**NC FWK**

**I negate the resolution resolved, appropriation of outerspace by private entities is unjust**

**For clarity in the round I would like to start by offering the following definitions provided by Merriam Webster dictionary**

**First appropriation: to establish**[**exclusive**](https://www.merriam-webster.com/dictionary/exclusive#h1)**possession of**

**Second unjust :absence of justice: violation of right or of the rights of another**

**Third Entity: an organization (such as a business or governmental unit) that has an identity separate from those of its members**

#### My Value for this debate is Justice- generally because it is present in the resolution and because we are discussing the rights of a individual

**Justice is defined as giving each their due. The best way to give each what they are due is through concerning the individual liberties of everyone, thus my value criterion is Libertariansim.**

#### Business Dictionary explains libertarianism as:

Philosophical principle that **[Libertarian ideals] suggest**s **that a government's involvement in** civil economical and social **matters should be limited, and** that the **issues should be settled amongst civilians.** Libertarianism seeks to provide free-will participants the ability to make decisive decisions without the government determining or influencing the outcome, as long as it does not harm other individuals. Libertarianism is based off the belief that **each individual owns** every aspect of **their lives and** thus **should** have the ability to **control it.**

#### 2] People have varying passions and conceptions of a good life that stems from individuality and freedom. Only by having the state embrace my framework of protecting individual rights can we allow everyone to pursue their passions without arbitrarily valuing certain views. Eric Mack writes:

Eric **Mack**, June 15, 2018, “Robert Nozick’s Political Philosophy” <https://plato.stanford.edu/entries/nozick-political/#FraDisPro> //LHP AV

The official purpose of Part III of ASU, “Utopia”, is to show that the minimal state is not merely legitimate and just; it is also inspiring. This purpose is advanced by sketching a framework for utopia that is inspiring and noting that this framework is highly akin to—Nozick actually says “equivalent to” (333)—the minimal state. Yet Nozick also says that the framework might not have any “central authority” (329). Still, the framework is akin to the minimal state because it is an institutional structure that enforces peaceful co-existence among voluntarily formed communities. It protects the independence of such communities and their freedom to recruit members and also protects the liberty of individuals to enter and exit communities as they respectively choose. Although Nozick is not explicit about this, we have to presume that the framework enforces the same norms of personal freedom, property, and contractual compliance that the minimal state enforces except insofar as individuals voluntarily relinquish such rights within the communities they enter. The framework is inspiring because of the way it contributes to persons’ identification of and participation in communities (and other networks of relationships) through which they will find meaning and well-being. It is inspiring to anyone who appreciates how little each of us knows about what sorts of communities best suit human beings in all their depth and diversity and how much the operation of the framework assists individuals in their discovery of and engagement in communities that enhance their respective well-being. Moreover, many persons may value the framework not merely for the way it enhances their own good but, also, for the ways in which it allows them to participate vicariously in others’ achievement of their different modes of flourishing (Lomasky 2002). 5.1 The Framework as Discovery Procedure The framework is—or, more precisely, sustains—a discovery procedure. Under the protective umbrella of the framework, individuals are presented with and can try out diverse communities while communities themselves arise and modify themselves in their competitive search to sustain, improve, or increase their membership. A wide range of communities will continually arise out of and in response to the evolving perceptions that diverse individuals will have about what modes of sociality will best suit them and will best attract welcome partners. Communities will survive and perhaps expand or be imitated insofar as they actually embody modes of relationship that serve well their actual or prospective membership or insofar as they successfully refine their offerings in the market place of communities. The framework also insures that those who are already confident that they know what sort of community is best for them will be free to form those communities by voluntary subscription and, thereby, to manifest their actual value (or disvalue) to themselves and to other seekers of well-being. Part of Nozick’s sub-text here is a message to socialist utopians that nothing in the framework (or the minimal state) precludes their non-coercive pursuit of their ideal communities. How, therefore, can socialists object to the framework (or the minimal state)? This generalizes Nozick’s earlier claims in ASU that that advocates of meaningful work and workers’ control of productive enterprises ought not to be hostile to the minimal state since the minimal state is fully tolerant of non-coercive endeavors to establish such conditions (246–253). In a short essay in Reason magazine published four years after ASU, Nozick asked, “Who Would Choose Socialism?” (Nozick 1978). More precisely, his question was: What percent of the adult population would choose “to participate in socialist interpersonal relations of equality and community” were they in position to choose between “a reasonably attractive socialist option and also a reasonably attractive non-socialist one?” (Nozick 1978: 277). Nozick takes the choice available to Israelis between membership and non-membership in kibbutzim to be a good instance of a choice between such options and notes that around six percent of the adult population of Israel in the 1970s had chosen the socialist option. He speculates that socialists are at least “tempted” to be imperialists precisely because they sense that there will be too few volunteers (Nozick 1978: 279). The discovery procedure that the framework sustains is a version of Millian experiments in living—albeit it is a version that places much more emphasis on the role of a marketplace of communities in providing individuals with experimental options. This discovery procedure (like Millian experiments in living) is, of course, a Hayekian invisible hand process. Given the enormous diversity among individuals, we do not know what one form of community would be best. The idea that there is one best composite answer to all of these questions [about what features utopia has], one best society for everyone to live in, seems to me to be an incredible one. (And the idea that, if there is one, we now know enough to describe it is even more incredible.) (311) Nor do we know what distinct modes of community would be best for distinct types of persons. Thus, we cannot design an inclusive utopia; nor can we design an array of mini-utopia such that some significantly fulfilling community will be available to everyone—or even to most. It is helpful to imagine cavemen sitting together to think up what, for all time, will be the best possible society and then setting out to institute it. Do none of the reasons that make you smile at this apply to us? (313–314) Given our ignorance, the best way to realize utopia—almost certainly many distinct utopia—is through the discovery procedure that the framework sustains. (We should note, however, an implicit, somewhat puzzling, and wholly unnecessary presupposition of Nozick’s discussion, viz, that individuals with utopian aspirations will generally seek out communities that are made up of other individuals like themselves. The suggestion is that chosen communities will be internally homogeneous with heterogeneity existing only across these communities.)

