## NC Lib (2:15)

## Framework:

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

#### My value is justice because of the word just in the resolution.

#### In setting an end, every agent must recognize freedom as a necessary good, Gewirth 84 bracketed for grammar and gendered language

[Alan Gewirth, () "The Ontological Basis of Natural Law: A Critique and an Alternative" American Journal Of Jurisprudence: Vol. 29: Iss. 1 Article 5, 1984, https://scholarship.law.nd.edu/ajj/vol29/iss1/5/, DOA:9-10-2018 // WWBW Recut LHP AV]

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, **every agent acts for purposes [t]he[y] regards as good.** Hence, **[t]he[y] must regard as necessary goods the freedom** and well being **that [is]** are the generic features and **necessary conditions of** his **action** and successful action in general. From this, it follows that **every agent logically must hold or accept** that he has **rights to these conditions**. For if he were **to deny** that he has **these rights**, then he **would** have to **admit that it is permissible** for other persons **to remove** from him the very **conditions** of freedom and well-being **that**, as **an agent**, he **must have**. But **it is contradictory** for him **to hold both that [t]he[y] must have these conditions and also that he may not have them.** Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, **every agent must further admit that all other agents also have those rights, since all other actual or prospective agents have the same general characteristics of agency** on which he must ground his own right-claims. What I am saying, then, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods. Hence, every agent, on pain of self-contradiction, must accept the following principle: Act in accord with the generic rights of your recipients as well as of yourself. The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action.

#### Preserving free choice to decide what is best for oneself is the best way to be ethical, because people have differing opinions of what is ethical. Accordingly, my criterion is preserving freedom.

#### 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 74

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 not) **and that therefore scrupulously must be neutral between its citizens.**

#### Individuals have rights, so people must respect your actions and cannot restrict you, meaning the government’s only obligation is to protect rights. Philosophy professor Edward Feser writes:

Feser, Edward, (Professor of Philosophy at Pasadena City College), IEP, <https://www.iep.utm.edu/nozick/>. [ajv].

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 **interfere with their right to use their** self-owned **bodies** as they see fit), cannot control what they publish **or** read (since this would interfere with their right to use the **property** they've acquired with their self-owned labor- e.g. printing presses and paper - **as they wish**), cannot administer mandatory social insurance schemes or public education (since this would interfere with citizens' rights to use the fruits of their labor as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans), and cannot regulate economic life in general via minimum wage and rent control laws and the like (since such actions are not only economically suspect - tending to produce bad unintended consequences like unemployment and housing shortages - but violate citizens' rights to charge whatever they want to for the use of their own property).

#### Prefer –

#### A] performativity – argumentation requires the assumption that freedom is good – else agents would be unable to make arguments

#### B] prerequisite – condoning any action requires condoning the freedom required to take that action – so my theory’s a prerequisite to theirs and my offense acts as a side-constraint to your framework.

#### C] culpability – absent a conception of free will, people can just claim they were acting of desires they can’t control.

#### D] probability – it’s logically contradictory to deny my framework because that would use freedom to do so. Therefore, it’s impossible for my framework to be false

## Contention 1: Rights

#### Appropriation is establishing property rights in something formerly un‐owned

**Dominiak 17**

Łukasz Dominiak (Associate Professor at Nicolaus Copernicus University in Poland; he holds a PhD and habilitation in political philosophy and is a Fellow of the Mises Institute). “Libertarianism and Original Appropriation.” Historia i Polityka, 29/2017: 22. Pp. 43‐56. JDN. https://apcz.umk.pl/HiP/article/view/HiP.2017.026/13714

Ownership1 , or property, on the other hand is a normative concept. To own a thing is to have a right to possess it, i.e. to be in such a juridical position that one’s claim to deal with the thing at will is a justified claim whereas claims of other persons are unjustified or less justified than the owner’s. As Barnett puts it, “rights are those claims a person has to legal enforcement that are justified, on balance, by the full constellation of relevant reasons, whether or not they are actually recognized and enforced by a legal system” (2004). To recognise someone’s ownership is therefore to assert that his possession of a thing is just, rightful, lawful, licit or reasonable etc., is to conclude that he ought to possess the thing if such is his will, even if he actually does not possess it. As Kinsella writes, “ownership is the right to control, use, or possess, while possession is actual control” (2009). Thus, ownership is a threefold normative or juridical relation between the owner, the thing owned and the rest of mankind such as the owner may control the thing to the exclusion of others because he has the best title to do it. Hence, the distinction between possession and ownership is a distinction between factual and normative relation. Having drawn the above distinction between possession and ownership, we are ready to define original appropriation. Thus, original appropriation is acquiring ownership of unowned things. To originally appropriate is to establish property rights, i.e. justified claims to physical things that at the moment of acquisition are unowned. What is important to underline again, is that original appropriation is not about taking factual possession of things that are unpossessed or unowned – this process is called occupation and can be conceived as one of the possible investitive facts that can result in original appropriation but should not be confounded with the latter. Neither is it about acquiring ownership of things already owned. It is about instituting new property rights to unowned things. As Nozick puts it, the topic of “original acquisition of holdings, the appropriation of unheld things includes the issues of how unheld things may come to be held” (2014), i.e. come to be owned. Hence, original appropriation is about creating normative relations between persons and things.

