

**NC Lib**

# 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 morally justified 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>

Ownership<sup>1</sup>, 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 acquisition 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 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.

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

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

# All space travel improves the economy, benefitting everyone.

Rainey, 17 | Rainey, Kristine. “Economic Development of Space.” NASA, NASA, 3 Aug. 2017,

[https://www.nasa.gov/mission\\_pages/station/research/benefits/economic\\_development](https://www.nasa.gov/mission_pages/station/research/benefits/economic_development).

While the International Space Station (ISS) has proven its value as a platform for a broad waterfront of research disciplines as well as technology development, it also provides an ideal opportunity to test new business relationships. This allows an opportunity to shift from a paradigm of government-funded, contractor-provided goods and services to a commercially provided, government-as-a-customer approach.

**This interest in promoting a more commercially oriented market in low-Earth orbit (LEO) is driven by several goals. First, it can stimulate entirely new markets not achievable in the past. Second, it creates new stakeholders in spaceflight and represents great economic opportunity. Third, it ensures strong industrial capability not only for future spaceflight but also for the many related industries. Finally, and perhaps most importantly, it allows cross-pollination of ideas, processes, and best practices, as a foundation for economic development.**

From commercial firms spending some of their research and development funds to conduct research on the space station, to commercial service providers selling unique services to users of the orbiting lab, the beginnings of a new economy in LEO are starting to emerge. Commercial Service Providers Evolution of the space station as a laboratory in the vanguard of research in microgravity relies on a new and growing number of commercial service providers. Rather than follow the traditional model of government-funded, contractor-provided hardware or capability, a number of firms are entering a new phase of development of LEO—establishing a market. In this model, commercial firms develop capabilities that are then offered to government users and also marketed widely to potential new users of the ISS as a research platform. The space station gains important new (or updated) capability, while the service provider gains a new market in which to offer its services. Commercial Research The unique environment of microgravity provides opportunities for many types of commercially-viable research. Using model organisms (such as rodents or flatworms) to help understand terrestrial concerns such as bone loss or muscle wasting, performing materials research on colloids to develop products that are more uniform and have a longer shelf life, growing larger protein crystals on the space station to help develop monoclonal antibodies, and using the station as a launchpad for a flock of Earth-observing satellites, are just a few examples of the diverse research interests of the corporate world and how they intersect with the International Space Station. These summaries of commercial research activities in progress show the impact and interest in using the space station for research and development.

**A better economy means decreased poverty and an increased quality of life for everyone in a country.**

NASA, 13 | NASA. “Benefits Stemming from Space Exploration - NASA.” NASA, National Aeronautics and Space Administration, Sept. 2013, <https://www.nasa.gov/sites/default/files/files/Benefits-Stemming-from-Space-Exploration-2013-TAGGED.pdf>.

