## Framing

**The value for this debate is justice as stated in the resolution. Justice, even on the most general and expansive definitions, is a subset of ethical consideration concerning what is owed to others as such. Miller explains in the Stanford Encyclopedia of Philosophy article on Justice.**

**Miller 17 –** Miller, David, 6-26-2017, "Justice (Stanford Encyclopedia of Philosophy)," No Publication, <https://plato.stanford.edu/entries/justice/#JustMappConc>

‘Justice’ has sometimes been used in a way that makes it virtually indistinguishable from rightness in general. Aristotle, for example, distinguished between ‘universal’ justice that corresponded to ‘virtue as a whole’ and ‘particular’ justice which had a narrower scope (Aristotle, Nicomachean Ethics, Book V, chs. 1–2). The wide sense may have been more evident in classical Greek than in modern English. But Aristotle also noted that when justice was identified with ‘complete virtue’, this was always ‘in relation to another person’. In other words, if justice is to be identified with morality as such, it must be morality in the sense of ‘what we owe to each other’ (see Scanlon 1998). But it is anyway questionable whether justice should be understood so widely. At the level of individual ethics, justice is often contrasted with charity on the one hand, and mercy on the other, and these too are other-regarding virtues. At the level of public policy, reasons of justice are distinct from, and often compete with, reasons of other kinds, for example economic efficiency or environmental value. As this article will endeavour to show, justice takes on different meanings in different practical contexts, and to understand it fully we have to grapple with this diversity. But it is nevertheless worth asking whether we find a core concept that runs through all these various uses, or whether it is better regarded as a family resemblance idea according to which different combinations of features are expected to appear on each occasion of use. The most plausible candidate for a core definition comes from the Institutes of Justinian, a codification of Roman Law from the sixth century AD, where justice is defined as ‘the constant and perpetual will to render to each his due’. This is of course quite abstract until further specified, but it does throw light upon four important aspects of justice. 1.1 Justice and Individual Claims First, it shows that justice has to do with how individual people are treated (‘to each his due’). Issues of justice arise in circumstances in which people can advance claims – to freedom, opportunities, resources, and so forth – that are potentially conflicting, and we appeal to justice to resolve such conflicts by determining what each person is properly entitled to have. In contrast, where people’s interests converge, and the decision to be taken is about the best way to pursue some common purpose – think of a government official having to decide how much food to stockpile as insurance against some future emergency – justice gives way to other values. In other cases, there may be no reason to appeal to justice because resources are so plentiful that we do not need to worry about allotting shares to individuals. Hume pointed out that in a hypothetical state of abundance where ‘every individual finds himself fully provided with whatever his most voracious appetites can want’, ‘the cautious, jealous virtue of justice would never once have been dreamed of’ (Hume, An Enquiry Concerning the Principles of Morals, pp. 183–4). Hume also believed – and philosophical controversy on this point persists until today ­– that justice has no place in close personal relationships, such as the family, where (it is alleged) each identifies with the others’ interests so strongly that there is no need and no reason for anyone to make claims of personal entitlement. (See Sandel 1982 for a defence of this view; for a critique, see Okin 1989. See also the entry on feminist perspectives on reproduction and the family). That justice is a matter of how each separate person is treated appears to create problems for theories such as utilitarianism that judge actions and policies on the basis of their overall consequences aggregated across people – assuming that these theories wish to incorporate rather than discard the idea of justice. In Section 4 below we examine how utilitarians have attempted to respond to this challenge. Although justice is centrally a matter of how individuals are treated, it is also possible to speak of justice for groups – for example when the state is allocating resources between different categories of citizens. Here each group is being treated as though it were a separate individual for purposes of the allocation. 1.2 Justice, Charity and Enforceable Obligation Second, Justinian’s definition underlines that just treatment is something due to each person, in other words that justice is a matter of claims that can be rightfully made against the agent dispensing justice, whether a person or an institution. Here there is a contrast with other virtues: we demand justice, but we beg for charity or forgiveness. This also means that justice is a matter of obligation for the agent dispensing it, and that the agent wrongs the recipient if the latter is denied what is due to her. It is a characteristic mark of justice that the obligations it creates should be enforceable: we can be made to deliver what is due to others as a matter of justice, either by the recipients themselves or by third parties. However it overstates the position to make the enforceability of its requirements a defining feature of justice (see Buchanan 1987). On the one hand, there are some claims of justice that seem not to be enforceable (by anyone). When we dispense gifts to our children or our friends, we ought to treat each recipient fairly, but neither the beneficiaries themselves nor anyone else can rightfully force the giver to do so. On the other hand, in cases of extreme emergency, it may sometimes be justifiable to force people to do more than justice requires them to do – there may exist enforceable duties of humanity. But these are rare exceptions. The obligatory nature of justice generally goes hand-in-hand with enforceability.

#### Prefer this definition since the SEP is the premier philosophical encyclopedia and represents the closest thing there is to a scholarly consensus. The encyclopedia is also neutral between ethical theories, so it avoids running together the intension and extension of the concept of justice.

**If justice is set apart by being owed *to* or *toward* another, then justice is distinguished by its bipolar form of normativity. To have a duty of justice is to have a dikaiological duty, grounded in a right of another person. Thus, the standard is consistency with dikaiological duty.**

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Thompson, Michael (2004). What is it to wrong someone? A puzzle about justice. In R. Jay Wallace, Philip Pettit, Samuel Scheffler & Michael Smith (eds.), Reason and Value: Themes from the Moral Philosophy of Joseph Raz. Clarendon Press. pp. 333-384. // EY

