## 1

#### *CP: the private appropriation of outer space by natural persons is just.*

#### The individual right to property is a basic human right that should be extended to space.

Faires 19 [Wes Faires, “The role of the Universal Declaration of Human Rights in supporting space property rights,” The Space Review, August 5, 2019. <https://www.thespacereview.com/article/3771/1>] CT

A long-discussed issue has been the absence of provisions pertaining to private entities under the 1967 Outer Space Treaty. Interpretations in favor of private property rights hold that the purpose of Article II’s ban on “national appropriation” was to place a limitation on member nations’ attempts to exercise territorial and political sovereignty over any part of outer space: to restrict territorial disputes between countries from extending beyond Earth. Without an explicit prohibition of private property rights in the treaty, their development with respect to private entities is unencumbered. Opposition has fluctuated from the position that the prohibition of national appropriation in Article II served to exclude development of property rights for private citizens: without a national entity with the ability to “confer” or pass down property rights to “sub-national” citizens, forward progress is rendered impossible. There were later attempts to classify private citizens as “nationals” in order to apply to them the prohibition of ‘national appropriation’. The 1979 Moon Agreement places an explicit ban on property for a host of entities, including “natural persons,” until such time as an international regime can be formulated. Two nations, the United States and Luxembourg, have enacted legislation favorable to property and mineral rights regarding space resources. This was met with opposition from some in the international community, who called into question whether such unilateral acts were in and of themselves a violation of the non-appropriation principle of the 1967 Outer Space Treaty. Perhaps in the future, the concept of “property rights” will have evolved beyond the terrestrial concepts of ownership, sovereignty, and territorial acquisition, under a new treaty framework structured by private entities, developed outside the auspices of any nation-state or supranational regime. Until such time, what is needed is a base-level favorable affirmation of private property rights in outer space, one that serves as a foundation for their evolution beyond national borders and which is accepted across the board. To this end, the solution to 50 years of ambiguity regarding private property rights under the under the current UN Outer Space Treaty framework is found within the 1948 Universal Declaration of Human Rights (UDHR), Article 17: (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property. -UN General Assembly. "Universal Declaration of Human Rights." United Nations, 217 (III) A,1948, Paris, Art. 17 The commercial space sector would welcome language favorable to private property rights in space, with specific emphasis on the re-affirmation of Article 17 as it pertains to property rights for private entities. Beyond Article 17, utilization of the UDHR as a default mechanism in situations where legislation is not yet developed can yield an immediate benefit for humanity. On the national level, the Universal Declaration of Human Rights can be seamlessly integrated into national space policy. Adoption of the UDHR into space policy by state parties to the Outer Space Treaty is essentially a reaffirmation of one of the fundamental principles of the United Nations, and can take place without litigation or implementation of new national legislation, and with no accusation of violation of “national appropriation.” In the international arena, the Universal Declaration of Human Rights can be seamlessly into to conducting legislative proceedings pertaining to outer space, given that: The overarching thematic priority for UNISPACE + 50 and beyond is “Sustainable Development in Space.” A critical aspect of this calls for ensuring the principles of the 2030 Agenda for Sustainable Development are upheld. The 2030 Agenda is grounded in, and re-affirms, the Universal Declaration of Human Rights (A/RES/70/1 para. 10, para. 19). The task at hand is to compel the United Nations Committee on Peaceful Uses of Outer Space (UNCOPUOS) to commit to upholding the Universal Declaration of Human Rights. Solidarity on such a core foundational UN principle as the UDHR solidifies reflection of Agenda 2030. I propose that UN Secretariat take this opportunity to move forward with Sustainable Development, and lead the way in incorporation the Universal Declaration of Human Rights into international space policy. It is time to recognize property rights as the universally declared human right that it is: “Everyone has the right to own property alone as well as in association with others.” The definition of property and scope of the UDHR was not limited to any one definition or territory. The UDHR was intended from the outset to be universal: “It is not a treaty; it is not an international agreement […] It is a Declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.” -Eleanor Roosevelt, “On the Adoption of the Universal Declaration of Human Rights” December 9, 1948 Here in its 70th year of adoption, acceptance of the UDHR into space policy by the international community would be both timely and logical. It reaffirms adherence to a fundamental United Nations cornerstone, and provides an opportunity to strengthen the commitment to the 2030 Agenda for Sustainable Development. At a time when feasibility of extraction of minerals from celestial bodies is fast approaching, it is our responsibility to ensure that the transition occurs free of any terrestrial shackles. The Universal Declaration of Human Rights offers an acceptable foundational framework from which property rights can evolve off-planet, that can be embraced by the private sector, adopted across national levels, and upheld in the international arena.

#### The CP protects individual property rights while solving case since the aff still applies to corporations.

#### No perms: The CP would expand the rights of individuals in space, from the mere right to use, to the full bundle of rights protected by private property.

#### Absent legally enforced personal rights, like property, space settlements are likely to be dominated by tyrannical governments or corporations. Turns case.

Cockell 08 [Charles S. Cockell (Center for Earth, Planetary, Space and Astronomical Research – Open University, Milton Keynes), “AN ESSAY ON EXTRATERRESTRIAL LIBERTY,” JBIS, VOL. 61, pp. 255-275, 2008. <https://www.researchgate.net/profile/Charles-Cockell/publication/258317782_An_Essay_on_Extraterrestrial_Liberty/links/0c96053053a02cfb24000000/An-Essay-on-Extraterrestrial-Liberty.pdf>] CT

6. EXTRATERRESTRIAL LIBERTY For Berlin [20], ‘negative’ liberty meant the pursuit of individual liberty by removing those mechanisms that exert control over one’s actions. Western liberal democracies pursue, for the most part, philosophies of negative liberty, by attempting to reduce the role of government in individual lives. A restricted sphere of negative liberty is created by tyrannies, in which encroachment into the lives of individuals reduces the number and scope of activities in which people consider themselves free, or at least able to make decisions that can be implemented independently of the State. Of course, by retreating into a core set of activities in which one is completely free, one is in the process of relinquishing liberty, as the scope of free actions is voluntarily reduced. This is in itself a form of slavery. Societies where the scope of negative liberty is reduced can be described as more enslaved, even if the people there may not describe themselves as such, because they have in fact escaped State slavery by retreating from those very activities in which control is exerted. The crucial point is that the sphere within which negative liberty is possible is necessarily constrained by the environmental conditions under which one exists. The more extreme the environmental conditions, the fewer social activities can occur without collective oversight. More saliently, the people themselves may actually request such oversight, to protect their safety from others who would abuse it, with the resulting dangers. Some of these systems of monitoring can be found in societies on Earth. We cannot drive automobiles without safety checks. Our water must be passed through treatment works— life support systems if you will—that ensure that what we are drinking is safe. Indeed, even in some of the most mature terrestrial democracies, a remarkable quantity of basic consumables and resources come to us through systems of compliance overseen by the State. This is a form of control that most people accept because we consider it in our interest. We do not usually see such invasions of our liberty as tyranny, but rather as benevolent actions by the State to ensure our safekeeping. But they are incursions nevertheless, and while democracy is functioning such oversights need not necessarily concern us; or at least they do not worry most of the public, who are more concerned with having fresh water than more abstract thoughts about the allowable extent to which the State should have influence over their water quality. In extraterrestrial environments, spacesuits, water quality, food production, habitat pressurisation and so on and so forth will be subject to regulation by corporations or the State. As on Earth, perhaps many of these incursions will be regarded as acts of beneficence by the State in the interests of safety, and will be willingly accepted. But one fact is undeniable: the extent of negative liberty must be less in extraterrestrial environments than on Earth, and quite significantly less. Even the air will be subject to quality controls and checks. Forms and permissions will be associated with the very act of breathing. No philosophy of advancing the domain of negative liberty, no clever sophistry, can change this truth, which is brought into being by basic survival needs. An undeniable effect will be to expand the opportunities for tyranny. Where the mechanisms for central control are necessarily enlarged in their scope and diversity, a greater number of levers exist, and enable individuals and organisations to exert control and assume power. A reduction in negative liberty does not necessarily imply greater tyranny, but it certainly makes it possible. In extraterrestrial environments, where centralised interventions must be frequent, how much weaker is freedom and how much easier is tyranny to enforce? We cannot know the answers until we undertake the experiment, but we can be fairly sure that the qualitative answer must be ‘more easily’. More insidiously, the restriction of the borders of negative liberty, caused by the apparent need to protect individuals from the irresponsible actions of others, can itself be perpetuated as a form of liberty. The use of alcohol in extraterrestrial environments is one example. On Earth, the excessive use of alcohol may result in broken windows and arrests, but once the windows are repaired little damage has been done to society as a whole. Hence, although there is a negative social collective impact of excessive alcohol use, the prohibition of alcohol consumption of any kind is generally regarded as an infringement of civil liberties that the public will not tolerate. This is why, of course, attempts to do exactly this in the past have been met by black marketeering. But in extraterrestrial environments, a broken window may imply depressurisation, and the instant death of many individuals. The potential impact on society of the irresponsible and thoughtless actions of individuals is greater, and it might seem justifiable to restrict greatly, or even prohibit, the civil liberty of alcohol use, in the interests of collective safety. This principle can be applied to many diverse social interactions that could be construed as threatening people, and the prevention of which can be advanced as the protection of individual and social freedom through the process of restricting negative liberty. Liberty encompasses the freedom that individuals have to actively pursue their own objectives (‘positive liberty’ sensu Berlin). An obvious mechanism by which this becomes practical is the creation of social mechanisms and institutions through which the ‘active’ pursuit of this ‘positive’ sense of liberty is made possible, for example the welfare State. Organisations established to act as conduits for the free expression of different points of view, or to act as means to achieve practical objectives, are not always liberal. Even in some of the most developed democracies, societies and organisations may become dominated by elite closed circles of people, and media channels may be influenced by moguls who use outlets to perpetuate specific corporate views. What prevents these incursions into the structures of liberty from descending into wholesale tyranny? In reality, very little. The subversion of democratic States, or States on the verge of democracy, into societies more reminiscent of dictatorships has many historical precedents. The principal mechanisms that allow individual freedom to triumph over the slide towards tyranny include the legally agreed freedoms that individuals have to establish competition against dominating organisations, and the culture that ensures that the freedom to create organisations is not then abused to destroy the very democratic organisations that guarantee that freedom. In a society in which the freedom to organise and assemble institutions is protected by law, those organisations that distort and alter their environments, or the information they propagate, are likely to be usurped by institutions that reflect a different style of thinking, by the process of individual choice. However, these alternative visions can only be effective, and one can only assert them over the prevailing opinions with confidence, when one has sufficient information to be confident of their likely veracity. On Earth, to express many ideas and counter-opinions one does not need supreme confidence in the truth. If one’s opinion turns out to be in error one gives up, accepts the viewpoint of the adversary and continues one’s life. These opportunities to challenge, however, are central to the power of the individual to confront institutions. But there is one social situation in which the individual’s power is markedly reduced, even rendered completely ineffective against a collective body. Health and safety is one of the most effective levers of social influence and justified coercion, because it invokes the protection of people confronted with life and death situations. Consider, for example, an oxygen supply system on the Moon. The authority that runs such a system might seek control over a political dissenter by threatening to move him or her and their family to a new zone of habitation, on the grounds that the oxygen supply to their habitat is faulty. By doing this, they will remind these individuals who is in control of their survival, and coerce them through fear into mitigating their dissent, thereby creating a more malleable individual and reducing the challenge to collective authority. Governing organisations have access to a vast realm of information that no single individual can hope to have [21]. They know, for example, about the oxygen demand, its rate of supply, the pipes that supply it, the maintenance history of the oxygen producing machines, and so on and so forth. For an individual to declare that the intention of the authority to move them to another habitat is for controlling political purposes, he or she must also have access to all such information, which they can then use to demonstrate that there is no safety concern. If they do not have access to this information, then it becomes a simple task for the authorities to portray them as dishonourable individuals inveighing against the hard work of other individuals who are working to secure their individual safety and the security of society [22]. They can be then be ostracised, and their general behaviour will be treated as disingenuous. However, to have access to all the information to convincingly uphold a complaint is never possible, because an individual can never know whether they are missing a single crucial fact that makes all the difference to their safety. Even armed with what they perceive to be all the information available, the individual is faced with a choice between allowing an incursion on their home and liberty, or taking the risk that their presumption of having full information is correct. Faced with such a choice, the individual is likely to opt for the former in the interests of caution, particularly in an environment where the other choice may imply death from a failed oxygen system. In the extreme case, this first course of action would be further reinforced in a particularly coercive, venal society where the individual might even be convinced of the capability of the authorities to engineer the failure of their oxygen system and their death, in order to crush dissent, even if their complaint was in fact justified. The end point of this process, when applied across many activities in life, is a colony of automatons performing tasks for an extraterrestrial authority, with their freedom reduced to a withered core of activities in the most private confines of their habitats. Extraterrestrial environments make such an endpoint not merely a possible outcome, but a likely one. This attack on liberty is made possible because the pursuit of individual safety can be made an unchallengeable requirement of a ‘free’ society [23]. Freedom from instantaneous death caused by the external environment is the common freedom on which all individuals should converge, and any social structure or plan that brings people closer to that reality must surely be praiseworthy? The removal of other freedoms to achieve the safety of society is excusable. From this position, the environment can itself become the instrument of positive liberty. In this way, and in a rather unique way, encroachment on freedom of thought and movement, in the interests of ensuring the protection of the freedom of the individual against the lethality of the environment, can be transformed into a justifiable and universalisable doctrine of control [24]. Unfortunately this approach receives succour from every major tradition of social philosophy that we know on Earth. From Grotius to J.S. Mill, the right to self-preservation has been considered the core of individual liberties [25], a point beyond which no State may go, and which every individual has the right to take it upon him or herself to secure—indeed, such a notion has even been referred to as a ‘natural law’ [26]. Even Hobbes’ view of the necessity of sovereign control [27] turns on the right of each individual in a fight to preserve themselves. It is possible to spend much of one’s life on Earth without undue concern for self-preservation. Apart from those unfortunate individuals who confront a burglar or gang, most people will not actually come face to face with the need to infringe others’ rights to self-preservation. Fortunately, although the right to self-preservation is theoretically an unchallengeable right of all people, it remains, in a civil society, one sufficiently protected by the laws, and by regulations against various street crimes that might infringe self-preservation. If, as has been traditional on the Earth, the right to selfpreservation is also held to be a basic right of all people in extraterrestrial environments, then the keys to despotism are handed over to those in control of society. Self-preservation is threatened on a day-to-day basis by the lethality of the environment. In such an environment, each individual does indeed represent a much greater threat to every other individual than on the Earth, because unpredictable and criminal actions against the infrastructure represent a continuously present and potentially catastrophic threat to self-preservation. The authorities therefore have the excuse to implement draconian systems of control to protect the right of every individual to self-preservation. Worse than this, however, the people will voluntarily, in exercising their right to selfpreservation, and to protect themselves, accept more farreaching control over the lives of others [28]. Where death is a more likely outcome of criminal action, the Hobbesian State of nature, and the tendency to vigorously guard against it, becomes a more tangible reality [29].

