### 1NC – T

#### Interpretation: Topical affirmatives may only garner offense from the hypothetical implementation by governments that The appropriation of outer space by private entities is unjust

#### Resolved requires policy action

Louisiana State Legislature (<https://www.legis.la.gov/legis/Glossary.aspx>) Ngong

**Resolution**

**A legislative instrument** that generally is **used for** making declarations, **stating policies**, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution **uses the term "resolved".** Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4 and Senate Rules 10.9, 13.5 and 15.1)

#### Appropriation

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Topicality is key to limits and ground---redefining portions of the resolution permits endless reclarification AND creates incentives for avoidance---only aligning research with agent and mechanism solves.

#### Two impacts:

#### 1---Fairness---an unlimited, unpredictable topic disparately raises the research burden for the negative -- treat this is a sufficient win condition because fairness is the logical structure that undergirds all impacts AND controls any benefit to debate.

#### 2---Clash---forfeiting government action sanctions retreat from controversy and forces the negative to concede solvency before winning a link -- clash is the necessary condition for distinguishing debate from discussion, but negation exists on a sliding scale -- that jumpstarts the process of critical thinking, reflexivity, and argument refinement.

#### 3---TVA---States ought to ban appropriation of outer space by private actors---Advs about why space col, expansion, and mining is antiblack.

#### 4---DTD---Only solution to future abuse. Drop the argument means that they could still have a chance to win on any offense. If they win, then they know that they can get away with future abuse.

### 1NC – DIB

#### The US commercial space industry is booming – private space companies are driving innovation

**Lindzon 2/23** [(Jared Lindzon, A FREELANCE JOURNALIST AND PUBLIC SPEAKER BORN, RAISED AND BASED IN TORONTO, CANADA. LINDZON'S WRITING FOCUSES ON THE FUTURE OF WORK AND TALENT AS IT RELATES TO TECHNOLOGICAL INNOVATION) "How Jeff Bezos and Elon Musk are ushering in a new era of space startups," Fast Company, 2/23/21, https://www.fastcompany.com/90606811/jeff-bezos-blue-origin-elon-musk-spaces-space] TDI

In early February, Jeff Bezos, the founder of Amazon and one of the planet’s wealthiest entrepreneurs, dropped the bombshell announcement that he would be stepping down as CEO to free up more time for his other passions. Though Bezos listed a few targets for his creativity and energy—The Washington Post and philanthropy through the Bezos Earth Fund and Bezos Day One Fund—one of the highest-potential areas is his renewed commitment and focus on his suborbital spaceflight project, Blue Origin.

Before space became a frontier for innovation and development for privately held companies, opportunities were limited to nation states and the private defense contractors who supported them. In recent years, however, billionaires such as Bezos, Elon Musk, and Richard Branson have lowered the barrier to entry. Since the launch of its first rocket, Falcon 1, in September of 2008, Musk’s commercial space transportation company SpaceX has gradually but significantly reduced the cost and complexity of innovation beyond the Earth’s atmosphere. With Bezos’s announcement, many in the space sector are excited by the prospect of those barriers being lowered even further, creating a new wave of innovation in its wake.

“What I want to achieve with Blue Origin is to build the heavy-lifting infrastructure that allows for the kind of dynamic, entrepreneurial explosion of thousands of companies in space that I have witnessed over the last 21 years on the internet,” Bezos said during the Vanity Fair New Establishment Summit in 2016.

During the event, Bezos explained how the creation of Amazon was only possible thanks to the billions of dollars spent on critical infrastructure—such as the postal service, electronic payment systems, and the internet itself—in the decades prior.

“On the internet today, two kids in their dorm room can reinvent an industry, because the heavy-lifting infrastructure is in place for that,” he continued. “Two kids in their dorm room can’t do anything interesting in space. . . . I’m using my Amazon winnings to do a new piece of heavy-lifting infrastructure, which is low-cost access to space.”

In the less than 20 years since the launch of SpaceX’s first rocket, space has gone from a domain reserved for nation states and the world’s wealthiest individuals to everyday innovators and entrepreneurs. Today, building a space startup isn’t rocket science.

