#### Interp:the ballot represents a normative endorsement or rejection of the plan

#### “Ought” means “should” – it’s not a moral obligation – policy affs implicitly define ought normatively

Merriam-Webster, 19 – (“Ought," http://www.learnersdictionary.com/definition/ought)

Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the same meaning as should and is used in the same ways, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to.

#### This is proven by “resolved” in the resolution

Parcher 1 — Jeff Parcher, Former Director of Debate at Georgetown University, 2001 ("Re: Jeff P--Is the resolution a question?," Post to the e-Debate List, February 26, Available Online at http://www.ndtceda.com/archives/200102/ 0790.html, Accessed 09-10-2005)

> Jeff, I don't think debaters' relation to the resolution is nearly as clear as it you make it out to be in your recent posts. 1. The resolution > is not a question. It is a statement that has "resolved" on one side and a normative statement on the other separated by a colon. What > is the meaning of "resolved?" I know Bill Shanahan has made the argument that "resolved" means "reserved," in which case the > resolution doesn't require you to arrive at any certainty about the truth of the normative statement. (1) Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committtee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

## Framing

#### LINK FILTER – The affirmative does not stop the commercialization of space. Barring appropriation only limits the ownership of real property, use is still allowed. 100% of aff harms result from use, like the claiming of resources in space, not ownership of real estate.

#### *The aff doesn’t have a single piece of solvency or link evidence that is actually about appropriation, or even says the word appropriation, so you should give it ZERO WEIGHT. Go ahead, control F the doc.*

Švec et al 20 [Martin Švec, Petr Boháček, and Nikola Schmidt, “Utilization of Natural Resources in Outer Space: Social License to Operate as an Alternative Source of Both Legality and Legitimacy,” Oil Gas Energy Law J, 2020. <https://planetary-defense.eu/wp-content/uploads/2020/11/ov18-1-article17-notitle.pdf>] CT

2.2.1. Is the Utilization of Space Resources Implicitly Prohibited by the OST?

When the OST was drafted, exploitation of space resources was not considered feasible. Thus, the treaty does not contain any specific reference to space resource activities. However, silence of the OST does not necessarily imply unlawfulness of these activities. On the contrary, the freedom of exploration, use and access is one of the most fundamental principles of international space law. Art I of the OST reads: “Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.“25 It is worth mentioning that France already in 1966, during the negotiations of the OST, emphasised that it is important to know exactly what is meant by the term ‘use’, and whether it is an equivalent to the term ‘exploitation’. 26 While there is a general consensus on the interpretation of the term “exploration” as referring to discovery activities of the space environment for scientific reasons, a large disagreement exists concerning the term ‘use’.27 In this context the Board of Directors of the International Institute of Space Law (IISL) hold that there is no international agreement whether the right of “free use” includes the right to take and consume nonrenewable natural resources, including minerals and water on celestial bodies.28 The authors of this article are of the opinion that the term “use” seems to be broad enough to encompass the exploitation of natural resources. Pursuant to the Vienna Convention on the Law of Treaties, a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. First, the term “use” usually refers to both the non-economic and economic utilization and, thus, the use of outer space for economic ends can include exploitation with the objective of making economic profit.29 Second, the OST’s preamble reveals that the treaty does not aim to restrict the use of outer space, but rather to promote free exploration and use of outer space and the opposite interpretation would lead to an unnecessary impediment to the development of the uses of outer space.30 What is more, these conclusions may also be derived from the Moon Agreement. Although this agreement has been ratified only by 18 states, it may help understand the meaning of the international space law principles enshrined in the OST. The preamble of the Moon Agreement refers to the “benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies,” and art 11 envisages the establishment of an international regime to govern the exploitation of natural resources of the Moon. In addition, Hobe argues, that specific uses are only excluded if they are explicitly excluded in other provisions of the OST, such as prohibition of certain military activities.31

