# 1NC v Strake Loyola R3

## 1

#### 1] Interpretation – the Affirmative must specify what type of Private Actor Appropriation they effect.

#### Appropriation is extremely vague – no legal precedent which means no normal means.

Pershing 19, Abigail D. "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today." Yale J. Int'l L. 44 (2019): 149. (Robina Fellow at European Court of Human Rights. European Court of Human Rights Yale Law School)//Elmer

Though the Outer Space Treaty flatly prohibits national appropriation of space,150 it leaves unanswered many questions as to what actually counts as appropriation. As far back as 1969, scholars wondered about the implications of this article.151 While it is clear that a nation may not claim ownership of the moon, other questions are not so clear. Does the prohibition extend to collecting scientific samples?152 Does creating space debris count as appropriation by occupation? While the answers to these questions are most likely no, simply because of the difficulties that would be caused otherwise, there are some questions that are more difficult to answer, and more pressing. As commercial space flight becomes more and more prevalent,153 the question of whether private entities can appropriate property in space becomes very important. Whereas once it took a nation to get into space, it will soon take only a corporation, and scholars have pondered whether these entities will be able to claim property in space.154 Though this seems allowable, since the treaty only prohibits “national appropriation,”155 allowing such appropriation would lead to an absurd result. This is because the only value that lies in recognition of a claim is the ability to have that claim enforced.156 If a nation recognized and enforced such a claim, this enforcement would constitute state action.157 It would serve to exclude members of other nations and would thus serve as a form of national appropriation, even though the nation never attempted to directly appropriate the property.158 Furthermore, the Outer Space Treaty also requires that non-governmental entities must be authorized and monitored by the entities’ home countries to operate in space.159 Since a nation cannot authorize its citizens to act in contradiction to international law, a nation would not be allowed to license a private entity to appropriate property in space.160 While this nonappropriation principle is great for allowing free access to space, thereby encouraging research and development in the field, it makes it difficult to create or police a solution to the space debris problem. A viable solution will have to work without becoming an appropriation. There is, however, very little substantive law on what actually counts as appropriation in the context of space.161 So, the best way to see what is and is not allowed is to look both at the general international law regarding appropriations and to look at the past actions of space actors to see what has been allowed (or at least tolerated) and what has been prohibited or rejected.

#### 2] Violation: they don’t

#### 3] Standards

#### a] Shiftiness – vague plan wording wrecks Neg Ground since it’s impossible to know which DAs link or which CPs are competitive since different types of appropriation like Space Mining, Space Col, and Satellites – absent 1AC specification, the 1AR can squirrel out of links by saying they don’t effect a certain type of appropriation or they don’t reduce private appropriation enough to trigger the link.

#### Independently vote Negative on Presumption since the Aff gets struck down for being void-for-vagueness since they don’t have an explanation of what is effected or remaining after the Plan.

Singer 10 Bill Singer 9-13-2010 “Yo, Congress, Keep On Truckin' -- Can You Dig It?” <http://www.brokeandbroker.com/index.php?a=blog&id=554> (Bill Singer is a lawyer who represents securities-industry firms, individual registered persons, Wall Street whistleblowers, and defrauded public investors. For over three decades, Singer has represented clients before the American Stock Exchange, the New York Stock Exchange, the Financial Industry Regulatory Authority (formerly the NASD), the United States Securities and Exchange Commission, and in criminal investigations brought by various federal, state, and local prosecutors. Before entering the private practice of law, Singer was employed in the Legal Department of Smith Barney, Harris Upham & Co.; as a regulatory attorney with both the American Stock Exchange and the NASD (now FINRA); and as a Legal Counsel to Integrated Resources Asset Management. Singer was formerly Chief Counsel to the Financial Industry Association; General Counsel to the NASD Dissidents' Grassroots Movement; and General Counsel to the Independent Broker-Dealer Association. He was registered for a number of years as a Series 7 and Series 63 stockbroker.)//Elmer

All of which makes **it critical that** the **laws**, rules, and regulations of Wall Street be promulgated in an intelligible manner that **clearly sets forth** **what is allowed and what is prohibited**. What a provision was meant to say should be what it says -- there shouldn't be any guessing or uncertainty. Unfortunately, so much of what has been proposed as financial regulatory reform, and so much of what will likely emanate from the various agencies and commissions that will soon embark upon rulemaking, is vague. **If there is one thing** that **courts will not tolerate** **it is vagueness**. The **law books** are **filled with** agreements, contracts, rules, regulations, and **laws** **that have been struck down as void for vagueness**. I fear that much of FINREG may be headed for the same garbage can.