#### Property rights are the essential building blocks of a fully inclusive and functional government. Turns case since they envision a democratically governed space that is impossible without appropriation.

UNDP ’08 - Working Group on Property Rights, 2008, 'Empowering the Poor Through Property Rights', in Making the Law Work for Everyone Volume II, Commission on Legal Empowerment of the Poor, United Nations Development Programme, New York, pp. 63-128 <https://www.mercatus.org/system/files/ch2.pdf> AT

This transition has reduced global poverty substantially, but as outlined above, billions of people around the world still lack secure property rights, which hinders their economic, political and social security. In order to examine how poverty can best be relieved, and why access to property rights is fundamental to the empowerment of the poor, it is necessary to identify building blocks of a fully-functional property system. Such a system operates in the following four ways: 1) As a system of rules that defines the bundle of rights and obligations between people and assets.15 Property ownership creates ties that bind individual citizens together through the formation of networks of economic and legal rights and corresponding obligations. The credible enforcement of these rights and obligations requires a judicial mechanism that allows for equitable, transparent and efficient dispute resolution. 2) As a system of governance. Property systems are a central facet of state functionality, and as such are an important measurement of fiduciary and administrative effectiveness. The institutional order of the state is based on technical rules and relationships which define interactions between stakeholders, ranging from direct ownership of land to promulgation of rules that govern security of land and house tenure, land planning, zoning, taxing and other aspects of property management. Technological innovation, which has radically reduced the cost of information, has generated the possibility for further transparency and accountability in property systems as an instrument of governance. 3) As a functioning market for the exchange of assets. A fully functional property system allows land, houses, moveable property, equity shares, and ideas to be transformed into assets to be bought and sold at rates determined by market forces. This subjects the exchange of property to a level of transparency and accountability, and allows for the development of financial mechanisms — including credit 67 and insurance — to facilitate transactions and improve economic outcomes. Land, houses and moveable property can thus be leveraged, and assets transformed from static investments into capital which can be bought and sold. However, property rights are a necessary but not sufficient precondition for the development of these financial mechanisms; they also develop through partnership between the market, special funds targeted at access to finance, and the state. 4) As an instrument of social policy. In the absence or failure of the market, the state often plays a direct role in addressing the needs of the poor. The state has at its disposal instruments that can be used to endow its citizens with assets as they relate to property, such as public housing, low interest loans and the distribution of state land. Such instruments help to overcome natural competition for assets. The state also supports social cohesion through the development of co-ownership of infrastructure and services by government and the citizen, supporting the equilibrium between individual and collective interests. Provision of infrastructure by the state critically affects the value and desirability of assets, and can therefore fundamentally affect opportunities for the poor.

#### Impact is Democide – Empirically, murder by tyrannical governments is the biggest impact. It outweighs war and cap. There is a direct relationship between the lack of personal freedom and democide.

Wayman 17 summarizing Rummel [Wayman F.W. (2017) Rummel and Singer, DON and COW. In: Gleditsch N. (eds) R.J. Rummel: An Assessment of His Many Contributions. SpringerBriefs on Pioneers in Science and Practice, vol 37. Springer, Cham. <https://doi.org/10.1007/978-3-319-54463-2_9>] CT

At Rummel’s website, the dominant theme is that power kills (http://www.hawaii.edu/powerkills/). As he began one of his books (Rummel, 1994: 1), ‘Power kills; absolute power kills absolutely. This new Power Principle is the message emerging from my previous work on the causes of war and from this work on genocide and government mass murder … The more power a government has, the more it can act arbitrarily.’

A major supporting idea is the term regime, as operationalized by Rummel (1995) and used as the organizing principle for his datasets on ‘democide—genocide and mass murder’ (Rummel, 1998: 1). This idea of a regime is important to his work because there is a lot of variation from regime to regime in the regime’s amount of power, and also in the number of people the regime kills. And Rummel’s dominant theme is that those two characteristics of a regime (power and deaths) co-vary. In my own ordinary language, a regime is a type of government controlling a state apparatus. As Rummel (1995: 9) says, ‘The changes from the Kaiser monarchy to the Weimar Republic to Hitler’s rule … give us three different German regimes. … I count 432 distinct state regimes during the period from 1900 to 1987’. Hence, there would be the czarist regime in Russia until 1917, and then the communist regime from 1917 to 1991. Between February and October 1917, there should I think be a transition period and transitional regime (under Kerensky). Individual rulers, such as general secretaries Stalin, Khrushchev, and Brezhnev, and their governments, do not represent distinct regimes of their own, but instead are all leaders, successively, of different administrations in the communist regime.

To me, Rummel’s (1983) article made the first really convincing case for the inter-liberal or inter-democratic peace. I have since challenged thousands of people, from classrooms to conferences where I am speaking, to name any other proposition in the social sciences that is surprising or counter-intuitive, and that has (according to its advocates at least) no exceptions. No one has ever been able, in my presence, to name such a proposition—other than Rummel’s.

The COW Project generated the data for the bulk of the hypothesis tests in IR for decades (Wayman & Singer, 1990: 247–248). And ‘realist theory informed 90% of the hypotheses tested by IR scholars up to the 1970s’ (Walker, 2013: 148). It was a bit of a shock that an anti-realist hypothesis, the inter-democratic peace, had produced such a paradigm-shattering result. Sadly, I never heard Singer say a good word about Rummel’s studies confirming the inter-democratic peace hypothesis. Rummel had used COW data on wars, plus other people’s data on democracy, Liberalism, and freedom of nations, to contradict one of Singer’s claims (namely, Singer’s contention that the inter-democratic peace was based on too few cases and too flawed in other ways to be taken to be true; Small & Singer, 1976). Deciphering Singer’s true position on this is complicated. When Geller & Singer (1998) produced a literature review of scientific studies of international conflict, while they did caution that the evidence is ‘not indisputable’, they did acknowledge that ‘the evidence in the area of the joint freedom proposition is consistent and cumulative. Democratic dyads are less likely to engage in war than are non-democratic pairs’ (Geller & Singer, 1998: 87–88). But on the other hand, on his own at his weekly COW seminar, Singer was much more skeptical about the inter-democratic peace. So it is not surprising that, four years after Geller & Singer’s assessment, one of Singer’s students, Henderson (2002) wrote a book that constituted an attack on the democratic peace literature. In the opening paragraph, Henderson says, ‘It struck me as strange that one of the doyen of the behavioral revolution would be such an avid critic of what some scholars hail as the closest thing to an empirical law in the field’.

Instead, Singer seemed more interested in the international or interstate system. While Waltz (1979: 94) defined ‘international political structures in terms of states’, Singer spoke of ‘the national state as level of analysis’ (Singer, 1961: 82–89). Thus, whereas Waltz writes of a system whose basic units are sovereign states, Singer ends up with two systems: an inter-state system and an international system. The international system consists of entities that have an international political goal (including … state creation or survival), engage in international political behavior (including inter-state or extra-state conflict, alliances, trade, or international organizations), or engage in political behavior that has international consequences (such as civil wars). The [international] system … includes … terrorist groups (Sarkees & Wayman, 2010: 27).

Nested within this international system is the interstate system, beginning in 1816, distinguished in terms of ‘recurring international interactions between and among the interstate system members’ (Sarkees & Wayman, 2010: 16). Singer’s COW data are organized around a focus on state system membership. Basically, between 1816 and 1919 an entity is a state system member if it has 500,000 people or more and is diplomatically recognized at an adequate level by Britain and France, while after 1919 it is a state if it is a League of Nations or UN member or has 500,000 people and diplomatic recognition by two major powers. (Note that ‘state’ becomes a short-hand for ‘state system member’; Bremer & Ghosn, 2003.)

Much confusion results from the short-hand expressions ‘state’ and ‘system’. ‘Whenever the word “system” was used without a modifier, Singer & Small were referring to the interstate system’ (Sarkees & Wayman, 2010: 16). Likewise, the ‘states’ whose characteristics are listed in the COW datasets are not the population of states, but the population of state system members.

Singer’s most widely-cited explanatory articles on interstate war are probably Deutsch & Singer (1964) and Singer, Bremer & Stuckey (1972). Both operate at the system level of analysis. It may be that Singer’s devotion to the interstate system is part of what made him reluctant to embrace the inter-democratic peace. As he said in another widely-cited article, the international system level of analysis ‘almost inevitably requires that we postulate a high degree of uniformity in the foreign policy codes of our national actors’, and ‘the system-oriented approach tends to produce a sort of “black box” or “billiard ball” concept of national actors’. This is consistent with his foreign policy instincts, which were loath to attribute ‘white hats’ to the ‘free world’ and ‘black hats’ to the Soviet Union, in the assigning of blame for the dangers to world peace in the Cold War era. Singer’s posture was very different from Rummel’s, with Rummel in favor of Reagan’s foreign policy and against détente. In these Cold War contexts, Singer may have been uncomfortable with Rummel’s summary that ‘freedom preserves peace and life’.

Singer wrote ‘it is evident that my research and teaching has unambiguously been problem-driven’, and ‘for reasons that I struggle to articulate, the problem has been, and remains, that of war’ (Singer, 1990: 2). The COW Project was founded by him at the University of Michigan in 1963, the year after the world nearly was destroyed, had the Cuban Missiles Crisis gone badly. International war attracted Singer’s best efforts at finding the ‘causes of war and conditions of peace’ (1990: 3). As he and Small put it, their focus is a ‘preoccupation with the elimination of international war and the possible role of solid explanatory knowledge in that enterprise’ (Small & Singer, 1982: 17). The first COW war handbook, Wages of War (Singer & Small, 1972) was consequently limited to international wars. Karl Deutsch subsequently convinced Singer that there was a need for a comparable list of civil wars. This led to a new handbook, Resort to Arms: International and Civil Wars, 1816–1980, presenting a ‘comprehensive list that will enhance … study of civil wars’ (Small & Singer, 1982: 204). The civil war list is accompanied with a cautionary note, ‘International war remains our major concern … A research assault on [explanation of] civil war … is clearly a task better left to others’ (Small & Singer, 1982: 17). Consequently, the COW project had many datasets (such as the Militarized Interstate Dispute dataset) on the correlates of interstate war, but nothing comparable on the civil war data. Nevertheless, the publication of the civil war data was a valuable contribution to studies of civil war, and was also a step toward the full delineation of the totality of modern war. This was followed, in the third COW handbook (Sarkees & Wayman, 2010) with a definition and list of non-state wars, completing the full reckoning of the patterns of war in the past two centuries. Also, the focus of Singer on international war was somewhat vindicated by his co-authored article revealing that, over the time since the Congress of Vienna, inter-state wars had resulted in 32 million battle deaths, intra-state wars only 18 million (Sarkees, Wayman & Singer, 2003).