2.2.2. Does the Utilization of Space Resources Contradict the Principle of NonAppropriation?

The principle of non-appropriation is one of the most fundamental rules regulating the exploration and use of outer space. Art II of the OST reads as follows: “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.” As a consequence, outer space is generally understood as a res communis omnium, 32 in its legal characterisation similar to the law governing the high seas or the deep seabed. An analysis of these already existing regimes based on the non-appropriation principle reveals that an exploitation of natural resources is perfectly compatible with the principle of nonappropriation.33 Additionally, even the Moon Agreement suggests that the exploitation of the natural resources of the moon does not constitute a means of appropriation. In particular, art 11 of the Moon Agreement reiterates that outer space is not subject to national appropriation and it explicitly envisages the establishment of an international legal regime to govern the exploitation of space resources.34

#### The question of the resolution is not whether private activity in space is unjust, but rather GIVEN the reality of private use, whether private ownership of real estate in space ought to be allowed, or not. All of their advantages should be filtered by whether it proves that the private use of space without property rights is better than the use of space with property rights.

## CP

#### *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.

Reinstein 99 ]Ezra J. Reinstein, “Owning Outer Space,” 20 Nw. J. Int'l L. & Bus. 59 (1999-2000). <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1500&context=njilb>] CT

IV. PROPOSAL: APPROPRJATIVE OWNERSHIP OF REAL PROPERTY

The ideal legal regime should create maximum incentives for efficient development of space, in recognition of the fact that the potential wealth in space will not drop into our laps. But as much as commercial development of space would benefit all mankind, it is just as important that the development be controlled. We must learn from mistakes of the past. Any legal regime should guard against inefficient exploitation, waste, and environmental despoliation. Furthermore, space should not become the next Wild West. Destruction and sabotage must be discouraged. My proposal, which will be developed throughout this essay, is to maximize incentives by giving developers comprehensive property rights. Humanity's welfare demands that we alter the current law to allow real estate ownership -- not just usufructary rights -- to those who would best develop land in space.7 The potential wealth of outer space, in the form of minerals, energy, living space, etc., doesn't do us any good unless we are able to harness it. And, as Jeffrey Kargel, a planetary scientist at the U.S. Geological Survey, has written, "if you want to cross the bridge into the 21st century of space [development], then space must pay its way and give private investors a handsome early return on investment.' 75 What do we mean by "ownership?" Property is commonly recognized as being a "bundle" of disparate rights regulating relations between people with respect to things. The bundle of rights can be unpacked. It includes: the right to possess, the right to use, the right to exclude, and the right to transfer.76 These rights are not on/off affairs; they can each be limited or expanded along a continuum. I use the term "ownership" to describe a state of affairs wherein a person has all four of these rights to their maximum extent with respect to a piece of property. Current space law ostensibly respects the right to use real property in space and to collect and own its fruits. Historically, this has been known as the usufructary right.77 But the current law doesn't even provide this right freely; it seems to be limited by several clauses of the Outer Space Treaty (e.g. use "for the benefit...of all countries").78 Nor does the OST recognize the right to exclude, as is evidenced by article I's prohibition on appropriating what it recognizes as being "the province of all mankind," the guarantee in the same article of "free access to all areas of celestial bodies," and article XII's requirement that "[a]ll stations [and] installations...shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity." Likewise, as illuminated in the SpaceCorp hypothetical, the prohibition on appropriation seems to negate a long-term right of possession. Without the right to exclude or pos- sess, of course, a legal system need not provide the right to transfer real estate. Anyone else may simply help themselves. In sum, the OST demands that "[n]o State can obtain such possessions as will entitle it to claim ownership or sovereignty over them... There can be no exclusive appro- priation of [celestial bodies] and any part thereof as a result of their 'use'..." 79 Under current law, space cannot be owned. A new law of space real property must enliven and support all four rights that comprise ownership. First, there must be a right to permanent possession: barring some ex- traordinary circumstance or the enforcement of a judgment, no one should face dispossession of his real estate on Earth or in space. This rule supplies a needed measure of certainty, in two ways: (1) it's a definite rule and almost any such rule is better than the fogginess of the current regime, and (2) it moves the presumption away from public conversion of private lands, and therefore makes it clear that the OST's statement, that space development must be "for the benefit...of all countries," is a moral exhortation and not a loophole through which the United Nations can dispossess a private party of his site. Second, I suggest that the right to use be unlimited, except by environmental regulations and the developer's domestic law. This rule is a recognition that humanity's fortune is best enhanced not by a centralized command-and-control system, but by private development making market-driven decisions. Like the right to perpetual possession, the third right -- the right to exclude -- creates the certainty vital to an optimal investment environment. As noted, the current system precludes such a right, for it would certainly run afoul of the prohibition on appropriation and the requirement that there be "free access to all areas of celestial bodies. 80 Without the right to exclude, however, pioneer investors would be at the mercy of free riders. After investing countless hours in (or paying someone else for) a survey of the real estate, after setting up a mining colony at great expense, the pioneer would have no recourse if another party took advantage of the pioneer's research and began a copycat mine on the very same site. So the right to exclude must form a part of the new legal system. Finally, the right to transfer must accompany the rights of exclusion and perpetual possession. The Coase Theorem of economics tells us that, in a legal environment supportive of bargaining, property rights will be allocated to the party who values them most, i.e. the most efficient user of the property.81 When transaction costs are high enough to prevent bargaining, property rights only end up in the most productively efficient hands if the law happens to initially assign them that way.82 Without any right to transfer, transaction costs are infinite, and no bargaining can occur. In order to avoid the inevitably inefficient solutions of a command-and-control regime of property usage, the right to transfer -- alienability -- must be a part of our system.83 All these rights together -- possession, use, exclusion, and transfer -- make up ownership. And it is ownership that the modem law of space real property needs.

