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

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#### **Before I begin with this debate, I offer the following definitions**

**Appropriation**

**Reinstein 99 says that**

**Appropriation would allow private entities to claim comprehensive property rights**

**This is different from use which is**

**According to Oxford Languages**

**Take advantage of the value or advantage of something**

#### **Onto my fwk, My value is justice, which means the best value criterion is the one that can truly achieve justice. Thus, my criterion is consistency with libertarian ideals**

#### **Business Dictionary explains libertarian ideals 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.**

#### **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]](#footnote-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.

#### **Individuals have rights, so people must respect your actions and cannot restrict you. This also means the government cannot restrict you unless it is to prevent harm of another person. In order to make sure these rights are protected, we have to restrict the government. Because of this, the government’s only obligation is to protect rights. Feser 2:[[2]](#footnote-2)**

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 moral**lyjustified **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 i**nterfere 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),**

#### **This implies that anything the government does that is not either for protection or administering the courts is not just. So we have to minimize the government in order for it to not overstep its authority.**

#### **Also, if a government has total control over society they can become corrupted easily. They have no one to be accountable to and thus can abuse their power. Thus, we have to restrict governmental authority**

### **C1 – 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 possible**

**on 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**

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### **The ability for humans to own property serves a number of important social goods. Aquinas 12 says**

Two things are competent to man in respect of exterior things. One is the power to procure and dispense them, and in this regard it is lawful for man to possess property. Moreover this is necessary to human life for three reasons. First because **every man is more careful to procure what is for himself** alone **than that which is common to many or** to **all:** since each one would shirk the labor and leave to another that which concerns the community, as happens where there is a great number of servants. Secondly, because human **affairs are conducted in more orderly fashion if each man is charged with taking care of some particular thing himself, whereas there would be confusion if everyone had to look after any one thing indeterminately.** Thirdly, because a **more peaceful state is ensured to man if each one is contented with his own.** Hence it is to be observed that quarrels arise more frequently where there is no division of the things possessed.6

5Edmundson, W. (2012). An Introduction to Rights (2nd ed., Cambridge Introductions to Philosophy and Law). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511820670

### **C2 – Private Space is Good to Humanity**

#### **Increase in property rights lead to the significant growth and development of the economy**

**Reinstein 99 says**

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

In the not-too-distant future, however, many of these activities may become economically feasible. **The price of launch has decreased 16 due to improved technology and increased competition**.7 The price tag on robotic space missions, likely to be the avant garde of space mining endeavors, is one-fourth of what it was six years ago.8 **Several real-world companies have begun to plan for the day that launch costs fall to a level at which they could profit from space mining**. SpaceDev, a Colorado-based provider of commercial space missions and small commercial launch vehicles, is currently traded on the over-the-counter stock market.19

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#### **Space property rights preserve the environment, both in space and on Earth**

**Reinstein 99 says**

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>

Nevertheless, **protection of the environment in space ranks high on the list of policies to be considered**. 39 The importance of an environmentalist ethos in this context derives, in part, from the concerns we already deal with on Earth: **the preservation of the natural environment for its own sake and for our communal survival,** as well as the conservation of natural resources. Other environmental concerns particular to space exist also. Orbiting litter may soon seriously hinder our ability to maintain a global communications link. Waste disposal and resource maintenance techniques may determine whether the moon's limited water supply will be contaminated and the moon will remain a dead satellite. Environmental considerations are, and must be, a factor in any system of space law. **The root causes of Earth's environmental problems are limited resources, limited waste disposal sites, and limited living space. Commercial development of space might be an effective solution. If minerals are extracted from dead asteroids floating through our solar system, perhaps there would be one less strip-mined rain forest. If solar energy is captured and beamed down to Earth's electric grid, that could be one less oil spill in our oceans**. **And if other worlds are colonized, then overpopulation can be allayed, possibly forever. B**ut we are left with the question: "Which legal regime will best satisfy the needs of the terrestrial and extraterrestrial environments?"

#### **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 availabl**e.6 **So-called near-Earth asteroids ("NEAs"), six are closer to Earth than our moon and more than 50 closer than Mar**s,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

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)