#### Prefer my criterion for the following reasons:

#### As a society, we generally recognize that people need individual liberties and rights. Individuals control what they do and thus we must respect their rights..

#### Feser:[1]

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 **limit**s **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.

**Thus, the only way to achieve justice is through concerning the rights and liberties of individuals and not allowing the government to deviate from these rights in any way**

# Contention 1- Private Space is good for freedom

**Because there is no clear border between space and Earth, land should be treated in space as it is on earth**

**Baca 11**

11Baca, Kurt Anderson [Associate at Gallop, Johnson & Neuman, St Louis, Missouri] “Property Rights inOuter Space”, 58 J. Air L. & Com. 1041, 1993,<https://scholar.smu.edu/jalc/vol58/iss4/4>

**first, I would argue that private property is morally important**, that it is good for people to be able to own things in the world. (There are lots of arguments/frameworks one can use for this position, rule consequentialist arguments, Thomistic arguments about natural law, or even Kantian arguments about freedom.)**Second, I would argue that for there to be a system of property**, it **must be possible for people to justly acquire natural resources. If there is any legitimate property, then original appropriation must be possible** (since without original appropriation, no one owns anything to sell in the first place).**Third**, I **would argue** that there is nothing special about outer space. Indeed, **there is no even a clear boarder between earth and outer space**. **Rather**, there is **just a** **fuzzy** or blurry **boundary. But if that is the case, then just as original appropriation is possibleon earth, so it should be possible in space. All the same considerations apply**. How does the extension of man’s activities into space and onto the celes‐tial 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 un‐ changed. The same property rights system that is most beneficial on Earth will be most beneficial on the celestial bodies.11

**Private entities are gurarenteed the rights to property and appropriation in space, revoking this right, denys people their rights as a member of a just society**