Consider some one human being. Let us adopt the manner of contemporary academic moralists and give her a name: let us call her ‘Sylvia’. Now even the coarsest utilitarian consequentialist, the scary monster of modern moral philosophy, will side with common sense on this one point: that it would be wrong for you or me or anyone to kill Sylvia on any ordinary prudential ground. For example, it would be wrong for you to kill Sylvia on the ground that she is just ahead of you on the waiting list for admission to law school. But, unlike that coarse consequentialist (who may in any case be imaginary), common sense will also insist that we do not really alter the case if we replace the prudent hope of law school with some more exalted charitable aim. For example, it changes nothing in the moral equation that you are proposing to harvest Sylvia’s internal organs in the hope of saving five transplant patients with suitably diverse organ needs. And this is not, we affirm, because the occurrence of one murder, or one death-by-murder, or one ‘active’ killing, is somehow a worse sort of happening than the occurrence of several purely natural deaths. For common sense also teaches that the case remains unaltered even if your killing Sylvia is aimed at saving several other people precisely from being murdered—perhaps by a perverse tyrant who has forced this choice upon you. 3 Your moral relation to Sylvia seems to survive intact in all of these cases; it has a certain robustness; there is, we think, something there. Sylvia and you have fallen into a peculiar nexus which limits your pursuit of objectives of any kind, even the beautiful objectives of charity and the love of justice. The consideration operates pairwise, and the rest of the world is, at least to a certain extent, closed out. You have, as we sometimes say, a duty ‘to Sylvia’ not to kill her. You ‘owe’ it to her not to kill her. Such language is perhaps a bit stiV, but we can put the same point more colloquially. We can say, for example, that in killing Sylvia you would wrong her: you would do wrong precisely ‘to’ her, or do wrong ‘by’ her. And, though it opens something of a Pandora’s box, we might reverse terms in the relation, saying, I think quite aptly, that Sylvia has a right, morally speaking, precisely against you. She has a right, namely, not to be killed by you, and a claim to something better. You, on the other hand, have no right, in respect of her, to do what will kill her. What we have said of the ordered pair of you and Sylvia, we might equally have said of the ordered pair of Sylvia and you, of course, or of the ordered pair of either of you and anyone else, and so on. The class of pairs of potential mutual wrongers is unlimited or indefinitely extensible. Common-sense meditation on our murderous materials thus seems, upon reflection, to trigger deployment of a collection of abstract forms of judgement. These forms of judgement express what we might call forms of bipolar normativity, or forms of relation of right. Counting internal negations as distinct types, we might tabulate them as follows: X wronged Y by doing A X wronged Y by not doing A X has a duty to Y to do A X has a duty to Y not to do A X has a right against Y X has a right against Y —that he do A —that he not do A —to do A —not to do A The propositions in the Wrst row express forms of Aristotle’s ‘X adikei Y’; those in the last two rows express Hohfeldian ‘claim’ and ‘privilege’ respectively. The concrete judgements that come under these abstract headings can be quite various. Murdering and maiming people and breaking promises made to them are among the traditionally accredited contentproviders under the heading in the upper left, suitable readings of ‘doing A’; they are speciWc ‘wrongs’ or concrete ways of wronging someone But I am interested in the form that is, I believe, shared by all of the tabulated judgements, irrespective of the particular heading (and in the corresponding form of fact). A further act of reflection ought, I think, to bring us to see that a special way of coupling representations of agents runs throughout our table. In all such judging, whatever the determinate form, I may be said to view a pair of distinct agents as joined and opposed in a formally distinctive type of practical nexus. They are for me like the opposing poles of an electrical apparatus: in Wlling one of these forms with concrete content, I represent an arc of normative current as passing between the agent-poles, and as taking a certain path. My aim is to think out some of the peculiarities of this form of representation. The ‘bipolarity’, as I will sometimes call it, of the judgements that come under these several headings is something more determinate than the form of coupling of singular terms in a Fregean two-place relational judgement. Merely relational judgements like Everest is taller than McKinley and 143 is divisible by 11 contain two singular representations; if we remove each of them in sequence, viewing its position in the judgement as replaceable by other singular representations, we arrive at the relational judgement-types j is taller than z and j is divisible by z. If, then, we similarly remove the relational material that at the outset joined those singular representations, we arrive at a form that the two original judgements share—the general form of a two-place relational judgement, F(j, z), as Frege would write it, or jFz. 4 This arrangement of schematic letters captures a certain fundamental ‘posture of the mind’, in Locke’s phrase, a posture that is adopted in the framing of any given relational judgement.5 It is plain, then, that any concrete judgement that exhibits a form found on our table must exhibit this merely Fregean ‘relationality’ as well: a ‘bipolar’ practical judgement will after all always contain two singular representations—representations, namely, of two agents, substituends for ‘X’ and ‘Y’. But note that any concrete judgement that exhibits Fregean relational form must exhibit Fregean subject–predicate form as well, and in at least two diVerent ways. For what can be viewed as bearing the form F(j, z) can equally be viewed as bearing either the form C(j) or the form u(z). In thinking that Everest is taller than McKinley, I think of Everest (as I think of K2) that it is taller than McKinley and of McKinley (as again of K2) that Everest is taller than it. But the reverse is not the case: reXection will Wnd subject–predicate form, C(j), in the judgement that Everest is a mountain, but not relational form. The relational form of a given relational judgment is thus more determinate than the subject–predicate form it inevitably also exhibits. My thought, then, is that there is something still more determinate, but something belonging nevertheless to the form of thought, or to the ‘posture of the mind’ in judging, that any instance of the tabulated judgementtype X wrongs Y has in common with any instance of X has a right against Y, or X has a duty to Y, or indeed X promised Y and a number of other judgement-types. This is the practical-bipolar form, J(X,Y) or XJY, as we might write it (switching from Greek to Latin, as suits our incipiently juridical material). This practical bipolarity is something that judgements coming under these headings do not share with instances of, say, j is taller than z, much less j is divisible by z. The instruments devised by Frege will obviously not distinguish the former class from the latter; if then, by the ‘logical’ form of a judgement we mean its ‘Fregean’ form—a very reasonable use of the honoriWc term ‘logical’—then we will speak of the practical bipolarity of a judgement as a matter of, say, ‘categorial’ or ‘intellectual’ form. For, as I will argue, thought takes a distinctive turn here, a turn which cannot simply be reduced to its taking a certain body of concrete relations, practical ones, as its theme—and still less by making reference to a special class of objects: namely, agents. Such thought has, among other things, a novel and particular relation to what it is about.6 This special posture of the mind in coupling certain representations of agents marks the resulting judgements as belonging to the element of justice. 7 Here ‘justice’ bears its traditional sense, naming a virtue of individual humans like you and me, and not a feature of the larger social structures into which we fall. The mark of this special virtue of human agents, as Aristotle says, is that it is ‘toward another’, pros heteron or pros allon; 8 it is, as St Thomas says, ad alterum, 9 or as Kant says, gegen einen Anderen. 10 It is characteristic of the individual bearer of justice, in this traditional sense, to apprehend this order of thought and to deliberate with first-person judgements of the bipolar types found on our table—and thus to view herself as related to others, and as other to others, in this peculiar way. My chief aim in this paper will be to find where this genuinely just agent, our heroine, locates herself in the ‘space of reasons’ as she thinks these thoughts of justice. How are we to understand this being-toward another of her thoughts? The ‘puzzle’ I mean to identify is a difficulty in saying what could make her bipolar moral thoughts true. 2. Bipolar Normativity may be Distinguished from Merely Monadic Normativity We can sharpen the idea that these many types of judgement exhibit a single practical ‘bipolar’ form, distinct from, but subordinate to, the general form of a Fregean relational judgement, if we oppose our table of forms of judgement to a parallel array of non-relational, monopolar, or, as I will mostly say, merely monadic forms: X did wrong in doing A X did wrong in not doing A X has a duty to do A X has a duty not to do A X has a right to do A X has a right not to do A These propositional forms provide the usual theme of ethics and metaethics, and are typically assigned a distinctive status within the totality of propositions. But tradition and intuition alike assign them a place very different from that occupied by our bipolar forms. Aristotle and St Thomas would, if I understand them, place the categories of this merely monadic table under the general heading of to nomimon or lex—that is, ‘what is lawful’ or ‘law’. (Here, the idea of law is, I think, to be taken very broadly, as covering inter alia any principles of what we would call morality.) The categories of our properly bipolar table they would place under a heading of to dikaion or ius—that is, of ‘what is just’ or ‘fair’, or of ‘right’. Thomas’s discussion of ius, or bipolar normativity, appears several hundred octavo pages after his famous discussion of merely monadic lex. 11 Aristotle expends much thought distinguishing the ‘unjust’ man in the thin, ‘general’, monadic sense of the lawless, unruly, unprincipled, unrighteous, immoral man—the paranomos—from the unjust man in the properly bipolar sense of the unequal, unfair, and grasping man—the anisos or pleonekte¯s. 12 The latter and his virtuous opposite—our heroine, the bearer of justice properly so-called—are the principal theme of book V of the Nicomachean Ethics. If, following Bentham, we call moral judgements of the monadic sort ‘deontological’, we might, in homage to Aristotle, call those of our bipolar sort ‘dikaiological’. If the study of the monadic type of judgement is meta-ethics, the study of the bipolar type is the little practised metadikaiology. 11 The question on lex is IaIIae, q. 90; the question on ius is IIaIIae, q. 57. 12 Aristotle, Nicomachean Ethics, book V, chs. 1 and 2. 338 / Michael Thompson In the course of objecting to it, Kant digniWes what amounts to the conXation of our two tables with the title of the ‘amphiboly of the moral concepts of reXection’.13 This amphibolical assimilation might run in either direction, and it seems to appear in even the most intuitively hostile environments. A. I. Melden and T. M. Scanlon have, for example, found it in John Rawls’s theory of the obligation of promises. Rawls’s account clearly puts every bearer of a ‘practice’ of promising into the position of the one to whom the promise is made. All alike are positioned to charge the promisor with a violation of merely monadic ‘moral duty’ should he fail to carry through. The account does not single out the unhappy promisee as one who is wronged in a way others are not—or, equivalently, as the one to whom the promisor had a duty. Rawls, according to these writers, misperceives the merely monadic requirement that his theory is equipped to explain as amounting to the evidently bipolar obligation of promises, which thus remains unexplained. His uniformly monadic vocabulary seems to leave something out.14 It seems equally plain, to consider the other direction of possible assimilation, that our monadic table of moral categories is not reducible to the bipolar in any straightforward way. It is presumably true that I ‘act wrongly’, monadically, whenever I wrong another. But justice isn’t the only virtue, and so I can intelligibly be said to do wrong or go wrong or act wrongly, morally speaking, even when no one is wronged. If, for example, you are making an unjustly intrusive enquiry, and I tell you a lie in response, it certainly doesn’t seem that I wrong you. But a lie would cover me with shame nevertheless. The claims of honesty thus seem to outrun those of justice. The intellectual content of my feeling of shame is a deontological, not a dikaiological, judgement. ‘I did wrong in that I lied to you’ contains representations of a pair of agents, indeed, but the combination is not properly bipolar: the representation of you falls inside the scope of the action description that is Wtted into this monadic normative form; it does not go to characterize the form of normativity itself. You are the occasion, not the victim, of my fall. Perhaps I would be mistaken to think and feel these things in the case I have imagined. But, as Joseph Raz forcefully argues, a blanket denial of the possibility of acting wrongly, or ‘immorally’, where no one is wronged, would be a strong and implausible substantive claim, amounting, I suppose, to a sort of moral libertarianism.15

