# 1AC

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#### I affirm the resolution. Resolved: The appropriation of outer space by private entities is unjust.

### Framing

#### I value justice, defined as giving each their due. According to philosopher John Rawls:

[John Rawls, 1971, “A Theory of Justice”, Harvard University Press, Professor of Philosophy at Harvard, page 3-4, [http://fs2.american.edu/dfagel/www/Philosophers/Rawls/RawlsDescribingVirtueofJustice.pdf //](http://fs2.american.edu/dfagel/www/Philosophers/Rawls/RawlsDescribingVirtueofJustice.pdf%20//)

"**In this introductory chapter I sketch some of the main ideas of the theory of justice** I wish to develop. The exposition is informal and intended to prepare the way for the more detailed arguments that follow. Unavoidably there is some overlap between this and later discussions. I begin by describing the role of justice in social cooperation and with a brief account of the primary subject of justice, the basic structure of society. **I then present the main idea of justice as fairness, a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract. The compact of society is replaced by an initial situation that incorporates certain procedural constraints on arguments designed to lead to an original agreement on principles of justice**. I also take up, for purposes of clarification and contrast, the classical utilitarian and intuitionist conceptions of justice and consider some of the differences between these views and justice as fairness. My guiding aim is to work out a theory of justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition. 1. THE ROLE OF JUSTICE 1. **The Role of Justice: Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society** the liberties of equal citizenship are taken as settled; **the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice [is] are uncompromising**."

#### Therefore, Rawls concludes that

#### 1] Justice is a descriptive assessment of whether an action gives everyone their due. It sets a benchmark to measure how we stack up against the ideal, even if sometimes we fall short.

#### 2] Just because an action is necessary, doesn’t make it just. A “necessary evil” might be an action we have to take, but it is never an action that is just if it denies people what they are due.

#### 3] Each person’s due is inviolable. We cannot claim that we have reached justice until everyone receives what they are due.

#### The value criterion and best way to uphold justice is through consistency with decisions made in the original position. Rawls continues,

--- Veil of ignorance

[John Rawls, “A Theory of Justice” 1971]

Now the reasons for the veil of ignorance go beyond mere simplicity. We want to define the original position so that we get the desired solution. Ifa **knowledge of particulars** is allowed, then the outcome is **biased** by arbitrary contingencies. As already observed, to each according to his threat advantage is not a principle of justice. If the original position is to yield[s] agreements that are just, the parties must be fairly situated and treated **equally as moral persons**. The arbitrariness of the world must be **corrected for by adjusting the circumstances** of the initial contractual situation. Moreover, if in choosing principles we required unanimity even when there is full information, only a few rather obvious cases could be decided. A conception of justice based on unanimity in these circumstances would indeed be weak and trivial.But once **knowledge [of one's position in society is] excluded**, the requirement of unanimity is not out of place and the fact that it can be satisfied is of great importance. It enables us to say of the preferred conception of justice that it represents a genuine reconciliation of interests.

#### Behind of the veil of ignorance, actors would always follow two fundamental truths.

#### 1] Because people are risk averse, rational actors behind the veil would choose to respect humanity’s indisputable claim to a basic set of fundamental human rights

#### 2] Because of the principle of diminishing marginal utility, any inequalities in how society is constructed must provide greater benefits to those who are the least well off

#### The thesis of the affirmative is that the appropriation of outer space by private entities violates both of these fundamental truths.

### Contention 1 – Inalienable Rights

#### Contention 1 is that the appropriation of outer space by private entities violates the inalienable right to the common heritage of mankind.

#### To clarify, environmental activist Prue Taylor explains, the Common Heritage of Mankind is a principle that assures collective right to a sustainable environment

Taylor, Prue. 2011. “Common Heritage of Mankind Principle.” In Klaus Bosselmann, Daniel Fogel, and J. B. Ruhl, Eds. The Encyclopedia of Sustainability, Vol. 3: The Law and Politics of Sustainability. 64–69. Great Barrington, MA. Berkshire Publishing.

