### Framework

#### I affirm.

#### First, the meta-ethic is ethical internalism, or the belief that moral principles cannot be created independent of human interests –

#### 1] Moral truths independent of one’s interests cannot give people reasons for acting morally.

David Gauthier, “Why Contractarianism?,” from Peter Vallentyne, ed., Contractarianism and Rational Choice JS

To proceed, I must offer a minimal characterization of the morality that faces a foundational crisis. And this is the morality of justified constraint. From the standpoint of the agent, moral considerations present themselves as constraining his choices and actions, in ways independent of his desires, aims, and interests. Later, I shall add to this characterization, but for the moment it will suffice. For it reveals clearly what is in question – the ground of constraint. This ground seems absent from our present world view. And so we ask, what reason can a person have for recognizing and accepting a constraint that is independent of his desires and interests? He may agree that such a constraint would be morally justified; he would have a reason for accepting it if he had a reason for accepting morality. But what justifies paying attention to morality, rather than dismissing it as an appendage of outworn beliefs? We ask, and seem to find no answer. But before proceeding, we should consider three objections.

#### 2] Disagreement – the fact that there’s widespread disagreement in morality is best explained by reference to there being no universal good rather than a majority of people with the capacity for reason having no access to moral facts – fact that objective facts in math or science have consensus on its basic foundations further proves.

#### 3] Regress – no universal moral fact exists since we can demand justification for any moral fact infinitely – means any moral principle must stop with an arbitrary preference else there would be no principle at all.

#### 4] Externalism collapses – 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

#### 5] Open Question Argument – Its impossible for goodness to be synonymous with an observable natural property like pleasure, since if we ask “is X good”, either A) X is the exact same thing as good, in which case our answer is the meaningless tautology “good is good” or B) X is not the same as goodness.

#### 6] Evolution explains our evaluative judgements, which leaves no room for independent moral facts.

**Street ‘6** [Sharon Street, phil prof at NYU, “A Darwinian Dilemma for Realist Theories of Value, *Philosophical Studies* (2006) 127:109-166] AG

At the end of the day, then, the dilemma at hand is not distinctly Darwinian, but much larger. Ultimately, the fact that there are any good scientific explanations of our evaluative judgements is a problem for the realist about value. It is a problem because **realism must** either **view the causes described** by these explanations **as distorting**, choosing the path that leads to normative skepticism or the claim of an incredible **coincidence**, or else it must enter into the game of **scientific explanation**, claiming that the truths it posits actually play a role in the explanation in question. The problem with this latter option, in turn, is that they don’t. The best causal accounts of our evaluative judgements, whether Darwinian or otherwise, **make no reference to** the realist’s independent **evaluative truths**. Consider again the old dilemma whether things are valuable because we value them or whether we value them because they are valuable. The right answer, according to the view I’ve been suggesting, is somewhere in between. Before life began, nothing was valuable. But then life arose and began to value not because it was recognizing anything, but because **creatures who valued** (**certain things** in particular) **tended to survive**. In this broadest sense, valuing was (and still is) prior to value. That is why antirealism about value is right. But I’ve emphasized that antirealist views can make room for the possibility of evaluative error, such that we can be wrong about any given evaluative judgement even as we recognize that the standards for such errors are ultimately ‘‘set’’ by our own evaluative attitudes. Because of this, talk of normative perception still makes sense. Now that there are creatures like us with marvelously complicated systems of valuings up and running, it is quite possible to come to value something because one recognizes that it has a value independent of oneself not in the realist’s sense, but in an antirealist’s more modest sense. Thus, although valuing ultimately came first, value grew to be able to stand partly on its own. It grew to achieve its own, limited sort of priority over valuing a priority that we can understand while at the same time being fully conscious of great biddings from the outside.58

#### Next, each person justifies what actions they take based on their own self-interest – the ability to create preferences and interests is constitutive of being a rational agent.

David Gauthier (2), “Why Contractarianism?,” from Peter Vallentyne, ed., Contractarianism and Rational Choice JS

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.

#### Thus, the only functioning ethical theory is contractarianism, where agents create mutual constraint to benefit all parties involved with the expectation that others will adhere to agreeements.