#### Prefer this framing because:

#### 1] Topicality – the resolution states unjust, thus the value ought to be justice. Util is not a framing of justice but of morality, as it deals with aggregation not individual responsibilities to one another. Topicality comes first because it is a constitutive aim of debate –

Terry **Nardin** , “International Ethics and International Law”. Review of International Studies, Vol. 18, No. 1 (Jan., 1992), pp. 19-30, published by Cambridge University Press . JStor, Stable URL: http://www.jstor.org/stable/20097279 . RP 2/6/13 The rules of . . . practical associations may always be portrayed as advancing some set of goals. Frost gives the following examples of how any practical association can be construed as a purposive association: The rules of chess may be said to have been designed to achieve the purpose of provid[e]ing players with an intellectually stimulating game. Performing a mass has as its goal (on one view) providing Christians with the experience of sharing the body and blood of Christ, and so on.10 Thus, he argues, one cannot evade the objection by insisting that the purposes of practical association are categorically different from those of purposive association. The first thing to observe in considering this objection is that the 'purposes' of a practice are not necessarily the same as the purposes either of those who designed the practice or of those who may participate in it. From the standpoint of an umpire supervising [**however in] a particular game of chess, the paramount consideration governing the play is that it should be in conformity with the rules of chess. If a player makes an illegal move, arguing that it will result in a more intellectually challenging game, the proper response is to ignore the argument and prohibit the move.** In other words, the kinds of reasons that are valid within the game are different from those that might be considered by chess federation officials contemplating changes in the rules of the game. From the internal perspective of the player or the umpire, **the authority of the rules is absolute**. Players or umpires may disagree about the interpretation or proper application of the rules, but they may not take the position that a valid, authoritative rule should be set aside. It is also important to distinguish between the intentions that may be embedded in a rule or system of rules and the consequences of observing that rule or participating in the system. The relation between an instrumental rule and its purpose is a causal one: an agent produces a desired state of affairs by acting in the way prescribed by the rule. But **the** **relation between the rules** of practical association **and its 'purposes' is conceptual rather than causal:** the agent achieves these purposes not as a consequence of acting but in acting. Thus, the institution of international law does not 'produce' coexistence as the causal consequence of obeying its rules. On the contrary, co existence is the premise of relations between separate states on the basis of inter national law. Similarly, international law does not produce legality as a product of obedience but as an integral aspect of behaving lawfully.

#### 2] Moral uncertainty doesn’t matter – the point of the debate is to determine if the resolution is true. Thus, we may have a moral obligation to solve extinction, but that is separate from whether appropriation is unjust

#### 3] Moral uncertainty is a bad model – its impossible to weigh between frameworks because there is no consistent mechanism to decide what is important

#### 4] Consequentialism freezes action – infinite number of possible consequences

#### 5] The naturalistic fallacy – examples of goodness fail to define the ultimate good. Moore 03,

[Moore, G. E. “Principia Ethica” <http://fair-use.org/g-e-moore/principia-ethica/>. Published 1903] SHS ZS

