# 1NC

I negate Resolved: The appropriation of outer space by private entities is unjust

#### I value justice

#### Justice is obligations to individuals – rights are key

Vallentyne 11 [Peter Vallentyne (Florence G. Kline Chair in Philosophy at University of Missouri Columbia). “Nozick’s Libertarian Theory of Justice.” 2011. Cambridge University Press. <https://klinechair.missouri.edu/docs/nozicks_theory_of_justice.pdf>]

The term “justice” is used in many different ways by philosophers: as fairness (comparative desert), as moral permissibility (or justifiability) either of distributions of benefits and burdens or of social structures (e.g., legal systems), as enforceable duties (duties that others are permitted to enforce), as the duties that are owed to individuals (as opposed to impersonal duties, owed to no one), and as the enforceable duties owed to individuals. It is clear that Nozick restricts justice to the fulfillment of the duties owed to individuals, but it is unclear whether he restricts it only to enforceable duties.

For you to owe someone a duty is for that person to have a claim-right against you that you perform, or not perform, some action. This means that you wrong that individual if you fail to fulfill that duty. As long as rights are understood inclusively, justice in the sense of duties owed to individuals is a broad topic. It covers all moral duties except those that apply independently of both the wills and interests of individuals (e.g., a duty not to eat bananas that holds even if everyone consents to eating one and it is in everyone’s interest to do so). On this broad view of claim-rights, children and animals with interests can have rights, and thus can be owed duties—even if they do not have autonomous wills.

Nozick understands justice to hold just in case rights are respected.3 Rights, however, are sometimes understood merely as duties owed to the right-holder (mere claim-rights), and sometimes more narrowly as enforceable duties owed to the right-holder. Suppose that I owe my mother a duty to attend her birthday party, but neither she, nor anyone else, is permitted to use force against me to get me to attend. In the narrow sense, she has no right that I attend and I do her no injustice if I do not, whereas, in the broad sense, she has such a right and I do her an injustice if I do not attend. It is, as we shall see, unclear which way Nozick understands rights and hence justice.

#### Libertarianism values freedom and rights

van der Vossen 19 [Bas van der Vossen (philosophy professor at Chapman University). “Libertarianism.” Mar 21 2019. Stanford Encyclopedia of Philosophy. <https://plato.stanford.edu/entries/libertarianism/>]

Libertarianism is a family of views in political philosophy. Libertarians strongly value individual freedom and see this as justifying strong protections for individual freedom. Thus, libertarians insist that justice poses stringent limits to coercion. While people can be justifiably forced to do certain things (most obviously, to refrain from violating the rights of others) they cannot be coerced to serve the overall good of society, or even their own personal good. As a result, libertarians endorse strong rights to individual liberty and private property; defend civil liberties like equal rights for homosexuals; endorse drug decriminalization, open borders, and oppose most military interventions.

Libertarian positions are most controversial in the realm of distributive justice. In this context, libertarians typically endorse something like a free-market economy: an economic order based on private property and voluntary market relationships among agents. Libertarians usually see the kind of large-scale, coercive wealth redistribution in which contemporary welfare states engage as involving unjustified coercion. The same is true of many forms of economic regulation, including licensing laws. Just as people have strong rights to individual freedom in their personal and social affairs, libertarians argue, they also have strong rights to freedom in their economic affairs. Thus, rights of freedom of contract and exchange, freedom of occupation, and private property are taken very seriously.

In these respects, libertarian theory is closely related to (indeed, at times practically indistinguishable from) the classical liberal tradition, as embodied by John Locke, David Hume, Adam Smith, and Immanuel Kant. It affirms a strong distinction between the public and the private spheres of life; insists on the status of individuals as morally free and equal, something it interprets as implying a strong requirement of individuals sovereignty; and believes that a respect for this status requires treating people as right-holders, including as holders of rights in property.