Critics often ask if the COW project has a state-centric bias. A more subtle and I think effective line of inquiry is to ask why the COW project has emphasized state-system-membership rather than simple sovereignty and independence as the defining characteristic of the state. This can cause confusion. For example, a number of non-state wars, including the main phase of one of the deadliest wars in history, the Taiping Rebellion, have been fought in areas that would be considered to be states by students of comparative politics. This and other related difficulties have led pioneers outside the COW project (Gleditsch, 2004; Fazal, 2007), as well as Singer’s successor at the COW Project (Bremer & Ghosn, 2003) to propose various revisions and expansions of the concept of the state, to go beyond the COW state membership definition. These difficulties and challenges continue to provide important frontiers for research on war and the state in coming years.

In contrast to Singer, Rummel seems to me to have taken a more inductivist, practical approach to states and similar entities. On his website, powerkills.com, one finds a focus on killing, even of one person. The perpetrators are often leaders of totalitarian states, such as Mao, but can also be rebel leaders (the young Mao) or a king (Leopold of Belgium) who controls what some call a colony (the Belgian Congo) but Rummel calls Leopold’s personal property. The unit of analysis becomes the regime and regime-like power-centers such as Leopold’s Congo or Mao’s rebel territory.

Rummel (1986) concluded that ‘War isn’t this century’s biggest killer’. As he said then, ‘About 35,654,000 people have died in this century’s international and domestic wars, revolutions, and violent conflicts. … The number of people killed by totalitarian or extreme authoritarian governments already far exceeds that for all wars, civil and international. Indeed, this number already approximates the number that might be killed in a nuclear war’. He itemized 95 million killed by communist governments, but only ‘831,000 killed by free democratic governments’. Those killed by free democratic governments were always foreigners:

In no case have I found a democratic government carrying out massacres, genocide and mass executions of its own citizens … Absolutist governments (those that Freedom House would classify as not free) are not only many times deadlier than war, but are themselves the major factor causing war and other forms of violent conflict. They are a major cause of militarism. Indeed, absolutism, not war, is mankind’s deadliest scourge of all. In light of all this, the peaceful, nonviolent fostering of civil liberties and political rights must be made mankind’s highest humanitarian goal … because freedom preserves peace and life (Rummel, 1986).

## 2

#### The appropriation of outer space by private entities is unjust except for space-based solar power projects.

#### SSP is viable and requires privatization.

Oberhaus 21 [DANIEL OBERHAUS, “Space Solar Power: An Extraterrestrial Energy Resource For The U.S.,” Innovation Frontier Project, August 18, 2021. <https://innovationfrontier.org/space-solar-power-an-extraterrestrial-energy-resource-for-the-u-s/>] CT

FUTURE OF SSP

The United States’ reluctance to pursue SSP can be attributed to a number of causes. In the 1970s and 80s, the exorbitant projected costs of an SSP station guaranteed that the project would not be pursued by NASA, the DOE, or the DOD. At the same time, the agency’s emphasis on developing nuclear space technologies — a trend that continues to this day — undermined enthusiasm for other ambitious energy projects like SSP. Finally, the fact that SSP is a space project meant to provide commercial levels of electrical power on Earth meant that it wasn’t obvious whether it fell within the purview of NASA or the DOE, and so both agencies were reluctant to allocate a substantial portion of their budget for its development. Today, the low cost of natural gas and renewables like wind and solar makes it seem challenging to justify a space energy project of this scale. But SSP offers several unique benefits as an energy resource, including its resiliency, its ability to provide flexible baseload power to geographically distant locations, its capacity to accelerate decarbonization directly by providing clean energy and indirectly by expediting the transition to off-world heavy industry, and its strategic benefits as a tool for diplomacy and national security. Given SSP’s benefits and the interest in the technology from most other space agencies, it’s puzzling that policymakers in the United States have not prioritized SSP R&D. The development of key technologies such as reusable rockets and thin film solar panels has finally made SSP economically and technically viable. But there is still a lot of fundamental research on SSP that needs to be done and it is in the United States’ national interest to begin this research program as soon as possible. So far, the only glimmer of hope for an American SSP program has come from the DOD’s efforts. In 2019, the Air Force Research Lab awarded a $100 million contract to Northrop Grumman as part of the new Space Solar Power Incremental Demonstrations and Research (SSPIDR) Project, which aims to develop hardware for in-orbit SSP experiments based on the design developed at Caltech.105 This is by far the United States’ largest federal expenditure on SSP R&D, but it is only a fraction of what will be required to build a large-scale SSP station and the specific technologies included in the SSPIDR program will not result in a system that could ever provide commercial power to civilians. SSP is a key tool for ensuring the prosperity and security of the United States in the latter half of the 21st century. It is imperative that NASA and the DOE prioritize the development of SSP. We believe the federal government should earmark approximately $1 billion for SSP research over the next five years with a special emphasis on advancing emerging technologies and in-space hardware demonstrations. Congress must take the first step in establishing a civilian SSP platform by directing NASA and the DOE to collaborate on a public-private initiative similar to NASA’s commercial crew program or its more recent commercial lunar payload services program. The directive must clearly delineate responsibilities between the agencies in order to avoid leadership paralysis that has stymied domestic SSP research in the past. Furthermore, a public-private program must be structured so that there is competition among multiple private companies, which must hit key milestones in order to continue receiving contracts. These contracts should be awarded with a fixed-price structure to avoid the massive cost overruns and delays that are typical of cost-plus contracts in the aerospace and defense sector. This is also an approach likely to find support among new launch providers and spacecraft manufacturers that have demonstrated the innovation that occurs when operating within the relative constraints of fixed price contracts. In fact, the main trade group for the aerospace sector has advocated for the increased use of fixed-price contracts in the past.106 Alternatively, it may be more efficient to establish a focused research organization (FRO) dedicated to SSP technologies to avoid delays associated with collaboration between two federal agencies on multi-year—and perhaps multi-decade—projects. FROs are independent entities that exist outside of national laboratories and universities. They are effectively a startup for basic research and deep technological development that requires large-scale engineering collaboration on technologies that may not yet have a market or are not readily monetizable.107 Recently, the U.S. Congress created five FRO-like centers in the DOE’s national labs as part of the National Quantum Initiative Act, which can serve as a framework for the creation of similar FROs dedicated to space solar power.108 While there are several approaches to a large-scale SSP system, we believe the most fruitful pathway is to focus on cost reduction over energy efficiency. This would prioritize highly modular systems similar to ALPHA, which benefit from the substantially reduced costs of mass manufacturing standardized components. We believe that it is possible to conduct a civilian SSP demonstration in low-Earth orbit within three years of the program’s start with less than $250 million in funding. The first phase of this program would involve conducting a series of ground tests with prototype systems over the course of about 18 months. Based on the results of this program, a system could be selected for an in-space demonstration capable of generating up to 300kw of power in low-Earth orbit. After a successful LEO demonstration mission, the next step would be to build a larger SSP system in mid-Earth orbit capable of producing commercial amounts of power (e.g., 1-10 MW). While this orbital altitude is not sufficient for maintaining the SSP system over a fixed spot on the Earth, it would stay on a fixed path so that it always passed over the same spots on the Earth. While the power from this MEO demonstrator would not be competitive with terrestrial electricity prices — we expect a cost of about $1/kwh — it would be a critical step toward proving the system’s ability to provide commercial power. We expect that the MEO demonstrator could be built and launched for approximately $1 billion. The success of the MEO demonstrator would lay the foundation for an SSP system in geostationary orbit that would be large enough to provide meaningful amounts of baseload power. We expect the initial version of this SSP system to be capable of delivering around 2 GW of solar energy to the surface. We expect that a 2 GW SSP system in geostationary orbit could be built for about $10 billion. Here we start to see the cost savings of mass manufacturing modular SSP components. This system would be capable of delivering more than 200 times more power than the MEO demonstrator for only 10 times the cost. We believe that a public-private SSP program jointly led by NASA and the DOE could result in a commercially viable SSP platform in geostationary orbit by the end of the decade. In addition to providing a critical pathway for SSP, it also has the potential to lead to substantial advancements in solar power and wireless power transmission technologies that would be useful on Earth. If policymakers do not take action on advancing domestic SSP capabilities soon, the United States will find itself losing its leadership position in space and increasingly vulnerable to natural and human-made disasters on the ground.

#### SSP solves warming. In the short term provides cheap, renewable, and flexible baseload power for on and off-world applications. It’s also key to transition heavy industry to space.

Oberhaus 21 [DANIEL OBERHAUS, “Space Solar Power: An Extraterrestrial Energy Resource For The U.S.,” Innovation Frontier Project, August 18, 2021. <https://innovationfrontier.org/space-solar-power-an-extraterrestrial-energy-resource-for-the-u-s/>] CT

EXECUTIVE SUMMARY

What is often left unsaid in discussions about extraterrestrial industrialization and deep space settlement is how to supply the energy needed for large scale infrastructure projects. Nuclear energy has long been the power source of choice for deep space missions.2 This is largely because nuclear power systems can operate for decades without intervention and in locations where there is limited or non-existent sunlight. But nuclear energy is limited in its ability to scale and also creates serious health hazards for near-Earth operation.3 In this paper, we make the case for space-based solar power (SSP) megaprojects as relatively low-cost, scalable, renewable, and always-on power source for on-and-off world applications. Although SSP is a space-based energy asset, it has the potential to rapidly accelerate decarbonization on Earth while also fulfilling space exploration priorities. SSP is a decades-old idea that has only recently become economically viable due to the rapidly falling costs of space access and technological advancements such as higher efficiency electronics, low-cost mass-production of modular space systems like satellites, robotic in-space construction, and wireless power transmission. NASA, the Department of Energy, and several other research agencies have conducted in-depth studies and limited experiments on SSP, but the development of this energy resource was hindered by unfavorable economics. Things have changed and it is time to reconsider SSP as a valuable tool in the nation’s decarbonization strategy. This paper shows how the development of SSP can serve several national imperatives at once. In space, it can provide a renewable and cost-effective source of energy for moon bases and deep space missions. SSP can also provide a valuable source of energy — both electric and thermal — for industrial processes in cislunar space. This will facilitate the transition of heavy industry from Earth to space, which will mitigate carbon emissions in the medium-to-long term on Earth. Critically, SSP will have a massive impact on terrestrial greenhouse gas (GHG) emissions in the near term through wireless energy transfer from space to Earth. This is SSP’s original “killer app,” and multiple studies have shown that SSP can meet a substantial portion of Earth’s energy needs. Unlike terrestrial solar power, SSP is always on. It can provide solar power rain or shine, day or night. It is also flexible and can be quickly redirected to ground stations in geographically distant locations to meet rapidly changing energy needs. The dream for SSP is to have a source of clean baseload energy that’s available regardless of weather, location, or time of day. The baseload is the minimum electrical energy demand on a grid, which has historically been provided by power stations that are able to generate large and relatively constant amounts of energy. But as more renewables penetrate the grid and create fluctuations in electric supply, the base load power stations of the future must be flexible enough to rapidly ramp up and down to meet the evolving supply and demand dynamics of the grid. Much like the advent of GPS, a robust SSP capacity would have profound geopolitical implications. China is investing heavily in SSP and plans to have the first operating SSP plant in orbit by the end of the decade.4 The Department of Defense (DOD) is also pursuing SSP research for military applications. Notably, the Air Force Research Laboratory recently created a $100 million program to advance key SSP technologies.5 This paper concludes that the U.S. must allocate substantially more human and financial capital to SSP as part of its national security, domestic energy, and space exploration strategies.

#### Solving warming is not all-or-nothing – every additional fraction of a degree is irreversible and costs millions of lives—prefer IPCC assessments that are the gold standard for warming consensus.