**Reinstein 99[1]**

Ezra J. Reinstein (JD, Associate at Kirkland & Ellis), Owning Outer Space, 20 Nw. J. Int'l L. & Bus. 59 (1999). JDN. https://scholarlycommons.law.northwestern.edu/njilb/vol20/iss1/7

**A new law of space real property must enliven and support all four rights that comprise ownership. First**, there must be a right **to permanent possession**: barring some ex- traordinary circumstance or the enforcement of a judgment, **no one should face dispossession of his real estate on Earth or in space. This rule supplies a needed measure of certainty, in two ways: (1)** it's a **definite rule** and almost any such rule [**which]is better than the fogginess of the current regime,** and (**2) it** moves the presumption away from public conversion of private lands, and therefore **makes it clear that the OST's statement, that space development must be "for the benefit...of all countries," is a moral exhortation and not a loophole through which the United Nations can dispossess a private party of his site. Second, I suggest that the right to use be unlimited,** except by environmental regulations and the developer's domestic law. **This rule is a recognition that humanity's fortune is best enhanced** not by a centralized command-and-control system, but **by private development** making marketdriven decisions

#### 3] The initial acquisition of unowned property cannot be unjust, and therefore the aff’s claim that the acquisition of space is unjust is false. All appropriation is is taking something that is unowned and making it your own – for instance, taking a part of a planet that no one owns and owning it. That can never be unjust since you’re not infringing upon other’s property, Edward Feser, professor of philosophy who specializes in individual rights, explains:

Edward Feser, [Associate Professor of Philosophy at Pasadena City College] “THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION,” 2005 //LHP AV

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 acquisi- tion 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 some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer**. It is impossible,

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# Contention 2- Consequentialism (Case Turns) (against Util)

**Subpoint A: Mining**

#### Asteroid mining offers incredible economic gains

**Reinstein 99**

Ezra J. Reinstein (JD, Associate at Kirkland & Ellis), Owning Outer Space, 20 Nw. J. Int'l L. & Bus. 59 (1999). JDN. https://scholarlycommons.law.northwestern.edu/njilb/vol20/iss1/7

Perhaps the most lucrative area of development is the mining of celestial bodies. On the moon, an assay of only 30 km2 of the lunar surface during Apollo-17 turned up deposits of Helium-3, a radiation-free fusion reactor fuel, practically nonexistent on Earth, that is more efficient than any radioactive fuel currently available.6 So-called near-Earth asteroids ("NEAs"), six are closer to Earth than our moon and more than 50 closer than Mars,7 might also be optimal targets for early development. The smaller of these asteroids have negligible gravitational fields, which would reduce fuel costs far below what is necessary for a lunar mission. **Many of these NEAs seem to be rich in raw materials that are either rare and valuable on Earth, or common on Earth, needed in space,** but expensive to launch.8 For instance, there is accumulating evidence that some NEAs contain **gold**, rhenium, germanium, and **platinum-group metals** -- platinum, palladium, iridium, **osmium**, rhodium, and ruthenium -- at concentrations of up to 100 times those that are mined on Earth.9 Glenn Reynolds 0 has observed**, "The smallest known near-Earth metal asteroid contains more metal than has been mined by humanity since the beginning of time."**'" It has been estimated that 2,000 NEAs larger than 1 km in diameter exist.12

#### Asteroid mining protects the environment—it leads to solar-powered satellites and offsets terrestrial extraction

**Taylor 19**

Chris Taylor is a veteran journalist. Previously senior news writer for Time.com a year later. In 2000, he was named San Francisco bureau chief for Time magazine. He has served as senior editor for Business 2.0, West Coast editor for Fortune Small Business and West Coast web editor for Fast Company. Chris is a graduate of Merton College, Oxford and the Columbia University Graduate School of Journalism. "How asteroid mining will save the Earth — and mint trillionaires." Mashable, 2019, mashable.com/feature/asteroid-mining-space-economy. [QC]

**The mission is essential**, Joyce declares**, to save Earth from its major problems**. First of all, the fictional billionaire wheels in a fictional Nobel economist to demonstrate **the** actual truth that **the entire global economy is sitting on a mountain of deb**t. It has to keep growing or it will implode, **so we might as well take the majority of the industrial growth off-world where it can’t do any more harm to the biosphere**.