Good, then, if we mean by it that quality which we assert to belong to a thing, when we say that the thing is **good**, **is incapable of any definition**, in the most important sense of that word. The most important sense of definition is that in which a definition states what are the parts which invariably compose a certain whole; and in this sense **good has no definition because it** is simple and **has no parts**. **It is** one of those innumerable objects of thought which are themselves **incapable of definition**, because they are the ultimate terms of reference to which whatever is capable of definition must be defined. That there must be an indefinite number of such terms is obvious, on reflection; since we cannot define anything except by an analysis, which, when carried as far as it will go, refers us to something, which is simply different from anything else, and which by that ultimate difference explains the peculiarity of the whole which we are defining: for every whole contains some parts which are common to other wholes also. There is, therefore, no intrinsic difficulty in the contention that **good denotes a simple and indefinable quality**. There are many other instances of such qualities. **Consider yellow**, for example. **We may** try to **define it**, **by** describing its physical equivalent; we may state what kind of **light-vibrations** must stimulate the normal eye, in order that we may perceive it. **But** a moment’s reflection is sufficient to shew that those light-vibrations are not themselves what we mean by yellow. **They are not what we perceive**. Indeed, we should never have been able to discover their existence, unless we had first been struck by the patent difference of quality between the different colours. The most we can be entitled to say of those vibrations is that they are what corresponds in space to the yellow which we actually perceive. Yet **a mistake of this** simple **kind has** commonly **been made about good**. **It may be true that all things which are good are also something else**, just as it is true that all things which are yellow produce a certain kind of vibration in the light. And it is a fact, that Ethics aims at discovering what are those other properties belonging to all things which are good. **But** far **too many philosophers have thought that when they named those other properties they were actually defining good**; that these properties, in fact, were simply not other, but absolutely and entirely the same with goodness. This view I propose to call the naturalistic fallacy and of it I shall now endeavour to dispose.

#### 6] Extinction is incredibly unlikely – all of human existence shows it is empirically denied

#### 7] Extinction is a distraction – if we constantly prioritize low likelihood extinction risks we will never do anything else, because anything can technically lead to extinction – freezes action

## Offense

#### **Resources start out as unowned – the CHM principle is anthropocentric and indeterminate**

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Feser, E. (2005). THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION. Social Philosophy and Policy, 22(1), 56-80. doi:10.1017/S0265052505041038 // EY

Those who object to Nozick’s assumption that resources start out unowned8 typically rest content with noting that there are alternative possibilities, especially the possibility that resources start out commonly owned, as if the mere existence of this alternative casts doubt on Nozick’s assumption—indeed, as if merely noting the possibility of common ownership were enough to establish its actuality. But why is the assumption of common ownership of resources any less in need of justification than the assumption that resources are unowned? Why should we regard the former assumption, and not the latter, as the default assumption to make? Surely the reverse is true: the claim that we all own everything is more in need of justification than the claim that no one initially owns anything. Surely such a claim is not merely unjustified, but counterintuitive, even mysterious. Consider the following: a pebble resting uneasily on the surface of the asteroid Eros as it orbits the sun, a cubic foot of molten lava churning a mile below the surface of the earth, one of the polar icecaps on Mars, an ant floating on a leaf somewhere in the mid-Pacific, or the Andromeda galaxy. It would seem odd in the extreme to claim that any particular individual owns any of these things: In what sense could Smith, for example, who like most of the rest of us has never left the surface of the earth or even sent a robotic spacecraft to Eros, be said to own the pebble resting on its surface? But is it any less odd to claim we all own the pebble or these other things? Yet the entire universe of external resources is like these things, or at least (in the case of resources that are now owned) started out like them—started out, that is to say, as just a bunch of stuff that no human being had ever had any impact on. So what transforms it into stuff we all commonly own? Our mere existence? How so? Are we to suppose that it was all initially unowned, but only until a group of Homo sapiens finally evolved on our planet, at which point the entire universe suddenly became our collective property? (How exactly did that process work?) Or was it just the earth that became our collective property? Why only that? Does something become collective property only when we are capable of directly affecting it? But why does everyone share in ownership in that case—why not only those specific individuals who are capable of affecting it: for example, explorers, astronauts, or entrepreneurs? It is, after all, never literally “we” collectively who discover Antarctica, strike oil, or go to the moon, but only particular individuals, together perhaps with technical assistance and financial backing provided by other particular individuals. Smith’s being the first to reach some distant island and build a hut on it at least makes it comprehensible how he might claim—plausibly or implausibly—to own it. This fact about Smith gives some meaning to the claim that he has come to own it. But it is not at all clear how this fact would give meaning to the claim that Jones, whom Smith has never met or even heard of, who has had no involvement in or influence on Smith’s journey and homesteading, and who lives thousands of miles away (or even years in the future), has also now come to own it. Still less intelligible is the claim that Smith’s act has given all of us—the human race collectively, throughout all generations—a claim to the island.Whatever objections one might raise against Locke’s “labor-mixing” theory of property,9 it at least provides the beginnings of a story that makes it clear how anyone can come to own something. Locke’s initial acquirer does, after all, do something to a specific resource, and does it with something he already owns (his labor), so that it is at least not mysterious why one might suppose he comes to own the resource, whether or not one thinks that this supposition is ultimately defensible. The commonownership assumption, by contrast, appears to suppose that we can, all together, simply and peremptorily come to own everything without having to lift a finger— or worse, that we don’t come to own it at all, but just do own it—the pebble on Eros, Andromeda, and all the rest. Surely it is the common-ownership advocate who has the greater burden of proof! There is another problem with the common-ownership assumption besides its lack of support, namely, that it seems irremediably indeterminate. Indeed, at first sight it appears vacuous. If everyone has an equal right to every part of the world, how does this differ exactly from Nozick’s assumption that everything is initially unowned—an assumption on which, too, everyone has an equal right to everything (since no one, at the start anyway, has any right to anything in particular at all)? Ownership, that is to say, seems to imply exclusion. Your (or even our) owning something implies that there are others who do not own it; thus, it appears that we cannot intelligibly all own something, much less everything. This is no doubt (part of ) why Locke, though he held that God initially gave the world to mankind in common, also held that individuals can acquire portions of it for their exclusive use. Initial common “ownership” in the Lockean sense entails only that the various resources constituting the world are initially “up for grabs”; for these resources truly to become anyone’s property in any meaningful sense, specific individuals actually have to go out and do something with them. The problem, then, is that if everyone owns everything, no one owns anything. This remains true if we take not a Lockean construal of common ownership, but a construal on which one must get the permission of every other human being, as co-owners of the world, to use any part of the world—what Cohen calls the “joint ownership” interpretation of common ownership.10 In what sense do you own something if no one is in principle excluded from it, if everyone has a say over everything and anything you seek to do with it? 11 One’s “ownership” becomes purely formal and practically useless. This joint-ownership construal also has the difficulty that it is incompatible with any substantial (as opposed to formal) form of self-ownership, since, given that I cannot so much as move without using parts of the external world, it entails that I cannot do anything with my self-owned powers without the permission of everyone else.12 And it is, of course, for this reason wildly impractical. These considerations would seem to tell decisively against the assumption that resources are initially commonly owned (in the joint-ownership sense at least), even if there were some reason to believe this assumption, which (as I have suggested) there is not. Another, and at first sight more promising, interpretation of common ownership is to suppose that we do not “collectively own everything” so much as we each own our own individual and equally divided portions of external resources, a construal Cohen calls “equal division” ownership.13 But which portions exactly does each person own, and why those? Do we all get equal amounts of zinc and copper, for instance, or does one person get the copper, another the zinc, and so forth? And how are “resources” individuated in the first place? Is my backyard one resource or many, since it might include not only a lawn and a couple of trees, but also hidden oil and mineral deposits? For that matter, is a can of oil itself one resource or many, since I could use part of it for fuel, another part for lubrication, a third to make paint, etc.? (And why a can of oil, rather than a barrel or a thimbleful?) Do resources get gathered up again and redivided every time a new person is born, so as to maintain equality in distribution? Do we move people’s homes periodically so that we can carve up the land again every so often to guarantee equal plots for newborns? (Why land, anyway? What if I want to live on a houseboat? Do we all get equal portions of the surface of the oceans, so as to leave this option open for everyone?) To avoid these problems, do we simply divvy up the “cash value” of all resources? How do we know what that value is independently of a system of market prices, which presupposes private ownership and the inequalities that go along with it? And since, given changing needs and circumstances, that value is itself perpetually changing, do we need constantly to re-collect and redistribute wealth so as to reflect the “current” economic value of resources? Yet if a demand for equal outcomes is what motivates the equal-division model in the first place, even such periodic “resetting” of the system would not be enough to satisfy such a demand; for as Cohen observes, given inequalities in 11 This sort of problem seems endemic to egalitarianism. Rawlsians famously seek to guarantee equal self-esteem for all; yet, clearly, to quote Gilbert and Sullivan’s The Gondoliers, “when everyone is somebody, then no one’s anybody.” 12 Cohen, Self-Ownership, Freedom, and Equality, 98. 13 Ibid., 103. 62 EDWARD FESER persons’ (self-owned) natural endowments, even an initial equal distribution of basic resources will still result in significant inequalities of wealth. 14 In this case, what is the point of insisting on initial equal-division common ownership? 15 (There seems to be little point, at any rate, if one grants the thesis of self-ownership, or at least grants that the thesis is plausible enough that the critic of Nozick is best advised to look elsewhere for a way of undermining his anti-egalitarian and anti-redistributive conclusions.)16 These questions seem unanswerable, perhaps even in principle unanswerable. But even if one insists otherwise, the issue here is not (or is not primarily) whether some scheme of common ownership can after all be made coherent and practicable. Rather, the issue is that given the difficulty of seeing how this can be done—given the work, intellectual and physical, required to institute a common-ownership scheme—it is counterintuitive in the extreme to suggest that the world just starts out commonly owned, to suggest that the assumption of common ownership is the natural default assumption to make. Nor are taking resources as initially unowned and taking them as initially commonly owned even on a par as starting points in the theory of property. Nozick’s opponents accuse him of being “blithe” in his assumption that resources are initially unowned,17 but their assumptions are, if anything, more glib. Nozick, however, has good reason for his facile assumption: We clearly need to do something to get ownership started, and the “we” who do it are typically specific individuals acting on specific and isolated bits of the extra-personal world. The natural conclusion to draw from this is that the world starts out unowned, and that it is precisely and only the people who actually do something to change this fact who come to own the particular parts of the world on which they act.18 At the very least, this, I suggest, is the natural default position to take, with the common-ownership advocate being the one who needs to justify his moving off of it. But then, as I have argued, 14 Ibid., 102–5. 15 Differences in natural needs as well as in natural endowments also cast doubt on the point, and the justice, of insisting on an equal distribution of resources. Consider Giganto, a one-thousand-foot-tall mutant, who needs to acquire a massive amount of water, food, and land just in order to survive. While leaving, we can stipulate, enough for others to support themselves, he nevertheless uses much more of these resources than anyone else. Is this inequality unjust, however? Surely not. But then, how can any inequality, just by virtue of being an inequality, be unjust? 16 By the same token, the common-ownership advocate also has to face the difficulty that “resources” by themselves are pretty useless; one has to do something to make them usable (digging, collecting, refining, etc.). Therefore, in forcibly redistributing those resources, one is inevitably forcibly redistributing the value produced by people’s labor, thus violating self-ownership. 17 Cohen, Self-Ownership, Freedom, and Equality, 94. 18 Thus, it won’t do for the egalitarian to respond that perhaps the world starts out unowned, but then immediately becomes commonly owned—for now the question is: When and how exactly did this happen? Obviously, the human race as a whole never collectively “mixed its labor” with all external resources, in one great act of communal initial acquisition! INITIAL ACQUISITION 63 the natural default position to take on initial acquisition is also that it is never unjust.19