## Net Benefit

#### Space settlement is coming now and prevents inevitable extinction. Future settlers need protections and the rule of law.

Gesl 18 [Paul M. Gesl (Maj, USAF JD), “PREPARING FOR THE NEXT SPACE RACE: Legislation and Policy Recommendations for Space Colonies,” A Research Report Submitted to the Faculty In Partial Fulfillment of the Graduation Requirements for the Degree of MASTER OF OPERATIONAL ARTS AND SCIENCES (April 2018). <https://apps.dtic.mil/sti/pdfs/AD1053024.pdf>] CT

Why the United States Needs to Think About Space Colonization Now

The United States’ space policies under the previous two Presidential administrations have not matched the ambition of the commercial sector. The author has criticized the National Space Policies of both President Obama and George W. Bush as being too “Earth-Centric.”6 Based on the current state of technologies, it is easy to dismiss space colonization as, at best, a problem to worry about tomorrow and, at worst, mere science fiction. This is irresponsible. Reaching space is difficult. Colonizing it will be even more difficult; however, we cannot overlook it as a likely possibility. NASA viewed space colonization as an endeavor within humanity’s reach in the 1970s.7 Now it is beginning to take shape as a reality. In 2015 at the Pioneering Space National Summit, policy makers, industry leaders and advocates agreed that “The long term goal of the human spaceflight and exploration program of the United States is to expand permanent human presence beyond low-Earth orbit in a way that will enable human settlement and a thriving space economy. This will be best achieved through public-private partnerships and international collaboration (emphasis in original).”8 Additionally, there have been several attempts in Congress to pursue space settlement.9 Private industry appears to be taking the lead in this race. Elon Musk, the CEO of SpaceX intends to establish a colony of a million settlers on the surface of Mars.10 SpaceX is targeting the first manned missions to make this a reality to launch in 2024.11 Mr. Musk envisions the full colonization to take 40-100 years.12 Even if this timeline misses its ambitious deadline by a decade, humanity will be a multi-planetary species in many readers’ lifetimes. It is important to note that Mr. Musk recently stated that SpaceX is “building the first Mars, or interplanetary ship, and I think we’ll be able to do short trips, flights by first half of next year.”13 Even though he joked that the company might miss their timeline, his comments highlight that colonization is an issue that is fast approaching.14 Another factor to consider is that a legal framework needs to be developed before a Martian colony is at its full capacity. Mr. Musk envisions using SpaceX’s BFR to send approximately 100 people per flight to Mars.15 Additionally, SpaceX appears to be planning for humans living on the lunar surface in their Moon Base Alpha.16 SpaceX is not alone in their ambitions. United Launch Alliance (ULA) published their plans to expand the population of humans living and working in space. Their Cis-lunar 1,000 framework is a 30-year plan to develop the cis-lunar economy and grow the population of humans living and working in space from six to 1,000.17 Space colonization is more important to our species than the economic benefits of a space economy and the conquests of exploration. The current world population is 7.4 billion people.18 According to the World Wildlife Foundation and the Global Footprint Network, “the equivalent of 1.7 planets would be needed to produce enough natural resources to match our consumption rates and a growing population.”19 The problem will likely grow worse as the population of the planet continues to grow. According to the United Nations, the Earth’s population will grow to over 11 billion people by 2100.20 Based partially on this, “Prof [Stephen] Hawking said it was only a matter of time before the Earth as we know it is destroyed