#### Fairness is a voter since it’s debate is a game so it’s a jurisdictional question and sequencing to evaluating any other argument in the debate.

#### Appropriation Spec isn’t regressive – it’s a core discussion central to the literature, we’ve read a card proving predictability, and is a floor for topic debates.

#### [DTD] – Reduction is DTD since a] can’t drop an absence of something and b] it’s a necessary floor for debate-ability since the damage is irreparable c] skewed the entire 1nc not rectifiable

#### [Competing Interps] – Reasonability is arbitrary and causes a race to the bottom of questionable argumentation.

#### [No RVI’s] – 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

#### [Comes above 1AR Theory] – 1NC Theory outweighs on scope cause 1AC abuse effects every speech – we had to be abusive since the 1AC was abusive first.

## 2

### Truth Testing

#### The role of the ballot is to determine whether the resolution is a true or false statement – anything else moots 7 minutes of the nc – their framing collapses since you must say it is true that a world is better than another before you adopt it.

#### They justify substantive skews since there will always be a more correct side of the issue but we compensate for flaws in the lit.

#### Scalar methods like comparison increases intervention – the persuasion of certain DA or advantages sway decisions – T/F binary is descriptive and technical.

#### Negate because either the aff is true meaning its bad for us to clash w/ it because it turns us into Fake News people OR it’s not and it’s a lie that you can’t vote on for ethics

#### no 1ar arguments bc they require intervention to evaluate them against the nc

#### The ballot says vote aff or neg based on a topic – five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true so it's constitutive and jurisdictional. I denied the truth of the resolution by disagreeing with the aff which means I've met my burden.

#### 8] Good Samaritan Paradox -- affirming negates because in order to say you want to fix x problem, that assumes x problem exists in the first place, thus eliminating nukes presupposes nukes exist which means negation is a prior question

#### 9] Zeno’s Paradox – motion is impossible, because moving half way causes half more and half more which is infinitely regressive and means elimination of arsenals is logically impossible

#### **10] The holographic principle is the most reasonable conclusion**

Stromberg 15[Joseph Stromberg- “Some physicists believe we're living in a giant hologram — and it's not that far-fetched” <https://www.vox.com/2015/6/29/8847863/holographic-principle-universe-theory-physics> Vox. June 29th 2015] War Room Debate AI

Some physicists actually believe that the universe we live in might be a hologram. The idea isn't that the universe is some sort of fake simulation out of The Matrix, but rather that even though we appear to live in a three-dimensional universe, it might only have two dimensions. It's called the holographic principle. The thinking goes like this: Some distant two-dimensional surface contains all the data needed to fully describe our world — and much like in a hologram, this data is projected to appear in three dimensions. Like the characters on a TV screen, we live on a flat surface that happens to look like it has depth. It might sound absurd. But when physicists assume it's true in their calculations, all sorts of big physics problems — such as the nature of black holes and the reconciling of gravity and quantum mechanics — become much simpler to solve. In short, the laws of physics seem to make more sense when written in two dimensions than in three. "It's not considered some wild speculation among most theoretical physicists," says Leonard Susskind, the Stanford physicist who first formally defined the idea decades ago. "It's become a working, everyday tool to solve problems in physics." But there's an important distinction to be made here. There's no direct evidence that our universe actually is a two-dimensional hologram. These calculations aren't the same as a mathematical proof. Rather, they're intriguing suggestions that our universe could be a hologram. And as of yet, not all physicists believe we have a good way of testing the idea experimentally.

#### 11] Paradox of tolerance- to be completely open to the aff we must exclude perspectives that wouldn’t be open to the aff which means it’s impossible to have complete tolerance for an idea since that tolerance relies on excluding a perspective.

#### 12] Decision Making Paradox- in order to decide to do the affirmative we need a decision-making procedure to enact it, vote for it, and to determine it is a good decision. But to chose a decision-making procedure requires another meta level decision making procedure leading to infinite regress since every decision requires another decision to chose how to make a decision.