#### **Original appropriation can’t be unjust – no ownership therefore no rights to violate**

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Feser, E. (2005). THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION. Social Philosophy and Policy, 22(1), 56-80. doi:10.1017/S0265052505041038 // EY

The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of justice, that is to say, simply does not apply to initial acquisition. It applies only after initial acquisition has already taken place. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that external resources are initially unowned. Consider the following example. Suppose an individual A seeks to acquire some previously unowned resource R. For it to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B (or perhaps a group of individuals) against whom A commits the injustice. But for B to have been wronged by A’s acquisition of R, B would have to have had a rightful claim over R, a right to R. By hypothesis, however, B did not have a right to R, because no one had a right to it—it was unowned, after all. So B was not wronged and could not have been. In fact, the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. The same thing, by extension, will be true of all unowned resources: it is only after someone 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 Now someone might object that if resources are in fact initially commonly owned, this argument would not work. But this objection fails for two reasons. First, the argument would in fact still work even if resources are initially commonly owned; second, resources are in any case not initially commonly owned. The first point is actually a fairly trivial one. If resources start out commonly owned, then for this very reason they do not start out unowned, in which case there is no initial acquisition of any sort to speak of, unjust or otherwise. We all (somehow) just own everything. Thus, anyone who takes R without the consent of the rest of us would be committing (if he is committing an injustice at all) an injustice in transfer rather than acquisition. This is perfectly in line with my claim that injustices in holdings can take place only after someone already has ownership of resources, either through initially acquiring them from their unowned state or because the resources are “just owned” from the start; it has no tendency to show that initial acquisition itself can be just or unjust. Of course, this raises the question of how exactly we come collectively to own all resources, which leads us to the second point.

#### Standard that original appropriation is unjust are misdirected.

#### There is nothing unjust about the rich acquiring property, what’s unjust is hoarding it rather than using it to fight poverty and injustice.