by an asteroid strike, soaring temperatures or over-population.”21 Hawking further stated that, “When we have reached similar crisis in or (sic.) history there has usually been somewhere else to colonise (sic.). Columbus did it in 1492 when he discovered the new world. But now there is no new world. No Eutopia (sic.) around the corner. We are running out of space and the only places to go are other worlds.”22 The late Professor Hawking is not alone in his view, the National Space Society observed the benefits of expanding into space. “Outer space holds virtually limitless amounts of energy and raw materials, which can be harvested for use both on Earth and in space. Quality of life can be improved directly by utilization of these resources and also indirectly moving hazardous and polluting industries and/or their waste products off planet Earth.”23 These are just several of the many compelling reasons to colonize space advocated by groups such as the National Space Society and the Space Frontier Foundation.24 ULA appears to be taking steps to meet their ambitions for the future. ULA announced the first step towards making their Cis-lunar 1,000 vision a reality. In October 2017, they announced a partnership with Bigelow Aerospace to launch a habitat to low lunar orbit.25 The launch is expected to be completed before the end 2022.26 Some feel that colonization is going to happen, no matter what governments do.27 If colonization is going to happen, then it is in the United States’ best interest to develop a legal framework that supports the efforts and protects our citizens who will travel to and live in these habitats. This is important for several reasons. First, private corporations appear to have an interest in colonizing space, so it is in humanity’s future whether the government is involved nor not. However, governments can take actions that will accelerate things.28 Second, it is in the best interest of the United States’ economy to support commercial companies that are expanding into space. Third, if the United States does not create a favorable legal framework for space colonization, someone else will. Finally, as humanity expands away from the surface of the Earth, it is important to create a free society based on the principles of the Rule of Law rather than some other form of government, or an anarchistic company town.

#### Space settlement with private appropriation is better than settlement without appropriation.

### 1 Tyranny

#### 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 signif

icantly 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].

#### A lack of property rights enables tyranny in space by creating a monopoly on power and stifling individual expression.

Cockell 10 [Charles S. Cockell (Center for Earth, Planetary, Space and Astronomical Research – Open University, Milton Keynes), “Essay on the Causes and Consequences of Extraterrestrial Tyranny,” Journal of the British Interplanetary Society, Vol.63, pp. 15-37, January 2010. <https://www.researchgate.net/profile/Charles-Cockell/publication/258402359_Essay_on_the_Causes_and_Consequences_of_Extraterrestrial_Tyranny/links/00b495305364b3f6e8000000/Essay-on-the-Causes-and-Consequences-of-Extraterrestrial-Tyranny.pdf>] CT

Perhaps the most important economic argument is that a centrally-planned system of production is likely to become autarkic, bearing in mind the political problems outlined earlier. In principle, there is no reason why a centrally-planned system of manufacture should not trade its products with other entities, but in reality if there is no profit motive for the organisation to do so, it will not achieve the same level of inducement to put the effort into overcoming the difficult obstacles of interplanetary trade if it is only charged with fabricating enough of a product to satisfy domestic demand. The problem of autarky is just one of the many problems associated with the system, which ultimately lends itself to political tyranny.

