## 1AC – Theory

### Overview

#### I affirm:

#### 1] The AFF will defend NEG preferences on specificity insofar as it doesn't require me to abandon my maxim. Subsequently, you must propose all interps about my advocacy to guarantee better substantive debates. This also means that you should reevaluate the AC under the interpretation. If there is a problem with the paradigmatic issues set, it would justify dropping them rather than the AFF in its entirety since they are logically a prerequisite to the round.

#### 2] Yes 1AR theory since the neg can be infinitely abusive and I can’t check. It’s drop the debater since the 1ar and 2ar are too short to win both layers. No RVI since they’d dump on it for 6 minutes and 2AR needs flexibility. CI since reasonability is arbitrary and bites intervention.

#### 3] Permissibility Affirms – A) [Unjust](https://dictionary.cambridge.org/us/dictionary/english/unjust) is defined as not morally right, therefore the negative must prove that the resolution is expressly right or good since neutrality means it’s not necessarily right and the aff would win B) Reciprocity – it’s reciprocal since the neg gets exclusive access to T which gives them a 2-1 advantage on the theoretical layer – granting me permissibility solves since I get a 2-1 substantive advantage C] we shouldn’t need proactive justification for things – that means we couldn’t do things like drink water

#### 4] Presumption affirms –

#### A] statements are true till false – if I said my name was Prateek, you would believe me absent evidence to the contrary

#### B] Affirming is harder – the 1ar has to answer 7 minutes of offense and hedge against a 6 minute 2nr collapse and empirics – Shah 21:

[Sachin Shah “A Statistical Analysis of the Impact of the Transition to Online Tournaments in Lincoln-Douglas Debate by Sachin Shah.” January 29, 2021, http://nsdupdate.com/2021/a-statistical-analysis-of-the-impact-of-the-transition-to-online-tournaments-in-lincoln-douglas-debate-by-sachin-shah/]

It is also interesting to look at the trend **over** multiple topics. Of the **238 bid** distributing **tournaments from** August **2015** to present[7], **the negative won 52.32% of rounds** (p-value < 10^-30, 99% confidence interval [51.84%, 52.81%]). Of elimination rounds, the negative won 55.79% of rounds (p-value < 10^-15, 99% confidence interval [54.08%, 57.50%]). This continues to suggest **the bias might be structural and not topic specific as this analysis now includes 18 topics.**

#### C] Epistemics – we wouldn’t be able to start a strand of reasoning since we’d have to question that reason – means that presuming neg is incoherent because it relies on some presumptive truths.

#### 5] Affirming is harder – A] Neg is reactive – they tailor the 1NC before the round to exploit the aff’s weakness. Not reciprocal – affs enter the round unaware.

### Framework

#### The resolution is a question of if a potential action by private entities would be unjust. This action is indescribable apart from a reference to the institutional rules of the practice of which the agent is a part of - Schapiro 01:

Schapiro, Tamar (Stanford University). Three Conceptions of Action in Moral Theory, Noûs 35 (1):93–117, 2001.