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Even one who grants that what has been said so far explains away some of the intuition that initial acquisitions can be unjust might suspect that the last example above raises a more formidable problem for my thesis. I have said that if someone comes across and mixes his labor with a water hole that no one has ever used—so that there is no question of any previous users being made worse off (by having their partial property rights violated)—then he comes fully to own it. But where does this leave future potential users of the water hole? What if some lost and thirsty traveler stumbles across the desert and comes across the water hole, and it is the only water hole within hundreds of miles? What if all other sources of water on earth dry up, leaving the owner of the water hole with a monopoly on water? Wouldn’t my thesis imply that he has the right to charge whatever he wants for the water, or even to exclude anyone else, however close to death’s door that person might be as a result of thirst? And wouldn’t this be a case of leaving others worse off by his initial acquisition, even if these others had no previous claim to the hole? There are two possible responses that an advocate of my position could take, one a hard-line approach and the other a soft-line approach. The first involves holding that this is the place where the advocate must simply bite the bullet and argue that however selfish, cruel, or wicked the initial acquirer would be to exploit his water hole for personal gain, or even to refuse (from sheer misanthropy) to let anyone drink from it, he still commits no injustice in doing so, much less in initially acquiring the resource.27 He has a right to act that way, even if there are other moral considerations that ought to move him not to use his right in that way. The hard-liner could then insist that moral pressure (rather than government expropriation) will usually be enough to get monopolists in this sort of situation to do the right thing, and that such situations are so rare, in any case, that the worry is a merely academic one, unlikely to crop up in the real world. Any philosophically coherent moral view, precisely because it makes consistent and systematic intuitions that are usually ill defined and haphazardly applied in everyday life, is likely to have some odd consequences under certain rare circumstances. But as long as these circumstances are primarily hypothetical, and are likely to remain so, the odd consequences by themselves are not enough to justify rejecting the theory. This sort of problem is not a special problem for the view under discussion. There is, I think, much merit in this hard-line reply. In any case, egalitarians, some of whose favored theories in practice have led to mass poverty and even mass murder (witness the Communist regimes of the twentieth century), ought to think twice about chiding their opponents for leaving the door open to unsavory consequences that are, and promise to continue to be, highly speculative. (A monopoly on water is surely a much less likely prospect than an egalitarian regime’s tending toward totalitarianism and economic incompetence.) Still, it is always preferable to avoid having to bite bullets, if one can manage it. Is there a way to do so in this case? 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 disadvantaged, but such an approach could still hold that the acquirer nevertheless 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 Lockean 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, capacities, 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 manipulate 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, 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-ownershipbased 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 selfowned 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-questionbegging 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 Disabling 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 INITIAL ACQUISITION 73 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 violating 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 property. 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 74 EDWARD FESER 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 parallel 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 reduction 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 34 Ibid., 201. 35 Ibid., 202. 36 Here, again, we see the possible relevance to the SOP of an Aristotelian-Thomistic understanding of human nature. 37 Would this justify adoption of a POP when the property in question is an animal, which also is a living being having powers subject to atrophy, etc.? I think not, for an animal is analogous to a corkscrew or submarine at least in the sense that if left alone—if left in the wild, that is—it too doesn’t lose its natural powers. Indeed, it is taking an animal out of the wild that is likely to cause those powers to atrophy. It is the owner of the animal who takes the creature from the wild and then finds he lacks the wherewithal to keep it alive and active who is responsible for its atrophying powers, not those who would refuse to give him food for the animal and a yard for it to run around in—just as the owner of a corkscrew who broke it while using it to hammer nails could blame no one but himself for nullifying its powers. Thus, an animal owner would not have a legitimate claim against others, based on appeal to a POP, that they should furnish him with food, etc., for the animal. INITIAL ACQUISITION 75 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. Altogether, then, the SOP seems intuitively plausible and well able to withstand even the strongest objections. It allows us to defend a very strongly libertarian (Lockean-Nozickian, anti-egalitarian, antiredistributionist) conception of property rights, while at the same time slightly softening the hard edge that critics of libertarianism object to in this conception. In particular, the SOP allows me to defend my central thesis in this paper without having to take on board what I have called the “hard-line thesis.” And it does all this without drawing us into the briar patch of the Lockean proviso, understood as a constraint on initial acquisition, with all the redistributionist hay that critics of libertarianism have tried to make of it. Thus, I am inclined to endorse the SOP, with gratitude to Mack for developing what seems to be a major contribution to the theory of self-ownership (and to libertarian theory in general).38

## Case

### AT: Mining

**1] Mining is impossible**

David **Fickling** 12/21/20**20** (“We’re Never Going to Mine the Asteroid Belt”; Bloomberg; <https://www.bloomberg.com/opinion/articles/2020-12-21/space-mining-on-asteroids-is-never-going-to-happen>)

It’s wonderful that people are shooting for the stars — but those who declined to fund the expansive plans of the nascent space mining industry were right about the fundamentals. Space mining won’t get off the ground in any foreseeable future — and you only have to look at the history of civilization to see why. One factor rules out most space mining at the outset: gravity. On one hand, it guarantees that most of the solar system’s best mineral resources are to be found under our feet. Earth is the largest rocky planet orbiting the sun. As a result, the cornucopia of minerals the globe attracted as it coalesced is as rich as will be found this side of Alpha Centauri. Gravity poses a more technical problem, too. Escaping Earth’s gravitational field makes transporting the volumes of material needed in a mining operation hugely expensive. On Falcon Heavy, the large rocket being developed by Elon Musk’s SpaceX, transporting a payload to the orbit of Mars comes to as little as [$5,357 per kilogram](https://www.spacex.com/media/Capabilities&Services.pdf) — a drastic reduction in normal launch costs. Still, at those prices just lofting a single half-ton drilling rig to the asteroid belt would use up the annual exploration budget of a small mining company. Power is another issue. The international space station, with 35,000 square feet of solar arrays, generates up to 120 kilowatts of electricity. That drill would need a similar-sized power plant — and most mining companies operate multiple rigs at a time. Power demands rise drastically once you move from exploration drilling to mining and processing. Bringing material back to Earth would raise the costs even more. Japan’s Hayabusa satellite spent six years and 16.4 billion yen ($157 million) recovering a single gram of material from the asteroid Ryugu and returning it to Earth earlier this month. What might you want to mine from space? Water is an essential component of most earth-bound mining operations and a potential raw material for hydrogen-oxygen fuel that could be used in space. The [discovery in October of ice molecules](https://www.nasa.gov/press-release/nasa-s-sofia-discovers-water-on-sunlit-surface-of-moon/) in craters on the Moon was taken as a major breakthrough. Still, the concentrations of 100 to 412 parts per million are extraordinarily low by terrestrial standards. Copper, which typically costs about $4,500 per metric ton to refine, has an average ore grade of about 6,000 ppm. The more promising commodities are platinum, palladium, gold and a handful of rare related metals. Because of their affinity for iron, these so-called siderophile elements mostly sunk toward the metallic core of our planet early in its formation, and are relatively scarce in the Earth’s crust. Estimates of their abundance on some asteroids, such as [the enigmatic Psyche 16](https://solarsystem.nasa.gov/asteroids-comets-and-meteors/asteroids/16-psyche/in-depth/) beyond the orbit of Mars, suggest concentrations several times higher than can be found in terrestrial mines. Still, human ingenuity is all about cutting our coat according to our cloth. If such platinum-group metals are going to justify the literally astronomical costs of space mining, they’ll need to count on sustained high prices for the decade or so that would be needed to get such an operation up and running — and that sort of situation is all but unheard-of in the materials industry. When prices of an essential commodity get excessively high, chemists get extraordinarily good at finding ways to avoid using it, scrap merchants improve their recycling rates, and miners discover new deposits that wouldn’t have been viable at lower prices. Even [criminals get in on the game](https://www.bbc.com/news/business-49767195). That eventually pushes supply up and demand down, so that prices rebalance — a dynamic we’ve seen play out in the markets for rare earths, lithium and cobalt in recent years. The world mines about [three times more platinum](https://www.bloomberg.com/opinion/articles/2017-09-26/platinum-s-lesson-for-lithium-ion-batteries?sref=5JzLFdzD) than it did in the early 1970s, but prices have barely changed once adjusted for inflation. That might sound a disappointing prospect to those looking for excuses for humanity to colonize space — but really it should be seen as a tribute to our ingenuity. Humanity’s failure to exploit extraterrestrial ore reserves isn’t a sign that we lack imagination. If anything, it’s a sign of the adaptive genius that put us in orbit in the first place.