THE NEXT FRONTIER FOR ENTREPRENEURSHIP

According to the latest Space Investment Quarterly report published by Space Capital, the fourth quarter of 2020 saw a record $5.7 billion invested into 80 space-related companies, bringing the year’s total capital investments in space innovation to more than $25 billion. Overall, more than $177 billion of equity investments have been made in 1,343 individual companies in the space economy over the past 10 years.

“It’s kind of crazy how quickly things have picked up; 10 years ago when SpaceX launched their first customer they removed the barriers to entry, and we’ve seen all this innovation and capital flood in,” says Chad Anderson, the managing partner of Space Capital. “We’re on an exponential curve here. Every week that goes by we’re picking up the pace.”

#### The plan creates a restriction that encourages companies to move their operations to states with lower standards

Albert 14 [(Caley Albert, J.D. Loyola Marymount University) “Liability in International Law and the Ramifications on Commercial Space Launches and Space Tourism,” Loyola of Los Angeles International and Comparative Law Review, 11/1/14, <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1708&context=ilr>] TDI

A parallel can be drawn here between the commercial space industry and the maritime law concept of the Flag of Convenience. The term has evolved over time, but in this day and age, it is commonly used to mean the owner of a vessel does not want to create an obligation with a country with stricter standards for registry; hence, the owner will register strictly for economic reasons with a country that has a more convenient registry.133 By flying a Flag of Convenience, ship owners are able to avoid taxation on earnings of ships registered under these flags, and in some cases, they can also receive relief from stricter crew standards and corresponding operating costs.134 A Flag of Convenience is flown by a vessel that is registered in one state, which the vessel has little if any connection to, when in reality the vessel is owned and operated from another state.135 This way the vessel avoids any unfavorable economic requirements from its true home state.136 In this sense, “flag shopping” is similar to “launch forum shopping,” similar in that Flags of Convenience are utilized for economic reasons, such as to avoid high taxes and compliance with certain restrictive international conventions, commercial space companies will forum shop when choosing which country to launch from. As of today, there has yet to be a catastrophic commercial launch incident, so for now commercial space companies do not have an incentive to forum shop, but if there is, the indemnification policies described above may lead companies to seek out countries that provide more coverage so they pay less in the event something goes wrong. This comparison to Flags of Convenience brings up two separate yet equally important issues. First, launch companies may try to follow the Flags of Convenience model and soon catch on to the wisdom of their maritime predecessors by “registering” in countries with more favorable conditions. Of course, in this case the concern is not with registration so much as launching. If launch companies follow the Flags of Convenience model, they will seek out the most convenient state for launch, most likely the state that provides the most liability coverage and has the least safety precautions. Launching from states with low safety standards increases the potential for catastrophic launch events. This, in turn, will place states that are potentially incapable of paying for damages from launch disasters in a position they would not normally assume if these commercial companies had not been drawn to their shores with the promise of more favorable regulations. Second, launch customers may also seek out companies located in states with lower cost liability regimes (lower insurance policy limits) since those companies will presumably charge less to launch their payloads. In this scenario, instead of the launch companies seeking out states with lower liability caps and softer regulations, the launch customers themselves will seek companies located in states with lowcost liability regimes. Here, the effect will be the same as above. Under the Liability Convention, the launching state will be liable for any damage caused by a vehicle launched from within its borders; hence, if customers start engaging in “launch forum shopping,” states will be incentivized to put in place low-cost liability regimes, which in turn will increase the states’ potential payout in the event of a catastrophic launch incident. Looking at the indemnification program the United States has in place in comparison to other countries, it is possible to see how either launch companies or launch customers could engage in “launch forum shopping” when a catastrophic launch incident ever occur. It is also important to keep in mind that various factors go into where a company or customer decides to launch from. A state’s indemnification program is just one factor in this decision. With this in mind, it is clear that if a launch incident did occur in the United States, the commercial launch company would be liable for much more than it would in another country. For instance, why would a commercial space company launch in the United States, where it would be liable up to $500 million and the additional costs that the government would not cover? The argument can be made that a catastrophic space incident has yet to occur, and even if it did, it is unlikely to cost above the $2.7 billion covered by the United States government. Other states like Russia or France, which has the two-tier liability system, would simply cover all claims above the initial insurance, which is much lower than the $500 million mark required by the United States. In that case, the commercial company would never have to pay more than the initial liability insurance. If there ever is a catastrophic commercial space incident in the future, it is easy to see why commercial companies or launch customers might be drawn to “launch forum shop” outside the United States.

