# T – Ownership

## Shells

### 1NC - Long

A. **Interpretation: *Ownership*** means having the right to control something while ***possession*** just means having physical control of something.

**Charley** 5/6/20**11,** “Legal Definitions: Ownership versus Possession, Conservatorship, Bailment, Intent, Violent Crimes and Gun Laws,” The Just Call Me Charley Blog https://justcallmecharley.wordpress.com/2011/05/06/legal-definitions-ownership-versus-possession-conservatorship-bailment-intent-violent-crimes-and-gun-laws/

**Ownership is the state** or fact **of exclusive rights and control over property, which may be an object**, land/real estate or intellectual property. Ownership involves multiple rights, collectively referred to as title, which may be separated and held by different parties. The concept of ownership has existed for thousands of years and in all cultures. Over the millennia, however, and across cultures what is considered eligible to be property and how that property is regarded culturally is very different. Ownership is the basis for many other concepts that form the foundations of ancient and modern societies such as money, trade,debt, bankruptcy, the criminality of theft and private vs. public property. Ownership is the key building block in the development of the capitalist socio-economic system.

The process and mechanics of ownership are fairly complex since one can gain, transfer and lose ownership of property in a number of ways. To acquire property one can purchase it with money, trade it for other property, receive it as a gift, steal it, find it, make it orhomestead it. One can transfer or lose ownership of property by selling it for money, exchanging it for other property, giving it as a gift, being robbed of it, misplacing it, or having it stripped from one’s ownership through legal means such as eviction, foreclosure,seizure or taking. Ownership is self-propagating in that the owner of any property will also own the economic benefits of that property. POSSESSION: DEFINED The concept of possession developed from a legal system whose principal concern was to avoid civil disorder. The general principle is that a person in possession of land or goods, even as a wrongdoer, is entitled to take action against anyone interfering with the possession unless the person interfering is able to demonstrate a superior right to do so. **Possession refers to the exercise of dominion over property, holding** or having property **in one’s power.** It is the right under which a person can exercise control over something to the exclusion of all others. It is a continuing exercise of a claim to the exclusive use of **a material object.** In Civil law, possession refers to detention or use of a physical thing **with the intent to hold it as one’s own.** Possession means holding property in one’s power or the exercise of dominion over property. By having possession one exercises control over something to the exclusion of all others. In law, possession is the control a person intentionally exercises toward a thing. In all cases, to possess something, a person must have an intention to possess it. A person may be in possession of some property (although **possession does not always imply ownership**). Like ownership, the possession of things is commonly regulated by states under property law.

You can possess things you own – i.e. carrying around yourgun. You can possess things you don’t own – i.e. carrying around someone else’s gun. You can own things you don’t possess – i.e. you lend your friend your gun, but you’re still the gun’s owner.

**West's** Encyclopedia of American **Law**, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved. Retrieved from The Free Dictionary http://legal-dictionary.thefreedictionary.com/Possession+versus+Ownership

Although the two terms are often confused, **possession is not the same as ownership.** No legal rule states that "possession is nine-tenths of the law," but this phrase is often used to suggest that someone who possesses an object is most likely its owner. Likewise, people often speak of the things they own, such as clothes and dishes, as their possessions. However, **the owner** of an object **may not always possess the object. For example, an owner of a car could lend it to someone** else to drive. That driver would then possess the car. However, **the owner does not give up ownership simply by lending the car** to someone else.

To clarify, my interpretation does *not* allow for affs that restrict where one can *take or carry* guns(like a college campus) but allows for *conditions* on owning guns (e.g. not being a convicted felon). The aff can’t just say they’re banning “ownership in a specific place” because ownership doesn’t depend on where an object is taken. Restricting the carrying of a weapon in a specific place is a restriction on *possession*.

**B. Violation:**

***Specific to college campus aff***: laws that prevent people from *possessing* guns on college campuses do not ban gun *ownership* since (a) they still allow me to own handguns as long as I don’t bring them to campus and (b) they restrict the possession of guns that aren’t owned – i.e., I can be punished for bringing a gun onto campus even if I don’t own that gun. The former is an example of how the aff is not topical, the latter an example of how it is also extra-topical (even if it has a topical component).