#### 3] TURN: Private key for debris prevention technology – the Aff is at most a temporary solution while the Neg solves the problem with innovation

Salter 21 Alexander William Salter, Georgie G. Snyder Associate Professor of Economics in the Rawls College of Business at Texas Tech University and a research fellow at TTU's Free Market Institute, 6-29-2021, Outer Space Is Becoming the Final Junkyard, https://www.nationalreview.com/2021/06/outer-space-is-becoming-the-final-junkyard/, 1-12-2022

Good public policy is essential, but we also need the private sector. The easiest way to limit space debris is to avoid creating more, whether by improving satellite design or increasing maneuverability. Commercial firms have world-class capabilities to build better spacecraft, and are nimble enough to develop new solutions as the problem changes. In fact, private-sector innovation could lead to the development of **a**n entirely new space-safety industry. Voluntary action by industry leaders, through cooperative venues such as the Commercial Spaceflight Federation, can develop and implement standards for responsible **orbit**al use.

**4] There are alt causes to debris – so many things can cause it – recent Russian weapons tests demonstrated. Public agencies, asteroids, and solar flares also cause debris. Stopping appropriation won’t solve their impact.**

#### 5] No miscalc from satellite disruptions or space dust -- empirically denied.

Mazur 12 (Jonathan Mazur, Manager Engineering at Northrop Grumman, writing in Space & Defense, from the Eisenhower Center for Space and Defense Studies. Past U.S. Actions: Redlines in Space. Space & Defense, Volume 6, Number 1, Fall 2012. https://inss.ndu.edu/Portals/97/Space\_and\_Defense\_6\_1.pdf?ver=2018-09-06-135424-147)

U.S. Reactions To Foreign Disruption Of U.S. Capabilities

In the 1970s, it was suspected that a U.S. maritime communications satellite was turned off by the Soviets when it was outside of the range of U.S. tracking stations.25 There does not appear to be any documented U.S. reaction, and I suspect there was none. In the mid-1990s, satellite hackers in Brazil began hijacking U.S. military communication satellite signals to broadcast their own information, though it took until 2009 for Brazil to crack down on the illegal activity with the support of the DoD.26 In 1998, a U.S.-German satellite known as ROSAT was rendered useless after it turned suddenly toward the sun. NASA investigators later determined the accident was possibly linked to a cyber-intrusion by Russia.

The fallout? Though there was an ongoing criminal investigation as of 2008; NASA security officials have seemed determined to publicly minimize the seriousness of the threat.27 In 2003, a signal originating from Cuba—later determined to be coming from Iranian embassy property— was jamming a U.S. communications satellite that was transmitting Voice of America programming over Iran, which was publicly referred to as an “act of war” by a U.S. official. 28 Press reporting indicates the U.S. administration was [frozen]“paralyzed” about how to cope with the jamming that continued for at least a month, even after U.S. diplomatic protests to Cuba.29 In 2005, U.S. diplomats protested to the Libyan government after two international satellites were illegally jammed disrupting American diplomatic, military, and FBI communications.30 In 2006, press reporting indicates that China hit a U.S. spy satellite with a ground-based laser. This action was acknowledged by the then director of the NRO, though the DoD remained tight lipped about the incident.31

“We’re at a point where the technology’s out there, and the capability for people to do things to our satellites is there. I’m focused on it beyond any single event.” – Air Force Space Command Commander, General Chilton, 2006 32

In 2009, a U.S. commercial Iridium communications satellite—extensively used by the DoD—was accidently destroyed by a collision with a dead Russian satellite.33 The U.S. company, Iridium, was able to minimize any loss of service by implementing a network solution within a few days.34 As of early 2011, no legal action had been taken by the company either because it is not clear who was at fault or because it might be politically problematic for the United States, which is trying to enter into bi-lateral transparency and confidence-building measures (TCBM) with Russia regarding space activities.35 Since August of 2010, North Korea has been intermittently using GPS jamming equipment, which reportedly has been interfering with U.S. and South Korean military operations and civilian use south of the North Korean border.36 Reportedly, only South Korea and the United Nations International Telecommunications Union—at the request of South Korea—have issued letters to Pyongyang demanding the cessation of disruptive communications signals in South Korea.37

It appears that the only time the U.S. military has responded with force to a disruption in U.S. space capabilities was in 2003, a few days after the start of the Iraq war.38 According to U.S. officials, Iraq was using multiple GPS jammers—which supposedly did not affect military GPS functionality. However, the U.S. military bombed the jammers anyway after a diplomatic complaint to Russia.39 The use of military force against the GPS jamming threat was possibly because the United States was already intervening in Iraq, and the bombing probably would not have occurred if the United States was not at war.

#### 6] Satellites don’t solve climate change – they exist now but our current trajectory without asteroid mining is extinction, therefore they are terminally nonuq

Smith, 17 – Writer at Georgia Straight for 25 years

(Charlie Smith, 2-11-2017, "Could abrupt climate change lead to human extinction within 10 years?," Georgia Straight, <span class="skimlinks-unlinked">https://www.straight.com/news/868051/could-abrupt-climate-change-lead-human-extinction-within-10-20-years</span>)