The **“common heritage of mankind” is an ethical concept** and a general concept **of international law. It establishes that some localities belong to all humanity** and that their resources are available for everyone’s use and benefit, **taking into account future generations and the needs of developing countries.** It is intended **to achieve aspects of the sustainable development of common spaces and their resources**, but may apply beyond this traditional scope.

When first introduced in the 1960s, the “common heritage of mankind” (CHM) was a controversial concept, and it remains so to this day. This controversy includes issues of scope, content and status, together with CHM’s relationship to other legal concepts. Some commentators consider it out of fashion due to its lack of use in practice, e.g., for mining of seabed resources, and its subsequent rejection by modern environmental treaty regimes. In contrast, other commentators consider it a general principle of international law with enduring significance.

Escalating global ecological degradation and ongoing inability to arrest the so-called tragedy of the commons (Hardin 1968) will ensure the continued relevance of the common heritage concept, despite the difficulties surrounding its acceptance by states. Evidence for this can be found in a range of efforts to apply CHM to natural and cultural heritage, marine living resources, Antarctica and global ecological systems such as the atmosphere (Taylor 1998) or climate system.

Legal discussion of CHM generally begins with the speech of the Maltese ambassador Arvid Pardo (1914–1999) to the United Nations in 1967. In this speech he proposed that the seabed and ocean floor beyond national jurisdiction be considered the CHM. This was an important event that triggered the later negotiation of the 1982 Law of the Sea Convention (UNCLOS III) and other legal developments that subsequently earned Arvid Pardo the title “father of the law of the sea.” But CHM has a much longer history, and Pardo drew upon this in developing CHM as a legal concept for the oceans. Other people, including the writer and environmentalist Elisabeth Mann Borgese (1918 – 2002) considered CHM an ethical concept central to a new world order, based on new forms of cooperation, economic theory and philosophy. This history is important to elucidating **the ethical core of CHM [is]: the responsibility of humans to care for and protect the environment, of which we are a part, for present and future generations.**

#### Further, legal scholar Gbenga Oduntan explains that private appropriation directly contradicts common heritage principle

Gbenga Oduntan (Lecturer in Law, Canterbury Christ Church University College, England; Legal Adviser to the Nigerian Government and Member, United Nations Nigerian/Cameroon Mixed Sub-Commission on the Demarcation of the Boundary between Nigeria and Cameroon) Imagine There Are No Possessions: Legal and Moral Basis Of The Common Heritage Principle In Space Law. Manchester Journal of International Economic Law, 2 (1). pp. 30-59. ISSN 1742-3945. 2005. JDN. https://kar.kent.ac.uk/1767/1/Imagine%2520There%2520are%2520No%2520Possessions.pdf

“The word **heritage suggests property** or interests which are **reserved to a person by reason of birth**, something handed down from one's ancestors or the past. In defining mankind, it is necessary to make a distinction between mankind and man. Mankind refers to the collective group, whereas man refers to individual men and women…Mankind is not yet unified under one government, therefore the collective entity of mankind is represented by the various nations of the world. Thus the exercise of rights to the common heritage of mankind appertains to nations, representing mankind, and not individuals. The use of **the phrase common heritage of mankind implies or prescribes worldwide ownership**...46”

Furthermore, due to the fact that the primary subjects of international law are independent states, **it is logical that [states]** they **should decide** together and **as a singular community, inclusive of all, fundamental matters that concern all**. This is, therefore, what is legalistically referred to as mankind.47 **It has, therefore, become possible to identify some basic elements of the CHM principle**:

(a) **That the areas constituting a CHM cannot be subject to appropriation.**

(b) That the use of such area and the resources thereof shall be subject to a common management system.

(c) **That the concept** in question **implies an active sharing of the benefits derived from** the exploration and exploitation of **those areas**;

(d) That the area be used exclusively for peaceful purposes;

(e) **That the area be preserved for future generations in perpetual succession**.48

#### Additionally, Daniel Porras of the secure world foundation writes that private appropriation of outer space violates the collective right to space.