David Wallace-Wells 19 [National Fellow at New America. He is deputy editor of New York Magazine, where he also writes frequently about climate and the near future of science and technology, including his widely read and debated 2017 cover story on worst-case scenarios for global warming], *The Uninhabitable Earth: A Story of the Future* (Kindle Edition: Allen Lane, 2019), pg. 8-30, beckert

* Every degree key – each bit 🡪 hundreds of millions of lives
* IPCC🡪best ev b/c conservative estimate + still really big impact
* Now key – not reversible, feedback loops 🡪 speeds up later

There is almost no chance we will avoid that scenario. The Kyoto Protocol achieved, practically, nothing; in the twenty years since, despite all of our climate advocacy and legislation and progress on green energy, we have produced more emissions than in the twenty years before. In 2016, the Paris accords established two degrees as a global goal, and, to read our newspapers, that level of warming remains something like the scariest scenario it is responsible to consider; just a few years later, with no single industrial nation on track to meet its Paris commitments, two degrees looks more like a best-case outcome, at present hard to credit, with an entire bell curve of more horrific possibilities extending beyond it and yet shrouded, delicately, from public view.28 For those telling stories about climate, such horrific possibilities—and the fact that we had squandered our chance of landing anywhere on the better half of that curve—had become somehow unseemly to consider. The reasons are almost too many to count, and so half-formed they might better be called impulses. We chose not to discuss a world warmed beyond two degrees out of decency, perhaps; or simple fear; or fear of fearmongering; or technocratic faith, which is really market faith; or deference to partisan debates or even partisan priorities; or skepticism about the environmental Left of the kind I’d always had; or disinterest in the fates of distant ecosystems like I’d also always had. We felt confusion about the science and its many technical terms and hard-to-parse numbers, or at least an intuition that others would be easily confused about the science and its many technical terms and hard-to-parse numbers. We suffered from slowness apprehending the speed of change, or semi-conspiratorial confidence in the responsibility of global elites and their institutions, or obeisance toward those elites and their institutions, whatever we thought of them. Perhaps we felt unable to really trust scarier projections because we’d only just heard about warming, we thought, and things couldn’t possibly have gotten that much worse just since the first Inconvenient Truth; or because we liked driving our cars and eating our beef and living as we did in every other way and didn’t want to think too hard about that; or because we felt so “postindustrial” we couldn’t believe we were still drawing material breaths from fossil fuel furnaces. Perhaps it was because we were so sociopathically good at collating bad news into a sickening evolving sense of what constituted “normal,” or because we looked outside and things seemed still okay. Because we were bored with writing, or reading, the same story again and again, because climate was so global and therefore nontribal it suggested only the corniest politics, because we didn’t yet appreciate how fully it would ravage our lives, and because, selfishly, we didn’t mind destroying the planet for others living elsewhere on it or those not yet born who would inherit it from us, outraged. Because we had too much faith in the teleological shape of history and the arrow of human progress to countenance the idea that the arc of history would bend toward anything but environmental justice, too. Because when we were being really honest with ourselves we already thought of the world as a zero-sum resource competition and believed that whatever happened we were probably going to continue to be the victors, relatively speaking anyway, advantages of class being what they are and our own luck in the natalist lottery being what it was. Perhaps we were too panicked about our own jobs and industries to fret about the future of jobs and industry; or perhaps we were also really afraid of robots or were too busy looking at our new phones; or perhaps, however easy we found the apocalypse reflex in our culture and the path of panic in our politics, we truly had a good-news bias when it came to the big picture; or, really, who knows why—there are so many aspects to the climate kaleidoscope that transforms our intuitions about environmental devastation into an uncanny complacency that it can be hard to pull the whole picture of climate distortion into focus. But we simply wouldn’t, or couldn’t, or anyway didn’t look squarely in the face ﻿of the science. This is not a book about the science of warming; it is about what warming means to the way we live on this planet. But what does that science say? It is complicated research, because it is built on two layers of uncertainty: what humans will do, mostly in terms of emitting greenhouse gases, and how the climate will respond, both through straightforward heating and a variety of more complicated, and sometimes contradictory, feedback loops. But even shaded by those uncertainty bars it is also very clear research, in fact terrifyingly clear. The United Nations’ Intergovernmental Panel on Climate Change (IPCC) offers the gold-standard assessments of the state of the planet and the likely trajectory for climate change—gold-standard, in part, because it is conservative, integrating only new research that passes the threshold of inarguability. A new report is expected in 2022, but the most recent one says that if we take action on emissions soon, instituting immediately all of the commitments made in the Paris accords but nowhere yet actually implemented, we are likely to get about 3.2 degrees of warming, or about three times as much warming as the planet has seen since the beginning of industrialization—bringing the unthinkable collapse of the planet’s ice sheets not just into the realm of the real but into the present.29, 30 That would eventually flood not just Miami and Dhaka but Shanghai and Hong Kong and a hundred other cities around the world.31 The tipping point for that collapse is said to be around two degrees; according to several recent studies, even a rapid cessation of carbon emissions could bring us that amount of warming by the end of the century.32 The assaults of climate change do not end at 2100 just because most modeling, by convention, sunsets at that point. This is why some studying global warming call the hundred years to follow the “century of hell.”33 Climate change is fast, much faster than it seems we have the capacity to recognize and acknowledge; but it is also long, almost longer than we can truly imagine. In reading about warming, you will often come across analogies from the planetary record: the last time the planet was this much warmer, the logic runs, sea levels were here. These conditions are not coincidences. The sea level was there largely because the planet was that much warmer, and the geologic record is the best model we have for understanding the very complicated climate system and gauging just how much damage will come from turning up the temperature by two or four or six degrees. Which is why it is especially concerning that recent research into the deep history of the planet suggests that our current climate models may be underestimating the amount of warming we are due for in 2100 by as much as half.34 In other words, temperatures could rise, ultimately, by as much as double what the IPCC predicts. Hit our Paris emissions targets and we may still get four degrees of warming, meaning a green Sahara and the planet’s tropical forests transformed into fire-dominated savanna.35 The authors of one recent paper suggested the warming could be more dramatic still—slashing our emissions could still bring us to four or five degrees Celsius, a scenario they said would pose severe risks to the habitability of the entire planet. “Hothouse Earth,” they called it.36 Because these numbers are so small, we tend to trivialize the differences between them—one, two, four, five. Human experience and memory offer no good analogy for how we should think of those thresholds, but, as with world wars or recurrences of cancer, you don’t want to see even one. At two degrees, the ice sheets will begin their collapse, 400 million more people will suffer from water scarcity, major cities in the equatorial band of the planet will become unlivable, and even in the northern latitudes heat waves will kill thousands each summer.37, 38 There would be thirty-two times as many extreme heat waves in India, and each would last five times as long, exposing ninety-three times more people.39 This is our best-case scenario. At three degrees, southern Europe would be in permanent drought, and the average drought in Central America would last nineteen months longer and in the Caribbean twenty-one months longer. In northern Africa, the figure is sixty months longer—five years. The areas burned each year by wildfires would double in the Mediterranean and sextuple, or more, in the United States. At four degrees, there would be eight million more cases of dengue fever each year in Latin America alone and close to annual global food crises.41 There could be 9 percent more heat-related deaths.40 Damages from river flooding would grow thirtyfold in Bangladesh, twentyfold in India, and as much as sixtyfold in the United Kingdom. In certain places, six climate-driven natural disasters could strike simultaneously, and, globally, damages could pass $600 trillion—more than twice the wealth as exists in the world today. Conflict and warfare could double. Even if we pull the planet up short of two degrees by 2100, we will be left with an atmosphere that contains 500 parts per million of carbon—perhaps more. The last time that was the case, sixteen million years ago, the planet was not two degrees warmer; it was somewhere between five and eight, giving the planet about 130 feet of sea-level rise, enough to draw a new American coastline as far west as I-95.42 Some of these processes take thousands of years to unfold, but they are also irreversible,

