# State Quals R1

## 1N

### FW

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

#### Flowing directly from the use of the word ‘unjust’ in the resolution, my value is justice.

#### Accordingly, my value criterion is preserving freedom by protecting individual negative rights. To clarify, a positive right is claiming others must provide you with something, while a negative right is claiming others must not take what you have. There are (2 or 3) major reasons to prefer it:

#### 1] Only embracing the negative right can cohere with important conceptions of self-ownership key to morality. This card also explains positive and negative rights. Philosophy Professor Edward Feser Summarizes

Edward Feser [Philosophy professor at Loyola], On Nozick by Eric Mack, 2004, p. 36-7, Volume 8, Issue 4 //Scopa

This brings us to a second feature of Nozick’s conception of rights, namely that they are essentially negative. A right to X just is a right not to be hindered in using something you own, X, as you want to use it. It is not a right to have X if you don’t already own it and no one wants to give or sell it to you. Your right to your TV set is just your right not to have it damaged or taken from you against your will; it is not a right that someone should buy you a TV set. Your right to life is just the right not to be killed; it is not a right that others should provide you with what you need to live. You own your life, so no one has the right to take it from you. But by the same token, others own their lives, bodies, labor, and the things they produce with their labor, and thus no one has a right to take those things from them. In particular, you do not have the right forcibly to take, or have someone else take, other people’s resources simply because you want or need them, even if you need them to live (just as you have no right to take their body parts from them even if you needed those to live). A right to what you need in order to live would be a positive right a right to something that someone else must provide you with, as opposed to a (negative) right that someone merely refrain from doing something to you. So-called rights to welfare, health care, education, and the like would be positive rights. But there simply are and can be no such fundamental positive rights on a libertarian view. For no one has a basic right against other people that they must provide things for him; to assume otherwise is to assume, in effect, that a person at least partially owns other people’s property, including their labor, if I claim a right to education, for example, I am in effect claiming that other people must provide me with an education — it won’t just fall out of the sky, after all — which means I’m claiming a right to a part of their labor, i.e. whatever labor must go into paying the taxes that fund my state-run school. But no one has a right to anyone else’s labor — people own their own labor, and cannot morally be forced to give up some of it for others. If you want voluntarily to help me out in paying my tuition. and sign a contract saying you’ll do so, that’s one thing — in that case, I do have the right to your money, because you’ve agreed to provide it but if you don ‘t agree, I have no such right, and I and the government are stealing from you if we take your money anyway. Now many rights that people claim to have are positive rights of this sort. The United Nations’ Universal Declaration of Human Rights, for example, is filled with claims not only to negative rights, but also to many positive rights — rights to education, health care, even “periodic holidays with pay”! But all such claims are bogus, and the alleged “rights” pure fictions conjured out of thin air. For they conflict with the fundamental rights of self-ownership, and make people slaves to the realization of others’ desires and needs. Being essentially negative, a person’s rights function, in Nozick’s terminology, as moral side-constraints on the actions of others (1974, 28-35). Respecting others’ rights, that is, isn’t to be understood merely as one goal among others that we might seek to maximize, leaving open the possibility that violating rights in some circumstances for the sake of achieving some other good is an acceptable trade-off. Rather, one’s rights constitute a set of absolute restrictions within which all other people must behave with respect to him, and override all considerations of utility or welfare. They lay down the ground rules for our behavior towards others — telling us that, in anything we do, there are certain things we must not do. “Side constraints upon action reflect the underlying Kantian principle that individuals are ends and not merely means,” Nozick says; “they may not be sacrificed or used for the achieving of other ends without their consent. Individuals are inviolable” (1974, 30-31). Being inviolable, their rights are also inviolable — those rights cannot be overridden for any reason. Nor, given that rights are negative, is there any danger that they might conflict, which would put their inviolability in doubt. If your having a right to X just means that I cannot interfere with your use of X, and my right to Y just means that you cannot interfere with my use of Y, then there is no conflict between our rights: All we’re required to do is to leave each other alone. But if I also claim a positive right to Z, and Z requires the use of X, then our rights inevitably will conflict, for the only way I can get Z is if you give me X. Positive rights will generally, and obviously, lead to such conflicts — surely another reason to be suspicious of them. Negative rights, however, will not. Such rights are perfectly compatible with one another, and thus with the notion that rights are inviolable.