In his early article, “Two Concepts of Rules,” Rawls sets out to limit the scope of the utilitarian principle by arguing that it is inapplicable to actions of a certain type. His claim is that actions which fall under practice rules, for example actions governed by the rules of games and social institutions, have a structure which is different from the structure of action presupposed by utilitarianism. Such actions are not, therefore, directly subject to utilitarian evaluation. Whereas a practice as a whole can be judged in terms of its overall consequences, Rawls claims, **a particular move within a practice can only be judged in relation to the practice rules**. Rawls’ argument turns on a conceptual point about the relation between the rules of a practice and the cases to which they are applied. Practice rules, he claims, are “logically prior” to particular cases. “In a practice there are rules setting up offices, specifying certain forms of action appropriate to various offices, establishing penalties for the breach of rules, and so on. We may think of the rules of a practice as defining offices, moves, and offenses. Now what is meant by saying that the practice is logically prior to particular cases is this: **given any rule which specifies a form of action (a move), a particular action which would be taken as falling under this rule given that there is the practice would not be described as that sort of action unless there was the practice.”** Rawls illustrates the logical priority of practice rules over actions with reference to moves **in** the game of American **baseball. Outside the “stage-setting” of the game, it is certainly possible to “throw a ball, run, or swing a peculiarly shaped piece of wood.” But it is impossible to “steal base, or strike out, or draw a walk**, or make an error, or balk.” Where the rules of baseball are in force, movements come to constitute moves of particular kinds, and conversely in the absence of such rules, actions, which might appear to be moves are properly, described as mere movements. In this respect, Rawls claims, practice rules differ from another general class of rules called “summary rules.” Summary rules are “rules of thumb.” Their role is to [They] allow us to approximate the results of applying some more precise but perhaps more unwieldy principle to particular cases. As such, summary rules are arrived at by generalizing the results of the prior procedure. They are “reports” of these results, presented as guides for deliberating about what to do in cases which are relevantly similar to those used to generate the reports. Summary rules are therefore logically posterior to the cases to which they apply. For in order to specify a summary rule, it is necessary to generalize over some range of cases, and the relevant descriptions of these cases must be given in advance if generalization over them is to be possible. Whereas summary rules presuppose the existence of a well-defined context of application, the establishment of a practice imposes a new conceptual and normative structure on the context to which they are to apply. In this sense, a practice amounts to “the specification of a new form of activity,” along with a new order of status relations in which that activity makes sense. From the point of view of a participant, the establishment of a practice transforms an expanse of grass into “playing field,” bags on the ground into “bases,” and individuals into occupants of determinate “positions.” Universal laws come to hold a priori, for example that “three strikes make an out,” and that “every inning has a top and a bottom.” And within that new order people come to have special powers, such as the power to “strike out,” or to “steal a base.” The salient point for Rawls’ purposes is that **there are constitutive constraints on the exercise of these new powers, constraints by which any participant must abide in order to make her movements count as the moves she intends them to be.**

#### This means in order for appropriation to count as a legitimate action, it must be done so within the practices of state regulations. States give rights and determine capability for respective private entities. However, rules of international law define what it means to be a state and what states can do in the international arena even if states have different domestic ends. Consequently, it can only be the case that an action by a private entity is legitimate if in compliance with international law - Nardin 92:

Terry Nardin , “International Ethics and International Law”. Review of International Studies, Vol. 18, No. 1 (Jan., 1992), pp. 19-30, published by Cambridge University Press . JStor, Stable URL: http://www.jstor.org/stable/20097279 . RP 2/6/13

Any description of the international system as an association of states that share certain ends is necessarily incomplete. Such an association would not constitute a rule-governed moral or legalorder. **What transforms a number of powers**, contingently related in terms of shared interests**, into a society proper is** not their agreement to participate in a common enterprise for as long as they desire to participate, but **their** participation in and implicit **recognition of** the practices, procedures, and other **rules of international law that compose international society**. **The rules of international law**, in other words, **are** not merely regulatory but **constitutive**: **they** not only **create a normative order among separate political** communities but **define the status, rights, and duties of these communities** within this normative order. In international society'states' are constituted as such within the practice of international law; 'statehood' is a position or rolethat is defined by **international law**, not independent of it.**International law includes rules** that are the outcome of cooperation to further shared goals as well as rules that make such cooperation possible and that exist even where shared goals are lacking. But it is rules of the latter sort **that are fundamental**. **First**, **the** particular**arrangements through which states** cooperate to**promote shared goals** themselves**depend on** having available authoritative**procedures for negotiating such arrangements**. These procedures, **embodied** **in** customary**international law**, are prior to the treaties, alliances, and international organizations through which states cooperate. Customary association. international law is thus the foundation of all international **Second**ly, it is the**rules of** customary**international law** that delimit the jurisdiction of states, prohibit aggression and unlawful intervention, and**regulate** the **activities** of treaty-making, diplomacy, and war.**Because they govern** the**relations of enemies as well as of friends, these rules provide a basis** for international order even**in the absence of shared** beliefs, values, or**ends**. By requiring restraint in the pursuit of national aims and toleration of national diversity, customary**international law reflects** **the** inevitably**plural character of international society and** may be said to**constitute** amorality of states, one that is a morality **of coexistence**.