#### Freedom necessitates a minimal state that respects self-ownership

Feser [Edward Feser (associate professor of philosophy at Pasadena City College). "Robert Nozik (1938 - 2002)" www.iep.utm.edu/nozick/]

Nozick takes his position to follow from a basic moral principle associated with Immanuel Kant and enshrined in Kant's second formulation of his famous Categorical Imperative: "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only." The idea here is that a human being, as a rational agent endowed with self-awareness, free will, and the possibility of formulating a plan of life, has an inherent dignity and cannot properly be treated as a mere thing, or used against his will as an instrument or resource in the way an inanimate object might be. In line with this, Nozick also describes individual human beings as self-owners (though it isn't clear whether he regards this as a restatement of Kant’s principle, a consequence of it, or an entirely independent idea). The thesis of self-ownership, a notion that goes back in political philosophy at least to John Locke, is just the claim that individuals own themselves - their bodies, talents and abilities, labor, and by extension the fruits or products of their exercise of their talents, abilities and labor. They have all the prerogatives with respect to themselves that a slaveholder claims with respect to his slaves. But the thesis of self-ownership would in fact rule out slavery as illegitimate, since each individual, as a self-owner, cannot properly be owned by anyone else. (Indeed, many libertarians would argue that unless one accepts the thesis of self-ownership, one has no way of explaining why slavery is evil. After all, it cannot be merely because slaveholders often treat their slaves badly, since a kind-hearted slaveholder would still be a slaveholder, and thus morally blameworthy, for that. The reason slavery is immoral must be because it involves a kind of stealing - the stealing of a person from himself.) But if individuals are inviolable ends-in-themselves (as Kant describes them) and self-owners, it follows, Nozick says, that they have certain rights, in particular (and here again following Locke) rights to their lives, liberty, and the fruits of their labor. To own something, after all, just is to have a right to it, or, more accurately, to possess the bundle of rights - rights to possess something, to dispose of it, to determine what may be done with it, etc. - that constitute ownership; and thus to own oneself is to have such rights to the various elements that make up one's self. These rights function, Nozick says, as side-constraints on the actions of others; they set limits on how others may, morally speaking, treat a person. So, for example, since you own yourself, and thus have a right to yourself, others are constrained morally not to kill or maim you (since this would involve destroying or damaging your property), or to kidnap you or forcibly remove one of your bodily organs for transplantation in someone else (since this would involve stealing your property). They are also constrained not to force you against your will to work for another's purposes, even if those purposes are good ones. For if you own yourself, it follows that you have a right to determine whether and how you will use your self-owned body and its powers, e.g. either to work or to refrain from working. So far this all might seem fairly uncontroversial. But what follows from it, in Nozick's view, is the surprising and radical conclusion that taxation, of the redistributive sort in which modern states engage in order to fund the various programs of the bureaucratic welfare state, is morally illegitimate. It amounts to a kind of forced labor, for the state so structures the tax system that any time you labor at all, a certain amount of your labor time - the amount that produces the wealth taken away from you forcibly via taxation - is time you involuntarily work, in effect, for the state. Indeed, such taxation amounts to partial slavery, for in giving every citizen an entitlement to certain benefits (welfare, social security, or whatever), the state in effect gives them an entitlement, a right, to a part of the proceeds of your labor, which produces the taxes that fund the benefits; every citizen, that is, becomes in such a system a partial owner of you (since they have a partial property right in part of you, i.e. in your labor). But this is flatly inconsistent with the principle of self-ownership. The various programs of the modern liberal welfare state are thus immoral, not only because they are inefficient and incompetently administered, but because they make slaves of the citizens of such a state. Indeed, the only sort of state that can be morally justified is what Nozick calls a minimal state or "night-watchman" state, a government which protects individuals, via police and military forces, from force, fraud, and theft, and administers courts of law, but does nothing else. In particular, such a state cannot regulate what citizens eat, drink, or smoke (since this would interfere with their right to use their self-owned bodies as they see fit), cannot control what they publish or read (since this would interfere with their right to use the property they've acquired with their self-owned labor - e.g. printing presses and paper - as they wish), cannot administer mandatory social insurance schemes or public education (since this would interfere with citizens' rights to use the fruits of their labor as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans), and cannot regulate economic life in general via minimum wage and rent control laws and the like (since such actions are not only economically suspect - tending to produce bad unintended consequences like unemployment and housing shortages - but violate citizens' rights to charge whatever they want to for the use of their own property).