#### 2] People are not merely pawns of society, but real people with goals, dreams, and interests. It’s simply unethical to use one human against their will for the benefit of others. Nozick, a famous philosopher and former Harvard Professor, writes,

Nozick 74, Robert Nozick, [American political philosopher, former professor at Harvard University], Anarchy, State, and Utopia, 1974.

**Side** **constraints express the inviolability of other persons**. But why may not one violate persons for the greater social good? **Individually, we each sometimes choose to undergo some pain or sacrifice for a greater benefit or to avoid greater harm: we go to the dentist to avoid worse suffering later; we do some unpleasant work for its results; some persons diet to improve their health or looks; some save money to support themselves when they are older. In each case, some cost is borne for the sake of the greater overall good**. Why not, similarly, hold that some persons have to bear some costs that benefits other persons more, for the sake of the overall social good? **But there is no social entity with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others, uses him and benefits others. Nothing more**. **What happens is that something is done to him for the sake of others. Talk of an overall social good covers this up.** (Intentionally?) To use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that **his is the only life he has**. He does not get some overbalancing good from his sacrifice, and **no one is entitled to force this upon him--least of all a state or government that claims his allegiance** (as other individuals do

#### 3] 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.)

### Offense

#### My sole contention is that the initial acquisition of unowned property cannot be unjust, and therefore the aff’s claim that the acquisition of space is unjust is false.

#### Violating freedom through property rights requires someone who owns the property in the first place, but initial acquisition doesn’t violate any individual’s rights– therefore, private appropriation of outer space cannot be unjust, Feser 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,

**Furthermore, a structure that allows for the appropriation of unowned objects is a necessary feature of any coherent property rights system used to protect the freedom of individuals. Van der Vossen, philosophy professor, explains,**

Bas van der Vossen (Professor of Philosophy, University of Arizona). “What counts as original appropriation?” Politics Philosophy & Economics, 8: 355. 2009. JDN.<https://philarchive.org/archive/VANWCA>

 So what, then, is the role of acts of original appropriation? Assume for a moment that a general justification for the existence of property rights can be had, that a practice of property rights can be justified. What kind of work do we want our account of appropriation to do? What is appropriation for? First, it is clear that against the background of such a general justification of property rights it is no longer true that acts of appropriation have to do any moral work. For now saying that it is possible for individuals to appropriate unilaterally unowned things is not the same as saying that it is the performance of an act of original appropriation that justifies property rights. Instead, acts of original appropriation are required for a particular practice of (justified) property rights to get started at a specific moment in time. The reason for this is that justifications of property at the general level can only establish a general conclusion: that there is a justification for situations in which people have property rights. They tell us that there is no moral problem when certain individuals claim certain rights against others with respect to certain objects. But this leaves out an important thing. For a general justification does not tell us whether the holdings of any given set of persons are in fact justified, nor how we could know. If we want to establish that, we need to know how a particular individual, call her P, can come to own a particular object, name it O. In particular, we want to know how P can come to possess O when it is not already in someone else’s possession. The account of original appropriation thus serves the function of individuating property rights; it allows previously unowned objects to become covered by the (justified) property rights of particular individuals. Without it, we would lack an intuitively appealing means of identifying whether a given set of holdings that arose from a situation in which there were no property rights present constitutes legitimate property. Without it, we would lack the means of establishing the legitimacy of something that was not yet owned coming into someone’s possession. This is the role of original appropriation. It involves specifying certain acts that signify that a person can legitimately claim to have a property right. It involves specifying what counts as original appropriation.

## Case

### Framework

### C1

#### Enforcing international law would require countries to enable private appropriation of outer space.

#### [1] The Outer Space Treaty does not ban private appropriation – it only bans individual countries from appropriating outer space. The United States, one of the most important countries in the context of international law, proves this, as stated by researcher Samuel Stockwell:

#### https://www.e-ir.info/2020/07/20/legal-black-holes-in-outer-space-the-regulation-of-private-space-companies/#:~:text=The%20passage%20of%20the%202015,Leon%2C%202018%3A%20500).