#### Maintaining US space dominance requires a homegrown commercial space industry – private companies offshoring gives China the advantage they need

* Asteroid mining aff restricts private companies’ asteroid which is a significant financial loss
* As a result of this, companies will move them to other countries
* SpaceX with lower tax, safety standards, liability

**Cahan and Sadat 1/6** [(Bruce Cahan, J.D) (Dr. Mir Sadat, ) "US Space Policies for the New Space Age: Competing on the Final Economic Frontier," based on Proceedings from State of the Space Industrial Base 2020 Sponsored by United States Space Force, Defense Innovation Unit, United States Air Force Research Laboratory, 1/6/21, https://www.politico.com/f/?id=00000177-9349-d713-a777-d7cfce4b0000] TDI

Today, China’s commercial space sector is in its infancy but is set to grow with continued national and provincial support, which have been rapidly increasing over the past three years.64 Since 2004, the United States and China accounted for 74% of the $135.2 billion venture capital (VC) invested in commercial space. 65 The early 2020s are pivotal, as it would be far cheaper for China and Chinese commercial space firms to acquire space technologies from the United States or allied nation companies seeking revenues or facing cashflow constraints, than to build the companies and their teams and technologies from scratch in China. The tight coupling of Chinese military goals and an economy organized to achieve those goals magnifies the economic threats and market disruptions that the United States must immediately address, in order for DoD and national security operations to rely on US commercial space capabilities.

3. ISSUES AND CHALLENGES

Peaceful Uses of Space and Space Exploration Space has been primarily a shared, not a warfighting, domain.67 With each passing second of Planck time,68 space enables a modern way of life, provides instantaneous global imagery, assures telecommunications, and captures humanity’s imagination for civil space exploration. As a result, space is a burgeoning marketplace and territory for commercial ventures and investors. Strengthening the US commercial space industrial base is vital to and beyond US national security. Civil space activities are a source of US “soft power” in global commerce, cooperation, and investment. 69 The civil space sector, led by NASA, is fundamental to America’s national security. 70 NASA is on an ambitious critical path to return to the Moon by 2024,71 along with developing the capabilities and infrastructure for a sustained lunar presence. NASA’s lunar plans provide a lunar staging area for missions to Mars and beyond. They offer a strategic and economic presence for the United States on the Moon. Congress, the White House, DoD, and NASA must recognize that economic and strategic dominance in service of national security requires catalyzing and accelerating growth of a vibrant, private US industrial and cultural expansion into the Solar System. Human visitation and eventual settlement beyond the Earth require sustaining visionary leaders, aided by, and aiding, US national security. A recurring theme in US policy is “maintaining and advancing United States dominance and strategic leadership in space” because US global competitors and adversaries are competent and capable of outpacing American space capabilities. 72 The stakes are high: At this historic moment, there is a real race for dominance over cislunar access and resources.   
Regulations Should Foster US Commercial Space as a National Asset   
Leveraging the reimagination and disruption of terrestrial industries, the US commercial space industry is pushing the frontiers of the United States and global space economics and capabilities. A pre-COVID19 assessment by the US Chamber of Commerce projected that the US space market will increase from approximately $385 billion in 2020, to at least $1.5 trillion by 2040. 73 This projection represents a seven percent (7%) annual compound average growth rate (CAGR), driven largely by expanded business opportunities in Low Earth Orbit (LEO). Total addressable market (TAM) for US commercial space companies could be far larger were they to have federal and financial support for initiating cislunar space operations and opportunities. Recent advancements in commercial space technologies and business models have driven down costs and unlocked new areas of economic growth and space capabilities that outpace and de-risk acquiring capabilities through traditional US government economic development, research and development (R&D), procurement and regulatory policies and processes. US regulations must ensure that US companies lead in commercial space. In specific, technological advances that lower access costs and expand space mission capabilities, content, continuity, and redundancies must be fully supported by or incorporated into US government programs, budgets, requirements, and acquisition processes. Until commercial space offerings are fully incorporated, and federal acquisition policies and personnel commit to innovation, US government fiscal buying power, intelligence and program support will lag and remain inadequate in comparison to US private sector companies and the nation’s global competitors and adversaries in space.