Daniel A. Porras, “THE "COMMON HERITAGE" OF OUTER SPACE: EQUAL

BENEFITS FOR MOST OF MANKIND,” *California Western International Law Journal*, Vol. 37, No.1, 2006, Accessed January 6, 2022,<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1130&context=cwilj>

The original concept was that space exploration should be carried out for the benefit of all mankind in the most expansive sense of the phrase.2 " The emerging definition places limitations on the types of benefits to be enjoyed by all and suggests distinctions between classes of "mankind" in space.245 This is dually consistent and contrary to the original concepts of space law.

The Outer Space Treaty states specifically that outer space exploration should be carried out for the **benefit of all people** "irrespective of their degree of economic or scientific" development. 2 " This language suggests that economic and scientific lagging should not prevent the receipt of benefits. However, if the **only parties** who are privileged to benefit from outer space are parties who may participate in space programs, then the poorest and least developed nations will **not see any benefits** apart from not being attacked from outer space.

On the other hand, there is nothing in space law that says states may not be excluded because of national security concerns. In the interest of national security, states may seek to limit both access to space and sharing of space technology. If space is to be used for peaceful purposes, it would seem that denying access and technology in these instances would be permissible and would not amount to denial of any recognized benefits of space exploration.247 So the modified idea of "Common Heritage" ignores the less economically developed nations, but it excludes nations that threaten national security. If this is the case, then the duty of space-faring states to less developed nations should be to offer access to space and an opportunity to participate peacefully.

#### Finally, Professor of government Christopher Joyner explains that the benefits of ownership in space do not require private ownership, but private ownership always violates fundmanetal rights.

Christopher C. Joyner (Professor of Government and Foreign Service at Georgetown University). Legal Implications of the Concept of the Common Heritage of Mankind. International and Comparative Law Quarterly, 35(01), 190–199. 1986. JDN. <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/abs/legal-implications-of-the-concept-of-the-common-heritage-of-mankind/27C87188CE97BA536F9FE5DD8E048C78>

If applied to an international area, the notion of the "common heritage of mankind" would assign ownership neither to all mankind nor to any sovereign user. Under a CHM regime, "ownership" of the region would be **legally absent**. The CHM conceptually entails the principle of non-proprietorship; consequently, there would not be any sovereign title available for legal acquisition or transfer. The key consideration would be access to the region, rather than ownership of it.28

Another significant factor is the international machinery designed to administer the region. Under a CHM regime, specific legal functions of this authority would include distributing users' rights and economic benefits, promoting peaceful uses of the area and facilitating the settlement of disputes.29 In assuming these critical roles usually reserved for sovereign States, the CHM regime depreciates the legal relationship between sovereign ownership and jurisdictional control. As a result, a common space area would be without any owner holding **legal title in the traditional sense**, although the international administrative agency in its place would assume responsibility for overseeing and regulating activities in the region.

Under a CHM regime, a legal right would be created to use that international space without any attendant rights of ownership, possession or sovereign acquisition of title.30 The notion of CHM specifically implies management of such property, as well as proper oversight of its use.

### Contention 2 – Inequalities

#### Contention 2 is that the appropriation of outer space by private entities would harm those who are the least well off

#### Nick Levine of Cambridge University finds that outer space would provide economic power for only a few wealthy countries and private corporations.

Nick Levine (MPhil candidate in history of science at the University of Cambridge), “Democratize the Universe,” *Jacobin Magazine*, March 21, 2015, Accessed July 17, 2021,

