### 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 so externalism collapses.

#### 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 – Open Question: 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] Observation or perception of objective values are impossible so no unifying conception of the good can be found.

J.L Mackie, 1977, “Inventing Right and Wrong”, Chapter 1 The Subjectivity of Values JS

Even more important. however, and certainly more generally applicable, is the argument from queerness. This has two parts, one metaphysical, the other epistemological. If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe. Correspondingly, if we were aware of them, it would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else. These points were recognized by Moore when he spoke of non-natural qualities, and by the intuitionists in their talk about a ‘faculty of moral intuition’. Intuitionism has long been out of favour. and it is indeed easy to point out its implausibilities. What is not so often stressed, but is more important, is that the central thesis of intuitionism is one to which any objectivist view of values is in the end committed: intuitionism merely makes unpalatably plain what other forms of objectivism wrap up. Of course the suggestion that moral judgements are made or moral problems solved by just sitting down and having an ethical intuition is a travesty of actual moral thinking. But, however complex the real process, it will require (if it is to yield authoritatively prescriptive conclusions) some input of this distinctive sort, either premises or forms of argument or both. When we ask the awkward question, how we can be aware of this authoritative prescriptivity, of the truth of these distinctively ethical premises or of the cogency of this distinctively ethical pattern of reasoning, none of our ordinary accounts of sensory perception or introspection or the framing and confirming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer; ‘a special sort of intuition’ is a lame answer, but it is the one to which the clear headed objectivist is compelled to resort. Indeed, the best move for the moral objectivist is not to evade this issue, but to look for companions in guilt. For example, Richard Price argues that it is not moral knowledge alone that such an empiricism as those of Locke and Hume is unable to account for, but also our knowledge and even our ideas of essence, number, identity, diversity, solidity, inertia, substance, the necessary existence and infinite extension of time and space, necessity and possibility in general, power, and causation. If the understanding, which Price defines as the faculty within us that discerns truth, is also a source of new simple ideas of so many other sorts, may it not also be a power of immediately perceiving right and wrong, which yet are real characters of actions? This is an important counter to the argument from queerness. The only adequate reply to it would be to show how, on empiricist foundations, we can construct an account of the ideas and beliefs and knowledge that we have of all these matters. I cannot even begin to do that here, though I have undertaken some parts of the task elsewhere. I can only state my belief that satisfactory accounts of most of these can be given in empirical terms. If some supposed metaphysical necessities or essences resist such treatment, then they too should be included, along with objective values, among the targets of the argument from queerness. This queerness does not consist simply in the fact that ethical statements are ‘unverifiable’. Although logical positivism with its verifiability theory of descriptive meaning gave an impetus to non-cognitive accounts of ethics, it is not only logical positivists but also empiricists of a much more liberal sort who should find objective values hard to accommodate. Indeed, I would not only reject the verifiability principle but also deny the conclusion commonly drawn from it, that moral judgements lack descriptive meaning. The assertion that there are objective values or intrinsically prescriptive entities or features of some kind, which ordinary moral judgements presuppose, is, I hold, not meaningless but false. Plato’s Forms give a dramatic picture of what objective values would have to be. The Form of the Good is such that knowledge of it provides the knower with both a direction and an overriding motive; something ’ s being good both tells the person who knows this to pursue it and makes him pursue it. An objective good would be sought by anyone who was acquainted with it, not because of any contingent fact that this person, or every person, is so constituted that he desires this end, but just because the end has to-be-pursuedness somehow built into it. Similarly, if there were objective principles of right and wrong, any wrong (possible) course of action would have not-to-be-doneness somehow built into it. Or we should have something like Clarke ’ s necessary relations of fitness between situations and actions, so that a situation would have a demand for such- and-such an action somehow built into it. The need for an argument of this sort can be brought out by reflection on Hume ’ s argument that ‘reason’ – in which at this stage he includes all sorts of knowing as well as reasoning – can never be an ‘influencing motive of the will’. Someone might object that Hume has argued unfairly from the lack of influencing power (not contingent upon desires) in ordinary objects of knowledge and ordinary reasoning, and might maintain that values differ from natural objects precisely in their power, when known, automatically to influence the will. To this Hume could, and would need to, reply that this objection involves the postulating of value-entities or value-features of quite a different order from anything else with which we are acquainted, and of a corresponding faculty with which to detect them. That is, he would have to supplement his explicit argument with what I have called the argument from queerness. Another way of bringing out this queerness is to ask, about anything that is supposed to have some objective moral quality, how this is linked with its natural features. What is the connection between the natural fact that an action is a piece of deliberate cruelty – say, causing pain just for fun – and the moral fact that it is wrong? It cannot be an entailment, a logical or semantic necessity. Yet it is not merely that the two features occur together. The wrongness must somehow be ‘consequential’ or ‘supervenient’; it is wrong because it is a piece of deliberate cruelty. But just what in the world is signified by this ‘because’? And how do we know the relation that it signifies, if this is something more than such actions being socially condemned, and condemned by us too, perhaps through our having absorbed attitudes from our social environment? It is not even sufficient to postulate a faculty which ‘sees’ the wrongness: something must be postulated which can see at once the natural features that constitute the cruelty, and the wrongness, and the mysterious consequential link between the two. Alternatively, the intuition required might be the perception that wrongness is a higher order property belonging to certain natural properties; but what is this belonging of properties to other properties, and how can we discern it? How much simpler and more comprehensible the situation would be if we could replace the moral quality with some sort of subjective response which could be causally related to the detection of the natural features on which the supposed quality is said to be consequential.