Addressing COVID-19’s Impact on US Commercial Space The COVID-19 pandemic damaged and still challenges the US space industrial base. US domestic investors’ funding of space R&D remains inconsistent across the lifecycle of New Space companies and the spectrum of technologies necessary to grow the space economy. To date, public R&D, government procurements and visionary space entrepreneurs have played a major role in establishing and funding the New Space industrial base. In the last five years, $11 billion of private capital has been invested.74 Traditional private investors may become reluctant to fund space technologies due to perceptions of higher risk over longer time horizons before receiving profitable returns on their capital. Institutional and long-horizon investors who manage patient capital have an appetite for illiquid, but higher yielding, terrestrial alternative asset investments such as commodities, private equity limited partnerships and real estate.75 The COVID-19 pandemic has created economic uncertainties making the New Space’s funding model unreliable. COVID-19 significantly impacted venture capital (VC)-backed companies: the pace of VC space investments fell 85% between April - June, as compared to January – March, in 2020. 76 Pre-COVID-19, the New Space industrial base confronted multiple challenges in raising later stages of venture capital such as (1) the lag between having an early-stage startup with an idea and commercializing a viable revenue-generating product, (2) the lack of market liquidity for founder and private equity space investments to attract and retain talented teams, and (3) the lack of a market to re-sell contracts for space goods and services when customers buy more capacity than needed. Even prior to the COVID-19 pandemic, federal financing of US R&D was at a historically minor level, as compared to businesses and universities.77 US government support for basic research has steadily declined as a percent of GDP. The federal government will experience near- to medium-term budget constraints.78 The vibrant venture community in the United States has taken up a portion of this slack by increasing R&D investment in later-stage and applied research. However, founding teams and VC financing rely on government to fund earlier R&D for basic science and engineering. Therefore, government must resume the sustainable and impactful past levels of support for basic research, an essential role in the space economy’s public-private partnership that ensures US leadership in space.

Space as Existential Terrain for National Security  
  
In this Digital Era, space integrates and drives all elements of US national security. The Cold War may be over, but since the early 2010s, a renewed era of great power competition has emerged across terrestrial land, air, sea, and cyber domains. This competition extends into space, where a great game ensues.79 Space is no longer an uncontested or sanctuary domain. Competent and capable global competitors and peer adversaries are challenging US military, commercial, and civil space interests. The United States, along with its allies and partners, has had to accept and anticipate that space may be a warfighting domain, as suggested primarily by Russian and Chinese counter-space capabilities, military operations, and declarative statements. On December 20, 2019, the bipartisan National Defense Authorization Act (NDAA) for Fiscal Year 202080 authorized the creation of the US Space Force, under the Department of the Air Force, to secure US national interests in an increasingly contested domain.81 Back in October 1775, the Continental Congress established the US Navy to ensure that commercial and government fleets could freely navigate the Atlantic coastline - today, that includes the South China Sea. Likewise, the USSF’s mission is to ensure unfettered access to and the freedom to operate in space. The 2017 National Security Strategy considers space to be a “priority domain.”82 Freedom of navigation is a sovereign right that nations have fought to achieve and defend. 83 The USSF’s main role is to organize, train and equip, as well as to protecting US space interests and supporting terrestrial and joint warfighters (e.g., US Space Command). Thus, USSF must secure US national interests in space, whether military, commercial, scientific, civil, or enhancing US competitiveness for cislunar leadership.

