# Toc r3 1ac

### Framework

#### Moral internalism is true:

#### [1] Epistemology – 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. https://philpapers.org/rec/ROCJMM Oxford University Press, 2014.//Scopa] BHHS AK

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] Regress – a priori knowledge is merely an acceptance of an individual’s conception of rationality which means anything external collapses. Macintyre 81.

[Macintyre 81, Alasdair Macintyre, https://undpress.nd.edu/9780268035044/after-virtue/ After Virtue, 1981] SHS ZS

The most influential account of moral reasoning that emerged in response to this critique of emotivism was one according to which an agent can only justify a particular judgment by referring to some universal rule from which it may be logically derived, and can only justify that rule in turn by deriving it from some more general rule or principle; but on this view [S]ince every chain of reasoning must be finite, such a process of justificatory reasoning must always terminate with the assertion of some rule or principle for which no further reason can be given. ‘Thus a complete justification of a decision would consist of a complete account of its effects together with a complete account of the principles which it observed, and the effect of observing those principles. If [I] the enquirer still goes on ask ing ‘But why should I live like that?’ then there is no further answer to give him, because we have already, ex hypothesi, [we have already] said everything that could be included in the further answer.’ (Hare 1952, p. 69). The terminus of justification is thus always, on this view, a not further to be justified choice, a choice unguided by criteria. Each individual implicitly or explicitly has to adopt his or her own first principles on the basis of such a choice. The utterance of any universal principle is in the end an expression of the preferences of an individual will and for that will its principles have and can have only such authority as it chooses to confer upon them by adopting them.

#### [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 – there would be no disagreement otherwise.

#### [4] Open question - Goodness cannot be a property of an object because it would make moral claims tautological.

#### Pidgen 07 (Pigden, Charles. “Russell’s Moral Philosophy.” SEP. 2007.) //Scopa

#### 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’.

#### Next, every agent takes their ability to act on their ethical system as instrumentally valuable. Only self interest bridges relativism to provide a universal principle.

**Moore** [Margaret Moore, Queens University professor in the Political Studies department, cross-appointed (as a courtesy) in Philosophy, Reviewed Work(s): Morals by Agreement. by David Gauthier, Noûs, Vol. 25, No. 5 (Dec., 1991), pp. 707-714 ///AHS PB] BHHS AK

On Gauthier's view, morality is a sub-set of self-interest (he calls it preference-fulfillment), which is instrumentally necessary, not absolutely, but given features of the human situation which are almost certain to ob- tain. By taking as his starting-point the agent's subjective motivational set, whatever its content, Gauthier can claim that the requirements of morality escape none who fall under its ambit, for each person necessarily acts on his or her desires and aims. If Gauthier's project is successful, he will have refuted the moral skeptic: by demonstrating that morality is self-interestedly rational, he can claim that the principles are justified and that they apply to everyone. He does not need to presuppose a feeling such as sympathy to explain moral action, or appeal to a process of moral education and socialization within communities which shape the individual's desires and beliefs in accordance with a specific moral conception. Gauthier's agents simply maximize their utility and in the process find that they need to co-operate with others and that the dynamics of co- operation make it rational in self-interested terms to constrain their utility- maximization. By considering in this way the principles and constraints which it would be rational for co-operating self-interested agents to adopt, Gautheir claims to be able to deduce a system of moral constraints and Principles.

#### This entails a system of mutual self restraint: Contracts are the only standard capable of generating normativity since each agent rationally chooses to protect their self-interest by entering the contract.

**Gauthier** [David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998 ///AHS PB] BHHS AK recut

I 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 representsuch a practiceas capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreementis 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. Impact calc – consequences are irrelevant – violating contracts is bad under the framework Prefer additionally:**

#### [1] Actor specificity – states are not moral entities but derive authority from the contracts that allows them to constrain action. This outweighs - states aren’t bound by moral obligations, but they are by their contracts to other entities.

#### [2] Both debaters debate to win the round but we are still restricted by agreed on constraints like 4 mins of prep, speech times, etc. Their very performance justifies the AC framework and proves the NC collapses

**[3] 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 external principle**

**[4] Consequentialism fails – A] Induction fails – 1. saying that induction works relies on induction itself because it assumes that past trends will continue, which means it’s circular and unjustified 2. It assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite stemming consequences so it is impossible to evaluate an action based off them; one government policy could end up causing nuclear war in a million years.**

#### [5] 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 which means their fw or k doesn’t exclude contracts but we also need to care about other frameworks.

**[6] Ethics and normativity before ontology and epistemology – ethics normatively justify the inherent nature of “goodness” that allows us to know what a good role of the ballot could be – we function as an epistemic prerequisite as anything else is impact justified which a) begs the question as to why we should adopt their role of the ballot and b) means we function on the basis of unjustified assumptions – although things may seem true or good, we should always make sure from the normative level to ensure we verify the truth value of every complexity in their epistemology claims.**

#### Thus the advocacy: Resolved: The appropriation of outer space by private entities is unjust. I’m willing to spec what you want as long as I don’t abandon my maxim.

These are hyperlinked

[Appropriation: the action of taking something for one's own use, typically without the owner's permission.](https://www.google.com/search?q=appropriation+definition&oq=appropriation+definit&aqs=chrome.0.0i433i512j69i57j0i512l8.3938j1j7&sourceid=chrome&ie=UTF-8&safe=active&ssui=on) (Oxford)

[Private entity: any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=6-USC-625312480-168358316&term_occur=999&term_src=title:6:chapter:6:subchapter:I:section:1501#:~:text=(A)%20In%20general%20Except%20as,%2C%20employee%2C%20or%20agent%20thereof.) (Cornell Law)

### Offense

**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.

## UV

#### [1] Aff Theory – a] the aff gets it because otherwise the 1NC could engage in unchecked, infinite abuse which outweighs anything else, b] it’s drop the debater because the 2AR is too short to win a shell AND substance so theory can only check abuse for the aff if it’s a win condition, c] no neg RVI because otherwise they could dump in the 2n for 6 minutes and get away with anything by sheer brute force, d) competing interps because you have 6 minutes to respond to my 1ar arguments so you should have to prove a better model e) Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.