David Gauthier (3), “Why Contractarianism?,” from Peter Vallentyne, ed., Contractarianism and Rational Choice JS

I turn then to the third way of resolving morality ’ s foundational crisis. The first step is to embrace deliberative justification, and recognize that morality’s place must be found within, and not outside, its framework. Now this will immediately raise two problems. First of all, it will seem that the attempt to establish any constraint on choice and action, within the framework of a deliberation that aims at the maximal fulfillment of the agent ’ s considered preferences, must prove impossible. But even if this be doubted, it will seem that the attempt to establish a constraint independent of the agent ’ s preferences, within such a framework, verges on lunacy. Nevertheless, this is precisely the task accepted by my third way. And, unlike its predecessors, I believe that it can be successful; indeed, I believe that my recent book, Morals by Agreement , shows how it can succeed. 13 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 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 mutually agreed upon contracts. Prefer the standard –

#### 1] Actor Specificity – contractarianism is constitutive to the formation of states since a state is always an artificial construction that only exists insofar as a group of people want it to exist in order to restrain their ability to commit wrongdoing – that means the state inherently is just a contract of mutual self-restraint which means engaging in state action concedes my framework.

#### 2] My framework is a tautology – the act of promising is by definition placing oneself under an obligation to perform or refrain from some future action – it is tautologically true that if one is under an obligation, then they are obligated – thus one has a normative obligation to follow their promises by definition.

#### 3] Rule util is better and necessitates the NC. Thrasher 13

John J. Thrasher, Assistant Professor in the Philosophy Department and the Smith Institute for Political Economy and Philosophy at Chapman University, Reconciling Justice and Pleasure in Epicurean Contractarianism, Ethical Theory and Moral Practice, Vol. 16, No. 2 (April 2013), pp. 423-436 ///AHS PB