#### US space dominance prevents global war

**Zubrin 15** [(Robert Zubrin, president of Pioneer Energy, a senior fellow with the Center for Security Policy) “US Space Supremacy is Now Critical,” Space News, 1/22/15, <https://spacenews.com/op-ed-u-s-space-supremacy-now-critical/>] TDI

The United States needs a new national security policy. For the first time in more than 60 years, we face the real possibility of a large-scale conventional war, and we are woefully unprepared. Eastern and Central Europe is now so weakly defended as to virtually invite invasion. The United States is not about to go to nuclear war to defend any foreign country. So deterrence is dead, and, with the German army cut from 12 divisions to three, the British gone from the continent, and American forces down to a 30,000-troop tankless remnant, the only serious and committed ground force that stands between Russia and the Rhine is the Polish army. It’s not enough. Meanwhile, in Asia, the powerful growth of the Chinese economy promises that nation eventual overwhelming numerical force superiority in the region. How can we restore the balance, creating a sufficiently powerful conventional force to deter aggression? It won’t be by matching potential adversaries tank for tank, division for division, replacement for replacement. Rather, the United States must seek to totally outgun them by obtaining a radical technological advantage. This can be done by achieving space supremacy.To grasp the importance of space power, some historical perspective is required. Wars are fought for control of territory. Yet for thousands of years, victory on land has frequently been determined by dominance at sea. In the 20th century, victory on both land and sea almost invariably went to the power that controlled the air. In the 21st century, victory on land, sea or in the air will go to the power that controls space. The critical military importance of space has been obscured by the fact that in the period since the United States has had space assets, all of our wars have been fought against minor powers that we could have defeated without them. Desert Storm has been called the first space war, because the allied forces made extensive use of GPS navigation satellites. However, if they had no such technology at their disposal, the end result would have been just the same. This has given some the impression that space forces are just a frill to real military power — a useful and convenient frill perhaps, but a frill nevertheless. But consider how history might have changed had the Axis of World War II possessed reconnaissance satellites — merely one of many of today’s space-based assets — without the Allies having a matching capability. In that case, the Battle of the Atlantic would have gone to the U-boats, as they would have had infallible intelligence on the location of every convoy. Cut off from oil and other supplies, Britain would have fallen. On the Eastern front, every Soviet tank concentration would have been spotted in advance and wiped out by German air power, as would any surviving British ships or tanks in the Mediterranean and North Africa. In the Pacific, the battle of Midway would have gone very much the other way, as the Japanese would not have wasted their first deadly airstrike on the unsinkable island, but sunk the American carriers instead. With these gone, the remaining cruisers and destroyers in Adm. Frank Jack Fletcher’s fleet would have lacked air cover, and every one of them would have been hunted down and sunk by unopposed and omniscient Japanese air power. With the same certain fate awaiting any American ships that dared venture forth from the West Coast, Hawaii, Australia and New Zealand would then have fallen, and eventually China and India as well. With a monopoly of just one element of space power, the Axis would have won the war. But modern space power involves far more than just reconnaissance satellites. The use of space-based GPS can endow munitions with 100 times greater accuracy, while space-based communications provide an unmatched capability of command and control of forces. Knock out the enemy’s reconnaissance satellites and he is effectively blind. Knock out his comsats and he is deaf. Knock out his navsats and he loses his aim. In any serious future conventional conflict, even between opponents as mismatched as Japan was against the United States — or Poland (with 1,000 tanks) is currently against Russia (with 12,000) — it is space power that will prove decisive. Not only Europe, but the defense of the entire free world hangs upon this matter. For the past 70 years, U.S. Navy carrier task forces have controlled the world’s oceans, first making and then keeping the Pax Americana, which has done so much to secure and advance the human condition over the postwar period. But should there ever be another major conflict, an adversary possessing the ability to locate and target those carriers from space would be able to wipe them out with the push of a button. For this reason, it is imperative that the United States possess space capabilities that are so robust as to not only assure our own ability to operate in and through space, but also be able to comprehensively deny it to others. Space superiority means having better space assets than an opponent. Space supremacy means being able to assert a complete monopoly of such capabilities. The latter is what we must have. If the United States can gain space supremacy, then the capability of any American ally can be multiplied by orders of magnitude, and with the support of the similarly multiplied striking power of our own land- and sea-based air and missile forces be made so formidable as to render any conventional attack unthinkable. On the other hand, should we fail to do so, we will remain so vulnerable as to increasingly invite aggression by ever-more-emboldened revanchist powers. This battle for space supremacy is one we can win. Neither Russia nor China, nor any other potential adversary, can match us in this area if we put our minds to it. We can and must develop ever-more-advanced satellite systems, anti-satellite systems and truly robust space launch and logistics capabilities. Then the next time an aggressor commits an act of war against the United States or a country we are pledged to defend, instead of impotently threatening to limit his tourist visas, we can respond by taking out his satellites, effectively informing him in advance the certainty of defeat should he persist. If we desire peace on Earth, we need to prepare for war in space.