The centrally-planned economy is unlikely, despite best efforts, to truly produce what people want and, like centrallyplanned states on the Earth, it cannot predict fashions and desires in the future that will necessarily make its economic output limited and dull compared to private entities, which are constantly striving to try to sell consumers new items. The worst effect of the strictly controlled economy will be the stifling of individual creativity, the opportunity to combine to produce, and the emergence of the political culture that results from the need to generate all the functionaries and state officials, with their attendant powers, that will be required to do the planning in the first place.

The logic of a centrally-planned economy, and the attraction of this in the face of the possible failure of entities producing things so basic as oxygen, should be resisted even though it may lead to a less ordered and structured economic network [53]. The role of the state in this schemata should be to ensure that sufficient entities exist (and more so for redundancy) to produce what is needed and to encourage a vigorous growth in these industries. It should only intervene to exert wholesale control over the means of production when a failure in some entity, or entities, threatens lives.

Rejecting a centrally-planned economy would imply competing means of production, which itself almost certainly implies the presence of a system of private property. The public ownership of all goods might appear superficially to be a security against the possibility of people going short of vital goods. In the early stages of the establishment of settlements, it might well be the case that public ownership of certain commodities such as water and some food provisions will be required to ensure that they are distributed fairly to all occupants. However, for all the reasons just adumbrated, some incentive for production must exist independently of the people running the settlement. Quite apart from this, the problem in a highly isolated group is that complete control of all property by a single authority opens the door to political tyranny.

An attraction of a Marxian society might be the economic equality that would result from the previously discussed mechanisms. Central planning, in particular, would obviate the chances of single, private entities accumulating a vast proportion of the wealth and individuals associated with these organisations becoming their own economic tyrants. There is merit in this view, and achieving equality would certainly prevent this outcome. Yet, regulations on monopolies and other tax mechanisms could be used to some degree to prevent excessive and despotic accumulations of wealth.

Aside from the most severe cases, there are rational motives for allowing inequality. The environment of outer space is lethal, difficult to work in and a costly place in which to establish enterprises. To rely on the establishment of large networks of human settlements throughout the Solar System, solely on the back of state enterprise and centrally-directed orders, is likely to be folly. There is good reason to question what motives privately-funded people, let alone state organisations, would have for exploring the far reaches of space anyway. So, every incentive must be found to drive groups to establish enterprises for resources, tourism or whatever else is deemed necessary in order to expand.

A Marxian system of equality in outer space, even if this could be achieved through some type of agreed social order, will erode the incentive to establish new enterprises from which trade can flow. Arguments that the driven will explore and settle space to expand the reach of humanity, to make it a multiplanet species and to advance science, independent of any economic incentive, are likely to be as ineffective as they were in stimulating productivity in the communist states of the Earth. People are motivated by these laudable and altruistic arguments, but the impulsion to work to secure the common good is not common and it is probably not sufficiently universal to be sure of achieving the results required in outer space.

The sense of community, which is perceived to be another golden egg of the Marxian vision, depends of course on what sense of community we are talking about. As I have elaborated elsewhere, the sense of community in a centrally-organised society driven to complete equality is likely - and very rapidly in the environment of outer space - to turn into a highly autarchic control structure in which there is certainly an evident community, but where the freedom of the individual is all but destroyed [54]. The society of contented slaves is most likely to emerge in an environment where continuously lethal external conditions give every excuse for control structures to expand into lives with ever more vigour by the process of the tendency of humans to expand their power bases.

The maturation of tyranny will be facilitated because the Marxian vision is a single doctrine vision. How exactly this vision will manifest in the environment of space is unpredictable, but any single doctrine society that seeks to protect centrally planned objectives can never tolerate dissenters. It has been recognised for a long time that it is in the nature of singledoctrine societies to remove countervailing views, either through political dictates, peer pressure or the generation of terror and it follows that, eo ipso, few lesser arguments need be entertained against the Marxian vision of an extraterrestrial society. The ease with which the deadly environment can be turned into the common enemy and used to justify the protection and advancement of a single and inflexible political and economic vision makes any social order that promulgates one — and only one — path to social success dangerous. The details of those parts of a Marxian plan that can succeed and those that cannot, therefore, whither into insignificance in the face of the need to encourage a plurality of ideas about how extraterrestrial society should be ordered.