and therefore effectively permanent. You might hope to simply reverse climate change; you can’t. It will outrun all of us. This is part of what makes climate change what the theorist Timothy Morton calls a “hyperobject”—a conceptual fact so large and complex that, like the internet, it can never be properly comprehended.43 There are many features of climate change—its size, its scope, its brutality—that, alone, satisfy this definition; together they might elevate it into a higher and more incomprehensible conceptual ﻿category yet. But time is perhaps the most mind-bending feature, the worst outcomes arriving so long from now that we reflexively discount their reality. Yet those outcomes promise to mock us and our own sense of the real in return. The ecological dramas we have unleashed through our land use and by burning fossil fuels—slowly for about a century and very rapidly for only a few decades—will play out over many millennia, in fact over a longer span of time than humans have even been around, performed in part by creatures and in environments we do not yet even know, ushered onto the world stage by the force of warming. And so, in a convenient cognitive bargain, we have chosen to consider climate change only as it will present itself this century. By 2100, the United Nations says, we are due for about 4.5 degrees of warming, following the path we are on today.44 That is, farther from the Paris track than the Paris track is from the two-degree threshold of catastrophe, which it more than doubles. As Naomi Oreskes has noted, there are far too many uncertainties in our models to take their predictions as gospel.45 Just running those models many times, as Gernot Wagner and Martin Weitzman do in their book Climate Shock, yields an 11 percent chance we overshoot six degrees.46 Recent work by the Nobel laureate William Nordhaus suggests that better-than-anticipated economic growth means better than one-in-three odds that our emissions will exceed the U.47N.’s worst-case “business as usual” scenario. In other words, a temperature rise of five degrees or possibly more. The upper end of the probability curve put forward by the U.N. to estimate the end-of-the-century, business-as-usual scenario—the worst-case outcome of a worst-case emissions path—puts us at eight degrees. At that temperature, humans at the equator and in the tropics would not be able to move around outside without dying.48 In that world, eight degrees warmer, direct heat effects would be the least of it: the oceans would eventually swell two hundred feet higher, flooding what are now two-thirds of the world’s major cities; hardly any land on the planet would be capable of efficiently producing any of the food we now eat; forests would be roiled by rolling storms of fire, and coasts would be punished by more and more intense hurricanes; the suffocating hood of tropical disease would reach northward to enclose parts of what we now call the Arctic; probably about a third of the planet would be made unlivable by direct heat; and what are today literally unprecedented and intolerable droughts and heat waves would be the quotidian condition of whatever human life was able to endure.49, 50, 51, 52 We will, almost certainly, avoid eight degrees of warming; in fact, several recent papers have suggested the climate is actually less sensitive to emissions than we’d thought, and that even the upper bound of a business-as-usual path would bring us to about five degrees, with a likely destination around four.53 But five degrees is nearly as unthinkable as eight, and four degrees not much better: the world in a permanent food deficit, the Alps as arid as the Atlas Mountains.54 Between that scenario and the world we live in now lies only the open question of human response. Some amount of further warming is already baked in, thanks to the protracted processes by which the planet adapts to greenhouse gas. But all of those paths projected from the present—to two degrees, to three, to four, five, or even eight—will be carved overwhelmingly by what we choose to do now. There is nothing stopping us from four degrees other than our own will to change course, which we have yet to display. Because the planet is as big as it is, and as ecologically diverse; because humans have proven themselves an adaptable species, and will likely continue to adapt to outmaneuver a lethal threat; and because the devastating effects of warming will soon become too extreme to ignore, or deny, if they haven’t already; because of all that, it is unlikely that climate change will render the planet truly uninhabitable. But if we do nothing about carbon emissions, if the next thirty years of industrial activity trace the same arc upward as the last thirty years have, whole regions will become unlivable by any standard we have today as soon as the end of this century. ﻿A few years ago, E. O. Wilson proposed a term, “Half-Earth,” to help us think through how we might adapt to the pressures of a changing climate, letting nature run its rehabilitative course on half the planet and sequestering humanity in the remaining, habitable half of the world.55 The fraction may be smaller than that, possibly considerably, and not by choice; the subtitle of his book was Our Planet’s Fight for Life. On longer timescales, the even-bleaker outcome is possible, too—the livable planet darkening as it approaches a human dusk. It would take a spectacular coincidence of bad choices and bad luck to make that kind of zero earth possible within our lifetime. But the fact that we have brought that nightmare eventuality into play at all is perhaps the overwhelming cultural and historical fact of the modern era—what historians of the future will likely study about us, and what we’d have hoped the generations before ours would have had the foresight to focus on, too. Whatever we do to stop warming, and however aggressively we act to protect ourselves from its ravages, we will have pulled the devastation of human life on Earth into view—close enough that we can see clearly what it would look like and know, with some degree of precision, how it will punish our children and grandchildren. Close enough, in fact, that we are already beginning to feel its effects ourselves, when we do not turn away. ﻿It is almost hard to believe just how much has happened and how quickly. In the late summer of 2017, three major hurricanes arose in the Atlantic at once, proceeding at first along the same route as though they were battalions of an army on the march.56 Hurricane Harvey, when it struck Houston, delivered such epic rainfall it was described in some areas as a “500,000-year event”—meaning that we should expect that amount of rain to hit that area once every five hundred millennia.57 Sophisticated consumers of environmental news have already learned how meaningless climate change has rendered such terms, which were meant to describe storms that had a 1-in-500,000 chance of striking in any given year. But the figures do help in this way: to remind us just how far global warming has already taken us from any natural-disaster benchmark our grandparents would have recognized. To dwell on the more common 500-year figure just for a moment, it would mean a storm that struck once during the entire history of the Roman Empire. Five hundred years ago, there were no English settlements across the Atlantic, so we are talking about a storm that should hit just once as Europeans arrived and established colonies, as colonists fought a revolution and Americans a civil war and two world wars, as their descendants established an empire of cotton on the backs of slaves, freed them, and then brutalized their descendants, industrialized and postindustrialized, triumphed in the Cold War, ushered in the “end of history,” and witnessed, just a decade later, its dramatic return. One storm in all that time, is what the meteorological record has taught us to expect. Just one. Harvey was the third such flood to hit Houston since 2015.58 And the storm struck, in places, with an intensity that was supposed to be a thousand times rarer still. That same season, an Atlantic hurricane hit Ireland, 45 million were flooded from their homes in South Asia, and unprecedented wildfires tilled much of California into ash.59, 60 And then there was the new category of quotidian nightmare, climate change inventing the once-unimaginable category of obscure natural disasters—crises so large they would once have been inscribed in folklore for centuries today passing across our horizons ignored, overlooked, or forgotten. In 2016, a “thousand-year flood” drowned small-town Ellicott City, Maryland, to take but one example almost at random; it was followed, two years later, in the same small town, by another.61 One week that summer of 2018, dozens of places all over the world were hit with record heat waves, from Denver to Burlington to Ottawa; from Glasgow to Shannon to Belfast; from Tbilisi, in Georgia, and Yerevan, in Armenia, to whole swaths of southern Russia.62 The previous month, the daytime temperature of one city in Oman reached above 121 degrees Fahrenheit, and did not drop below 108 all night, and in Quebec, Canada, fifty-four died from the heat.63 That same week, one hundred major wildfires burned in the American West, including one in California that grew 4,000 acres in one day, and another, in Colorado, that produced a volcano-like 300-foot eruption of flames, swallowing an entire subdivision and inventing a new term, “fire tsunami,” along the way.64, 65, 66 On the other side of the planet, biblical rains flooded Japan, where 1.2 million were evacuated from their homes.67 Later that summer, Typhoon Mangkhut forced the evacuation of 2.45 million from mainland China, the same week that Hurricane Florence struck the Carolinas, turning the port city of Wilmington briefly into an island and flooding large parts of the state with hog manure and coal ash.68, 69, 70 Along the way, the winds of Florence produced dozens of tornadoes across the region.71 The previous month, in India, the state of Kerala was hit with its worst floods in almost a hundred years.72 That October, a hurricane in the Pacific wiped Hawaii’s East Island entirely off the map.73 And in November, which has traditionally marked the beginning of the rainy season in California, the state was hit instead with the deadliest fire in its history—the Camp Fire, which scorched several hundred square miles outside of Chico, killing dozens and leaving many more missing in a place called, proverbially, Paradise.74 The devastation was so complete, you could almost forget the Woolsey Fire, closer to Los Angeles, which burned at the same time and forced the sudden evacuation of 170,000. It is tempting to look at these strings of disasters and think, Climate change is here. And one response to seeing things long predicted actually come to pass is to feel that we have settled into a new era, with everything transformed. In fact, that is how California governor Jerry Brown described the state of things in the midst of the state’s wildfire disaster: “a new normal.”75 The truth is actually much scarier. That is, the end of normal; never normal again. We have already exited the state of environmental conditions that allowed the human animal to evolve in the first place, in an unsure and unplanned bet on just what that animal can endure. The climate system that raised us, and raised everything we now know as human culture and civilization, is now, like a parent, dead. And the climate system we have been observing for the last several years, the one that has battered the planet again and again, is not our bleak future in preview. It would be more precise to say that it is a product of our recent climate past, already passing behind us into a dustbin of environmental nostalgia. There is no longer any such thing as a “natural disaster,” but not only will things get worse; technically speaking, they have already gotten worse. Even if, miraculously, humans immediately ceased emitting carbon, we’d still be due for some additional warming from just the stuff we’ve put into the air already. And of course, with global emissions still increasing, we’re very far from zeroing out on carbon, and therefore very far from stalling climate change. The devastation we are now seeing all around us is a beyond-best-case scenario for the future of warming and all the climate disasters it will bring. ﻿What that means is that we have not, at all, arrived at a new equilibrium. It is more like we’ve taken one step out on the plank off a pirate ship. Perhaps because of the exhausting false debate about whether climate change is “real,” too many of us have developed a misleading impression that its effects are binary. But global warming is not “yes” or “no,” nor is it “today’s weather forever” or “doomsday tomorrow.” It is a function that gets worse over time as long as we continue to produce greenhouse gas. And so the experience of life in a climate transformed by human activity is not just a matter of stepping from one stable ecosystem into another, somewhat worse one, no matter how degraded or destructive the transformed climate is. The effects will grow and build as the planet continues to warm: from 1 degree to 1.5 to almost certainly 2 degrees and beyond. The last few years of climate disasters may look like about as much as the planet can take. In fact, we are only just entering our brave new world, one that collapses below us as soon as we set foot on it. Many of these new disasters arrived accompanied by debate about their cause—about how much of what they have done to us comes from what we have done to the planet. For those hoping to better understand precisely how a monstrous hurricane arises out of a placid ocean, these inquiries are worthwhile, but for all practical purposes the debate yields no real meaning or insight. A particular hurricane may owe 40 percent of its force to anthropogenic global warming, the evolving models might suggest, and a particular drought may be half again as bad as it might have been in the seventeenth century. But climate change is not a discrete clue we can find at the scene of a local crime—one hurricane, one heat wave, one famine, one war. Global warming isn’t a perpetrator; it’s a conspiracy. We all live within climate and within all the changes we have produced in it, which enclose us all and everything we do. If hurricanes of a certain force are now five times as likely as in the pre-Columbian Caribbean, it is parsimonious to the point of triviality to argue over whether this one or that one was “climate-caused.” All hurricanes now unfold in the weather systems we have wrecked on their behalf, which is why there are more of them, and why they are stronger. The same is true for wildfires: this one or that one may be “caused” by a cookout or a downed power line, but each is burning faster, bigger, and longer because of global warming, which gives no reprieve to fire season. Climate change isn’t something happening here or there but everywhere, and all at once. And unless we choose to halt it, it will never stop. Over the past few decades, the term “Anthropocene” has climbed out of academic discourse and into the popular imagination—a name given to the geologic era we live in now, and a way to signal that it is a new era, defined on the wall chart of deep history by human intervention. One problem with the term is that it implies a conquest of nature, even echoing the biblical “dominion.” But however sanguine you might be about the proposition that we have already ravaged the natural world, which we surely have, it is another thing entirely to consider the possibility that we have only provoked it, engineering first in ignorance and then in denial a climate system that will now go to war with us for many centuries, perhaps until it destroys us. That is what Wally Broecker, the avuncular oceanographer, means when he calls the planet an “angry beast.”76 You could also go with “war machine.” Each day we arm it more. The assaults will not be discrete—this is another climate delusion. Instead, they will produce a new kind of cascading violence, waterfalls and avalanches of devastation, the planet pummeled again and again, with increasing intensity and in ways that build on each other and undermine our ability to respond, uprooting much of the landscape we have taken for granted, for centuries, as the stable foundation on which we walk, build homes and highways, shepherd our children through schools and into adulthood under the promise of safety—and subverting the promise that the world we have engineered and built for ourselves, out of nature, will also protect us against it, rather than conspiring with disaster against its makers. Consider those California wildfires. In March 2018, Santa Barbara County issued mandatory evacuation orders for those living in Montecito, Goleta, Santa Barbara, Summerland, and Carpinteria—where the previous December’s fires had hit hardest. It was the fourth evacuation order precipitated by a climate event in the county in just three months, but only the first had been for fire.77 The others were for mudslides ushered into possibility by that fire, one of the toniest communities in the most glamorous state of the world’s preeminently powerful country upended by fear that their toy vineyards and hobby stables, their world-class beaches and lavishly funded public schools, would be inundated by rivers of mud, the community as thoroughly ravaged as the sprawling camps of temporary shacks housing Rohingya refugees from Myanmar in the monsoon region of Bangladesh.78 It was. More than a dozen died, including a toddler swept away by mud and carried miles down the mountainslope to the sea; schools closed and highways flooded, foreclosing the routes of emergency vehicles and making the community an inland island, as if behind a blockade, choked off by a mud noose.79 Some climate cascades will unfold at the global level—cascades so large their effects will seem, by the curious legerdemain of environmental change, imperceptible. A warming planet leads to melting Arctic ice, which means less sunlight reflected back to the sun and more absorbed by a planet warming faster still, which means an ocean less able to absorb atmospheric carbon and so a planet warming faster still. A warming planet will also melt Arctic permafrost, which contains 1.8 trillion tons of carbon, more than twice as much as is currently suspended in the earth’s atmosphere, and some of which, when it thaws and is released, may evaporate as methane, which is thirty-four times as powerful a greenhouse-gas warming blanket as carbon dioxide when judged on the timescale of a century; when﻿ judged on the timescale of two decades, it is eighty-six times as powerful.80, 81 A hotter planet is, on net, bad for plant life, which means what is called “forest dieback”—the decline and retreat of jungle basins as big as countries and woods that sprawl for so many miles they used to contain whole folklores—which means a dramatic stripping-back of the planet’s natural ability to absorb carbon and turn it into oxygen, which means still hotter temperatures, which means more dieback, and so on. Higher temperatures means more forest fires means fewer trees means less carbon absorption, means more carbon in the atmosphere, means a hotter planet still—and so on. A warmer planet means more water vapor in the atmosphere, and, water vapor being a greenhouse gas, this brings higher temperatures still—and so on. Warmer oceans can absorb less heat, which means more stays in the air, and contain less oxygen, which is doom for phytoplankton—which does for the ocean what plants do on land, eating carbon and producing oxygen—which leaves us with more carbon, which heats the planet further. And so on. These are the systems climate scientists call “feedbacks”; there are more.82 Some work in the other direction, moderating climate change. But many more point toward an acceleration of warming, should we trigger them. And just how these complicated, countervailing systems will interact—what effects will be exaggerated and what undermined by feedbacks—is unknown, which pulls a dark cloud of uncertainty over any effort to plan ahead for the climate future. We know what a best-case outcome for climate change looks like, however unrealistic, because it quite closely resembles the world as we live on it today. But we have not yet begun to contemplate those cascades that may bring us to the infernal range of the bell curve. Other cascades are regional, collapsing on human communities and buckling them where they fall. These can be literal cascades—human-triggered avalanches are on the rise, with 50,000 people killed by avalanches globally between 2004 and 2016.83 In Switzerland, climate change has unleashed a whole new kind, thanks to what are called “rain-on-snow” events, which also caused the overflow of the Oroville Dam in Northern California and the 2013 flood of Alberta, Canada, with damages approaching $5 billion.84 But there are other kinds of cascade, too. Climate-driven water shortages or crop failures push climate refugees into nearby regions already struggling with resource scarcity. Sea-level rise inundates cropland with more and more saltwater flooding, transforming agricultural areas into brackish sponges no longer able to adequately feed those living off them; flooding power plants, knocking regions offline just as electricity may be needed most; and crippling chemical and nuclear plants, which, malfunctioning, breathe out their toxic plumes. The rains that followed the Camp Fire flooded the tent cities hastily assembled for the first disaster’s refugees. In the case of the Santa Barbara mudslides, drought produced a state full of dry brush ripe for a spark; then a year of anomalously monsoonish rain produced only more growth, and wildfires tore through the landscape, leaving a mountainside without much plant life to hold in place the millions of tons of loose earth that make up the towering coastal range where the clouds tend to gather and the rain first falls. Some of those watching from afar wondered, incredulously, how a mudslide could kill so many. The answer is, the same way as hurricanes or tornadoes—by weaponizing the environment, whether “man-made” or “natural.” Wind disasters do not kill by wind, however brutal it gets, but by tugging trees out of earth and transforming them into clubs, making power lines into loose whips and electrified nooses, collapsing homes on cowering residents, and turning cars into tumbling boulders. And they kill slowly, too, by cutting off food delivery and medical supplies, making roads impassable even to first responders, knocking out phone lines and cell towers so that the ill and elderly must suffer, and hope to endure, in silence and without aid. Most of the world is not Santa Barbara, with its Mission-style impasto of infinite-seeming wealth, and in the coming decades many of the most punishing climate horrors will indeed hit those least able to respond and recover. This is what is often called the problem of environmental justice; a sharper, less gauzy phrase would be “climate caste system.” The problem is acute within countries, even wealthy ones, where the poorest are those who live in the marshes, the swamps, the floodplains, the inadequately irrigated places with the most vulnerable infrastructure—altogether an unwitting environmental apartheid. Just in Texas, 500,000 poor Latinos live in shantytowns called “colonias” with no drainage systems to deal with increased flooding.85 The cleavage is even sharper globally, where the poorest countries will suffer more in our hot new world. In fact, with one exception—Australia—countries with lower GDPs will warm the most.86 That is notwithstanding the fact that much of the global south has not, to this point, defiled the atmosphere of the planet all that much. This is one of the many historical ironies of climate change that would better be called cruelties, so merciless is the suffering they will inflict. But disproportionately as it will fall on the world’s least, the devastation of global warming cannot be easily quarantined in the developing world, as much as those in the Northern Hemisphere would probably, and not to our credit, prefer it. Climate disaster is too indiscriminate for that. In fact, the belief that climate could be plausibly governed, or managed, by any institution or human instrument presently at hand is another wide-eyed climate delusion. The planet survived many millennia without anything approaching a world government, in fact endured nearly the entire span of human civilization that way, organized into competitive tribes and fiefdoms and kingdoms and nation-states, and only began to build something resembling a cooperative blueprint, very piecemeal, after brutal world wars—in the ﻿form of the League of Nations and United Nations and European Union and even the market fabric of globalization, whatever its flaws still a vision of cross-national participation, imbued with the neoliberal ethos that life on Earth was a positive-sum game. If you had to invent a threat grand enough, and global enough, to plausibly conjure into being a system of true international cooperation, climate change would be it—the threat everywhere, and overwhelming, and total. And yet now, just as the need for that kind of cooperation is paramount, indeed necessary for anything like the world we know to survive, we are only unbuilding those alliances—recoiling into nationalistic corners and retreating from collective responsibility and from each other. That collapse of trust is a cascade, too. ﻿Just how completely the world below our feet will become unknown to us is not yet clear, and how we register its transformation remains an open question. One legacy of the environmentalist creed that long prized the natural world as an otherworldly retreat is that we see its degradation as a sequestered story, unfolding separately from our own modern lives—so separately that the degradation acquires the comfortable contours of parable, like pages from Aesop, aestheticized even when we know the losses as tragedy. Climate change could soon mean that, in the fall, trees may simply turn brown, and so we will look differently at entire schools of painting, which stretched for generations, devoted to best capturing the oranges and reds we can no longer see ourselves out the windows of our cars as we drive along our highways.87 The coffee plants of Latin America will no longer produce fruit; beach homes will be built on higher and higher stilts and still be drowned.88 In many cases, it is better to use the present tense. In just the last forty years, according to the World Wildlife Fund, more than half of the world’s vertebrate animals have died; in just the last twenty-five, one study of German nature preserves found, the flying insect population declined by three-quarters.89, 90 The delicate dance of flowers and their pollinators has been disrupted, as have the migration patterns of cod, which have fled up the Eastern Seaboard toward the Arctic, evading the communities of fishermen that fed on them for centuries; as have the hibernation patterns of black bears, many of which now stay awake all winter.91, 92, 93 Species individuated over millions of years of evolution but forced together by climate change have begun to mate with one another for the first time, producing a whole new class of hybrid species: the pizzly bear, the coy-wolf.94 The zoos are already natural history museums, the children’s books already out of date. Older fables, too, will be remade: the story of Atlantis, having endured and enchanted for several millennia, will compete with the real-time sagas of the Marshall Islands and Miami Beach, each sinking over time into snorkelers’ paradises; the strange fantasy of Santa and his polar workshop will grow eerier still in an Arctic of ice-free summers; and there is a terrible poignancy in contemplating how desertification of the entire Mediterranean Basin will change our reading of the Odyssey, or how it will discolor the shine of Greek islands for dust from the Sahara to permanently blanket their skies, or how it will recast the meaning of the Pyramids for the Nile to be dramatically drained.95, 96, 97 We will think of the border with Mexico differently, presumably, when the Rio Grande is a line traced through a dry riverbed—the Rio Sand, it’s already been called.98 The imperious West has spent five centuries looking down its nose at the plight of those living within the pale of tropical disease, and one wonders how that will change when mosquitoes carrying malaria and dengue are flying through the streets of Copenhagen and Chicago, too. But we have for so long understood stories about nature as allegories that we seem unable to recognize that the meaning of climate change is not sequestered in parable. It encompasses us; in a very real way it governs us—our crop yields, our pandemics, our migration patterns and civil wars, crime waves and domestic assaults, hurricanes and heat waves and rain bombs and megadroughts, the shape of our economic growth and everything that flows downstream from it, which today means nearly everything. Eight hundred million in South Asia alone, the World Bank says, would see their living conditions sharply diminish by 2050 on the current emissions track, and perhaps a climate slowdown will even reveal the bounty of what Andreas Malm calls fossil capitalism to be an illusion, sustained over just a few centuries by the arithmetic of adding the energy value of burned fossil fuels to what had been, before wood and coal and oil, an eternal Malthusian trap.99, 100 In which case, we would have to retire the intuition that history will inevitably extract material progress from the planet, at least in any reliable or global pattern, and come to terms, somehow, with just how pervasively that intuition ruled even our inner lives, often tyrannically. Adaptation to climate change is often viewed in terms of market trade-offs, but in the coming decades the trade will work in the opposite direction, with relative prosperity a benefit of more aggressive action. Every degree of warming, it’s been estimated, costs a temperate country like the United States about one percentage point of GDP, and according to one recent paper, at 1.5 degrees the world would be $20 trillion richer than at 2 degrees.101, 102 Turn the dial up another degree or two, and the costs balloon—the compound interest of environmental catastrophe. 3.7 degrees of warming would produce $551 trillion in damages, research suggests; total worldwide wealth is today about $280 trillion.103, 104 Our current emissions trajectory takes us over 4 degrees by 2100; multiply that by that 1 percent of GDP and you have almost entirely wiped out the very possibility of economic growth, which has not topped 5 percent globally in over forty years.105 A fringe group of alarmed academics call this prospect “steady-state economics,” but it ultimately suggests a more ﻿complete retreat from economics as an orienting beacon, and from growth as the lingua franca through which modern life launders all of its aspirations.106 “Steady-state” also gives a name to the creeping panic that history may be less progressive, as we’ve come to believe really only over the last several centuries, than cyclical, as we were sure it was for the many millennia before. More than that: in the vision steady-state economics projects of a state-of-nature competitive scramble, everything from politics to trade and war seems brutally zero-sum. For centuries we have looked to nature as a mirror onto which to first project, then observe, ourselves. But what is the moral? There is nothing to learn from global warming, because we do not have the time, or the distance, to contemplate its lessons; we are after all not merely telling the story but living it. That is, trying to; the threat is immense. How immense? One 2018 paper sketches the math in horrifying detail. In the journal Nature Climate Change, a team led by Drew Shindell tried to quantify the suffering that would be avoided if warming was kept to 1.5 degrees, rather than 2 degrees—in other words, how much additional suffering would result from just that additional half-degree of warming. Their answer: 150 million more people would die from air pollution alone in a 2-degree warmer world than in a 1.1075-degree warmer one. Later that year, the IPCC raised the stakes further: in the gap between 1.1085 degrees and 2, it said, hundreds of millions of lives were at stake. Numbers that large can be hard to grasp, but 150 million is the equivalent of twenty-five Holocausts. It is three times the size of the death toll of the Great Leap Forward—the largest nonmilitary death toll humanity has ever produced. It is more than twice the greatest death toll of any kind, World War II. The numbers don’t begin to climb only when we hit 1.5 degrees, of course. As should not surprise you, they are already accumulating, at a rate of at least seven million deaths, from air pollution alone, each year—an annual Holocaust, pursued and prosecuted by what brand of nihilism? This is what is meant when climate change is called an “existential crisis”—a drama we are now haphazardly improvising between two hellish poles, in which our best-case outcome is death and suffering at the scale of twenty-five Holocausts, and the worst-case outcome puts us on the brink of extinction.109 Rhetoric often fails us on climate because the only factually appropriate language is of a kind we’ve been trained, by a buoyant culture of sunny-side-up optimism, to dismiss, categorically, as hyperbole. Here, the facts are hysterical, and the dimensions of the drama that will play out between those poles incomprehensibly large—large enough to enclose not just all of present-day humanity but all of our possible futures, as well. Global warming has improbably compressed into two generations the entire story of human civilization. First, the project of remaking the planet so that it is undeniably ours, a project whose exhaust, the poison of emissions, now casually works its way through millennia of ice so quickly you can see the melt with a naked eye, destroying the environmental conditions that have held stable and steadily governed for literally all of human history. That has been the work of a single generation. The second generation faces a very different task: the project of preserving our collective future, forestalling that devastation and engineering an alternate path. There is simply no analogy to draw on, outside of mythology and theology—and perhaps the Cold War prospect of mutually assured destruction. Few feel like gods in the face of warming, but that the totality of climate change should make us feel so passive—that is another of its delusions. In folklore and comic books and church pews and movie theaters, stories about the fate of the earth often perversely counsel passivity in their audiences, and perhaps it should not surprise us that the threat of climate change is no different. By the end of the Cold War, the prospect of nuclear winter had clouded every corner of our pop culture and psychology, a pervasive nightmare that the human experiment might be brought to an end by two jousting sets of proud, rivalrous tacticians, just a few sets of twitchy hands hovering over the planet’s self-destruct buttons. The threat of climate change is more dramatic still, and ultimately more democratic, with responsibility shared by each of us even as we shiver in fear of it; and yet we have processed that threat only in parts, typically not concretely or explicitly, displacing certain anxieties and inventing others, choosing to ignore the bleakest features of our possible future and letting our political fatalism and technological faith blur, as though we’d gone cross-eyed, into a remarkably familiar consumer fantasy: that someone else will fix the problem for us, at no cost. Those more panicked are often hardly less complacent, living instead through climate fatalism as though it were climate optimism. Over the last few years, as the planet’s own environmental rhythms have seemed to grow more fatalistic, skeptics have found themselves arguing not that climate change isn’t happening, since extreme weather has made that undeniable, but that its causes are unclear—suggesting that the changes we are seeing are the result of natural cycles rather than human activities and interventions. It is a very strange argument; if the planet is warming at a terrifying pace and on a horrifying scale, it should transparently concern us more, rather than less, that the warming is beyond our control, possibly even our comprehension. That we know global warming is our doing should be a comfort, not a cause for despair, however incomprehensively large and complicated we find the processes that have brought it into being; that we know we are, ourselves, responsible for all of its punishing effects ﻿should be empowering, and not just perversely. Global warming is, after all, a human invention. And the flip side of our real-time guilt is that we remain in command. No matter how out-of-control the climate system seems—with its roiling typhoons, unprecedented famines and heat waves, refugee crises and climate conflicts—we are all its authors. And still writing.