#### Injustice requires someone wronged, but initial acquisition doesn’t violate any entity’s rights– therefore, private appropriation of outer space cannot be unjust, Feser 05:

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, then, for there to be any injustices

#### **The right of original appropriation comes from the right to property, and is just as important in protecting human’s freedom and autonomy. Van der Vossen 9**

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

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 ap‐ pealing 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.

## Mining DA

#### To clarify, this is offense under the aff’s consequentialist framework!

#### Asteroid Mining is coming now, due to tech, and the private sector is perfect for this job. Countries are allowing it to happen in the status quo. It is necessary because it helps acquire water, rocket fuel, rare earth metals, and other valuables.

**Gilbert 21** alex gilbert, is a complex systems researcher and a PhD student in space resources at the Colorado School of Mines. "Mining in Space Is Coming." Milken Institute Review, April 26, 2021, [www.milkenreview.org/articles/mining-in-space-is-coming](http://www.milkenreview.org/articles/mining-in-space-is-coming). [Quality Control]

**Space exploration is back**. after decades of disappointment, a combination of better technology, falling costs and a rush of competitive energy from the private sector has put space travel **front and center**. indeed, many analysts (even some with their feet on the ground) believe that commercial developments in the space industry may be on the cusp of starting the largest resource rush in history: **mining on the Moon**, Mars and **asteroids**. While this may sound fantastical, some baby steps toward the goal have already been taken. Last year, NASA awarded contracts to four companies to extract small amounts of lunar regolith by 2024, effectively **beginning the era of commercial space mining**. Whether this proves to be the dawn of a gigantic adjunct to mining on earth — and more immediately, a key to unlocking cost-effective space travel — will turn on the answers to a host of questions ranging from what resources can be efficiently. As every fan of science fiction knows, the resources of the solar system appear **virtually unlimite**d compared to those on Earth. There are whole other planets, dozens of moons, thousands of massive asteroids and millions of small ones that doubtless contain humungous quantities of materials that are scarce and very valuable (back on Earth). Visionaries including Jeff Bezos imagine heavy industry moving to space and Earth becoming a residential area. However, as entrepreneurs look to harness the riches beyond the atmosphere, access to space resources remains tangled in the realities of economics and governance. Start with the fact that space belongs to no country, complicating traditional methods of resource allocation, property rights and trade. With limited demand for materials in space itself and the need for huge amounts of energy to return materials to Earth, creating a viable industry will turn on major advances in technology, finance and business models. That said, there’s no grass growing under potential pioneers’ feet. Potential economic, scientific and even security benefits underlie an emerging geopolitical competition to pursue space mining. The United States is rapidly emerging as a front-runner, in part due to its ambitious Artemis Program to lead a multinational consortium back to the Moon. But it is also a leader in **creating a legal infrastructure** for mineral exploitation. The United States has adopted the world’s first space resources law, recognizing the property rights of private companies and individuals to materials gathered in space. However, the United States is hardly alone. Luxembourg and the United Arab Emirates (you read those right) are racing to codify space-resources laws of their own, hoping to attract investment to their entrepot nations with business-friendly legal frameworks. China reportedly views space-resource development as a national priority, part of a strategy to challenge U.S. economic and security primacy in space. Meanwhile, Russia, Japan, India and the European Space Agency all harbor space-mining ambitions of their own. Governing these emerging interests is an outdated treaty framework from the Cold War. Sooner rather than later, we’ll need new agreements to facilitate private investment and ensure international cooperation. What’s Out There Back up for a moment. For the record, space is already being heavily exploited, because space resources include non-material assets such as orbital locations and abundant sunlight that enable satellites to provide services to Earth. Indeed, satellite-based telecommunications and global positioning systems have become indispensable infrastructure underpinning the modern economy. Mining space for materials, of course, is another matter. In the past several decades, planetary science has confirmed what has long been suspected: celestial bodies are potential sources for dozens of natural materials that, in the right time and place, are **incredibly valuable**. Of these, water may be the most attractive in the near-term, because — with assistance from solar energy or nuclear fission — H2O can be split into hydrogen and oxygen to make **rocket propellant**, facilitating in-space refueling. So-called “**rare earth” metals** are also **potential targets** of asteroid miners intending to service Earth markets. Consisting of 17 elements, including lanthanum, neodymium, and yttrium, these critical materials (most of which are today mined in China at great environmental cost) **are required for electronic**s. **And they loom as bottlenecks in making the transition from fossil fuels to renewables backed up by battery storage.**

#### However, in order for asteroid mining to take place, private entities need to be allowed to appropriate. The plan prevents that

**Meyers 15** Meyers, Ross. J.D. candidate at the University of Oregon Law School. "The doctrine of appropriation and asteroid mining: incentivizing the private exploration and development of outer space." Or. Rev. Int'l L. 17 (2015): 183. Italics in original. [Quality Control]

The **doctrine of appropriation** is a reasonable rule for adjudicating asteroid claims, and it could **easily be modified to apply to asteroid mining**. In the context of water rights, the doctrine of appropriation requires that the claimant be a landowner in order to claim the right to use a water source. It does not make sense, however, for the international community to grant complete ownership over asteroids toa single entity, so the landowner requirement of the rule should be removed. A similar modification would need to be made to the "beneficial use" language of the doctrine.