# CASE

### India – No Indo-Pak War

#### Indo-Pak war won’t go nuclear – Indian NFU and cultural connections prevent escalation.

Karnad 17 – Professor in National Security Studies (Bharat; Research Professor in National Security Studies at the Centre for Policy Research, New Delhi, author of *India's Nuclear Policy*, former Member of the National Security Advisory Board, National Security Council, Government of India and former Member of the Nuclear Doctrine Drafting Group; 3/31/17; “Why concerns about an India-Pakistan nuclear war are highly exaggerated”; <http://www.hindustantimes.com/analysis/concerns-about-an-india-pakistan-nuclear-war-are-highly-exaggerated/story-rnKGeo3qZ0oCpMhR1edRqL.html>; Hindustan Times; accessed 4/26/17)

The latest edition of the Carnegie Nuclear Policy Conference in Washington that just ended featured American and foreign nuclear specialists chasing, as usual, the elusive nuclear catastrophe they are convinced is round the corner. There was also the obligatory alarm raised about South Asia. This year, the India-Pakistan “nuclear flashpoint” thesis was tweaked to claim that India has abandoned its No First Use (NFU) commitment and adopted a strategy, in case of an “imminent” launch, of a pre-emptive “comprehensive strike” against Pakistan. Such a course is being contemplated, it was argued, to spare the country the “iterative tit-for-tat exchanges” and prevent the “destruction” of Indian cities. This hair-raising conclusion was not supported by other than extremely flimsy evidence — three unrelated statements by separate persons. Let’s examine and contextualise these statements in turn. The erstwhile defence minister Manohar Parrikar stated not long after taking office that India would “not declare one way or another” if it would use or not use nuclear weapons first. This was said expressly to inject ambiguity of response that is crucial for the credibility of the Indian nuclear posture. This credibility was lost in 1999 when the previous BJP government of Atal Bihari Vajpayee mindlessly made the draft-nuclear doctrine public, and later compounded the problem by replacing “proportional response” in the draft with “massive retaliation”. Incidentally, Parrikar’s avowal was in light of Prime Minister Narendra Modi’s political decision to not initiate a formal revision of the doctrine promised by the ruling party in its 2014 election manifesto. The second reference is to the former national security adviser (NSA) Shivshankar Menon’s observation in his recent book that the Indian nuclear strategy has “far greater flexibility than it gets credit for”. The doctrine drafters in the first National Security Advisory Board (NSAB) intended and so shaped the doctrine, especially Section 4, to make it “elastic”, to enable escaping the limitations of “minimum” deterrence imposed by the prime minister in his suo moto statement to Parliament on May 28, 1998, before the constitution of the NSAB. The NFU declaration makes for fine rhetoric, distancing India from the hair-trigger situation Pakistan strives for the world to believe exists in the subcontinent. It is in Pakistan’s interest to talk up Hindu animus and predatory India, because it justifies not just its nuclear arsenal but its emphasis on first use of tactical nuclear weapons. In the event, treating NFU as a conditional constraint is what Menon hints at. The third piece of proof trotted out is the views of retired Lieutenant General BS Nagal, a former strategic forces command (SFC) commander, particularly his view that a democratically-elected government cannot morally risk the decimation of the Indian people by sticking literally to the NFU pledge. It was during Nagal’s tenure at the SFC, it may be recalled, when the then NSA MK Narayanan publicly revealed that the military was not in the know of nuclear arsenal details and, by implication, that the SFC was not in the nuclear loop. It may therefore be safely deduced that the views Nagal has developed was outside the SFC ambit. However, certain developments in the nuclear weapons sphere do indeed make possible an Indian first strike. Such as the ongoing process of canisterising Agni missiles, including presumably the 700-km range Agni I meant for the Pakistan and Tibet-Chengdu contingencies. It, in fact, provides the country not only with a capability for launch-on-warning but also for striking pre-emptively should reliable intelligence reveal an adversary’s decision to mount a surprise attack. Nuclear missiles in hermetically sealed canisters are ready-to-fire weapons and signal an instantaneous retaliatory punch to strongly deter nuclear adventurism. Thus, all nuclear weapon states keep a part of their strategic forces in ready state, there being no guarantees that a confrontation or conflict with another nuclear power will keep to a sub-nuclear script. Having the wherewithal for pre-emptive action and launch-on-warning then is only a reasonable precaution. Whate