If you do not, on every occasion, refer each of your actions to the goal of nature, but instead turn prematurely to some other [criterion] in avoiding or pursuing [things], your actions will not be consistent with your reasoning (KD 25). This goal of reasoning and action is the absence of pain and the tranquility that comes from living without fear (KD 3).4 This kind of pleasure, ataraxia, is unhindered tranquility, rather than a sensation of active pleasure.5 It is a psychological fact, according to Epicurus, that we do actually seek ataraxia and that our lives go best, from a subjective point of view, when we pursue ataraxia. It is the natural goal of beings like us. If fear of the gods, death, and pain constitute sickness of the soul, removing those ailments constitutes its health. This psycho logical hedonism creates the justification for the normative hedonism that practical reason ing should aim at ataraxia.6 The normative ideal of Epicurean practical rationality is a hedonistic form of instrumental rationality with the final end of ataraxia. In the parlance of modern decision theory, it is a maximizing theory of rationality. Given a set of ordered preferences, individuals chose rationally when they choose to act on their highest valued goals. To choose less pleasure rather than more pleasure when given the choice is paradig matically irrational and contrary to nature. Given this conception of practical rationality and virtue, it is hard to see how one can single-mindedly pursue pleasure and accept the constraints of justice. Traditionally, virtue ethical theories solve this problem by making the virtue of justice constitutive of happiness with deontic restraints built into the formal conditions of happiness.7 To use the Rawlsian terminology, the right flows naturally out of the good.8 This solution, however, will not work for the Epicurean. Unlike in Aristotelian or Stoic virtue theory, the standard of Epicurean happiness is not an objective, formal standard, but rather the subjective, psychological state of ataraxia. The Epicurean has a reason to (j> only if he or she believes that (J)-ing will reliably lead to the final end of ataraxia. If all reasons are instrumental in this sense, how is it possible for the Epicurean to have reason to constrain his or her pursuit of the goal of nature by the deontic demands of justice? To give a plausible account of justice, the Epicurean needs to explain how to justify the demands of justice as a means to the final end of ataraxia. One version of this problem arises in the context of friendship. Epicurus claims . .every friendship is worth choosing for its own sake, though it takes its origin from the benefits it confers on us" (VS 23). Given this statement about the value of friendship and KD 25, how can friendship be non-instrumentally valuable while also being beneficial because of the benefit it confers? Some have argued that genuine friendship is impossible unless we amend the basic egoistic element of Epicurean practical rationality.9 In contrast, Matt Evans argues that there are two basic approaches to understanding friendship in a consistently egoistic way (Evans 2004, 413). Friendship as "indirect egoism" involves incorporating the good of a friend or of friendship generally into one's own good. This is the interpretation that Timothy O'Keefe favors (O'Keefe 2001a). The alternative is Evans's preferred view, "direct egoism," that one's own good "stands or falls" with the good of one's friend (Evans 2004, 413). Indirect egoism is, for O'Keefe, a two-level hedonistic theoiy. Choice of desires is governed directly by hedonic concerns and those desires then pick out particular actions, which are only indirectly related to the original hedonic calculus (O'Keefe 2001a, 300-302). In contrast, Evans's direct egoism applies the hedonic calculus to action selection. Evans maintains that Epicureans can "reason their way to friendship" through direct egoistic means (Evans 2004, 423). What is true of friendship will likely be true of justice so it is imperative to determine whether the Epicurean hedonic calculus is meant to apply to actions (direct egoism), desires (indirect egoism), or something else entirely. The direct egoist interpretation has the benefit of being the easiest to reconcile with KD 25. The indirect egoist interpretation makes it easier to understand how the Epicurean can incorporate friendship and justice into hedonism. Another possibility, between direct and indirect egoism, is what Gregory Kavka calls "rule egoism" (Kavka 1986, chap. 9). Although Kavka developed his version of rule egoism in the context of understanding Hobbes's ethical theory, there are enough similarities between the two accounts for a plausible Epicurean version as well. The hedonic calculus applies directly to rules rather than to desires or action. Furthermore, rules can be generalizations over desires or actions, e. g. "don't cultivate a desire for riches" or "seek out friends." The first is a rule that indicates what desires will lead to pleasure whereas the second is a rule that indicates a particular set of actions that will likely lead to pleasure, namely having friends. Rule egoism has several benefits over direct and indirect egoism. First, it is more general. Both actions and desires are mentioned throughout KD and VS as the possible object of choice. Rule egoism recognizes the importance of both actions and desires to the end of ataraxia and accounts for both in terms of rules. Second, rule egoism is simpler and likely more reliable than direct or indirect egoism. It is reasonable to expect that the typical Epicurean would be bewildered in the face of the multiplicity and complexity of choices that would face him or her on any given day. The stress of deliberating over actions on the direct egoist interpretation of KD 25 would often create anxiety rather than tranquility. Similarly, it is not clear that, given the complexity of the world, the direct approach would reliably lead to ataraxia. The indirect approach is not better on this count partly because desires do not necessarily pick out unique action in decision situations, partly because the indirect egoist faces the same problem as the direct egoist at the level of desires. By using rules, however, the Epicurean can rely on the knowledge embodied in the rules without having to deliberate in each case. This explains the reason that Epicurus spends so much time in his writing listing rules and maxims. He gives rules about how to reduce sexual passion (VS 18), the irrationality of suicide (VS 38), the danger of envy (KS' 53), and the dangers of great wealth (VS 67). In all of these cases, and many more, Epicurus is passing on wisdom about how to reliably achieve ataraxia. He is playing the part, of a guide who has walked down life's tangled road and is reporting to those who have yet to see everything he has seen. These maxims or rules are the embodiment of the successful use of practical rationality in the past. Following these types of rules is, therefore, an application of direct egoism in an indirect way. Given the limited cognitive capacity and time of the Epicurean rational agent, relying on rules as a guide can be, following Gigerenzer and Goldstein, a "fast and frugal" way of reasoning based on heuristics communicated as rules or maxims (Gigerenzer and Goldstein 1996). Instead of choosing over the expected outcome of individual acts, the rule egoist chooses sets of rules to follow based on the expected outcome of following that rule or set of rules (Kavka 1986, 358-359). In the next section we will see how understanding Epicurean practical rationality as "rule-hedonism" makes it possible to reconcile Epicurean practical rationality with justice. 3 The Possibility of the Contract Once we understand Epicurean practical rationality as applying to rules rather than to particular actions or desires, we can see how the Epicurean can reconcile the imperatives of practical rationality with the demands of justice. A particular social contract is a set of rules that regulates behavior in certain public settings. The Epicurean agrees to a particular set of rules in order to more reliably achieve and maintain personal ataraxia. We might wonder, however, why the Epicurean would need a contract at all. Why wouldn't the first personal application of practical rationality be sufficient for ataraxia? Why is the social contract necessary? In a world of practically rational Epicureans, the social contract seems either otiose or harmful. Either the contract recommends what practical rationality would recommend or it conflicts with practical rationality. On its face, Epicurean contractarianism looks either unnecessary or impossible. I will argue here that the Epicurean social contract is both necessary and possible. The social contract is necessary, as I will argue in the next section, for its coordinating, assuring, and specifying functions. The social contract is possible because of the role that rules can play in Epicurean practical rationality. In this section I will argue that the Epicurean social contract is consistent with Epicurean practical rationality and, hence, possible, while fulfilling an important social role. The Epicurean social contract is fundamentally instrumental; it is a "pledge of reciprocal usefulness neither to harm one another nor be harmed" (KD 35). To be consistent with Epicurean practical rationality, then, the contract must secure benefits that would not be possible without the contract. If, however, one only has reason to enter into a contract because of the benefits, what reason does one have to follow the contract when there are no benefits and only costs? This is the heart of the concern that the Epicurean cannot be a good citizen. If citizenship involves the possibility of sacrifice, why should we expect the Epicurean to comply? Here again, we see the same kind of problem that we saw in §2 concerning friendship; the solution is also similar.

#### 4] Utilitarianism requires a system of individual preference in order to be normative, which means my framework is a prior question.

Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print ///AHS PB BRACKETED FOR CLARITY

A position both subjectivist and absolutist seems implicit in the views of many defenders of one of the most influential modern moral theories, utilitarianism. John Stuart Mill suggests such a position in his attempt to offer a sort of proof for the principle of utility - subjectivist in saying that 'the sole evidence it is possible to produce that anything is desirable is that people do actually desire it', and absolutist in insisting 'that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons'. 22 But there is an evident awkwardness in this union of subjectivism and absolutism noticeable in Mill's own statement, which in passing from a seemingly relativist premiss (that each person's happiness is a good to that person) to an absolutist conclusion (that the general happiness is a good to all persons) has generally been held to exemplify the fallacy of composition. Utilitarianism finds itself under pressure to move away from a conception of value at once subjective and absolute. The most plausible way to resist this pressure would seem to be to accept a universalistic conception of rationality, and to argue that since rationality is identified with the maximization of value, and rationality is universal, then what is maximized, value, must similarly be universal -- the same from every standpoint. If however utilitarianism remains true to its roots in the economic conception of rationality, then either subjectivism or absolutism gives way. On the one hand value may be conceived as relative, but a special form of value, moral value, is introduced, which is the measure of those considered preferences held from a standpoint specially constrained to ensure impartiality. On the other hand value may be conceived as objective, as the measure of an inherent characteristic of states of experience -- enjoyment -- that affords a standard or norm for preference. This is not the place to embark on a discussion of these positions, so that we shall merely (but dogmatically) affirm that a hundred years of ever more sophisticated efforts to avoid Mill's fallacy have not advanced the cause of utilitarianism a single centimetre. But we shall of course give more serious attention, especially to the second of the above ways of defending utilitarianism, as we continue the exposition of our own theory.

### Advocacy

#### I’ll defend whole rez. Here’s spec:

#### Private entity means

Law Insider, , "Private entity Definition: 855 Samples," <https://www.lawinsider.com/dictionary/private-entity> JS

Private entity means any natural person, corporation, [general partnership](https://www.lawinsider.com/clause/general-partnership), [limited liability company](https://www.lawinsider.com/clause/limited-liability-company), [limited partnership](https://www.lawinsider.com/clause/limited-partnership), [joint venture](https://www.lawinsider.com/clause/joint-venture), [business trust](https://www.lawinsider.com/clause/business-trust), [public benefit corporation](https://www.lawinsider.com/clause/public-benefit-corporation), [nonprofit entity](https://www.lawinsider.com/dictionary/nonprofit-entity), or [other business entity](https://www.lawinsider.com/dictionary/other-business-entity).