In the context of water rights, an appropriator obtains rights only to water that he or she can reasonably put to beneficial use. The metals contained in asteroids have a high level of marketability. For that reason, a mining entity could potentially put any amount of obtained metal to beneficial use, in the sense that the resources can be sold. This, however, would defeat the purpose of the rule, which is to limit such unreasonable claims. To ameliorate this problem, the doctrine of appropriation could be modified to define "beneficial use "constructively by providing that beneficial use is assumed for any resources that have been removed from the asteroid that the mining entity can reasonably hope to transport to market in a return journey. With the **astronomical cost** of undertaking a trip to such an asteroid, this modification would limit mining entities to only what they can carry back, thereby leaving the untapped resources available to other entities capable of making the same trip. Considering the size and profitability of metal deposits on asteroids, this modification to the doctrine of appropriation would **not be overly burdensome to corporate interests**. At the same time, it would **satisfy the economic imperative of promoting the rapid development of asteroid resources.**

There is no doubt that asteroids may be **extremely beneficial to mankind,** both as a **source of resources** and as a jumping-off point to **far off locations in space**. The human-race has progressed scientifically and technologically to the point that space travel is within commercial reach, and the need for new international laws governing the ownership of space has never been more apparent. The Outer Space Treaty of 1968made great strides in developing rational rules for space and many of its provisions should be maintained in their original form. However, by allowing ownership of asteroids under the doctrine of **appropriation**, the international community can **incentivize the exploration and development of space in a way that reflects the needs of society in general**, **without vesting an absolute monopoly in a single entity.** The doctrine of appropriation helped drive American westward expansion, and its application to space mining would help drive the human race in its expansion into the space, the final frontier.

#### Asteroid mining offsets terrestrial growth that ruins the environment and enables many more solar power satellites – both solve climate change

**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. [Quality Control]

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 debt**. 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.

2100, the U.N. estimates. So if optimism is always a matter of perspective, the possibility of four degrees shapes mine.

#### Climate change causes extinction.

Specktor 19 [Brandon; writes about the science of everyday life for Live Science, and previously for Reader's Digest magazine, where he served as an editor for five years; "Human Civilization Will Crumble by 2050 If We Don't Stop Climate Change Now, New Paper Claims," livescience, 6/4/19; <https://www.livescience.com/65633-climate-change-dooms-humans-by-2050.html>]

The current climate crisis, they say, is larger and more complex than any humans have ever dealt with before. General climate models — like the one that the [United Nations' Panel on Climate Change](https://www.ipcc.ch/sr15/) (IPCC) used in 2018 to predict that a global temperature increase of 3.6 degrees Fahrenheit (2 degrees Celsius) could put hundreds of millions of people at risk — fail to account for the **sheer complexity of Earth's many interlinked geological processes**; as such, they fail to adequately predict the scale of the potential consequences. The truth, the authors wrote, is probably far worse than any models can fathom. How the world ends What might an accurate worst-case picture of the planet's climate-addled future actually look like, then? The authors provide one particularly grim scenario that begins with world governments "politely ignoring" the advice of scientists and the will of the public to decarbonize the economy (finding alternative energy sources), resulting in a global temperature increase 5.4 F (3 C) by the year 2050. At this point, the world's ice sheets vanish; brutal droughts kill many of the trees in the [Amazon rainforest](https://www.livescience.com/57266-amazon-river.html) (removing one of the world's largest carbon offsets); and the planet plunges into a feedback loop of ever-hotter, ever-deadlier conditions. "Thirty-five percent of the global land area, and **55 percent of the global population, are subject to more than 20 days a year of** [**lethal heat conditions**](https://www.livescience.com/55129-how-heat-waves-kill-so-quickly.html), beyond the threshold of human survivability," the authors hypothesized. Meanwhile, droughts, floods and wildfires regularly ravage the land. Nearly **one-third of the world's land surface turns to desert**. Entire **ecosystems collapse**, beginning with the **planet's coral reefs**, the **rainforest and the Arctic ice sheets.** The world's tropics are hit hardest by these new climate extremes, destroying the region's agriculture and turning more than 1 billion people into refugees. This mass movement of refugees — coupled with [shrinking coastlines](https://www.livescience.com/51990-sea-level-rise-unknowns.html) and severe drops in food and water availability — begin to **stress the fabric of the world's largest nations**, including the United States. Armed conflicts over resources, perhaps culminating in **nuclear war, are likely**. The result, according to the new paper, is "outright chaos" and perhaps "the end of human global civilization as we know it."

## On Case: