## NC

### Locke NC

#### I negate –

#### The value for the round is Justice because the topic questions the duties of a just government.

#### The duties of government are outlined by the social contract, the tacit agreement between a state and its citizens. It is this contract that separates just government from mere dictatorial power.

According to Olsthoorn and Apeldoorn in 2020,

Johan Olsthoorn (University of Amsterdam, The Netherlands) and Laurens van Apeldoorn (Leiden University, The Netherlands). “‘This man is my property’: Slavery and political absolutism in Locke and the classical social contract tradition.” European Journal of Political Theory 0(0) 1–23, 2020. JDN. https://journals.sagepub.com/doi/full/10.1177/1474885120911309

Filmer’s theory of sovereignty, Locke objects, involves a category mistake. **Despotic rule is not a form of** political **rule at all.** Operative here is Aristotle’s (1984) distinction in Politics (1255b16-20) between the political government of a statesman (politikos) over free citizens and the ;domestic rule of the master (despotes) over slaves (Maloy, 2009; Schochet, 1975: 1–15, 115–158). Following Aristotle, Locke characterizes political rule as the power of ‘Governours’ who **govern by public consent** and ‘for the Benefit of their Subjects, to secure them in the Possession and Use of their Properties’ (ST §173). Power is properly called ‘political’ only because and insofar as it is exercised in order to ‘preserve the Members of that Society in their **Lives, Liberties, and Possessions’** (ST §171). Despotic power, conversely, is the power of ‘Lords’ who rule ‘for their own Benefit, over those who are stripp’d of all property’ (ST §173). Filmer, Locke contends, failed to see that despotic and political power are fundamentally distinct in character and origin. Indeed, ‘Absolute Monarchy ... can be no Form of Civil Government at all’ (ST §90).

#### Therefore, the criterion is adherence to Locke’s social contract.

#### My first contention is the Right to Self-Ownership

#### The right to appropriate is an extension of the right to one’s own body because appropriation is the result of the fruits of your own labor

Locke 1689

John Locke (Philosopher; MA, Oxford, 1658). Two Treatises of Government. Awnsham Churchill: London. 1689. JDN. <https://press-pubs.uchicago.edu/founders/documents/v1ch16s3.html>

27. Though the Earth, and all inferior Creatures be common to all Men, yet every[one] Man has a Property in his [their] own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he [one] removes out of the State that Nature hath provided, and left it in, he [they] hath mixed his [their] Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, hath by this labour something annexed to it, that excludes the common right of other Men. For this Labour being the unquestionable Property of the Labourer, no[one] man but [they] he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others.

28. He that [Whomever] is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but the nourishment is [theirs] his. I ask then, When did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done; and so they became his private right. And will any one say he had no right to those Acorns or Apples he thus appropriated, because he had not the consent of all Mankind to make them his? Was it a Robbery thus to assume to himself what belonged to all in Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in Commons, which remain so by Compact, that 'tis the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the Property; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg'd in any place where I have a right to them in common with others, become my Property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my Property in them.

#### This right extends to property in outer space as there is no morally relevant difference between space and earth

Baca 93

[Kurt Anderson, (Associate at Gallop, Johnson & Neuman, St Louis, Missouri), Property Rights in Outer Space, 58 J. Air L. & Com. 1041, 1993, <https://scholar.smu.edu/jalc/vol58/iss4/4>, accessed 6-24-21]

The powers necessary to constitute an efficient system of property rights on Earth have been found, by deduction from first principles by political philosophers influential in the development of the Western institutions and from history and practice in the courts, to be the power to exclude, to use, and to dispose. 98 The resulting system is also inherently equitable as it benefits society as a whole and as it protects investments and expectations. This system would remain equitable so long as the initial allocation of any new resource was, and is, not based on mere usurpation of unclaimed property, but is based on investment in the property that adds to its value. 99

This system of property rights relies on the provision of powers to the holder of the property. The source of the power is ultimately in the state that enforces the liabilities of parties corresponding to the powers of owners: the liability to exclusion, the liability for interference with use, and the liability to respect contracts and to refrain from hindering disposition. °0 This implies that sovereign power is essential to any functioning system of property rights, and in the absence of a general sovereign body, sovereignty is to be found in the nation-state.

How does the extension of man's [humanities] activities into space and onto the celestial bodies change the basic necessities of an efficient and equitable property rights system? The movement of activities into space affects only the place of activities. The nature of those activities and of the actor remain unchanged. The nature of efficiency and equity are likewise unchanged, and the need for certain securities and guarantees to foster productive activity by man is unchanged. The same property rights system that is most beneficial on Earth will be most beneficial on the celestial bodies.