#### Thus, the standard is consistency with international law

#### Impact Calc:

#### To say something is prohibited doesn’t imply any possibility of permission. Rather, it just matters that something is prohibited under one locus of duty – prefer:

#### A] Logic - Joyce 01:

Richard Joyce, [Richard Joyce is a British-Australian-New Zealand philosopher, known for his contributions to the fields of meta-ethics and moral psychology. He is Professor of Philosophy at Victoria University of Wellington.] Nov 22, 2001, “The Myth of Morality,” <https://tonysss.files.wordpress.com/2012/04/the-myth-of-morality.pdf>

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 interest**ed 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.

#### B] Reciprocity - the aff would have an infinitely unreciprocal burden of having to prove that no possible permission exists under any normative system. Reciprocity key to fairness since it equalizes access to the ballot. The existence of an obligation doesn’t deny an obligation under a distinct locus.

#### C] International

#### Prefer Additionality:

#### 1] Pluralism – clashing viewpoints are inevitable – each agent views the world through their own lenses given the absence of omniscience as we are only able to perceive the world through our own experiences which are definitionally epistemically inaccessible for others, which makes knowledge and theorization impossible. However, Ilaw synthesizes the viewpoints of states into a collective law. This is the only way to achieve knowledge of different agents - Cronin 08:

[Cronin, Bruce; “Virtual Legislation: Creating International Law by Consensus (2008)”; < www.all academic .com//meta/p\_mla\_apa\_research>]

The end of World War II saw a dramatic increase the number and intrusiveness of these types of **International** and regional **organizations**. Most of these organizations require their members to sign legally-binding charters **commit states to a process of** consultation and **collective decision-making on a wide variety of issues.** This has reduced the range of actions that states could legally pursue purely on the basis of self- help. **It** also **commits** those **states** that are part of the process (in the case of the U.N., all states) **to adhere to common principles that are legitimately derived through said process. In this way, the development of global governance institutions** that requires formal deliberation among the members of the international community **has provided a** permissive condition for the evolution of a **new type of rules, one that is rooted not in individual will, but in a convergence of international opinion**. This can be referred **to** thisas **“consensus-based”** legal **norms.**

#### 2] Unjust is defined by Black’s Law Dictionary as:

Black’s Law [The Law Dictionary Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed. No Date. <https://thelawdictionary.org/unjust/>] brett

What is UNJUST? Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.

### Offense

#### I affirm: Resolved: The appropriation of outer space by private entities is unjust. I am willing to spec in CX to avoid frivolous theory debates if doing so doesn’t force me to abandon my maxim. I don’t defend implementation of a policy or an action rather the truth of a statement. However, the affirmative solves all specification concerns –

#### A] Scope – there are international bodies whose job is to interpret and apply the law that applies to all instances

#### B] Stable Ground – aff is unique due to the nature of the huge topic literature being based in the law

#### C] Topic Education – international law solves because it encompasses the core of the literature

#### Appropriation of outer space is a direct violation of international law – Tronchetti 07:

Tronchetti, Fabio. “The Non-Appropriation Principle under Attack: Using Article II of the Outer Space Treaty in its Defence.” International Institute of Space Law 50 (2007): 10. // LHP PS

**Since the beginning of the space era, States agreed to consider outer space, including the Moon and other celestial bodies as a res communis omnium, i.e. as an area open for free exploration and use by all States which is not subject to national appropriation.** **The non-appropriative nature of outer space, first declared in the UN General Assembly Resolution 1721 and 1962, was formally laid down in Article II of the 1967 Outer Space Treaty**. Since then, **the non-appropriation principle has provided guidance and direction for all activities in the space beyond the earth’s atmosphere. Nowadays**, however, the non-**appropriation principle is under** **attack**. Some **proposals**, **arguing the need of abolishing this principle in order to promote commercial use of outer space or claiming private ownership rights over the Moon and other celestial bodies,** are **undermining its importance and questioning its role as a guiding principle for present and future space activities**. In order to counter such proposals and to demonstrate their fallacy, this paper stresses **the binding legal value of the non-appropriation principle contained in Article II of the Outer Space Treaty by arguing that such principle should be considered a rule of customary international law holding a special character**. Indeed, not only is **the principle prohibiting national appropriation of outer space affirmed in the main space law treaties and declarations, but it also represents the basis of approach followed by States in elaborating and setting up international space law itself**. Therefore, **following this interpretation, neither States nor private entities are allowed to act in contrast with the nonappropriation principle and any amendment or modification thereof should only be carried out by all States acting collectively.**

#### That outweighs on framer’s intent, norms, and logic – even if Article 2 doesn’t explicitly mention private entities, Article 6 requires authorization from the state - Tronchetti 2:

Tronchetti, Fabio. “The Non-Appropriation Principle under Attack: Using Article II of the Outer Space Treaty in its Defence.” International Institute of Space Law 50 (2007): 10. // LHP PS

**However, it must be said, that nowadays there is a general consensus on the fact that both national appropriation and private property rights are denied under the Outer Space Treaty Several.** **way of reasoning have been advanced to support this view**. **Sters and Tennen affirm that the argument that Article II does not apply to private entities since they are not expressly mentioned fails for the reason that they do not need to be explicitly listed in Article II to be fully subject to the non-appropriation principle8** . **Private entities are allowed to carry out space activities but, according to Article VI of the Outer Space Treaty, they must be authorized to conduct such activities by the appropriate State of nationality**. **But if the State is prohibited from engaging in certain conduct, then it lacks the authority to license its nationals or other entities subject to its jurisdiction to engage in that prohibited activity.** Jenks argues that “States bear international responsibility for national activities in space; it follows that **what is forbidden to a State is not permitted to a chartered company created by a State or to one of its nationals acting as a private adventurer**”9 . It has been also suggested that the **prohibition of national appropriation implies prohibition of private appropriation because the latter cannot exist independently from the former** 10. **In order to exist**, indeed, **private property requires a superior authority to enforce it, be in the form of a State or some other recognised entity**. In outer space, however, this practice of **State endorsement is forbidden**. Should a State recognise or protect the territorial acquisitions of any of its subjects, **this would constitute a form of national appropriation in violation of Article II**. Moreover, it is possible to use some historical elements to support the argument that both the acquisition of State sovereignty and the creation of private property rights are forbidden by the words of Article II. **During the negotiations of the Outer Space Treaty, the Delegate of Belgium affirmed that his delegation “had taken note of the interpretation of the non-appropriation advanced by several delegations-apparently without contradiction-as covering both the establishment of sovereignty and the creation of titles to property in private law”**11. The French Delegate stated that: “…**there was reason to be satisfied that three basic principles were affirmed,** namely: the prohibition of any claim of sovereignty or property rights in space…”12. The fact that the accessions to the Outer Space Treaty were not accompanied by reservations or interpretations of the meaning of Article II, it is an evidence of the fact that this **issue was considered to be settled during the negotiation phase.**

#### And, the aff gets contention choice – that means the negative must concede the affirmative substance or offense i.e. international law affirms – A] it encourages nuanced discussions over philosophy instead of being spread thin – B] it moots half the aff if u turn it which forces a 1ar restart that outweighs because of devastating 1ar time skew and I can never win, which outweighs because it’s quantifiable and verifiable

### Truth Testing

#### The role of the ballot is to test the resolution statement’s truth or falsity – that means voting aff if the resolution is true, and voting neg if it is proven false. To clarify, winning that appropriation is not unjust still affirms – they must win it is just – prefer:

#### 1] Fiat is illusory: Nothing leaves this round other than the result on the ballot which means even if there is a higher purpose, it doesn’t change anything and you should just write whatever is important on the ballot and vote for me. Answering this triggers constitutivism since the win is necessary for your scholarship which means rules inside of the game matter.

#### 2] Constitutive: 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

#### 3] Bindingness: a) all arguments pre-assume that they are true as judges don’t vote an arguments proven false b) in order to win that your ROB is superior to TT you must prove true the claim that your ROB is better than TT.