The history of the Moon Treaty serves as a reminder that outer space is not just a screen onto which we project techno-utopian fantasies or existential anxieties about the infinite void. It has been, and will continue to be, a site of **concrete struggle over economic power**. The politics of the present are undoubtedly different from those of the 1970s. The egalitarian project of the Group of 77 has given way to BRICS-style market liberalism. Global capital has gained power where international labor efforts have stagnated. Domestic inequalities have skyrocketed. The rapid proliferation of information technologies has temporarily masked the reality that the future, to paraphrase William Gibson, is not being very evenly distributed. Without international political organization to challenge galactic market fundamentalism, a **twenty-first century space odyssey** could mean the concentration of even more wealth and income in the hands of a few powerful corporations and the most technologically advanced countries. At the same time, and for the same reasons, the prospect of preserving the final frontier as a celestial commons presents an opportunity to fight for a more democratic political economy. Sharing the benefits of the celestial commons is key to expanding democracy to a galactic scale. One time-tested means of distributing the benefits of natural-resource extraction universally is the sovereign wealth fund, which Alaska uses to deliver oil revenue to its residents. As an international commons, outer space offers an opportunity to experiment with such redistributive mechanisms beyond the traditional confines of the nation-state. Organizing around an issue of such scale may seem utopian, but it’s also necessary. From regulating capital to mitigating climate change, the problems that confront us are inherently global in scope and require commensurate strategies. At the very least, the global left ought to demand the creation of an independent Galactic Wealth Fund to manage the proceeds of outer space resources on behalf of all human beings. At first, it would amount to little, divided up among all of us. But as the space economy grows relative to the terrestrial one, social dividends from the Galactic Wealth Fund could provide the basis for a truly universal basic income. This is just one component of a broader platform for galactic democracy that must be developed collectively. **Extraterrestrial economic justice** — not just shiny technological advances — will be central to any truly egalitarian politics in the twenty-first century. It’s time to start building a democratic futurism.

#### Further, Samuel Stockwell of King’s College explains that private companies, driven by profit, are unwilling to share resources with the rest of the world

Samuel Stockwell (War Studies postgraduate student at King’s College London, specialising in the area of terrorism and deradicalisation in the Western world), “Legal ‘Black Holes’ in Outer Space: The Regulation of Private Space Companies,” E-International Relations, July 20, 2020, Accessed July 17, 2021, <https://www.e-ir.info/2020/07/20/legal-black-holes-in-outer-space-the-regulation-of-private-space-companies/>

The US government’s support for private space companies is also likely to lead to the reinforcement of Earth-bound wealth inequalities in space. Many NewSpace actors frame their long-term ambitions in space with strong anthropogenic undertones, by offering the salvation of the human race from impending extinction through off-world colonial developments (Kearnes & Dooren: 2017: 182). Yet, this type of discourse disguises the **highly exclusive nature** of these missions. Whilst they seem to suggest that there is a stake for ordinary citizens in the vast space frontier, the reality is that these self-described space pioneers are a member of a narrow ‘**cosmic elite**’ – “founders of Amazon.com, Microsoft, Pay Pal… and a smattering of games designers and hotel magnates” (Parker, 2009: 91). Indeed, private space enterprises have themselves suggested that they have no obligation to share mineral resources extracted in space with the global community (Klinger, 2017: 208). This is reflected in the speeches of individuals such as Nathan Ingraham, a senior editor at the tech site EngadAsteroid mining, who claimed that asteroid mining was “how [America is] going to move into space and develop the **next Vegas Strip**” (Shaer, 2016: 50). Such comments highlight a form of what Beery (2016) defines as ‘scalar politics’. In similar ways to the ‘scaling’ of unequal international relations that has constituted our relationship with outer space under the guise of the ‘global commons’ (Beery, 2016: 99), private companies – through their anthropogenic discourse – are scaling existing Earth-bound wealth inequalities and social relations into space by siphoning off extra-terrestrial resources. By constructing their endeavours in ways that appeal to the common good, NewSpace actors are therefore concealing the reality of how commercial resource extraction serves the exclusive interests of their private shareholders at the **expense of the vast majority** of the global population.

