclosure, and 1n time allocation means they can craft a perfect 1nc – conceding one layer of substance solves since it gives me weighing recourse and strategic 1ar maneuvers without having to brute force both.

1AR theory is legitimate since the negative could do literally anything without the ability to call out the abuse. Aff theory is Drop the debater because four minutes isn’t enough to read a shell and still have time to cover substance sufficiently. No RVI because the 2nr would get six minutes to collapse to turns on a shell I only spent 30 seconds on. Aff theory first – A) Proportionality – The 1ar has to dedicate a significantly larger portion of it’s time reading theory and the 2n can spend much longer answering it B) Size of impact – neg abuse is always structurally worse since the 1ar only has 4 minutes to compensate whereas the NC has 13 to adapt.

### Shell 2

#### **Interp – The negative must grant the aff presumption or permissibility.**

#### **A violation would be reading both**

#### **Prefer –**

#### **A) Strat skew – otherwise it incentivizes the 1n to read multiple NIBs and frontload the 1n with presumption and permissibility offense which is particularly bad since there isn’t a substantive truth to either side it’s a q of how long you can spend on it which means the neg wins substance every round**

#### **B) Timeskew – I have to invest major time in the 1ar winning both because 2n flexibility can collapse to either one with a hidden trigger, only having to answer one or do weighing saves me half that time which is key in the 4 min 1ar**

### ROB

#### The Role of the ballot is to the test if the resolution is true.

#### 1] Constitutivism: The ballot asks you to either vote aff or neg based on the given resolution a) Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means its intrinsic to the nature of the activity b) the purpose of debate is the acquisition of knowledge in pursuit of truth – a resolutional focus is key to depth of exploration which o/w on specificity. It’s a jurisdictional issue since it questions whether the judge should go outside the scope of the game and can only endorse what is within their burden c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to

#### 2] Reject the western binary of truth and futurism in favor of a more nuanced understanding of the world.

Graham Priest, Distinguished professor of philosophy at City University of New York and professor emeritus at the University of Melbourne. His latest book is One (2014), Beyond true and false, 5 May 2014, <https://aeon.co/essays/the-logic-of-buddhist-philosophy-goes-beyond-simple-truth> ///BA PB

At the core of the explanation, one has to grasp a very basic mathematical distinction. I speak of the difference between a relation and a function. A relation is something that relates a certain kind of object to some number of others (zero, one, two, etc). A function, on the other hand, is a special kind of relation that links each such object to exactly one thing. Suppose we are talking about people. Mother of and father of are functions, because every person has exactly one (biological) mother and exactly one father. But son of and daughter of are relations, because parents might have any number of sons and daughters. Functions give a unique output; relations can give any number of outputs. Keep that distinction in mind; we’ll come back to it a lot. Now, in logic, one is generally interested in whether a given claim is true or false. Logicians call true and false truth values. Normally, and following Aristotle, it is assumed that ‘value of’ is a function: the value of any given assertion is exactly one of true (or T), and false (or F). In this way, the principles of excluded middle (PEM) and non-contradiction (PNC) are built into the mathematics from the start. But they needn’t be. To get back to something that the Buddha might recognise, all we need to do is make value of into a relation instead of a function. Thus T might be a value of a sentence, as can F, both, or neither. We now have four possibilities: {T}, {F}, {T,F} and { }. The curly brackets, by the way, indicate that we are dealing with sets of truth values rather than individual ones, as befits a relation rather than a function. The last pair of brackets denotes what mathematicians call the empty set: it is a collection with no members, like the set of humans with 17 legs. It would be conventional in mathematics to represent our four values using something called a Hasse diagram, like so: {T} ↗ ↖ {T, F} { } ↖ ↗ {F} Thus the four kotis (corners) of the catuskoti appear before us. In case this all sounds rather convenient for the purposes of Buddhist apologism, I should mention that the logic I have just described is called First Degree Entailment (FDE). It was originally constructed in the 1960s in an area called relevant logic. Exactly what this is need not concern us, but the US logician Nuel Belnap argued that FDE was a sensible system for databases that might have been fed inconsistent or incomplete information. All of which is to say, it had nothing to do with Buddhism whatsoever. Even so, you might be wondering how on earth something could be both true and false, or neither true nor false. In fact, the idea that some claims are neither true nor false is a very old one in Western philosophy. None other than Aristotle himself argued for one kind of example. In the somewhat infamous Chapter 9 of De Interpretatione, he claims that contingent statements about the future, such as ‘the first pope in the 22nd century will be African’, are neither true nor false. The future is, as yet, indeterminate. So much for his arguments in the Metaphysics. The notion that some things might be both true and false is much more unorthodox. But here, too, we can find some plausible examples. Take the notorious ‘paradoxes of self-reference’, the oldest of which, reputedly discovered by Eubulides in the fourth century BCE, is called the Liar Paradox. Here’s its commonest expression: This statement is false. Where’s the paradox? If the statement is true, then it is indeed false. But if it is false, well, then it is true. So it seems to be both true and false.