#### Vote aff – A] If this sentence is true, then trivialism is true – rules of conditional logic claim that the only time a statement is invalid is if the antecedent is true, but the consequent is false – SEP:

SEP [Stanford Encyclopedia of Philosophy.] “An Introduction to Philosophy.” Stanford University. <https://web.stanford.edu/~bobonich/dictionary/dictionary.html> TG Massa

Conditional statement: an “if p, then q” compound statement (ex. If I throw this ball into the air, it will come down); p is called the antecedent, and q is the consequent. A conditional asserts that if its antecedent is true, its consequent is also true; any conditional with a true antecedent and a false consequent must be false.  For any other combination of true and false antecedents and consequents, the conditional statement is true.

#### This is a logical claim that doesn’t take a stance on its normative implications

### Underview

#### 1] All neg interps are counter interps since the aff takes an implicit stance on every issue which means you need an RVI to become offensive. You should accept all aff interps and assume I meet neg theory since the aff speaks in the dark and I have to take a stance on something, you can at least react and adapt.

#### 2] If I win one layer, vote aff a) they have 7 minutes to uplayer and nullify my offense b) forces engagement with the aff since they have to defend all arguments which means they read better ones.

#### 3] No theory arguments in the 2n or new responses or paradigm issues – A] overloads the 2ar with a massive clarification burden – B] impossible to check abuse if the 2n can just dump on the shell for 6 minutes – C] overloads the 2ar with no risk shells and arguments that beat my 1ar strat and treat each of the arguments as separate offensive theory arguments, which if the neg contests is drop the debater – key to normsetting since it provides strong incentive to set paradigm norms- D] Destroys aff ability to frame the round, k2 recourse because the neg can uplayer in the 1N unchecked, makes the 4 minute 1AR impossible because either I have to respond to every layer or I have to make a weaker uplayering that is stomped by the 6 min 2N – E] I can’t make new 2AR responses because there’s no 3N, so you shouldn’t be able to pin the aff to defense – F] no brightline for a blip which justifies new 2AR responses to NC spam – G] Cx checks – asking for specifics checks back

#### 4] No theory or K on AC theoretical arguments – A] the aff sets up what arguments can be read which means it’s a contradiction but that flows aff because we spoke first and they could have avoided it – B] those just are just substantive responses not a reason to reject me – C] they all beg the question of the substance of the AC args anything else turns your args.

#### 5] Yes RVI on NC theory – A] 4-minute 1AR too short to win both layers which requires a theoretical out for the 3 minute 2AR – B] the neg has the unique access to T and Theory creating a 2:1 theoretical skew

#### 6] No RVI on AC theory args – A] Infinite abuse - the neg just goes 7 minutes on theory which means we can never win

#### 7] No neg meta-theory – I only have time to check abuse 1 time but you can do it in the nc and 2n, uplayering my attempt means we never get to the best norm. This means reject any reason why an aff spike is bad since they claim aff theory is unfair.

#### 8] Can’t contest both the fwk and ROB - A] forces me to win my fwk is relevant, then win the fwk, then win offense which is a 3-1 skew - B] reject all answers to this theory argument – you solve all objections by picking a specific ROB and being the only one that links offense.

#### 9] Neg a priori’s do not negate - A] they all assume I didn’t already meet my burden after the ac – B] Resolved is defined as[[3]](#footnote-3) firm in purpose or intent; determined and I’m determined. a priori’s 1st – even worlds framing requires ethics that begin from a priori principles like reason or pleasure so we control the internal link to functional debates.

#### 10] Reject neg fairness concerns – A] 13-7 time skew and 6-minute collapse gives the negative the strategic advantage and means the AFF must split 1AR time – B] The NC has the ability to uplayer and restart the round and have time to generate offense that matters – C] You have access to more positions due to generic backfiles and bidirectional shells which means neg theory is impossible to avoid. Also, fairness definitionally questions ability to engage in same practice, any abuse is solved for when you affirm next round which is terminal defense to neg shells – only affirming solves because you can construct the aff the way you like while neg is always reactive which means you can’t do anything every round D] neg reactivity means you can just perfectly react to any of my advantages and then generate offense – if anything it’ll be for 3 mins max which evens out the 1ar and 2n

#### 11] No overview responses – they have to respond to each argument individually – A] kills theory norming because it doesn’t produce the most contextual norm – B] destroys theory education since they don’t interact with my warrants

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)
3. http://www.dictionary.com/browse/resolved [↑](#footnote-ref-3)