### Framing

#### Pleasure and pain are the starting point for moral reasoning—they’re our most baseline desires and the only things that explain the intrinsic value of objects or actions

Moen 16, Ole Martin (PhD, Research Fellow in Philosophy at University of Oslo). "An Argument for Hedonism." Journal of Value Inquiry 50.2 (2016): 267.

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative. 2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good. 3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value. Although pleasure and pain thus seem to be good candidates for intrinsic value and disvalue, several objections have been raised against this suggestion: (1) that pleasure and pain have instrumental but not intrinsic value/disvalue; (2) that pleasure and pain gain their value/disvalue derivatively, in virtue of satisfying/frustrating our desires; (3) that there is a subset of pleasures that are not intrinsically valuable (so-called “evil pleasures”) and a subset of pains that are not intrinsically disvaluable (so-called “noble pains”), and (4) that pain asymbolia, masochism, and practices such as wiggling a loose tooth render it implausible that pain is intrinsically disvaluable. I shall argue that these objections fail. Though it is, of course, an open question whether other objections to P1 might be more successful, I shall assume that if (1)–(4) fail, we are justified in believing that P1 is true itself a paragon of freedom—there will always be some agents able to interfere substantially with one’s choices. The effective level of protection one enjoys, and hence one’s actual degree of freedom, will vary according to multiple factors: how powerful one is, how powerful individuals in one’s vicinity are, how frequent police patrols are, and so on. Now, we saw above that what makes a slave unfree on Pettit’s view is the fact that his master has the power to interfere arbitrarily with his choices; in other words, what makes the slave unfree is the power relation that obtains between his master and him. The difﬁculty is that, in light of the facts I just mentioned, there is no reason to think that this power relation will be unique. A similar relation could obtain between the master and someone other than the slave: absent perfect state control, the master may very well have enough power to interfere in the lives of countless individuals. Yet it would be wrong to infer that these individuals lack freedom in the way the slave does; if they lack anything, it seems to be security. A problematic power relation can also obtain between the slave and someone other than the master, since there may be citizens who are more powerful than the master and who can therefore interfere with the slave’s choices at their discretion. Once again, it would be wrong to infer that these individuals make the slave unfree in the same way that the master does. Something appears to be missing from Pettit’s view. If I live in a particularly nasty part of town, then it may turn out that, when all the relevant factors are taken into account, I am just as vulnerable to outside interference as are the slaves in the royal palace, yet it does not follow that our conditions are equivalent from the point of view of freedom. As a matter of fact, we may be equally vulnerable to outside interference, but as a matter of right, our standings could not be more different. I have legal recourse against anyone who interferes with my freedom; the recourse may not be very effective—presumably it is not, if my overall vulnerability to outside interference is comparable to that of a slave— but I still have full legal standing.68 By contrast, the slave lacks legal recourse against the interventions of one speciﬁc individual: his master. It is that fact, on a Kantian view—a fact about the legal relation in which a slave stands to his master—that sets slaves apart from freemen. The point may appear trivial, but it does get something right: whereas one cannot identify a power relation that obtains uniquely between a slave and his master, the legal relation between them is undeniably unique. A master’s right to interfere with respect to his slave does not extend to freemen, regardless of how vulnerable they might be as a matter of fact, and citizens other than the master do not have the right to order the slave around, regardless of how powerful they might be. This suggests that Kant is correct in thinking that the ideal of freedom is essentially linked to a person’s having full legal standing. More speciﬁcally, he is correct in holding that the importance of rights is not exhausted by their contribution to the level of protection that an individual enjoys, as it must be on an instrumental view like Pettit’s. Although it does matter that rights be enforced with reasonable effectiveness, the sheer fact that one has adequate legal rights is essential to one’s standing as a free citizen. In this respect, Kant stays faithful to the idea that freedom is primarily a matter of standing—a standing that the freeman has and that the slave lacks. Pettit himself frequently insists on the idea, but he fails to do it justice when he claims that freedom is simply a matter of being adequately (and reliably) shielded against the strength of others. As Kant recognizes, the standing of a free citizen is a more complex matter than that. One could perhaps worry that the idea of legal standing is something of a red herring here—that it must ultimately be reducible to a complex network of power relations and, hence, that the position I attribute to Kant differs only nominally from Pettit’s. That seems to me doubtful. Viewing legal standing as essential to freedom makes sense only if our conception of the former includes conceptions of what constitutes a fully adequate scheme of legal rights, appropriate legal recourse, justiﬁed punishment, and so on. Only if one believes that these notions all boil down to power relations will Kant’s position appear similar to Pettit’s. On any other view—and certainly that includes most views recently defended by philosophers—the notion of legal standing will outstrip the power relations that ground Pettit’s theory.