### Framework

#### I value morality. Ethical Internalism is true:

#### 1. Epistemology – A) Equality – Externalism incorrectly assumes certain individuals have stronger epistemic access to moral truths which justifies the exclusion of those individuals from the creation of ethics and B) Inaccessibility – There is no universal character of moral judgements that is epistemically accessible since every argument for its existence presumes the correct normative starting point. Markovits 14, Markovits, Julia. Moral reason. Oxford University Press, 2014.//Scopa Relatedly, internalism about reasons seems less presumptive than externalism. We should not assume that some of us have special epistemic access to what matters, especially in the absence of any criterion for making such a judgment. It’s better to start from the assumption, as internalism does, that everyone’s ends are equally worthy of pursuit – and correct this assumption only by appealing to standards that are as uncontroversial as possible. According to externalism about reasons, what matters normatively – that is, what we have reason to do or pursue or protect or respect or promote – does not depend in any fundamental way on what in fact matters to us – that is, what we do do and pursue and protect and respect and promote. Some of us happen to be motivated by what actually matters, and some of us are “wrongly” motivated. But externalists can offer no explanation for this supposed difference in how well we respond to reasons – no explanation of why some of us have the right motivations and some of us the wrong ones – that doesn’t itself appeal to the views about what matters that they’re trying to justify. (They can explain why some people have the right motivations by saying, e.g., that they’re good people, but that assumes the truth of the normative views that are at issue.22) A comparison to the epistemic case helps bring out what is unsatisfactory in the externalist position. We sometimes attribute greater epistemic powers to some people than to others despite not being able to explain why they’re more likely to be right in their beliefs about a certain topic. Chicken-sexing is a popular example of this among philosophers. We think some people are more likely to form true beliefs about the sex of chickens than others even though we can’t explain why they are better at judging the sex of chickens. But in the case of chicken-sexing, we have independent means of determining the truth, and so we have independent verification that chicken-sexers usually get things right. Externalism seems to tell[s] us that some of us are better reasons- sensors than others, but without providing the independent means of determining which of us are in fact more reliably motivated by genuine normative reasons (or even that some of us are).

#### 2. Linguistics – To decide about the content of my own mind is to deliberate between reasons – only this can prevent the contents of my own mind from being external to me since I may not be able to control the external definitions of my thoughts but I can control the deliberation between them which solves epistemic skep about my ability to have true beliefs.

#### 3. Motivation – A) Externalist notions of ethics collapse to internal since the only reason agents follow external demands is those demands are consistent with their internal account of the good. Motivation is a necessary feature for ethics since normativity only matters insofar as agents follow through on the ethic that’s generated from it B) Empirics – there is no factual account of the good since each agents’ motivations are unique and there has been no conversion of differing beliefs into a unified ethic.