#### Thus my criterion is libertarianism

#### Libertarianism is necessary for organization of society

Verbeek 7 [Bruno ***Verbeek***, University of Leiden, ***Summarizes Naveson***, Published in Liberty, Games and Contracts: Jan Narveson and the Defence of Libertarianism, Malcolm Murray (ed.). Ashgate, ***2007***. Pp. 273., <https://openaccess.leidenuniv.nl/bitstream/handle/1887/16519/Verbeek_Murray-Corrections.pdf?sequence=4>]

Narveson’s position can summed up in three fundamental claims. First, the justification of a political philosophy or indeed any normative ethical theory, requires contractarian foundations. All contractarians consider morality as the outcome of an agreement among relevant parties. More precise, moral norms are those rules that are agreed upon by agents in a suitably characterized bargaining situation. Contractarians share this starting point with other social contract theorists. However, contractarians differ from other social contract theories, like that of John Rawls, in that the latter treat such an agreement among rational agents as a heuristic instrument for identifying the content of morality. That is, authors like Rawls claim that moral norms are binding for reasons other than that they are agreed upon by agents in the original position. Narveson, like other contractarians, believes that agreement of some sort is necessary and sufficient for the normativity of such norms. (“Of some sort” because closer reading reveals that this social contract is not an actual agreement. Rather, it is “an agreement in the sense of a co-ordinated set of conditional dispositions”, see Narveson 1994.) The type of contractarianism that Narveson endorses is Hobbesian. Hobbesian contractarians hold that rational agents are primarily motivated to maximize what they regard as valuable. This could include many things, but among these self-interest figures prominently. Hobbesian contractarians regard morality as an answer to a problem. The problem is posed by what would happen under conditions of moral anarchy to rational creatures who are disposed to maximize their self-interest. Under such conditions, rational agents, who aim to maximize what they value, will compete with all means at their disposal for the scarce resources needed to realize this aim. Other agents will appear as actual or potential competitors and it is best to eliminate such competition as efficiently and effectively as possible. The result is a situation best modeled as an n-person prisoner’s dilemma, where a non-optimal equilibrium is realized. In such a situation, rational agents will realize that they can benefit each other. As Jan Narveson puts it, “first because we are vulnerable to the depredations of others, and second because we can all benefit from cooperation with others” (1988, 148). This will motivate the agents to start bargaining with the aim of arriving at an agreement to constrain this maximizing behavior and coordinate actions so as to benefit each other. Morality, for the Hobbesian contractiarian, is a form of self-imposed constraint – a rational constraint – on the pursuit of the maximization of value. Unlike Hobbes, Hobbesian contractarians do not regard morality as something that is enforced by a authoritarian state. Instead, the restrictions that morality poses on the unfettered pursuit of what one values are restrictions that rational agents can agree to in a rational bargaining process that aims to bring about an optimal mutually cooperative outcome. Moral constraints are those constraints it is rational to adopt provided others do so as well. The second fundamental claim of Narveson’s philosophy is that such Hobbesian contractarian starting points inevitably lead to a restricted list of rights and corresponding obligations that emphasize individual freedom. The corresponding political conclusion is that a legitimate state necessarily is a libertarian state. Narveson is a so-called right-libertarian (as opposed to left libertarians). Such libertarians typically argue for a small, non-authoritarian state in which basic liberties are rigorously respected, but nothing beyond this. As a consequence, right libertarians do not believe that the state has any business requiring citizens to support others beyond respecting the negative claim rights of others. The third claim of Narveson is typical for all right-libertarian political philosophy. In order to guarantee individual freedom, a legitimate state respects strong property rights and corresponding institutions (especially the market). That is to say, Narveson believes that individual freedom necessitates a robust respect for private property and the market.