#### 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 – promises create obligations by definition.

Searle, John R. (1964). How to derive "ought" from "is". Philosophical Review 73 (1):43-58. JS

What is the relation between (2) and (3) ? I take it that promising is, by definition, an act of placing oneself under an obligation. No analysis of the concept of promising will be complete which does not include the feature of the promiser placing himself under or undertaking or accepting or recognizing an obligation to the promise, to perform some future course of action, normally for the benefit of the promisee. One may be tempted to think that promising can be analyzed in terms of creating expectations in one's hearers, or some such, but a little reflection will show that the crucial distinction between statements of intention on the one hand and promises on the other lies in the nature and degree of commitment or obligation undertaken in promising. I am therefore inclined to say that (2) entails (3) straight off, but I can have no objection if anyone wishes to add-for the purpose of formal neatness- the tautological premise: (2a) All promises are acts of placing oneself under (under- taking) an obligation to do the thing promised. How is (3) related to (4)? If one has placed oneself under an obligation, then, other things being equal, one is under an obligation. That I take it also is a tautology. Of course it is possible for all sorts of things to happen which will release one from obligations one has undertaken and hence the need for the ceteris paribus rider. To get an entailment between (3) and (4) we therefore need a qualifying statement to the effect that:

#### 3] Ought[[1]](#footnote-1) is defined as express[ing] obligation – proving a legal obligation is sufficient for proving an ought statement independent of morality.

**Glos 69[[2]](#footnote-2),** The mutual relation of law and ethics can profitably be investigated only if ethics is understood as a normative science.31 If we compare legal norms with ethical norms, it appears that the contents of **ethical norms are in agreement with a given concept or principle, whereas legal norms originate from a certain lawgiver regardless of contents.** It follows that legal and ethical norms may be likened to two circles which cover the same area: legal and ethical norms may coincide, and the same **norm[s] may at the same time be both a legal and an ethical norm; but there are legal norms the contents of which have no relevance in ethics** (norms regulating highway traffic), **and there are legal norms which may contradict ethical norms** (norms according to which a soldier is bound to fight and kill).

### Offense

#### I’ll defend whole rez.

#### 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[[3]](#footnote-3). 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. Ought, Merriam Webster, first defintion [↑](#footnote-ref-1)
2. George E. Glos, The Normative Theory of Law, 11 Wm. & Mary L. Rev. 151 (1969), <http://scholarship.law.wm.edu/wmlr/vol11/iss1/6>. SM [↑](#footnote-ref-2)
3. <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-3)