## 3

#### The standard is consistency with utilitarianism

#### 1] No intent-foresight distinction – If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen.

#### 2] Actor specificity – Util is the only moral system available to policymakers. Just because the government uses Kant right now doesn’t mean they should. Goodin 95

Robert E. Goodin 95 [professor of government at the University of Essex, and professor of philosophy and social and political theory at Australian National University], “Utilitarianism as a Public Philosophy”, Cambridge Studies in Philosophy and Public Policy, May 1995, BE

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices - public and private alike - are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus - if they want to use it at all - to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure what the payoff will be to any given individual or on any particular occasion. Their knowledge of gener- alities, aggregates and averages is just not sufficiently fine-grained for that.

#### 3] Pleasure and pain are intrinsically valuable.

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI, brackets in original

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for **there is something undeniably good about** the way **pleasure** feels **and** something **undeniably bad about** the way **pain** feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, **I might ask: “What for?”** This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “**But** what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the **pleasure is not good for anything further;** it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: **“We never ask** [a man] **what his end is in being pleased, because** we assume that **pleasure is** choice **worthy in itself.”**4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value.**

#### 4] No act-omission distinction –

#### A] Psychology – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission.

#### B] Actor specificity – governments are culpable for omissions because their purpose is to protect the constituency – otherwise they would have no obligation to make murder illegal. Only util can escape culpability in the instance of tradeoffs – i.e. it resolves the trolley problem because a deontological theory would hold you responsible for killing regardless. Actor spec o/w – different agents have different ethical standings that affect their obligations and considerations.

#### 5] \*\*The assumption that there are self-evident truths is the basic error of Kantian metaethics. A pragmatic, intersubjective conception of truth is preferable.