## My sole contention is private property rights

#### Private companies should have the right to own property in space just like on earth

Nelson and Block 18 [Peter Lothian Nelson (professional engineer and president of PL Nelson Engineering) and Walter E. Block (Harold E. Wirth Eminent Scholar Chair in Economics in the College of Business at Loyola University, New Orleans, Adjunct Scholar at the Mises Institute and the Hoover Institute, B.A. in philosophy from Brooklyn College (C.U.N.Y.) in 1964 and a Ph.D. degree in economics from Columbia University in 1972). “Space Law.” July 7 2018. Palgrave Studies in Classical Liberalism. <https://doi.org/10.1007/978-3-319-74651-7_12>]

There should be no difference between law as it applies to space or anything else.[1](https://link.springer.com/chapter/10.1007/978-3-319-74651-7_12#Fn1) From the libertarian point of view, law should consist, solely, of promoting and defending the non-aggression principle (NAP). This means that anyone may do anything he wishes to all other people, provided only that [they] he refrains from threatening or initiating violence against fellow human beings, and does not interfere with their justly owned property.[2](https://link.springer.com/chapter/10.1007/978-3-319-74651-7_12#Fn2) In this perspective, the following acts would be unlawful: murder, rape, theft, kidnapping, trespass, assault, battery, fraud, enslavement, etc. Car-jacking on land, boat-jacking in the water, and spaceship-jacking amongst the heavenly bodies would be equally against the law, and for the same reason: they all violate the NAP.

They continue

Second, there is the matter of regulations. While the government is not for the moment inaugurating them, these are on the cards. Part of the title of Stockton ([2015](https://link.springer.com/chapter/10.1007/978-3-319-74651-7_12#CR66)) is a bit misleading (“No to Rocket Regulations”), but this author contradicts himself in his text: “First and foremost, the bill protects private spaceflight from regulatory oversight, giving the industry up to 8 years to get its innovations in place before government overseers step in and start counting rivets.” What happens in almost a decade from now? Presumably, the state will stick its big fat nose into the business of private entrepreneurs. This can hardly be counted on the positive side of the ledger. But matters are even worse . Griffin ([2015](https://link.springer.com/chapter/10.1007/978-3-319-74651-7_12#CR26)) correctly states of this law: “It also requires that US authorities specify the way that asteroid mining will be regulated and organized.” Economically speaking, socialism is government ownership of the means of production. But from the laissez-faire point of view, fascism consists of heavy regulation. Thus, while the U.S. Commercial Space Launch Competitiveness Act of 2015 at least partially eschews the former, it is part and parcel of the latter.[14](https://link.springer.com/chapter/10.1007/978-3-319-74651-7_12#Fn14)

Third, overall it cannot be denied that this law is a step forward from a libertarian perspective, at least compared to what went before it. However, let us offer one last criticism: this is over-reach. What business does the U.S. government have passing legislation concerning off-world entities? According to the U.S. Constitution, our government claims sovereignty over the territory of that country, and nothing else. Well, the Moon, Mars, asteroids, comets, etc. do not at all fall within this purview. It is audacious and insolent on the part of those responsible for the passage of this law to in effect maintain they have some sort of righteous control over any of the heavenly bodies. Let those who travel and work there set up their own rules, hopefully fully upon libertarian lines.

#### Original acquisition is never unjust – only actions that follow could be

Feser 5 [Edward Feser (associate professor of philosophy at Pasadena City College). “There is no such thing as unjust initial acquisition.” Jan 2005. Social Philosophy and Policy. <https://doi.org/10.1017/S0265052505041038>]

The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of justice, that is to say, simply does not apply to initial acquisition. It applies only after initial acquisition has already taken place. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer).