### Contention 3 – Innovation

#### Contention 3 is that the private appropriation of outer space decreases innovation.

#### The public sector is key to technological development

West 20 [Darrell M. West, 8-18-2020, "Five reasons to explore Mars," Brookings, <https://www.brookings.edu/blog/techtank/2020/08/18/five-reasons-to-explore-mars/>] Sachin

DEVELOP NEW TECHNOLOGIES The U.S. space program has been an extraordinary [catalyst for technology innovation](https://www.jpl.nasa.gov/infographics/infographic.view.php?id=11358). Everything from Global Positioning Systems and medical diagnostic tools to wireless technology and camera phones owe at least part of their creation to the space program. Space exploration required the National Aeronautics and Space Administration to learn how to communicate across wide distances, develop precise navigational tools, store, transmit, and process large amounts of data, deal with health issues through digital imaging and telemedicine, and develop collaborative tools that link scientists around the world. The space program has pioneered the miniaturization of scientific equipment and helped engineers figure out how to land and maneuver a rover from millions of miles away. Going to Mars requires similar inventiveness. Scientists have had to figure out how to search for life in ancient rocks, drill for rock samples, take high resolution videos, develop flying machines in a place with gravity that is 40 percent lower than on Earth, send detailed information back to Earth in a timely manner, and take off from another planet. In the future, we should expect large payoffs in commercial developments from Mars exploration and advances that bring new conveniences and inventions to people.

#### Space is a long-term project that private companies cannot deliver for – The aff is key.

Phillips 20 [(Leigh, science writer and EU affairs journalist, author of Austerity Ecology.) “We Don’t Need Elon Musk to Explore the Solar System,” May 8, 2021, https://jacobinmag.com/2021/05/elon-musk-space-exploration-mars-colonization] Recut Sachin

How much of our ecology do we need to take with us, though? We just don’t know yet. The science of ecology is very much still a young discipline. This is where fantastical science-fiction conceptions of vast ships made from hollowed out asteroids and packed with different biomes fills the gap of what we do not know. Likewise for novels like Becky Chambers’s To be Taught, if Fortunate, in which, instead of terraforming other worlds, adapting them to our needs, we genetically alter our bodies via “somaforming” to adapt ourselves to their conditions. Plainly, then, there is no rush for any of this, even as there is a moral imperative for us, one day in the distant future, to permanently exit Earth. Our colonization of other worlds is akin to the building of the grandest cathedral we have ever envisaged: a project that will take centuries, or more likely millennia, many millennia. This is nothing that a private company can deliver. There is no near-term return on investment; indeed, there is no aim of profitability at all, but rather of our species’ survival through the eons.

#### For these reasons, I urge an affirmative ballot.

### Extra

#### Back onto the first contention---World Economic Forum contributor Matt Davies tells us that space mining increases inequality gaps as only the super-wealthy benefit.

[Matt Davies 18. Contributor to the World Economic Forum, BigThink, and Mucrack “Will asteroid mining be an outer-space gold rush?”, BigThink, 9/28/18, <https://bigthink.com/technology-innovation/economic-impact-of-asteroid-mining?rebelltitem=1#rebelltitem1>] Recut Sachin