**Habermas ’98 -** Jurgen Habermas [Former Chair of Philosophy and Sociology, Johann Wolfgang Goethe University Frankfurt am Main Institute for Social Research, Permanent Visiting Professor at Northwestern University, "Theodor Heuss Professor" at The New School, New York.], The Inclusion of the Other: Studies in Political Theory. Cambridge: MIT Press (1998), p. 36-37 AT

A sentence or proposition is justified on the semantic conception if it can be derived from basic sentences according to valid rules of inference, where a class of basic sentences is distinguished by specific (logical, epistemological, or psychological) criteria. But the foundationalist assumption that there exists such a class of basic sentences whose truth is immediately accessible to perception or to intuition has not withstood linguistic arguments for the holistic character of language and interpretation: every justification must at least *proceed from* a pre-understood context or background understanding. This failure of foundationalism recommends a pragmatic conception of justification as a public practice in which criticizable validity claims can be defended with good reasons. Of course, the criteria of rationality that determine which reasons count as good reasons can themselves be made a matter for discussion. Hence procedural characteristics of the process of argumentation itself must ultimately bear the burden of explaining why results achieved in a procedurally correct manner enjoy the presumption of validity. For example, the communicative structure of rational discourse can ensure that all relevant contributions are heard and that the unforced force of the better argument alone determines the “yes” and “no” responses of the participants.¶ The pragmatic conception of justification opens the way from an epistemic concept of truth that overcomes the well-known problems with the correspondence theory. The truth predicate refers to the language game of justification, that is, to the public redemption of validity claims. On the other hand, truth cannot be identified with justifiability or warranted assertability. The “cautionary” use of the truth predicate – regardless of how well “p” is justified, it still may not be true – highlights the difference in meaning between “truth” as an irreducible property of statements and “rational acceptability” as a context-dependent property

of utterances. This difference can be understood within the horizon of possible justifications in terms of the distinction between “justified in our context” and “justified in every context.” This difference can be cashed out in turn through a weak idealization of our processes of argumentation, understood as capable of being extended indefinitely over time. When we assert “p” and thereby claim truth for “p” we accept the obligation to defend “p” in argumentation – in full awareness of its fallibility – against all future objections.

#### 6] Collapses to util: Moreover, maximizing utility is the only way to affirm equal and unconditional human dignity.

**Cummiskey ’90 -** David Cummiskey. [Associate Philosophy Professor at Bates College].Kantian Consequentialism. Ethics, Vol. 100, No. 3. 1990. <http://www.jstor.org/stable/2381810>.

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “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.” But why is this not equally true of all those whom we do not save through our failure to act? **By emphasizing solely the one who must bear the cost if we act, we fail to** sufficiently **respect** and take account of **the many other separate persons**, **each with only one life, who will bear the cost of our inaction.** In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself” (GMM 429). Rational nature as such is the supreme objective end of all conduct. **If one** truly **believes** that **all rational beings have** an **equal value**, then **the** rational **solution** to such a dilemma **involves maximally promoting the lives and liberties of as many** rational beings **as possible** (chapter 5). In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? **If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity**, **that** is, an unconditional and incomparable worth” that **transcends** any **market value** (GMM 436), **but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others** (chapters 5 and 7). The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration suggests that one may have to sacrifice some to save many.

#### Kant’s construction of ‘rational man’ which is dominant in the western tradition justifies oppressing those constructed as insufficiently rational.

**Minnich ’05 -** Elizabeth Kamarck Minnich [Senior Scholar, Association of American Colleges & Universities, Ph.D., Philosophy. Graduate Faculty of Political and Social Science, The New School for Social Research], Transforming Knowledge, 2nd ed. Philadelphia: Temple University Press (2005). p. 148-149 AT

The point is not to collect absurdities uttered by European American male philosophers. It is to note that the same mind that believed these absurdities also gave us the critiques of “pure reason” and “judgment” that remain central to the field of philosophy as it is still taught. How can we assume that Kant’s treatment of reason not skewed? Knowing that he excluded **and devalued modes of thought** and feeling **he considered characteristic of the “fair sex” and the Arab man, we should surely hesitate before we assume that his notions of pure reason can be universal. He has taken the few to be the norm, and** from, as well as for, them he has sought **the ideal.** He has generalized too far from too few, drawing on and then re-creating representatives that were already prescriptive, not descriptive, for the included and the excluded. **This is how prescriptions on a cultural level are absorbed into, and become formative of, philosophical prescriptions that claim** (and desire) **to derive their warrant from ‘pure’ reason alone.**

In its false generalizations, what Kant says of the Arab man and of women is strikingly like what Thomas Jefferson says of the African writer Ignatius Sancho, who published his epistles in 1782 in London. Jefferson, writing about a particular person and work, used a standard of ‘real’ and ‘sound’ reason to see in Sancho not difference but inferiority, deviance. Clearly, nothing in Jefferson’s background and education prepared him to read Sancho in terms of that might have been appropriate to Sancho himself and to a culture his thinking did represent. Sancho’s epistles may have been excellent or they may have been poor examples of their own kind; we cannot tell what they represent from Jefferson’s comments, because Jefferson can see only how Sancho fails to be what Jefferson thinks he ought to be: “His imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a track of thought as incoherent and eccentric, as in the course of a meteor through the sky. His subjects should have led him to a process of sober reasoning: yet we find him always substituting sentiment for demonstration.” 30 Just like a woman, as Kant might observe. And we should note that males ‘othered’ by dominant traiditions are frequently feminized as well, which unfortunately has not tended to encourage those men to make common cause with women but, instead, has caused outrage over such a demeaning association.

**“Rational man,” as we have been taught to think of him in the Euro-American dominant tradition, is a gendered, racialized construct, a partial prescription of and for a particular few. “Rational man” is not only not representative but potentially dangerous when idealized.**

**The capacity for ‘adequate’ rationality has been enshrined as a criterion for moral agency and so also for political rights.** As women’s and men’s multiple traditions, modes, works are retrieved, revivified, published, and studied around the globe, philosophy can only benefit from such rich evidence of the achievements of human minds. We will still select representatives of what we wish to aspire to as “the best,” but it is to be hoped that our selection process will proceed less prejudicially by moving to idealization after, not before, appropriate judgments are rendered.

#### And hold the aff to a high burden of proof to exclude neg impacts. The aff is going to get up in the next speech and say that the neg impacts don’t link without giving a clearly warranted reason for doing so (and a warrant that actually makes sense), so you give more weight to arguments from the aff about how the NC arguments link in.

#### Even if you don’t buy that, Kantianism opens the door to racism and sexism—anyone labeled irrational is stripped of their autonomy and moral worth. Means women, the mentally ill, animals, indigenous groups, animals, etc will lose moral value

Consewuences link – can I steal ur laptop

## Case

### Case proper

#### PICs negate – PICs disprove a unviersalisable maxim. If we prove that it’s good to allow one case private appropriation of outer space, then we’ve disproven that it’s unjust because your offense is not universalizable or even true as a general principle, meaning all our offense links esp since your offense is about property rights bad and ours shows property rights good. Anything else means the aff is a moving target in the 1ar – cx doesn’t solve bc you’ll just defend it “generally” – THEY DIDN’T EVEN SPEC IN CROSS EX.

#### This means no one can own anything ever bc the definition of ownership is its yours – we own stuff on earth which disproves this

#### The neg isn’t unconditional use. All property ownership is subject to limit – if you don’t pay property taxes, you can’t own it. Westphal is actually talking about how Kant is wrong and doesn’t make sense.

#### Link turn

#### International law also recognizes that states should offer private property as a universal human right (c/a natural persons pic).

#### The OST doesn’t ban private appropriation, only national which is why it’s happening now – their own card says it’s ambiguous and doesn’t include spacex. Mb reads yellow

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On October 28th, Elon Musk’s company SpaceX published its Terms of Service for the beta test of its Starlink broadband megaconstellation. If successful, the project purports to offer internet connection to the entire globe – an admirable, albeit aspirational, mission. I must confess: Starlink’s terrestrial impact is a pet issue of mine. But this time, something else caught my attention. Buried in said Terms of Service, under a section called “Governing Law”, I discovered this curious paragraph:

“Services provided to, on, or in orbit around the planet Earth or the Moon… will be governed by and construed in accordance with the laws of the State of California in the United States. For Services provided on Mars, or in transit to Mars via Starship or other colonization spacecraft, the parties recognize Mars as a free planet and that no Earth-based government has authority or sovereignty over Martian activities. Accordingly, Disputes will be settled through self-governing principles, established in good faith, at the time of Martian settlement.”

CAN HE DO THAT? In short, the answer is a resounding “no”. Outer space is already subject to a system of international law, and even Elon Musk cannot colombus a new one.

Who’s responsible for Elon Musk?

Two provisions of the Outer Space Treaty (OST), both also customary, are particularly relevant here.

OST article II: “Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”

OST article III: “States… shall carry on activities in the exploration and use of outer space, including (…) celestial bodies, in accordance with international law”.

SpaceX is a private entity, and is not bound by the Outer Space Treaty – but that does not mean it can opt out. Its actions in space could have consequences for the United States in three ways. First, the US, as SpaceX’s launch state, bears fault-based liability for injury or damage SpaceX’s space objects cause to other states’ persons or property (OST article VII, Liability Convention articles I, III). Second, the US, as SpaceX’s state of registry, is the sole state that retains jurisdiction and control over SpaceX objects (OST article VIII, Registration Convention article II). Both refer to objects in space and are irrelevant.

### Underviev 1

### NC – AT: 1AR Theory = VI

#### 1AR theory is not automatically drop the debater – they have to prove why that specific violation is enough. Anything else incentivizes frivolous theory and crowds out substantive education. It doesn’t come first either – you can spend the 2ar blowing up a blippy 10 second shell which is horrible for substantive debate and reciprocity. No rvis on neg theory for reciprocity

### NC – Presumption + Permissibility

#### Permissibility negates – the aff hasn’t proven an active obligation as indicated by ought. Presume neg – we default to statements being false which is why we don’t believe conspiracy theories.

### Kant Negates

#### Kant negates -

#### Acquisition of property can never be unjust – to create rights violations, there must already be an owner of the property being violated, but that presupposes its appropriation by another entity.

Feser 1, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is a serious difficulty with this criticism of Nozick, however. It is just this: There is no such thing as an unjust initial acquisition of resources; therefore, there is no case to be made for redistributive taxation on the basis of alleged injustices in initial acquisition. This is, to be sure, a bold claim. Moreover, in making it, I contradict not only Nozick’s critics, but Nozick himself, who clearly thinks it is at least possible for there to be injustices in acquisition, whether or not there have in fact been any (or, more realistically, whether or not there have been enough such injustices to justify continual redistributive taxation for the purposes of rectifying them). But here is a case where Nozick has, I think, been too generous to the other side. Rather than attempt —unsatisfactorily, in the view of his critics—to meet the challenge to show that initial acquisition has not in general been unjust, he ought instead to have insisted that there is no such challenge to be met in the first place. Giving what I shall call “the basic argument” for this audacious claim will be the task of Section II of this essay. The argument is, I think, compelling, but by itself it leaves unexplained some widespread intu- itions to the effect that certain specific instances of initial acquisition are unjust and call forth as their remedy the application of a Lockean proviso, or are otherwise problematic. (A “Lockean proviso,” of course, is one that forbids initial acquisitions of resources when these acquisitions do not leave “enough and as good” in common for others.) Thus, Section III focuses on various considerations that tend to show how those intuitions are best explained in a way consistent with the argument of Section II. Section IV completes the task of accounting for the intuitions in question by considering how the thesis of self-ownership itself bears on the acqui- sition and use of property. Section V shows how the results of the previ- ous sections add up to a more satisfying defense of Nozickian property rights than the one given by Nozick himself, and considers some of the implications of this revised conception of initial acquisition for our under- standing of Nozick’s principles of transfer and rectification. II. The Basic Argument 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 in initial acquisition.7

#### To own yourself and use your own freedom is to be able to interact with external objects. Anything else makes you unable to exercise your own freedom on other things and creates a contradiction.