**Secondly**, there’s the climate change fix. **Suarez sees asteroid mining as the only way we’re going to build solar power satellites**. Which, as you probably know, is a form of uninterrupted solar power collection that is theoretically more effective, inch for inch, than any solar panels on Earth at high noon, but operating 24/7. (In space, basically, it’s always double high noon).

The power collected is beamed back to large receptors on Earth with large, low-power microwaves, which researchers think will be harmless enough to let humans and animals pass through the beam**. A space solar power array like the one China is said to be working on could reliably supply 2,000 gigawatts — or over 1,000 times more power than the largest solar farm currently in existence.**

“We're looking at a 20-year window to completely replace human civilization's power infrastructure,” Suarez told me, citing the report of the Intergovernmental Panel on Climate Change on the coming catastrophe. **Solar satellite technology “has existed since the 1970s. What we were missing is millions of tons of construction materials in orbit. Asteroid mining can place it there.”**

The Earth-centric early 21st century can’t really wrap its brain around this, but the idea is not to bring all that building material and precious metals down into our gravity well. Far better to create a whole new commodities exchange in space. You mine the useful stuff of asteroids both near to Earth and far, thousands of them taking less energy to reach than the moon. That’s something else we’re still grasping, how relatively easy it is to ship stuff in zero-G environments.

**Subpoint B: Innovation**

#### Competition in space between private entities lowers costs and barriers of entry for other companies increasing technological innovation

Lizzy Gurdus, FEB 27 **2021**, CNBC, “Private companies such as SpaceX are driving costs down for everyone in the space race, says man behind UFO ETF”, [https://www.cnbc.com/2021/02/27/private-companies-like-spacex-are-driving-industry-costs-down-ceo.html] ahs ja

Private space companies are paving the industry’s path to profits, says the man behind the Procure Space ETF (UFO). By taking part in the rapidly developing “space race,” billionaire-backed entities such as Elon Musk’s SpaceX and Jeff Bezos’s Blue Origin are lowering costs across the board, ProcureAM CEO Andrew Chanin told CNBC’s “ETF Edge” this week. “They’re able to get the cost of launch down and that’s going to allow more companies to send things into outer space cheaper,” Chanin said in the Wednesday interview. “They’re really opening up the entire environment for space companies and future would-be space companies to lower those barriers of entry.” They’re also lowering costs for government-sponsored space programs by competing amongst themselves for NASA contracts, Chanin said. “They’re actually freeing up more of NASA’s budget to be able to invest in other areas of space, he said. “This competition I think is very healthy. Not necessarily every company’s going to be a winner, but hopefully this competition can drive down prices and also let the best technologies win.” NASA now also has contracts with more than 300 publicly traded U.S. companies, said Chanin, whose UFO ETF counts Loral Space & Communications and Gilat Satellite Networks as its top two holdings. “It’s not just necessarily a pure-play space company that might get a contract,” the CEO said. “It’s really opening up opportunities for everyone.” That’s why it’s important to look beyond name recognition in this particular area of investing, Matthew Bartolini, State Street’s head of SPDR Americas research, said in the same “ETF Edge” interview. State Street offers the SPDR S&P Kensho Final Frontiers ETF (ROKT), the first space ETF to hit the market. The fund’s top three holdings are Maxar Technologies, Virgin Galactic and Aerojet Rocketdyne. Bartolini recommended “to not just look at the high-flying names like SpaceX or Blue Origin that are in the private markets, but showcase what companies in the public markets help supply them.” Aerojet Rocketdyne, which defense giant Lockheed Martin is buying in hopes of competing with private space companies, played a key role in Blue Origin’s New Shepard rocket launch, Bartolini said. “You can see the derivative effects of a private company impacting the public markets just from that one example of Lockheed and Aerojet,” he said. “It helps underscore the opportunity that you’re seeing in space.” As space companies embrace greater efficiency, more government support and more commercial applications on Earth in areas such as satellite technology, that opportunity is likely to grow and continue to filter into public markets, Bartolini said. Morgan Stanley has said the global space industry could produce revenues of over $1 trillion by 2040. Current global revenues are roughly $350 billion. UFO and ROKT both fell by more than 1% on Friday. UFO is up over 14% year to date, while ROKT is up nearly 2%.

