## 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.

### DA (2:15 s)

#### SpaceX’s Starlink satellites have already seen a beta rollout and are on path for delivery by 2022 – Supan 21:

Supan, Joe. “Starlink Wait Times Extended to Late 2022 to Early 2023.” Allconnect, 8 Nov. 2021, https://www.allconnect.com/blog/starlink-delays-service-expansion-to-2022. // LHP GB + LHP PS

**Elon Musk recently announced via Twitter that the beta testing for his low-orbit satellite program, Starlink, will be ending in October 2021.** Musk’s company, **SpaceX**, **launched Starlink in a beta** **phase** **and**, **as of** the end of **July** 2021, **reported it had customers in 12 countries**, **serving a total of 900,000 customers**. But if you didn’t sign up during the beta testing period, it might be a while before you can try out the new satellite internet service. **Until recently, Starlink’s website had been telling customers that they could expect to get coverage in 2021.** But as customers on Starlink’s Reddit page began noticing, **the arrival dates were being pushed back a full year to “late 2022 to early 2023.”** That said, **users who pre-ordered during the beta phase were still seeing an expected delivery date of late 2021.** Once those delays became apparent, **Starlink updated the FAQ section of its website** to include a question on when customers can expect to get coverage. “**Silicon shortages have delayed production which has impacted our ability to fulfill orders,”** it says. “Please visit your Account page for the most recent estimate on when you can expect your order to be fulfilled.”While **Musk initially expected a nationwide rollout by the end of October**, **these silicon shortages have apparently set Starlink back by a full year in many areas**. **You can still get in line for Starlink now** — the company says “orders will be fulfilled on a first-come, first-served basis in each area” — but you shouldn’t plan on using it for a while.

#### Starlink is coming now – but regulatory jousting matches like the affirmative are slowing it down – Crist 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 21 2:

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.**

#### Scenario – Starlink is crucial to the democratization of access to high quality and reliable internet connections worldwide – laundry list of impacts – Holden 21:

Holden, Andrew. “Are Starlink Satellites the Solution to Rural Internets Setbacks? .” Ohio Ag Manager, 9 Apr. 2021, https://u.osu.edu/ohioagmanager/2021/04/09/are-starlink-satellites-the-solution-to-rural-internets-setbacks/. // LHP GB + LHP PS

Slow internet can frustrate almost anyone, but if **you live in a rural area, slow internet, if any, can often be your only choice**. **The lack of highspeed internet access has been a concern for many years in rural America**. **While companies slowly improve service and governmental programs try to address these issues, many rural residents are left waiting for faster internet that can’t come soon enough**. **One company that is attempting to close this digital divide is SpaceX, with their high-speed satellite internet system called Starlink.** While Starlink is just beginning to roll out service, **the initial results appear to be promising. Rural communities and Tribal lands have far less access to high-speed internet compared to those in more populated areas**. **The Federal Communications Commission considers high-speed broadband internet as being able to provide 25 Mbps download speeds and 3 Mbps upload speeds. According to the FCC’s, 2020 Broadband Deployment Report, “22.3% of Americans in rural areas and 27.7% of Americans in Tribal lands lack coverage from fixed terrestrial 25/3 Mbps broadband, as compared to only 1.5% of Americans in urban areas”. Those without high-speed internet access can often be categorized under the phrase ‘last mile’ customers. The last mile problem can be described as the customers at the end of the communication line that are more expensive to reach and located farther apart**. As unfortunate as it is, in basic terms, **companies would rather run a mile of infrastructure in an area that will yield 25 customers than run a mile for just one customer.** **Diminishing returns leads to internet companies being unwilling to improve internet in rural areas, as well as less competition for existing providers. The impact of the digital divide can be felt across the US by those living in small and rural towns**. Many aspects of **modern life are affected by access to high-speed internet, including education, healthcare, entertainment, and employment**. In a report from Michigan State University’s Quello Center, **students with slow or limited internet access lacked digital skills and performed lower on standardized tests**. In addition to education, 2020 highlighted **the future of working remotely and virtual healthcare appointments which rely on faster internet.** **Rural businesses**, from farms to manufacturing, **benefit from better internet speeds as well, making it quicker to send and receive information**. As technology improves and expands, more people in rural areas are slowly receiving better internet services, but **one company that may have the ability to close the gap seemingly overnight is SpaceX.** SpaceX, short for the Space Exploration Technologies Corporation, is an aerospace manufacturer founded by Elon Musk. Musk is also the founder of the popular electric  vehicle company Tesla Motors. One of SpaceX’s business endeavors is providing satellite internet access via a satellite consolation called Starlink. This isn’t like the traditional satellite internet that has been offered over the years. **Starlink uses satellites in low Earth orbit that allow for shorter distances and speeds over 100 mbps for those in the beta testing program**. **Speeds like that would be a huge improvement for almost anyone in a rural area and can be offered remotely to the hardest to reach places**. In February, Starlink opened pre-orders to the public and has been slowly filling orders ever since. With the high demand for the service, many orders are slated to be filled by the end of 2021 depending on your location. The current advertised cost for the service is $99.00 per month with the hardware, including a small satellite dish and a router, for a $499.00 onetime payment. On their website Starlink states service will be offered on a first come, first served basis, and is currently taking $100 down payments to get in line for the service. If you are interested in seeing if service is available in your area, or signing up yourself, you can visit [www.Starlink.com](http://www.starlink.com/) to do so. Will Starlink satellites be the solution to our rural internet woes? When considering access to high-speed internet service in rural areas, one thing that has historically lacked were options to choose from. **Starlink will provide another option, or possibly the first option, to those living with poor to no access to internet and may solve the last mile problem for many rural communities**. Even those who do not use Starlink’s service could benefit from the competition that will encourage traditional internet providers to improve their infrastructure and speeds. Rural communities here in Ohio and across the United States could benefit greatly with better internet access and Starlink is on its way to providing it.