Innovation. There are numerous cases of societal benefits linked to new knowledge and technology from space exploration. Space exploration has contributed to many diverse aspects of everyday life, from solar panels to implantable heart monitors, from cancer therapy to light-weight materials, and from water-purification systems to improved computing systems and to a global search-and-rescue system<sup>4</sup>. Achieving the ambitious future exploration goals as outlined above will further expand the economic relevance of space. Space exploration will continue to be an essential driver for opening up new domains in science and technology, triggering other sectors to partner with the space sector for joint research and development. This will return immediate benefits back to Earth in areas such as materials, power generation and energy<sup>1</sup> OECD Handbook on Measuring the Space Economy, March 2012. <sup>2</sup> ISECG space agencies include, in alphabetical order: ASI (Italy), CNES (France), CNSA (China), CSA (Canada), CSIRO (Australia), DLR (Germany), ESA (Europe), ISRO (India), JAXA (Japan), KARI (Republic of Korea), NASA (United States of America), NSAU (Ukraine), Roscosmos (Russia), UKSA (United Kingdom). <sup>3</sup> The Global Exploration Roadmap can be downloaded at [www.globalspaceexploration.org](http://www.globalspaceexploration.org) <sup>4</sup> Spinoff materials published by the National Aeronautics and Space Administration (e.g. Spinoff database, [spinoff.nasa.gov/spinoff/database](http://spinoff.nasa.gov/spinoff/database); Spinoff 2012, [spinoff.nasa.gov/Spinoff2012](http://spinoff.nasa.gov/Spinoff2012)); Page 1 ISECG – Benefits Stemming from Space Exploration storage, recycling and waste management, advanced robotics, health and medicine, transportation, engineering, computing and software. Furthermore, innovations required for space exploration, such as those related to miniaturisation, will drive improvements in other space systems and services resulting in higher performance and lower cost. These will in turn result in better services on Earth and better return of investment in institutional and commercial space activities. In addition, the excitement generated by space exploration attracts young people to careers in science, technology, engineering and mathematics, helping to build global capacity for scientific and technological innovation. Culture and Inspiration. Space exploration offers a unique and evolving perspective on humanity's place in the Universe, which is common to all. Every day, space exploration missions fulfill people's curiosity, producing fresh data about the solar system that brings us closer to answering profound questions that have been asked for millennia: What is the nature of the Universe? Is the destiny of humankind bound to Earth? Are we and our planet unique? Is there life elsewhere in the Universe? New Means to Address Global Challenges. Partnerships and capabilities developed through space exploration create new opportunities for addressing global challenges. Space exploration is a global endeavour contributing to trust and diplomacy between nations. Enhanced global partnerships and exploration capabilities may help advance international preparedness for protecting the Earth from catastrophic events such as some asteroid strikes, advancing collaborative research on space weather and protecting spacecraft by developing new means for space debris removal. Knowledge derived from space exploration may also contribute to implementing policies for environmentally sustainable development. In summary, space scientists and engineers who overcame past challenges could not have predicted all the ways in which their innovations are now being used on Earth. Though the precise nature of future benefits from space exploration is unpredictable, current trends suggest that significant

benefits may be generated in areas such as new materials, health and medicine, transportation, and computer technology. **New opportunities for job creation and economic growth are being created by private enterprises that are increasingly investing in space exploration and seeking ways to make space exploration more affordable and reliable, and thus, more**

**sustainable and profitable.** There is no activity on Earth that matches the unique challenges of space exploration. The first fifty years of space activity have generated benefits for people around the globe.

This past record gives strong reason for confidence that renewed investments in space exploration will have similarly positive impacts for future generations.

**Not just space travel in general, but specifically that of private companies, creates a faster improvement in the economy such as with new jobs**

**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.** But we are left with the question: "Which legal regime will best satisfy the needs of the terrestrial and extraterrestrial environments?"

## **1] Resources being commonly owned would mean it's not appropriation, 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 **first** point is actually a fairly trivial one. **If resources start out commonly owned then** for this very reason they do not start out unowned, in which case **there is no initial acquisition** of any sort to speak of, unjust or otherwise. **We all (somehow) just own everything**. Thus, **anyone who takes without the consent** of the rest of us **would be committing** (if he is committing an injustice at all) an **injustice in transfer** rather than acquisition. This is perfectly in line with my claim that injustices in holdings can take place only after someone already has ownership of resources, either through initially acquiring them from their unowned state or because the resources are "just owned" from the start; it has no tendency to show that initial acquisition itself can be just or unjust.

## 2] Common ownership is indeterminate and thus collapses to the Nozickian unowned world, 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

There is another problem with the common-ownership assumption besides its lack of support, namely, that it seems irremediably indeterminate. Indeed, at first sight it appears vacuous. If everyone has an equal right to every part of the world, how does this differ exactly from Nozick's assumption that everything is initially unowned —an assumption on which, too, everyone has an equal right to everything (since no one, at the start anyway, has any right to anything in particular at all)? Ownership, that is to say, seems to imply exclusion. Your (or even our) owning something implies that there are others who do not own it, thus, it appears that we cannot intelligibly all own something, much less everything. This is no doubt (part of) why Locke, though he held that God initially gave the world to mankind in common, also held that individuals can acquire portions of it for their exclusive use. Initial common "ownership" in the Lockean sense entails only that the various resources constituting the world are initially "up for grabs"; for these resources truly to become anyone's property in any

meaningful sense, specific individuals actually have to go out and do something with them.