**C. Standards:**

#### Legal Context: My definitions are most consistent with legal context, which is relevant because government is the only cooperative venture that has the power to enforce restrictions on gun ownership. West’s Law is a reputable legal dictionary and distinguishes two legal terms of art, which is key in debates that require us to compare legal restrictions, so I control the internal link to clash via ground division. This also coheres with common usage of terms that concern property: If I ask you whether you own a BMW, you wouldn’t say “yes” just because you happen to be driving one your friend lent you, you’d say “no, my friend lent it to me.” Dividing ground properly ensures we engage each other on issues to maximize the quality of the discussion and allocates burdens equally so we can fairly participate.

**Topic Literature:** Their interpretation explodes aff ground. They can advocate for tiny restrictions on gun carrying, such as not being able to bring guns on planes or to the White House. This avoids key neg arguments – e.g. property rights and self-defense – that require some restrictions on *ownership* itself. Aff is also extra-topical by banning the possession of guns one doesn’t own, which kills clash by allowing infinite affs outside the scope of the topic that generate unpredictable offense that can outweigh DAs to topical offense. Consistency with topic lit is key to substantive clash on issues experts and policymakers discuss and ensures equal access to relevant arguments.

### 1NC – Short

**Interp: *Ownership*** means having the right to control something while ***possession*** just means having physical control of something. **Charley 11**

Charley 5/6/2011, “Legal Definitions: Ownership versus Possession, Conservatorship, Bailment, Intent, Violent Crimes and Gun Laws,” The Just Call Me Charley Blog https://justcallmecharley.wordpress.com/2011/05/06/legal-definitions-ownership-versus-possession-conservatorship-bailment-intent-violent-crimes-and-gun-laws/

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They’re distinct – you can possess things you don’t own – i.e. carrying around someone else’s gun. You can own things you don’t possess – i.e. you lend your friend your gun, but you’re still the gun’s owner.

To clarify, the aff may not restrict where one can *take* or *carry* guns (like a college campus) but may restrict *conditions* on owning guns – i.e., not being a felon. They can’t say “ban ownership in a specific place” because ownership doesn’t depend on where an object is taken.

**Violation:**

Banning guns on college campuses is a ban on possession, not ownership –

A. They allow me to own handguns as long as I don’t bring them on campus

B. They restrict possession of guns that aren’t owned – ie I can be punished for bringing a friends gun onto campus even if I don’t own it

**Standards:**

**1. Legal Context –** My interp is most consistent with legal interpretations. **West’s Law 08**

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Although the two terms are often confused, **possession is not the same as ownership.** No legal rule states that "possession is nine-tenths of the law," but this phrase is often used to suggest that someone who possesses an object is most likely its owner. Likewise, people often speak of the things they own, such as clothes and dishes, as their possessions. However, **the owner** of an object **may not always possess the object. For example, an owner of a car could lend it to someone** else to drive. That driver would then possess the car. However, **the owner does not give up ownership simply by lending the car** to someone else.

It’s also consistent with common usage – if I ask whether you own a BMW, you wouldn’t say yes because your friend lent it to you, you’d say no, it’s my friend’s – my interp is key to division of ground by comparing legal restrictions – ensures we equally engage on issues to maximize discussion.

**2. Limits –** Their interp explodes AFF ground – they can advocate for tiny restrictions on gun carrying, such as not being able to bring guns on planes or at conventions – also avoids key neg args like property rights and self-defense that require restrictions on *ownership.* Makes them extra T – they ban possession of guns people don’t own which kills clash by allowing infinite affs outside the scope of the topic with unpredictable offense – key to advocacy skills by ensuring they defend their position against objections

Advocacy skills is a voter – there are a lot of messed up things in the world and we need to defend advocacies to learn how to fix them – it’s also the most important skill we develop from debate since it helps us outside the round

Drop the debater on T:

A. The round is already skewed from the beginning because their advocacy excluded by ability to generate NC offense– letting them sever doesn’t solve any of the abuse

B. Drop the arg on T is the same thing as drop the debater since T indicts their advocacy – turns have to link back to an advocacy so kicking case doesn’t solve

Use competing interps since reasonability invites arbitrary judge intervention based on preference rather than argumentation and encourages a race to the bottom in which debaters will exploit a judge’s tolerance for questionable argumentation.

No rvis:

**A.** They force the round to be decided on theory—kills all substantive clash on other flows since there’s no topical debate.. **B.** RVIs devolve into infinite regress because if we can run RVIs, we can also run reverse RVIs: we can never reach the end of the chain. Logic comes first because it indicts the assumptions behind their arguments. **C.** They can run theory on me too if I’m unfair which means 1) theory is reciprocal because we’re both able to check abuse and 2) also cures time skew because they can collapse in the 2ar to their shell.