This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that external resources are initially unowned. Consider the following example. Suppose an individual A seeks to acquire some previously unowned resource R. For it to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B (or perhaps a group of individuals) against whom A commits the injustice. But for B to have been wronged by A’s acquisition of R, B would have to have had a rightful claim over R, a right to R. By hypothesis, however, B did not have a right to R, because no one had a right to it—it was unowned, after all. So B was not wronged and could not have been. In fact, the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. The same thing, by extension, will be true of all unowned resources: it is only after someone has initially acquired them that anyone could unjustly come to possess them, via unjust transfer. It is impossible, then, for there to be any injustices in initial acquisition.7

Feser continues

Even one who grants that what has been said so far explains away some of the intuition that initial acquisitions can be unjust might suspect that the last example above raises a more formidable problem for my thesis. I have said that if someone comes across and mixes [their]his labor with a water hole that no one has ever used—so that there is no question of any previous users being made worse off (by having their partial property rights violated)—then [they]he comes fully to own it. But where does this leave future potential users of the water hole? What if some lost and thirsty traveler stumbles across the desert and comes across the water hole, and it is the only water hole within hundreds of miles? What if all other sources of water on earth dry up, leaving the owner of the water hole with a monopoly on water? Wouldn’t my thesis imply that he has the right to charge whatever he wants for the water, or even to exclude anyone else, however close to death’s door that person might be as a result of thirst? And wouldn’t this be a case of leaving others worse off by his initial acquisition, even if these others had no previous claim to the hole?

There are two possible responses that an advocate of my position could take, one a hard-line approach and the other a soft-line approach. The first involves holding that this is the place where the advocate must simply bite the bullet and argue that however selfish, cruel, or wicked the initial acquirer would be to exploit his water hole for personal gain, or even to refuse (from sheer misanthropy) to let anyone drink from it, he still commits no injustice in doing so, much less in initially acquiring the resource.27 He has a right to act that way, even if there are other moral considerations that ought to move him not to use his right in that way. The hard-liner could then insist that moral pressure (rather than government expropriation) will usually be enough to get monopolists in this sort of situation to do the right thing, and that such situations are so rare, in any case, that the worry is a merely academic one, unlikely to crop up in the real world. Any philosophically coherent moral view, precisely because it makes consistent and systematic intuitions that are usually ill defined and haphazardly applied in everyday life, is likely to have some odd consequences under certain rare circumstances. But as long as these circumstances are primarily hypothetical, and are likely to remain so, the odd consequences by themselves are not enough to justify rejecting the theory. This sort of problem is not a special problem for the view under discussion.

There is, I think, much merit in this hard-line reply. In any case, egalitarians, some of whose favored theories in practice have led to mass poverty and even mass murder (witness the Communist regimes of the twentieth century), ought to think twice about chiding their opponents for leaving the door open to unsavory consequences that are, and promise to continue to be, highly speculative. (A monopoly on water is surely a much less likely prospect than an egalitarian regime’s tending toward totalitarianism and economic incompetence.) Still, it is always preferable to avoid having to bite bullets, if one can manage it. Is there a way to do so in this case?

There is. An alternative, soft-line approach could acknowledge that the initial acquirer who abuses a monopoly over a water hole (or any similar crucial resource) does commit an injustice against those who are disadvantaged, but such an approach could still hold that the acquirer nevertheless has not committed an injustice in acquisition—his acquisition was, as I have said, neither just nor unjust. Nor does he fail to own what he has acquired; he still cannot be said to have stolen the water from anyone. Rather, his injustice is an unjust use of what he owns, on a par with the unjust use I make of my self-owned fist when I wield it, unprovoked, to bop you on your self-owned nose. In what sense does the water-hole owner use his water unjustly, though? He doesn’t try to drown anyone in it, after all— indeed, the whole problem is that he won’t let anybody near it!