The principles of the Outer Space Treaty do not necessarily contradict these property concepts. It has already been shown that the notion of property rights, including the power to use and dispose, are not incompatible with the general principles of the Outer Space Treaty.20 ' The principle of access in space is also appropriate when properly interpreted. ° But, in regulating access, governing bodies must make proper account for the use of various portions of space and of the rights of the user to be free of harmful interference. 3 Although the provision of Article II against national appropriation contradicts these property concepts, it is inconsistent with the notions of jurisdiction and ownership found elsewhere in the treaty.2 0 4 This provision should therefore be modified and replaced with a concept of reasonable use or investment.20 5 Such a provision should provide for initial allocation of unclaimed property only upon productive use or investment. This would allow for the security of national sovereignty while preventing the non-productive reservation of vast resources by non-users.20 6

#### Contenion 2 is the Tragedy of the Commons

#### Common ownership of property results in wasteful and exploitative use; only private appropriation promotes efficiency and sustainability

Schmidtz 90

David Schmidtz (Professor of Philosophy at Yale). The Monist, Vol. 73, No. 4, Property Rights, pp. 504-518. Oxford University Press. October 1990. JDN. https://www.jstor.org/stable/27903207

The moral of the story is this. As latecomers arrive and natural resources become scarce, anything left in the commons will be levelled. This much is not news, at least not to readers of Garrett Hardin.13 What really is news is this: leaving goods in the commons fails to satisfy the Proviso. In fact, leaving goods in the commons practically ensures their ruin. The essence of **the Tragedy of the Commons**, what makes it tragic, is precisely that not enough and as good is left for others. As a necessary condition for satisfying the Proviso, goods must be removed from the commons. Moreover, the more severe the scarcity, the faster resources will be destroyed in the commons, and thus the more urgently the Proviso will require that resources be removed from the commons.

Needless to say, there is more than one institutional framework that can effectively remove goods from the commons, ranging from private property to public property to national borders. For present purposes, **this makes no difference.** We are not trying to decide which institutions are most effective, or even which are justified, but only that the establishment of exclusive control, which they all presume, can be justified.

At any rate, there is no incentive to nurture apple trees in the commons. In the commons, the fruits of production (so to speak) belong to others as much as to oneself. If one does not want to starve, one is better off spending one's time eating (while one can) rather than producing. If only we had the power to decide how everyone will act. There might not be any point in removing resources from the commons. We could satisfy the Proviso by choosing for everyone to abide by principles of efficient and equitable harvesting. But we choose for ourselves, not for everyone. And what people should choose for themselves differs from what would be right (and from what the Proviso would require) if they were choosing for everyone.

What does this general point imply about the commons? The commons might never be levelled if we could choose for everyone to leave enough and as good for others, but the fact that people choose for themselves makes a difference to what counts as leaving enough and as good for others. (To decide that everyone will leave a piece of land alone would be to protect it; to decide to leave it alone oneself is merely to leave it unprotected.) In the commons, we could naively restrain ourselves, waiting our turn and then eating only our share. But it wouldn't help. Those who do otherwise will still precipitate the tragedy of the commons. Our only choices in this unfolding tragedy would be these: join in the mad rush to mutual starvation, refuse to join the rush and be the first to starve, or **stake a claim** we can defend, rhetorically and otherwise. Only if some people successfully implement the latter choice is there any chance of the Proviso being satisfied.

Are those who initially catalyze this mad rush doing something wrong? Of course; in particular, they are violating the Proviso. But whether their actions are right or wrong is not really the point. The point is that until access to the land is restricted, people will have the opportunity and the incentive to overuse it, and some of them as a matter of fact will overuse it, thereby not leaving enough and as good for others. A moral agent has to take this into account when deciding how to go about ensuring that there will be something left for her children. And simply allowing the commons to go to ruin at the hands of other foragers most emphatically is not the way to ensure that something will be left for her children. If one is to satisfy the Proviso in a way that has some positive bearing on the preservation of mankind, one must, first and foremost, satisfy the Proviso insofar as it applies to things like apples, i.e., food. But if one merely appropriates apples, one is not satisfying the Proviso with respect to apples. Those who appropriate apples from the commons violate the Proviso (on any interpretation of it) insofar as it pertains to apples. They generate the tragedy of the commons. Since appropriating apples ignores the Proviso with respect to apples, the tragedy created by those who appropriate apples alters what the Proviso means as a constraint on appropriations of land. In other words, some alteration of the rules of access to apples is necessary if the Proviso with respect to apples is to be satisfied. The Proviso itself drives us to make this alteration, and so our interpretation of the Proviso must reflect the fact that it drives us to alter the rules of access to apples? i.e., to restrict access to apples.

Specifically, to appropriate land is to restrict access to apples. And restricted access to apples tends (somewhat paradoxically) to be a precondition of the ongoing availability of apples. To satisfy the Proviso with respect to apples, one must appropriate land rather than apples. Hence, **land appropriation is not a violation** of the Proviso (given that the Proviso applies first and foremost to food) under those circumstances, **but** must instead be **required** by it. I will say more about the Proviso with respect to land at the end of the following section.