ver their capabilities to fight nuclear wars, the chances of either India or Pakistan initiating a nuclear exchange for any reason are remote for the very good reason that western governments and analysts rarely acknowledge, because most of them are unaware or wilfully ignore the social context of India-Pakistan tensions, namely, the fact, whether anybody likes it or not, of these South Asian countries being organically linked. Divided communities, continuing kith and kinship relations, shared religion and culture, mean that the so-called India-Pakistan “wars” are less wars, more “riots” — short periods of hostilities in geographically constrained spaces, hence the famously apt description of these by the late Major General DK Palit, originally of the Baloch Regiment, as “communal riots with tanks”.

### Militarization

#### Space commercialization is a strong constraint on conflict – solves space war

Wendy N. Whitman **Cobb 20**, is currently an associate professor of strategy and security studies at the US Air Force's School of Advanced Air and Space Studies, 7-21-2020, "Privatizing Peace: How Commerce Can Reduce Conflict in Space," Routledge & CRC Press, <https://www.routledge.com/Privatizing-Peace-How-Commerce-Can-Reduce-Conflict-in-Space/Cobb/p/book/9780367337834> // AAli

By the end of the twentieth century, scholars zeroed in on the democratic peace theory which attempts to explain why democracies do not go to war with other democracies and why, in some analyses, they seem to be more prone to peace in general than non-democracies. Similar to the golden arches, what is it about democracy that seems to induce such peacefulness? Academics have proposed everything from the nature of mediating institutions to the restraint of public opinion, to trade relations. While these variations will be explored further in Chapter 3, of interest here are the versions that focus explicitly on trade, commercial ties, and capitalism. Along these lines, Erik Gartzke argues, "peace ensues when states lack differences worthy of costly conflict."31 If the costs of conflict are too high, then states should be more unlikely to engage in it. To this end, economic globalization can provide the means through which costs are raised. “The integration of world markets not only facilitates commerce, but also creates new interests inimical to war. Financial interdependence ensures that damage inflicted on one economy travels through the global system, afflicting even aggressors."32 Focusing his analysis primarily on the influence of capitalism, Gartzke's findings suggest that states with markets more closely tied to the global economy are far less likely to experience a militarized dispute.

In thinking about the space environment today, there are obvious principles of capitalism at work. However, China, a major spacefaring state that has been making capitalist reforms, arguably remains far from a true capitalist country. This is especially true in their space industry which is heavily subsidized by the state and almost wholly integrated with China's military.34 Many other states continue to subsidize space activities heavily as well. A better approach through which to examine conflict in space is presented by an offshoot of the capitalist peace which is termed the commercial peace. The commercial peace thesis emphasizes the role of trade and the connections made through it to explain a lack of conflict. Han Dorussen and Hugh Ward write:

Trade is important not only because it creates an economic interest in peace but also because trade generates 'connections' between people that promote communication and understanding.... Based on these ideas, the flow of goods between countries creates a network of ties and communication links. If two countries are more embedded in this network, their relations should be more

peaceful 35

Given the interconnectedness of the global economy to space-based assets, a version of the commercial peace thesis can be used to argue that the chance of conflict in space is less than is commonly understood or recognized precisely because of the extent to which the global economy has become dependent on space-based assets.