One of the world's most outspoken climate-change Cassandras is U.S. conservation biologist Guy McPherson. A professor emeritus of natural resources and the environment at the University of Arizona, he's warned that sharply rising methane emissions are going to create a catastrophe in our lifetimes. McPherson, author of Going Dark, has even predicted the nearterm extinction of many species, including human beings, by the middle of 2026. It's because of something called abrupt climate change, also known as nonlinear climate change. This results when feedback loops caused by rising atmospheric greenhouse gas levels cause the climate system to rapidly transition to a different mode, occurring on a scale that human or natural systems cannot adapt to. In the first two decades after methane is released into the atmosphere, it's about 85 times more powerful as a heat-trapping gas than carbon dioxide. Large amounts of methane are stored in "clathrates", which are chemical substances along the Arctic continental shelves storing methane molecules. McPherson and coauthor Carolyn Baker addressed this in their 2014 book, Extinction Dialogs: How to Live with Death in Mind. On his website, McPherson criticizes scientists, who know about this problem, for not doing nearly enough to educate the public. He also blames politicians and the leaders of corporations and nongovernmental organizations for not raising the alarm. "Worse than the aforementioned trolls are the media," MacPherson writes. "Fully captured by corporations and the corporate states, the media continue to dance around the issue of climate change. Occasionally a forthright piece is published, but it generally points in the wrong direction, such as suggesting climate scientists and activists be killed (e.g., James Delingpole’s 7 April 2013 hate-filled article in the Telegraph). Leading mainstream outlets routinely mislead the public." Author and former professor Guy McPherson fears that methane releases could lead to the demise of humankind. Writer says jet stream changes are having an effect A recent post on the Arctic News blog by its editor, Sam Carana, has even declared that human extinction could occur within a decade. Carana cites "the decreasing difference in temperature between the Equator and the North Pole causes changes to the jet stream, in turn causing warmer air and warmer water to get pushed from the North Atlantic into the Arctic". "Warmer water flowing into the Arctic Ocean in turn increases the strength of further feedbacks that are accelerating warming in the Arctic," Carana writes. "Altogether, these feedbacks and further warming elements could trigger a huge abrupt rise in global temperature making that extinction of many species, including humans, could be less than one decade away." At the root of this extinction prediction is methane, which is being released from sea floors along continental shelves in the Arctic as a result of melting ice. The Counterpunch website has an article by Dave Lindroff explaining how this could rapidly increase the average global temperature by three degrees Celsius over pre-industrial times. Lindroff suggests this would be "enough to actually reverse the carbon cycle, so that plants would end up releasing more carbon into the atmosphere rather than absorbing it". This is what abrupt climate change looks like. McPherson has maintained that abrupt climate change could even result in the average global temperature soon rising four degrees Celsius over pre-industrial times. Many scientists warn that increases of just two degrees will cause enormous havoc; four degrees is unfathomable.

### AT: Space war

#### 1] TURN: growth of the private space industry causes countries to show restraint – only the neg solves

Bowen 18 [Bleddyn, Lecturer in International Relations at the University of Leicester; ELN; 20 Februrary 2018; “The Art of Space Deterrence,” <https://www.europeanleadershipnetwork.org/commentary/the-art-of-space-deterrence/>] brett

Fourth, the ubiquity of space infrastructure and the fragility of the space environment may create a degree of existential deterrence. As space is so useful to modern economies and military forces, a large-scale disruption of space infrastructure may be so intuitively escalatory to decision-makers that there may be a natural caution against a wholesale assault on a state’s entire space capabilities because the consequences of doing so approach the mentalities of total war, or nuclear responses if a society begins tearing itself apart because of the collapse of optimised energy grids and just-in-time supply chains. In addition, the problem of space debris and the political-legal hurdles to conducting debris clean-up operations mean that even a handful of explosive events in space can render a region of Earth orbit unusable for everyone. This could caution a country like China from excessive kinetic intercept missions because its own military and economy is increasingly reliant on outer space, but perhaps not a country like North Korea which does not rely on space. The usefulness, sensitivity, and fragility of space may have some existential deterrent effect. China’s catastrophic anti-satellite weapons test in 2007 is a valuable lesson for all on the potentially devastating effect of kinetic warfare in orbit.

#### 2] Abundance of resources means war is less likely – don’t need to fight over them

**3] No ‘space war’ – Insurmountable barriers and everyone has an interest in keeping space peaceful**

**Dobos 19** [(Bohumil Doboš, scholar at the Institute of Political Studies, Faculty of Social Sciences, Charles University in Prague, Czech Republic, and a coordinator of the Geopolitical Studies Research Centre) “Geopolitics of the Outer Space, Chapter 3: Outer Space as a Military-Diplomatic Field,” Pgs. 48-49] TDI

Despite the theorized potential for the achievement of the terrestrial dominance throughout the utilization of the ultimate high ground and the ease of destruction of space-based assets by the potential space weaponry, the utilization of space weapons is with current technology and no effective means to protect them far from fulfilling this potential (Steinberg 2012, p. 255). In current global international political and technological setting, the utility of space weapons is very limited, even if we accept that the ultimate high ground presents the potential to get a decisive tangible military advantage (which is unclear). This stands among the reasons for the lack of their utilization so far. Last but not the least, it must be pointed out that the states also develop passive defense systems designed to protect the satellites on orbit or critical capabilities they provide. These further decrease the utility of space weapons. These systems include larger maneuvering capacities, launching of decoys, preparation of spare satellites that are ready for launch in case of ASAT attack on its twin on orbit, or attempts to decrease the visibility of satellites using paint or materials less visible from radars (Moltz 2014, p. 31). Finally, we must look at the main obstacles of connection of the outer space and warfare. The first set of barriers is comprised of physical obstructions. As has been presented in the previous chapter, the outer space is very challenging domain to operate in. Environmental factors still present the largest threat to any space military capabilities if compared to any man-made threats (Rendleman 2013, p. 79). A following issue that hinders military operations in the outer space is the predictability of orbital movement. If the reconnaissance satellite's orbit is known, the terrestrial actor might attempt to hide some critical capabilities-an option that is countered by new surveillance techniques (spectrometers, etc.) (Norris 2010, p. 196)-but the hide-and-seek game is on. This same principle is, however, in place for any other space asset-any nation with basic tracking capabilities may quickly detect whether the military asset or weapon is located above its territory or on the other side of the planet and thus mitigate the possible strategic impact of space weapons not aiming at mass destruction. Another possibility is to attempt to destroy the weapon in orbit. Given the level of development for the ASAT technology, it seems that they will prevail over any possible weapon system for the time to come. Next issue, directly connected to the first one, is the utilization of weak physical protection of space objects that need to be as light as possible to reach the orbit and to be able to withstand harsh conditions of the domain. This means that their protection against ASAT weapons is very limited, and, whereas some avoidance techniques are being discussed, they are of limited use in case of ASAT attack. We can thus add to the issue of predictability also the issue of easy destructibility of space weapons and other military hardware (Dolman 2005, p. 40; Anantatmula 2013, p. 137; Steinberg 2012, p. 255). Even if the high ground was effectively achieved and other nations could not attack the space assets directly, there is still a need for communication with those assets from Earth. There are also ground facilities that support and control such weapons located on the surface. Electromagnetic communication with satellites might be jammed or hacked and the ground facilities infiltrated or destroyed thus rendering the possible space weapons useless (Klein 2006, p. 105; Rendleman 2013, p. 81). This issue might be overcome by the establishment of a base controlling these assets outside the Earth-on Moon or lunar orbit, at lunar L-points, etc.-but this perspective remains, for now, unrealistic. Furthermore, no contemporary actor will risk full space weaponization in the face of possible competition and the possibility of rendering the outer space useless. No actor is dominant enough to prevent others to challenge any possible attempts to dominate the domain by military means. To quote 2016 Stratfor analysis, "(a) war in space would be devastating to all, and preventing it, rather than finding ways to fight it, will likely remain the goal" (Larnrani 20 16). This stands true unless some space actor finds a utility in disrupting the arena for others.