#### We’ll defend all of them.

Unjust means:

US District Court [United States District Court for the Western District of Arkansas, Fort Smith Division “Colonia Ins. Co. v. City Nat'l Bank, 13 F. Supp. 2d 891 Civil No. 97-2115,” 07/10/98, LexisNexis, EA]

Arkansas law is clear on the issue that in the realm of unjust enrichment, the word "unjust" means "unlawful." "One is not unjustly enriched by receipt of that to which he is legally entitled. \* \* \* No recovery of money received can be based upon unjust enrichment when the recipient can show a legal or equitable ground for keeping it." Halvorson v. Trout, 258 Ark. 397, 403, 527 S.W.2d 573, 577 (1975) (quoting Whitley v. Irwin, 250 Ark. 543, 550-51, 465 S.W.2d 906, 910-11 (1971)). See also, Jackson County Grain Drying Coop v. Newport Wholesale Electric, Inc., 9 Ark. App. 41, 46, 652 S.W.2d 638, 640 (1983) (no one shall be allowed to unjustly enrich himself at the expense of another; the word "unjustly" means "unlawfully").

#### Appropriation is:

Cambridge Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/appropriation> JS

the [act](https://dictionary.cambridge.org/us/dictionary/english/act) of taking something for [your](https://dictionary.cambridge.org/us/dictionary/english/your) own use, usually without [permission](https://dictionary.cambridge.org/us/dictionary/english/permission):

#### Is indicates present tense:

Merriam Webster, "Definition of IS," No Publication, https://www.merriam-webster.com/dictionary/is

present tense third-person singular of [BE](https://www.merriam-webster.com/dictionary/be)

### 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.

### Underview

#### The ROB is to vote for the debater who proves the truth or falsity of the resolution – anything else moots 6 minutes of the aff since it’s predicated on proving the truth of the rez – prefer it:

#### Five dictionaries define to negate as to deny the truth of and affirm as to prove true which means the sole judge obligation is to vote on the resolution’s truth or falsity[[1]](#footnote-1). This outweighs on common usage – it is abundantly clear that our roles are verified, meaning that only truth testing is jurisdictional.

#### Ground- truth testing allows for the more ground than any other ROB since it allows for a literal infinite amount of arguments on a range of argumentation style giving the most breadth and depth of topic and phil ed

#### Circularity- debate is a question of truth or falsity, and the aff advocacy is the focus of every round- all arguments against this concede it’s validity, since it’s premised on your own argument being true

#### Grant me 1ar theory otherwise the NC can read 7 minutes of abuse and then I cant check and lose

#### DTD on theory to deter future abuse and set the best norms- dta incentivizes strategic concessions that don’t rectify any abuse

#### No 2nr RVIs cuz a 6 minute 2nr sandbagging RVIs makes the 2ar impossible to win, disincentivizing countering abuse.

#### No new 2NR paradigm issues or theory because you can make whole new arguments with 6 minutes forcing me to respond in only half the time creating a 6:3 skew, and can be solved by reading in the 1N

#### Fairness is a voter – it’s a prerequisite to evaluation of the round as debate’s a competitive activity, which require the better debater win, but that’s impossible when there’s a skew against us

#### Accept all aff paradigm issues in the 1AR– the 1AR is too short to win both paradigm issues and a theory shell since we need to also respond to 7 minutes of the 1NC, so it’s most fair

1. <http://dictionary.reference.com/browse/negate> - to deny the existence, evidence, or truth of:, <http://www.merriam-webster.com/dictionary/negate> -  to deny the existence or truth of, <http://www.thefreedictionary.com/negate> - to deny the existence, evidence, or truth of (something). , <http://www.vocabulary.com/dictionary/negate> - If something is proved false or untrue, it has been negated, https://www.yourdictionary.com/negateNegate is defined as to deny, to prove false

   Affirm is according to: 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-1)