#### Permissibility and pressumption Negates

#### A] aff has burden of proof and any reason they’re wrong negates

#### B] you believe statements are false until proven true which is why you don’t believe in things like simulations and demons

#### Reject 1ar Theory and independent voting issues as reasons to reject the team,

#### the 1ar by Nicolas cannot have overview responses because it allows them to avoid line by line engagement, must concede truth testing so we learn the value of debating truth and falsity and come to an objective conclusion

#### a. 7 - 6 time skew means they have a structural advantage

#### b. No 3nr, so 2ar gets to weigh however they want

#### c. Judges are more likely to by 2a arguments as they are the

#### last speech

#### d. Too many theory flows make it impossible to test the aff

#### e. You get a 2-1 speech advantage

#### f. We only get 2 speeches of new arguments to deliberate over your shell which isn’t enough time

#### g. there’s no such thing as infinite abuse as NC only has 7 minutes

#### h. 1ar theory is used as a strategic advantage

#### Even if you don’t buy reject it-it’s a reason why its’ drop the arg and reasonability

## 3

### NC

#### Ethics must begin a priori and the meta-ethic is bindingness.

#### [1] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents.

#### [2] Bindingness – I can keep asking “why should I follow this” which results in skep since obligations are predicated on ignorantly accepting rules. Only reason solves since asking “why reason?” requires reason which is self-justified.

#### That means we must universally will maxims— any non-universalizable norm justifies someone’s ability to impede on your ends.

#### Thus, the standard is consistency with the categorical imperative.

#### Prefer –

#### [1] All other frameworks collapse—non-Kantian theories source obligations in extrinsically good objects, but that presupposes the goodness of the rational will.

#### [2] Theory – Frameworks are topicality interps of the word ought so they should be theoretically justified. Prefer on resource disparities—a focus on evidence and statistics privileges debaters with the most preround prep which excludes lone-wolfs who lack huge evidence files. A debate under my framework can easily be won without any prep since huge evidence files aren’t required. New 2NR responses to everything, the 1ar can otherwise blip storm through everything and its key to valuable discussion. Doesn’t apply to the 2ar since it becomes irresolvable as it’s the last speech in the round.

#### [3] No 1AR Framework: It moots 7 minutes of the 1NC and exacerbates the AFF infinite prep time so I should be able to compensate by choosing. They justify substantive skews by shifting frame of offense.

#### Negate:

#### [1] A model of freedom mandates a market-oriented approach to space—that negates

Broker 20 [(Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>] TDI

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system. In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today. For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears. Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being. Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

#### [2] Banning private space appropriation inhibits the sale and use of spacecraft and fuel- that’s a form of restricting the free economic choices of individuals

**Richman 12**, Sheldon. “The free market doesn’t need government regulation.” Reason, August 5, 2012. // AHS RG

Order grows from market forces. But where do **market forces** come from? They **are the result of human action. Individuals select ends and act to achieve them by adopting suitable means.** Since means are scarce and ends are abundant, **individuals economize in order to accomplish more rather than less.** And they always seek to exchange lower values for higher values (as they see them) and never the other way around. In a world of scarcity, tradeoffs are unavoidable, so one aims to trade up rather than down. (One’s trading partner does the same.) **The result of this**, along with other **features of human action**, and the world at large **is what we call market forces. But really, it is just men and women acting rationally in the world.**

## 4

#### Interpretation: The aff must explicitly specify a comprehensive role of the ballot in the form of a text in the 1AC where they clarify how offense links back to the role of the ballot, such as whether post-fiat offense or pre-fiat offense matters and what constitutes that offense with implications on how to weigh

#### Violation: they don’t

#### Standards:

#### 1. Engagement – Knowing what counts as offense is a prerequisite to making arguments, so its impossible to engage the aff. Our interp ensures that I read something relevant to your method, and knowing how to weigh gives us a standard. Especially true since there is no norm on what “performative engagement” like there is for util offense

#### Few impacts:

#### a) Education – When two ships pass in the night we don’t learn anything - This also guts novice inclusion because now they can never learn arguments in round.

#### b) Turns the aff – Your impacts are premised on engaging with issues of oppression, but no one will take seriously a position that can’t be clashed with

#### c) Strategy Skew – You can recontextualize your ROTB to make up reasons why my offense doesn’t link in the 1AR

#### Framing: You can’t use your ROB to exclude my shell. My shell simply constrains how you read your ROTB. My method is your ROTB with specification, so if I’m winning comparative offense, the shell outweighs even if method debates in general preclude theory. If they go for the Aff first that proves the abuse of my shell since they should have specified in the AC.

c/a from the 1st shell

## Case

#### On

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)