Feser 2, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is. An alternative, soft-line approach could acknowledge that the initial acquirer who abuses a monopoly over a water hole (or any similar crucial resource) does commit an injustice against those who are disad- vantaged, but such an approach could still hold that the acquirer never- theless has not committed an injustice in acquisition —his acquisition was, as I have said, neither just nor unjust. Nor does he fail to own what he has acquired; he still cannot be said to have stolen the water from anyone. Rather, his injustice is an unjust use of what he owns, on a par with the unjust use I make of my self-owned fist when I wield it, unprovoked, to bop you on your self-owned nose. In what sense does the water-hole owner use his water unjustly, though? He doesn’t try to drown anyone in it, after all— indeed, the whole problem is that he won’t let anybody near it! Eric Mack gives us the answer we need in what he has put forward as the “self-ownership proviso” (SOP).28 This is a proviso not (as the Lock- ean proviso is) on the initial acquisition of property, but rather on how one can use his property in a way that respects others’ self-ownership rights. It is motivated by consideration of the fact that the talents, abilities, capac- ities, energies, etc., that a person rightfully possesses as a self-owner are inherently “world-interactive”; that is, it is of their very essence that they are directed toward the extra-personal environment.29 Your capacity to use your hand, for instance, is just a capacity to grasp and manipulate external objects; thus, what you own in owning your hand is something essentially grasping and manipulating.30 Now if someone were to cut off your hand or invasively keep you from using it (by tying your arm against your body or holding it behind your back), he would obviously be violating your self-ownership rights. But there are, Mack suggests, other, noninvasive ways in which those rights might be violated. If, to use an example of Mack’s, I effectively nullify your ability to use your hand by creating a device that causes anything you reach for to be propelled beyond your grasp, making it impossible for you ever to grasp or manip- ulate anything, I have violated your right to your hand as much as if I had cut it off or tied it down. I have, in any case, prevented your right to your hand from being anything more than a formal right, one that is practically useless. In the interests of guaranteeing respect for substantive, robust rights of self-ownership, then, “[t]he SOP requires that persons not deploy their legitimate holdings, i.e., their extra-personal property, in ways that severely, albeit noninvasively, disable any person’s world-interactive powers.” 31 The SOP follows, in Mack’s view, from the thesis of self-ownership itself; or, at any rate, the considerations that would lead anyone to accept that thesis should also, in his view, lead one to accept the proviso.32 A brief summary of a few of Mack’s thought experiments should suffice to give a sense of why this is so.33 In what Mack calls the Adam’s Island example, Adam acquires a previously uninhabited island and later refuses a shipwrecked Zelda permission to come ashore, as a result of which she remains struggling at sea (and presumably drowns). In the Paternalist Caging example, instead of drowning, Zelda becomes caught offshore in a cage Adam has constructed for catching large sea mammals, and, rather than releasing her, Adam keeps her in the cage and feeds her regularly. In the Knuckle-Scraper Barrier example, Zelda falls asleep on some unowned ground, whereupon a gang of oafish louts encircles her and, using their bodies and arms as barriers, refuses to let her out of the circle (accusing her of assault if she touches them in order to climb over or break through). In the Disabling Property Barrier example, instead of a human barrier, Adam constructs a plastic shield over and around the unowned plot of ground upon which Zelda sleeps, accusing her of trespassing upon his property when she awakens and tries to escape by breaking through the plastic. And in the (similarly named) Disabling Property Barriers example, seem to suggest an Aristotelian-Thomistic conception of natural function, and though this by no means troubles me, it might not be what Mack himself has in mind (nor, of course, is it something every philosopher is going to sympathize with). Mack’s view nevertheless seems to require something like this conception. And something like it —enough like it to do the job Mack needs to be done, anyway—is arguably to be found in Larry Wright’s well- known reconstruction, in modern Darwinian terms, of the traditional notion of natural function. See Larry Wright, “Functions,” Philosophical Review 82, no. 2 (1973): 139–68. Adam, instead of enclosing Zelda in a plastic barrier, encloses in plastic barriers every external object that Zelda would otherwise be able to use — thus, in effect, enclosing her in a larger, all-encompassing plastic barrier of a more eccentric shape. In all of these cases, Mack says, although Zelda’s formal rights of self-ownership have not been violated—no one has invaded the area enclosed by the surface of her skin —her rights over her self-owned powers, and in particular her ability to exercise those powers, have nevertheless been nullified. But a plausible self-ownership- based theory surely cannot allow for this. It cannot, for instance, allow the innocent Zelda justly to be imprisoned in any of the ways described! If Mack is right, then it seems we have, in the SOP, grounds for holding that a water-hole monopolist would indeed be committing an injustice against anyone he refuses water to, or to whom he charges exorbitant prices for access. The injustice would be a straightforward violation of a person’s rights to self-ownership, a case of nullifying a person’s self- owned powers in a way analogous to Adam’s or the knuckle-scrapers’ nullification of Zelda’s self-owned powers. It would not be an injustice in initial acquisition, however. The water-hole monopolist still owns the water hole as much as he ever did; he just cannot use it in a way that violates other individuals’ self-ownership rights (either by drowning them in it or by nullifying their self-owned powers by denying them access to it when there is no alternative way for them to gain access to the water necessary for the use of their self-owned powers). Is Mack right? The hard-liner might dig in his heels and insist that none of Mack’s examples amount to self-ownership-violating injustices; instead, they are merely subtle but straightforward property rights violations or cases of moral failings of various other sorts (cruelty, selfishness, etc.). The Adam’s Island case, for starters, is roughly analogous to the example of the water-hole monopolist, so that it arguably cannot give any non-question- begging support to the SOP, if the SOP is then supposed to show that the water-hole example involves an injustice. The Disabling Property Barriers case might also be viewed as unable to provide any non-question-begging support, since Adam’s encasing everything in plastic might plausibly be interpreted as his acquiring everything, in which case we are back to a water-hole-type monopoly example. The Knuckle-Scraper Barrier and Dis- abling Property Barrier examples might be explained by saying that in falling asleep on the unowned plot of land, Zelda in effect has come (at least temporarily) to acquire it, and (by virtue of walking) to acquire also the path she took to get to it, so that the knuckle-scrapers and Adam violate her property rights (not her self-ownership rights) in not allowing her to escape. The Paternalist Caging example can perhaps be explained by arguing that in building the cage, Adam has acquired the water route leading to it, so that in swimming this route (and thus getting caught in the cage) Zelda has violated his property rights and, therefore, can justly be caged. Accordingly, the hard-liner might insist, we can explain all of these examples in a hard-line way and thus avoid commitment to the SOP. Such a hard-line response would be ingenious (well, maybe), but still, I think, ultimately doomed to failure. Can the Paternalist Caging example, to start with, plausibly be explained away in the manner that I have suggested? Does Adam commit no injustice against Zelda even if he never lets her out? It will not do to write this off merely as a case of excessive punishment (explaining the injustice of which would presumably not require commitment to the SOP). For suppose Adam says, after a mere five minutes of confinement, “I’m no longer punishing you; you’ve paid your debt and are free to go, as far as I’m concerned. But I’m not going to bother exerting the effort to let you out. I never forced you to get in the cage, after all —you did it on your own —and you have no right to the use of my self-owned cage-opening powers to fix your mistake! So teleport out, if you can. Or get someone else —if you can find someone —to let you out.” Adam would be neither violating Zelda’s rights to external property nor excessively punishing her in this case; nor would he be invasively vio- lating her self-ownership rights. But wouldn’t he still be committing an injustice, however noninvasively? Don’t we need something like the SOP to explain why this is so? The barrier examples, for their part, do not require Zelda’s walking and falling asleep on virgin territory, which thus (arguably) becomes her prop- erty. We can, to appeal to the sort of science-fiction scenario beloved of philosophers, imagine instead a bizarre chance disruption of the structure of space-time that teleports Zelda into Adam’s plastic shell or into the midst of the knuckle-scrapers. There is no question now of their violating her property rights; yet don’t they still commit an injustice by nullifying her self-owned powers in refusing to allow her to exit? Consider a parallel example concerning property ownership itself. If your prized $50,000 copy of Captain America Comics number 1, due to another rupture in space-time or just to a particularly strong wind that blows it out of your hands and through my window, suddenly appears on the floor of my living room, do I have the right to refuse to bring it back out to you or to allow you to come in and get it? Suppose I attempt to justify my refusal by saying, “I won’t touch it, and you’re free to have it back if you can arrange another space-time rupture or gust of wind. But I refuse to exert my self-owned powers to bring it out to you, or to allow you on my property to get it. I never asked for it to appear in my living room, after all!” Would anyone accept this justification? Doesn’t your property right in the comic book require me to give it back to you? The hard-liner might suggest that this example transports the SOP advocate out of the frying pan and into the fire. For if the SOP is true, wouldn’t we also have to commit ourselves to a “property-ownership proviso” (POP) that requires us not to nullify anyone’s ability to use his external private property in a way consistent with its “world-interactive powers”? If I build a miniature submarine in my garage, and you have the only swimming pool within one thousand miles, must you allow me the use of your pool lest you nullify my ability to use the sub? If (to take an example of Cohen’s cited by Mack) I own a corkscrew, must I be provided with wine bottles to open lest the corkscrew sadly fail to fulfill its full potential?34 Mack’s response to this line of thought seems basically to amount to a bit of backpedaling on the claim that his proviso really follows from the notion of self-ownership per se —so as to avoid the conclusion that a (rather unlibertarian and presumably redistributionist) POP would also, in par- allel fashion, follow from the concept of property ownership. His response seems, instead, to emphasize the idea that the considerations favoring self-ownership also favor, via an independent line of reasoning, the SOP.35 In my view, however, a better response would be one that took note of some relevant disanalogies between property in oneself and property in external things. Note first that the self-owned world-interactive powers, the possible use of which the SOP is intended to guarantee, are possessed by a living being who is undergoing development, which involves passing through various stages; therefore, these powers are ones that flourish with use and atrophy or even disappear with disuse.36 To nullify these powers even for a limited time, then, is (very often at least) not merely temporarily to inconvenience their owner, but, rather, to bring about a permanent reduc- tion or even disablement of these powers. By contrast, a submarine (or a corkscrew) retains its powers even when left indefinitely in a garage (or a drawer). This difference in the effect that nullification has on self-owned powers versus extra-personal property plausibly justifies a difference in our judgments concerning the acceptability, from the point of view of justice, of such nullification in the two cases; that is, it justifies adoption of the SOP but not of the POP.37 Second, there is an element of choice (and in particular, of voluntary acquisition) where extra-personal property is concerned that is morally relevant here. One’s self-owned powers, along with the SOP-guaranteed right to the non-nullification of those powers, are not something one chooses or acquires; one just has them —indeed, to a great degree one just is the constellation of those powers, abilities, etc.—and owns them fully. By contrast, extra-personal property is something one chooses to acquire or not to acquire, and as we have seen, one always acquires property rights in various degrees, from partial to full ownership—and this would include the rights guaranteed by a POP. If one chooses to acquire a corkscrew under conditions where wine bottles are unavailable, or are even likely at some point to become unavailable, one can hardly blame others if one finds oneself bottle-less. To fail to acquire POP-like rights regarding the corkscrew (by, say, contracting with someone else to provide one with wine bottles in perpetuity) is not the same thing as to have those rights and then have them violated. Someone who buys a corkscrew and then finds that he cannot use it is like the person who acquires only partial property rights in a water hole that others have already acquired partial use rights over. He cannot complain that his co-owners have violated his rights; he never acquired those other rights in the first place. Similarly, the corkscrew owner cannot complain that he has no bottles to open; he never acquired the right to those bottles, only to the corkscrew. If full ownership of a corkscrew requires POP-like rights over it, then all that follows is that corkscrew owners who lack bottles are not full owners of their corkscrews.

#### Thus, self-ownership justifies the appropriation of property – our freedom necessitates being able to set and pursue external things as our ends, including exercising our rights on property. Restricting this arbitrarily limits our freedom which is unjust.

Feser 3, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

V. Some Implications If what I have argued so far is correct, then the way is opened to the following revised case for strongly libertarian Lockean-Nozickian prop-erty rights: We are self-owners, having full property rights to our body parts, powers, talents, energies, etc. As self-owners, we also have a right, given the SOP, not to have our self-owned powers nullified —we have the right, that is, to act within the extra-personal world and thus to acquire rights to extra-personal objects that the use of our self-owned powers requires.39 This might involve the buying or leasing of certain rights or bundles of rights and, correspondingly, the acquiring of lesser or greater degrees of ownership of parts of the external world, but as long as one is able to exercise one’s powers to some degree and is not rendered incapable of acting within that world, the SOP is satisfied. In any case, such rights can only be traded after they are first established by initial acquisition. In initially acquiring a resource, an agent does no one an injustice (it was unowned, after all). Furthermore, [they] has mixed [their] labor with the resource, significantly altering it and/or bringing it under his control, and is himself solely responsible for whatever value or utility the resource has come to have. Thus, [they] has a presumptive right to it, and, if his control and/or alteration (and thus acquisition) of it is (more or less) complete, his own- ership is accordingly (more or less) full. The system of strong private property rights that follows from the acts of initial acquisition performed by countless such agents results, as a matter of empirical fact, in a market economy that inevitably and dramatically increases the number of resources available for use by individuals, and these benefited individuals include those who come along long after initial acquisition has taken place. (Indeed, it especially includes these latecomers, given that they were able to avoid the hard work of being the first to “tame the land” and draw out the value of raw materials.)40 The SOP is thus, in fact, rarely, if ever, violated. The upshot is that a system of Lockean-Nozickian private property rights is morally justified, with a strong presumption against tampering with exist- ing property titles in general. In any case, there is a strong presumption against any general egalitarian redistribution of wealth, and no case what- soever to be made for such redistribution from the general theory of prop- erty just sketched, purged as it is of the Lockean proviso, with all the egalitarian mischief-making the proviso has made possible.