#### Starlink is uniquely equipped to help rural communities – Cesta 21:

Cesta, Luciano. “SpaceX's Starlink May Help Bring Internet to Rural Areas.” Boston University News Service, 2 Apr. 2021, https://bunewsservice.com/spacexs-starlink-may-help-bring-internet-to-rural-areas/. // LHP GB + LHP PS

**Due to** the **COVID-19 pandemic**, the **internet has played an increasingly important role in many people’s lives.** **Work, school and entertainment have become an online endeavor. Connection to the outside world has been made possible by technology**.These servi**ces require reliable internet service**. However, many **people still do not have access to reliable broadband internet**. This is especially the case in **poorer and more rural areas**. In **rural areas of Canada and the United States, it can be more difficult to get high-speed internet access**. **As of 2018, 78 percent of the U.S. population in rural areas had access to home, non-cellular broadband internet with download speeds over 25 megabits per second**. According to the Federal Communications Commission, **25 megabits per second is fast enough to stream HD video or videoconference at the same time for more than one person.** Meanwhile, **99 percent of the urban population has access to high speed internet.** The Canadian Radio-Television and Telecommunications Commission says that around 45.6 percent of rural households have broadband internet with at least a 50 megabits per second download speed. **Starlink, SpaceX’s foray into satellite internet, which launched in late 2020, wants to close this divide with its faster satellite technology.** According to the company, **download speeds during the current beta-test period should range from 50 to 150 — enough for multiple people to use Zoom with no issue.** **Starlink does not currently have any data limits. Older competing satellite providers do not offer Starlink’s competitive speeds. Instead, they often impose slower speeds after a certain threshold of data consumption.** **Viasat offers up to 50 megabits per** second on their marketing materials. Depending on an individual’s plan, the company may make the internet slower after a certain threshold of data is reached.**HughesNet offers up to 25 megabits per second** **speeds**. However, **the company says that they will slow an individual’s internet to 1-3 megabits per second after the data cap is exceeded**. There are also other options available when no ground-based internet exists. Some areas have access to cellular home internet. This internet is similar to regular home internet. However, it connects to a nearby LTE cell tower. T-Mobile promises speeds over 50 megabits per second with no data caps. AT&T offers speeds of around 25 megabits per second with a data cap of 350 gigabytes. Verizon promises up to 25 megabits per second with no data caps. Bill Tetley, from Wellesley Township, Ontario, has struggled with internet service in the past. He says that his LTE-**based internet from his Canadian provider had a low data cap of 100 gigabytes. It was also inconsistent**. **His download speeds ranged from 10 to 15 megabits per second**. Though he still has some consistency issues **with Starlink,** **he no longer has a data cap and the speeds he experiences are faster at around 30 to 130 megabits per second.** “We would try hard to stay under 100 gigabytes, but routinely went over and that got very expensive,” Tetley said. Starlink is not cheap. Users are required to buy a starter kit that includes a satellite antenna —affectionately named dishy by Starlink’s users — which costs $499. Service itself costs $99 per month; in contrast, according to data from market research consultancy BVA-BDRC and Cable.co.uk, Americans pay an average of $66 per month for broadband internet. Canadians spend even lower rates than Americans, at an average of $55 per month on the internet. While the initial reception of the service has been positive, Starlink has its detractors. The International Astronomical Union says that satellite constellations like Starlink’s may make it more difficult to use sensitive ground-based telescopes. Radio telescopes, which recently were instrumental in producing the first image of a black hole, can also be threatened by the interference that the Starlink constellations create.Starlink is currently in its beta-testing phase where they are limiting the number of users in a given area, but, according to their website, they “will continue expansion to near-global coverage of the populated world in 2021.”

## ONCASE

#### “Appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

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

#### This means the aff is no link because the links require ban all space flight, not just appropriation, so this would delink the aff, getting rid of all their offense