#### 4. Open Question – A) There is a gap between my ability to claim the truth of a moral belief and my ability to justify its truth. I can always be asked why I ought to follow an externalist principle, but there is no verifiable evidence to justify my claim in a satisfactory manner

#### 5. Moral truths are contextual rather than universal – A) Contradictions – it would be illogical to say that x is always true because there are situations in which we internally judge x to be false, for example to assert “murder is wrong” as an external force would be to say every instance like “self-defense is just” would be a contradiction. Contextual internalism solves because they are merely expressions of disagreements B) Experience – Even the most objective description of another individuals’ experience cannot bridge the epistemic gap between my experience and theirs (for example, I cannot know what cilantro tastes like to a lemur), which means a universal understanding of experience is impossible C) Ethical theories are insular – they define the good and language to describe it in their own terms. Joyce 02, Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47. //Scopa This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain “linguistic frameworks” (as Carnap calls them) bring with them new terms and ways of talking: accepting the language of “things” licenses making assertions like “The shirt is in the cupboard”; accepting mathematics allows one to say “There is a prime number greater than one hundred”; accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionally philosophers have interested themselves in the external question – the issue of the adequacy of the framework itself: “Do objects exist?”, “Does the world exist?”, “Are there numbers?”, “Are the propositions?”, etc. Carnap’s argument is that the external question, as it has been typically construed, does not make sense. From a perspective that accepts mathematics, the answer to the question “Do numbers exist?” is just trivially “Yes.” From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness, etc., of the adoption. But the (traditional) philosopher’s questions – “But is mathematics true?”, “Are there really numbers?” – are pseudo-questions. By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space. To step out of the thing language and ask “But does the world exist?” is a mistake, Carnap thinks, because the very notion of “existence” is a term which belongs to the thing language, and can be understood only within that framework, “hence this concept cannot be meaningfully applied to the system itself.” 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: persons who dispute whether propositions exist, whether properties exist, etc., do not know what they are arguing over, thus they are not arguing over the truth of a proposition, but over the practical value of their respective positions. Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

#### Thus, agents justify their actions based on individual moral preferences and deal with ethical dilemmas by prioritizing certain beliefs. It’s a constitutive feature of humanity to rationally maximize value under a particular index of the good. Gauthier 98, David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998, ///AHS PB //Recut by Scopa Fortunately, I do not have to defend normative foundationalism. One problem with accepting moral justification as part of our ongoing practice is that, as I have suggested, we no longer accept the world view on which it depends. But perhaps a more immediately pressing problem is that we have, ready to hand, an alternative mode for justifying our choices and actions. In its more austere and, in my view, more defensible form, this is to show that choices and actions maximize the agent ’s expected utility, where utility is a measure of considered preference. In its less austere version, this is to show that choices and actions satisfy, not a subjectively defined requirement such as utility, but meet the agent ’ s objective interests. Since I do not believe that we have objective interests, I shall ignore this latter. But it will not matter. For the idea is clear; we have a mode of justification that does not require the introduction of moral considerations. 11 Let me call this alternative nonmoral mode of justification, neutrally, deliberative justification. Now moral and deliberative justification are directed at the same objects – our choices and actions. What if they conflict? And what do we say to the person who offers a deliberative justification of his choices and actions and refuses to offer any other? We can say, of course, that his behavior lacks moral justification, but this seems to lack any hold, unless he chooses to enter the moral framework. And such entry, he may insist, lacks any deliberative justification, at least for him. If morality perishes, the justificatory enterprise, in relation to choice and action, does not perish with it. Rather, one mode of justification perishes, a mode that, it may seem, now hangs unsupported. But not only unsupported, for it is difficult to deny that deliberative justification is more clearly basic, that it cannot be avoided insofar as we are rational agents, so that if moral justification conflicts with it, morality seems not only unsupported but opposed by what is rationally more fundamental. Deliberative justification relates to our deep sense of self. What distinguishes human beings from other animals, and provides the basis for rationality, is the capacity for semantic representation. You can, as your dog on the whole cannot, represent a state of affairs to yourself, and consider in particular whether or not it is the case, and whether or not you would want it to be the case. You can represent to yourself the contents of your beliefs, and your desires or preferences. But in representing them, you bring them into relation with one another. You represent to yourself that the Blue Jays will win the World Series, and that a National League team will win the World Series, and that the Blue Jays are not a National League team. And in recognizing a conflict among those beliefs, you find  rationality thrust upon you. Note that the first two beliefs could be replaced by preferences, with the same effect. Since in representing our preferences we become aware of conflict among them, the step from representation to choice becomes complicated. We must, somehow, bring our conflicting desires and preferences into some sort of coherence. And there is only one plausible candidate for a principle of coherence – a maximizing principle. We order our preferences, in relation to decision and action, so that we may choose in a way that maximizes our expectation of preference fulfillment. And in so doing, we show ourselves to be rational agents, engaged in deliberation and deliberative justification. There is simply nothing else for practical rationality to be. The foundational crisis of morality thus cannot be avoided by pointing to the existence of a practice of justification within the moral framework, and denying that any extramoral foundation is relevant. For an extramoral mode of justification is already present, existing not side by side with moral justification, but in a manner tied to the way in which we unify our beliefs and preferences and so acquire our deep sense of self. We need not suppose that this deliberative justification is itself to be understood foundationally. All that we need suppose is that moral justification does not plausibly survive conflict with it.

**And because agents takes their own ability to act as intrinsically valuable, permissibility is avoided through a system of mutual self restraint where agents refrain from impeding upon the actions of other agents, under the expectation that others will do the same out of rational self interest. This is achieved through a system of contracts which both parties’ consent to in order to regulate behavior. Gauthier 2,** David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998 ///AHS PB //Recut by ScopaI shall not rehearse at length an argument that is now familiar to at least some readers, and, in any event, can be found in that book. But let me sketch briefly those features of deliberative rationality that enable it to constrain maximizing choice. The key idea is that **in many situations, if each person chooses what, given the choices of the others, would maximize her expected utility, then the outcome will be mutually disadvantageous in comparison with some alternative – everyone could do better**. 14 Equilibrium, which obtains when each person ’ s action is a best response to the others ’ actions, is incompatible with (Pareto-) optimality, which obtains when no one could do better without someone else doing worse. Given the ubiquity of such situations, **each person can see the benefit, to herself, of participating with her fellows in practices requiring each to refrain from the direct endeavor to maximize her own utility, when such mutual restraint is mutually advantageous. No one**, of course, **can have reason to accept any unilateral constraint on her maximizing behavior; each benefits from, and only from, the constraint accepted by her fellows**. But if one benefits more from a constraint on others than one loses by being constrained oneself, one may have reason to accept a practice requiring everyone, including oneself, to exhibit such a constraint. We may represent **such a practice** as capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreement **is the basis of morality**. Consider a simple example of a moral practice that would command rational agreement. Suppose each of us were to assist her fellows only when either she could expect to benefit herself from giving assistance, or she took a direct interest in their well-being. Then, in many situations, persons would not give assistance to others, even though the benefit to the recipient would greatly exceed the cost to the giver, because there would be no provision for the giver to share in the benefit. Everyone would then expect to do better were each to give assistance to her fellows, regardless of her own benefit or interest, whenever the cost of assisting was low and the benefit of receiving assistance considerable. **Each would thereby accept a constraint on the direct pursuit of her own concerns, not unilaterally, but given a like acceptance by others. Reflection leads us to recognize that those who belong to groups whose members adhere to such a practice of mutual assistance enjoy benefits in interaction that are denied to others**. We may then represent such a practice as rationally acceptable to everyone. **This rationale for agreed constraint makes no reference to the content of anyone ’ s preferences**. The argument depends simply on the structure of interaction, on the way in which each person ’ s endeavor to fulfill her own preferences affects the fulfillment of everyone else. **Thus, each person ’ s reason to accept a mutually constraining practice is independent of her particular desires, aims and interests, although not, of course, of the fact that she has such concerns**. The idea of a purely rational agent, moved to act by reason alone, is not, I think, an intelligible one. **Morality is not to be understood as a constraint arising from reason alone on the fulfillment of nonrational preferences. Rather, a rational agent is one who acts to achieve the maximal fulfillment of her preferences, and morality is a constraint on the manner in which she acts, arising from the effects of interaction with other agents**

#### Thus, the standard is consistency with Contractarianism. And, the framework outweighs on actor specificity: States are not physical actors, but derive authority from contracts that allow them to constrain action.

#### Prefer additionally –

#### 1. Flexibility – Contracts are key to a) Encompassing all other ethical calculus into our decision since we process the consistency of those frameworks with our self interest and b) Value pluralism – recognizing a singular ethic fails to account for the complexity of moral problems and genuine moral disagreement. My framework solves since we can recognize multiple legitimate values while allowing individuals to exclude ones that are bad.

#### 2. Bindingness – A) Arising of Ethics – Every interaction with another agent is mediated by consent to participate in that interaction since otherwise agents could simply leave, which means there is an implicit social contract formed in every ethical interaction and B) Culpability – Only contracts can ensure agents are held to their agreements since there is a verifiable basis for judging their action as wrong as well as a pre-established punishment for breaking it.

#### 3. Regress – A) Reason – Only my framework answers the question “why be moral”, since agents have a reason to restrain their conflict due to self-interest rather than some non-existent transcendental principle B) Debates – When we compare between frameworks we suppose a higher evaluative mechanism, which presupposes a higher one, which means only self-contained rules in contracts are coherent.

#### 4. Reject consequences -

#### a. To account for all foreseen impacts would prevent action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will

#### b. Otherwise ethical theories hold agents responsible for consequences external to their will which removes any reason to be moral because agents cannot control what they are being punished for

#### c. Induction fails – it’s incoherent to justify the past to justify the future because there’s no logical certainty that what has happened before will happen again

#### d. Consequences empirically impossible to predict. Menand 05, Louis Menand (the Anne T. and Robert M. Bass Professor of English at Harvard University) “Everybody’s An Expert” The New Yorker 2005 <http://www.newyorker.com/magazine/2005/12/05/everybodys-an-expert//> FSU SS “Expert Political Judgment” is not a work of media criticism. Tetlock is a psychologist—he teaches at Berkeley—and his conclusions are based on a long-term study that he began twenty years ago. He picked two hundred and eighty-four people who made their living “commenting or offering advice on political and economic trends,” and he started asking them to assess the probability that various things would or would not come to pass, both in the areas of the world in which they specialized and in areas about which they were not expert. Would there be a nonviolent end to apartheid in South Africa? Would Gorbachev be ousted in a coup? Would the United States go to war in the Persian Gulf? Would Canada disintegrate? (Many experts believed that it would, on the ground that Quebec would succeed in seceding.) And so on. By the end of the study, in 2003, the experts had made 82,361 forecasts. Tetlock also asked questions designed to determine how they reached their judgments, how they reacted when their predictions proved to be wrong, how they evaluated new information that did not support their views, and how they assessed the probability that rival theories and predictions were accurate. Tetlock got a statistical handle on his task by putting most of the forecasting questions into a “three possible futures” form. The respondents were asked to rate the probability of three alternative outcomes: the persistence of the status quo, more of something (political freedom, [e.g.] economic growth), or less of something (repression, [e.g.] recession). And he measured his experts on two dimensions: how good they were at guessing probabilities (did all the things they said had an x per cent chance of happening happen x per cent of the time?), and how accurate they were at predicting specific outcomes. The results were unimpressive. On the first scale, the experts performed worse than they would have if they had simply assigned an equal probability to all three outcomes—if they had given each possible future a thirty-three-per-cent chance of occurring. Human beings who spend their lives studying the state of the world, in other words, are poorer forecasters than dart-throwing monkeys, who would have distributed their picks evenly over the three choices.

### Offense

#### I affirm the resolution- The appropriation of outer space by private entities is unjust.

#### The Outer Space Treaty affirms – “national appropriation” in Article 2 applies to all entities under a national sovereign – that’s the best legal meaning and most coherent.

Kurt Taylor, Fictions of the Final Frontier: Why the United States SPACE Act of 2015 Is Illegal, 33 Emory Int'l L. Rev. 653 2019 <https://scholarlycommons.law.emory.edu/eilr/vol33/iss4/6> JS

The broad text in Article II of the Outer Space Treaty provides an ordinary and unambiguous meaning free from absurdity.90 The language of Article II is short: “[o]uter space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”91 At first glance, the language clearly intends to bar ownership over all aspects of outer space, with the only wrinkle of confusion being the meaning of “national appropriation.” Stephen Gorove, a space law expert, has suggested it is better to first define appropriation before determining how “national” modifies the term.92 Broadly, appropriation is “the taking of property for one’s own or exclusive use with a sense of permanence.”93 In this regard, appropriation is of a “national” character when it is by an entity under the sovereignty of the state from which they come or represent.94 Even though Article II uses the “national” language, its ordinary meaning is most closely linked to all sovereignties and the individuals and entities that attain property rights under the authority of a sovereign. A separate insight of classic legal realism logically lends itself to the same conclusion. For an individual to hold property rights in something, the government must legally recognize the property rights.95 The language of Article II bars governments from recognizing property interests in outer space for themselves. Because individuals and private entities cannot hold property rights in something without recognition from a sovereign that it will protect their rights, a correct interpretation of the language of Article II should bar the ability of private entities and individuals to appropriate rights over celestial resources as well. If a state recognizes a property right held by an individual over a celestial body or resource, such recognition would constitute a form of national appropriation because it is essentially “a de facto exclusion of other states and their nationals” to that body or resource.96 The text of Article II naturally leads to the conclusion that its non-appropriation language is binding on all actors— state and private.

#### This is in line with the spirit of the treaty.

Kurt Taylor, Fictions of the Final Frontier: Why the United States SPACE Act of 2015 Is Illegal, 33 Emory Int'l L. Rev. 653 2019 (2) <https://scholarlycommons.law.emory.edu/eilr/vol33/iss4/6> JS

There exists a direct counter-argument that Article II of the Outer Space Treaty does not apply to private actors at all, only to state actors.150 This argument rests primarily on the idea that a treaty is a kind of contract between states that benefits their citizens but does not directly bind their citizens to international obligations.151 However, the purpose behind the drafting of the Treaty in the first place most logically stands for the conclusion that ensuring safety and ecological standards in outer space has always been important.152 Allowing a loophole for private actors to essentially do whatever they want with celestial resources and planetary bodies goes directly against the core purpose of having such a treaty in the first place.

#### OST not mentioning private entities flows aff – accepted legal interpretation means this proves lack of intent to exclude private entities.

Kurt Taylor, Fictions of the Final Frontier: Why the United States SPACE Act of 2015 Is Illegal, 33 Emory Int'l L. Rev. 653 2019 (3) <https://scholarlycommons.law.emory.edu/eilr/vol33/iss4/6> JS

Expressio unius est exclusion alterius is a widely accepted international canon of interpretation.127 It states that when interpreting international materials, one should presume things not mentioned were excluded by deliberate choice, not inadvertence.128 Defined as “[a] canon of construction holding that to express or include one thing implies the exclusion of the other, or of the alternative,”129 the canon can theoretically be applied to support the conclusion that the Outer Space Treaty does indeed prohibit the appropriation of celestial resources by both state and private actors. At the time of the Treaty’s drafting, in the 1960s, only state actors were interested in outer space endeavors; it was far beyond the realm of possibility for the drafters to even imagine the technological advancements and privatization of space interests that have since occurred. Through the treaty, the drafters were speaking only to the audience to whom it would apply: sovereigns. If the drafters intended for private actors to be governed differently, expressio unius could be applied negatively to support that they would have explicitly addressed this in the Treaty.130 Because Article II of the Treaty addresses a specific issue (non-appropriation of celestial resources and bodies) within the context of every actor to which it applied at the time of its drafting (state actors only), the canon should apply to say if the drafters wanted any interested entity to be excluded from the Treaty’s non-appropriation effect, they would have expressly stated so in the text, thus drastically altering its literal interpretation.

### If Time

#### 1] Permissibility affirms – A) Ought is defined as having sufficient reason because all instances of ought are just indexed to sufficient reason in particular contexts (i.e. moral, legal, logical, etc). That affirms since if every reason is equally invalid, that means any reason is a sufficient reason to justify an action C) 1AR flexibility – the neg has infinite more ground since they aren’t constrained by the topic, 30 min to prep the perfect 1nc, and a 2n collapse which requires the 1ar to have more strategic options like permissibility triggers.

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)