Nevertheless, Article VI of the UN OST asserts that: “States shall be responsible for national space activities whether carried out by governmental or non-governmental entities” (UN, 1967; own emphasis). Some scholars have suggested that this clause significantly restrains the activities of private space corporations by incentivising states to regulate their domestic organisations for fear of liability concerns (Abeyratne, 1998: 168). However, the US government recently enacted a piece of legislation which exploited this clause, in order to circumvent its own restrictions and strengthen US economic influence in space. **The passage of the 2015 SPACE Act enabled US citizens to privately “possess, own, transport, use, and sell the resources” they obtain in outer space, whilst making careful consideration to deny national sovereign claims over such materials (Leon, 2018: 500).**

#### This is key because in order for international law to craete international stability, large international powers like the US have to agree with it in some form – otherwise they won’t respect it. Only by enabling private appropriation do we make our international law legitimate in the eyes of the United States.

### C2

#### Appropriation of outer space” by private entities refers to the exercise of exclusive control of space. In other words, it is a claim of either property or sovereignty. Lawyer Trapp writes in 2013.

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“**Appropriation of outer space**, **therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to i**t.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Starlink is coming now – but regulatory jousting matches like the affirmative are slowing it down – Crist 12/03/21:

Crist, Ry. “What Is Starlink? Elon Musk's Satellite Internet Venture Explained.” CNET, 3 Dec. 2021, https://www.cnet.com/home/internet/starlink-satellite-internet-explained. // LHP GB + LHP PS

**After years of development within SpaceX -- and securing nearly $885.5 million in grant funds from the Federal Communications Commission at the end of 2020 -- Starlink picked up the pace in 2021**. **In January, after three years' worth of successful launches, the project surpassed 1,000 satellites delivered into orbit.** And **by June, SpaceX said the number was roughly 1,800**. In February, Musk's company disclosed that Starlink was serving more than 10,000 customers. Now, **after expanding preorders to even more potential customers and exploring the possibility of providing in-flight Wi-Fi for passenger aircraft, Musk says that Starlink has shipped more than 100,000 satellite internet terminals to customers in 14 countries**.**SpaceX said that it expected Starlink to reach global serviceability sometime in fall 2021** -- though **regional availability will depend on regulatory approval**. During a talk at Mobile World Congress in June 2021, Musk told an audience that Starlink would be available worldwide except at the North and South Poles starting in August. In September, Musk tweeted that Starlink would exit its initial beta phase in October, which indicates that the service is continuing to ramp up and expand -- though the budding broadband provider faces a backlog of prospective customers waiting to receive equipment and start service. Starlink isn't without its controversies. Members of the scientific community have raised concerns about the impact of Starlink's low-earth orbit satellites on night sky visibility. **Meanwhile, satellite internet competitors including Viasat, HughesNet and Amazon's Project Kuiper have taken notice of Starlink's momentum, too, prompting plenty of regulatory jousting and attempts to slow Musk down.**

#### SpaceX is uniquely suited to the complete the project – competitors in the internet sector such as Google are using fiberoptics which are too slow to build and can’t service rural areas – Crist 12/03/21:

Crist, Ry. “What Is Starlink? Elon Musk's Satellite Internet Venture Explained.” CNET, 3 Dec. 2021, https://www.cnet.com/home/internet/starlink-satellite-internet-explained. // LHP GB + LHP PS

**Fiber, or internet delivered via ground-laid fiber-optic cable, offers upload and download speeds that are indeed much faster than satellite internet -- but, as companies like Google will tell you, there's nothing fast about deploying the infrastructure necessary to get fiber to people's homes.** That's not to say that there's anything simple about shooting satellites into space, **but with fewer sharp-elbowed competitors -- and with a lot less red tape to cut through -- there's every reason to believe that services like Starlink will reach the bulk of underserved communities long before fiber ever will.** Recent **FCC filings also suggest that Starlink could ultimately double as a dedicated phone service, too**. And don't forget that **this is Elon Musk we're talking about**. **SpaceX is the only company on the planet with a landable, reusable rocket capable of delivering payload after payload into orbit. That's a mighty advantage in the commercial space race**. On top of that, Musk said in 2018 that **Starlink will help provide SpaceX with revenue needed to fund the company's long-held ambition to establish a base on Mars.**