**Private Space increases innnovation**

Seetha Raghava, August 4th **2021**, UFC TODAY, “The Impact of Innovation in the New Era of Space Exploration”, [https://www.ucf.edu/news/the-impact-of-innovation-in-the-new-era-of-space-exploration/] ahs ja

Every once in a while, a confluence of discoveries, events and initiatives results in a breakthrough so significant that it propels the entire world to a higher level, redefining what is possible in so many different fields. This breakthrough is taking centerstage now, as the new era of space exploration — catalyzed by increasing launch access — dawns upon us. The surge of innovation that comes with this will create new opportunities and inspire the next generation of doers. When this happens, boundaries between scientific and social impact are blurred. Innovation leading to scientific discovery can benefit society in the same way that social innovation can diversify and support scientific innovators, who can contribute to global progress. To ride this wave of progress, we must all participate and innovate in the new era of space exploration. The intersection of space exploration, innovation and impact isn’t a new phenomenon. In the past, technology developments and spin-offs from space research have consistently found their way into communities worldwide sometimes with lifesaving benefits. The International Space Station supports experiments that have led to discoveries and inventions in communication, water purification, and remote guidance for health procedures and robotic surgeries. Satellite-enabled Earth observation capabilities that monitor natural disasters, climate and crops often support early warnings for threats and mitigation strategies. Space exploration has always been relevant to everyone no matter the discipline or interest. Commercialization of space has been key in many ways to the current boost in “firsts” over the last few years. **It has spurred innovation in launch vehicles and related technologies that led to firsts in vertical-takeoff-vertical landing rocket technology, reusability of rocket boosters and privately developed crewed missions to orbit**. Concurrently, NASA has continued to captivate our imagination with the first flight of a helicopter in another world, a mission to return an asteroid sample to Earth and sending a probe to make the closest ever approach to the sun. While we celebrate the scientific progress, there is a vastly important question that we all need to focus on: How can we drive the surge in innovation offered by increased access to space, to benefit humankind? Access to low-Earth orbit, and eventually human exploration of space, is a portal to achieve many impactful outcomes. The numbers and completion rate of microgravity experiments conducted by scientists will be greatly increased as a range of offerings in suborbital flights provide more opportunities to advance critical research in health, agriculture, energy, and more. Lunar, planetary, and even asteroid exploration may lead to discoveries of new materials — busting the limitations now imposed on capabilities for energy, transportation, and infrastructure or creating new sensors and devices that enhance safety on Earth. Space tourism —one can hope — has the power to potentially create an awareness of our oneness that may lead to social change. But much like all scientific endeavors, we cannot ignore the importance of pre-emptively identifying and mitigating negative impacts of new ventures some of which may have already taken shape. We need to consider space debris that threatens the very access that facilitates it, safety and rescue readiness to support increased crewed missions and space tourism, national security, and effects of light pollution on astronomy. Much of these can be approached and mitigated with new concepts and ideas that have already been set in motion. One thing is for certain, space has always been the inspiration for the next generation of innovators and creative thinkers. Architects of new ideas in this era will inspire many more. Ingenuity must also come from academic and research institutions building a new space-ready generation through innovative curriculum, scholarships, and research opportunities for key fields at all levels. Most of all, engaging participation is a responsibility anyone can take by steering the conversation and gathering ideas on how we can make this era one of positive benefit for all, while making opportunities inclusive to all.