In September, a Japanese spacecraft called Hayabusa 2 deployed and landed two rovers on a small asteroid named Ryugu, which is named after an underwater palace in a Japanese folk tale. In the story, a fisherman rescues a turtle, who, in return, allows the fisherman to ride on his back to the underwater palace. There, he retrieves a small, jeweled box as a reward, which he brings back to his village. Like the fisherman in the folk story, Hayabusa 2 will retrieve something from this asteroid: samples of the asteroid itself, which is hoped to contain metals like nickel, cobalt, and iron, as well as a variety of other elements. If the survey confirms that the asteroid is composed of what astronomers predict, then the true treasure of Ryugu might be a bit more than a jeweled box. Its mineral wealth might be $82.76 billion. There is a lot of money floating around in space. Neil DeGrasse Tyson famously declared that the first trillionaire would be an asteroid miner (although Jeff Bezos is gunning for that position at the moment). Just to give a sense of the potential value out there, the value of Earth's annual extracted metals and minerals is about $660 billion. Ryugu represents a large chunk of that, right? Well, there are far more valuable asteroids out there, too. In the asteroid belt, there is an asteroid named 16 Psyche that is worth an estimated $10,000 quadrillion. Let me write that number out: $10,000,000,000,000,000,000,000. That's more than the value of everything produced on Earth in a year. Hell, according to one calculation, that's 2,000 times more valuable than the Earth itself. Like I said, there's a lot of money floating around in space. Currently, we don't have the technology to access 16 Psyche and other insanely valuable asteroids like it. That's why we're sending small spacecraft to relatively small asteroids like Ryugu to get hard evidence about whether its worth the effort. It seems like the private sector has already made up its mind, however. Image credit: JAXA The image, taken by one of the Hayabusa 2 probes, shows the surface of Ryugu in the bottom right and reflected sunlight in the top right. A new frontier Asteroid mining has been likened to a space-age gold rush, only there's a few crucial differences. First, gold is just one of the many valuable minerals we can expect to find. While gold is an important and valuable resource, what we really need are the many other minerals we can find in space. Most of the valuable minerals in the space dust that formed the Earth have been sucked into its core, locked away forever (unless we want to destroy the planet). What we mine today comes from the finite deposits of comets and meteorites that struck the planet's surface over its history. Those materials will eventually run out, and, even if we get another "delivery" from outer space, it might render the whole economic endeavor moot. We need precious metals to build smartphones, but we also need living human beings to buy smartphones. Second, regular people aren't going to be able to pan for precious metals on the surface of an asteroid. There is a handful of corporations dedicated to asteroid mining operations, notably Planetary Resources. To date, the company has launched a couple of satellites that will survey likely candidates for mining from Earth's orbit. Ultimately, however, their vision of asteroid mining will consist of sending out space probes, and developing fully automated mining and processing facilities on or near their target asteroid. They also plan to construct a fuel depot in space, where water extracted from asteroids can be split into hydrogen and liquid oxygen for jet fuel. Image credit: Planetary Resources An artist's rendering of the ARKYD-6 satellite, launched by Planetary Resources. The satellite is specifically tuned to search for water on near-Earth asteroids. How will this affect Earth? As stated earlier, today most of the mineral wealth on Earth comes from a finite supply delivered by comets and meteorites. Part of what makes these minerals valuable is the very fact that they are finite. What's going to happen when a $10,000 quadrillion asteroid is mined for its resources? Well, the short answer is we don't really know. Once this science-fiction story becomes fact, it's going to fundamentally transform our economies in ways we can't really predict. There is some concern that the vast amount of mineral wealth available in space will cause commodity prices to drop precipitously, tanking the economy. This likely won't be an issue. Only a handful of companies will have a foothold in space, and because of their oligopoly, they won't flood the market with, say, platinum. That would drive the value of platinum down so low that they couldn't make any money. As an example of how this will likely play out, we can look at the diamond market. Diamonds are actually quite abundant on Earth, but the De Beers organization has such a monopoly on the market that they only release just enough diamonds to satisfy demand. Since the "supply" was artificially made to always meet demand, De Beers could ensure their continued profits. (Note that the De Beers monopoly has since been broken up). So, the economy won't collapse. But this also means that inequality on Earth will become more extreme. Right now, a handful of billionaires are betting on asteroid mining, and, if it pays off, they're the ones who will reap the benefit. The rags-to-riches conditions of the gold rush aren't going to be replicated out in space: there will be no Space Dream to match the California Dream. On the other hand, mining operations will likely take place in space and correspondingly grow and develop in space. As more mineral resources are found in space and less on Earth, mining operations here won't be as appealing, which is a profoundly good thing. Mining is incredibly damaging to the environment, and in developing countries, mines are often worked by child labor. On a theoretical asteroid mining operation, most of the work would likely be automated, and any pollutants would be shot off into outer space. The most optimistic perspective on asteroid mining is that it will propel us towards a post-scarcity society, one where the incredible abundance of water and minerals and asteroids will enable virtually limitless development. Gathering water from asteroids, in particular, would represent a tremendous boon. Unfortunately, selling water to thirsty humans isn't likely what's going to happen; instead, it'll be used to make rocket fuel for further asteroid mining ventures. As with any dramatic economic change, the real impact is difficult to see right now. Some argue that due to the expense of getting into space, setting up mining facilities, and hauling material back to Earth, asteroid mining will never be profitable. But if it is, it will change human civilization forever.