To understand this argument, consider a scenario in which Russia, in preparation for a new assault on Eastern Europe, attacks a key US military satellite with the purpose of disrupting and disabling military communications in Europe. This action would conceivably enable the Russians to undertake their attack under more favorable conditions and prevent a quicker response from America and its allies. However, if the satellite was attacked via an ASAT that kinetically destroyed the US satellite, the debris cloud created from the attack could have disastrous consequences beyond military communications Much like the movie Gravity, the debris cloud could cause a chain reaction, hitting and ~~disabling~~ dismantling other satellites that would in turn disrupt civilian communications, business transactions, and perhaps even Russian military satellites. The economic effects of lost satellites would not be restricted to one country alone; the global economic consequences in terms of lost property (satellites), lost transactions, and financial havoc would echo throughout the world, including in Russia itself. Finally, the attack on one satellite could even ultimately endanger the ISS and its inhabitants, several of which are Russians. Destruction of the ISS would negate billions of dollars in investment from not just Russia, but other countries that have participated in it including Japan, Italy, and Canada. Therefore, an attack on a US military satellite would not just be an attack on one but an attack on all.

While the previous scenario highlights several reasons why it would not be in Russia's best interest to attack a US satellite, this book argues that the economic argument is both the strongest and the most restraining especially as space becomes more congested, competitive, contested, and commercialized. The emergence of private space companies enhances this argument. "In the commercial sector, companies need reliability and legal enforcement mechanisms if they are going to operate profitably in a shared environment."36 In order to foster the growing area of space commercialization, companies must be assured that the activities they undertake in space will be protected in some way or, at a minimum, allowed to proceed to the extent where they can reap the profit. This could be done through international organizations that would provide some sort of space traffic control, but the likelihood of a major international breakthrough on rules regarding space is unlikely in the near term. Therefore, actors must rely on the protections afforded them by an increasingly globalized economy that is ever more dependent on space-based assets.

### Space Debris

1. **Space debris is hype---there are thousands of satellites and only 15 debris collisions ever**

Mark **Albrecht 16**, Chairman of the board of USSpace LLC & fmr. head of the National Space Council, “Congested space is a serious problem solved by hard work, not hysteria, 5/9/16, https://spacenews.com/op-ed-congested-space-is-a-serious-problem-solved-by-hard-work-not-hysteria/

There are over a half million pieces of human-made material in orbit around our planet. Some are the size of school buses, some the size of BB gun pellets. They all had a function at some point, but now most are simply space debris littered from 100 to 22,000 miles above the Earth. Yet, all behave perfectly according to the laws of physics. Many in the space community have called the collision hazard caused by space debris a crisis.

Popular culture has embraced the risks of collisions in space in films like Gravity. Some participants have dramatized the issue by producing graphics of Earth and its satellites, which make our planet look like a fuzzy marble, almost obscured by a dense cloud of white pellets meant to conceptualize space congestion.

Unfortunately, for the sake of a good visual, satellites are depicted as if they were hundreds of miles wide, like the state of Pennsylvania (for the record, there are no space objects the size of Pennsylvania in orbit). Unfortunately, this is the rule, not the exception, and almost all of these articles, movies, graphics, and simulations are **exaggerated and misleading**. Space debris and collision risk is real, but it **certainly** is **not a crisis.**

So what are the facts?

On the positive side, space is **empty** and it is **vast**. At the altitude of the International Space Station, **one half a degree** of Earth longitude is almost **40 miles long**

. That same one half a degree at geostationary orbit, some 22,000 miles up is over 230 miles long. Generally, we don’t intentionally put satellites closer together than one-half degree. That means at geostationary orbit, they are no closer than 11 times as far as the eye can see on flat ground or on the sea: That’s the horizon over the horizon 10 times over. In addition, other than minute forces like solar winds and sparse bits of atmosphere that still exist 500 miles up, **nothing gets in the way of orbiting objects** and **they behave quite predictably**. The location of the smallest spacecraft can be predicated within a 1,000 feet, 24 hours in advance.

Since we first started placing objects into space there have been 11 known low Earth orbit collisions, and three known collisions at geostationary orbit. Think of it: 135 space shuttle flights, all of the Apollo, Gemini and Mercury flights, **hundreds** of telecommunications satellites, **1,300 functioning satellites** on orbit today, **half a million** total objects in space larger than a marble, and **fewer than 15 known collisions**. **Why** do people **worry?**