#### That justifies util – we must aggregate in order to determine how behaviors will be conducted based on what is most pleasurable. Anything else is arbitrary and always allows for exclusions, but aggregation solves because it allows us to determine what behaviors are most likely given relative evaluations of pleasure and pain.

#### Thus, the standard is maximizing expected well-being

#### 1] Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital via intuitions. Intuitions outweigh—they’re the foundational basis for any argument and theories that contradict our intuitions are most likely false even if we can’t deductively determine why.

#### 2] All other frameworks must collapse to Util because in order for us to determine the desirability of a framework we have to evaluate its pleasure and pain, and the consequences of choosing that that framework.

## Cap Good

#### Growth solves extinction through environmental collapse – reject evidence that ignores synergistic deployment of adaptative tech – the public won’t transition to socialism but WILL channel political energies into innovative solutions that turn case.

Bailey ’18 [Ronald; March 12; B.A. in Economics from the University of Virginia, member of the Society of Environmental Journalists and the American Society for Bioethics and Humanities, citing a compilation of interdisciplinary research; Reason, “Climate Change Problems Will Be Solved Through Economic Growth,” <https://reason.com/2018/03/12/climate-change-problems-will-be-solved-t>; RP]

"It is, I promise, worse than you think," David Wallace-Wells wrote in an infamously apocalyptic 2017 New York Magazine article. "Indeed, absent a significant adjustment to how billions of humans conduct their lives, parts of the Earth will likely become close to uninhabitable, and other parts horrifically inhospitable, as soon as the end of this century." The "it" is man-made climate change. Temperatures will become scalding, crops will wither, and rising seas will inundate coastal cities, Wallace-Wells warns. But toward the end of his screed, he somewhat dismissively observes that "by and large, the scientists have an enormous confidence in the ingenuity of humans….Now we've found a way to engineer our own doomsday, and surely we will find a way to engineer our way out of it, one way or another." Over at Scientific American, John Horgan considers some eco-modernist views on how humanity will indeed go about engineering our way out of the problems that climate change may pose. In an essay called "Should We Chill Out About Global Warming?," Horgan reports the more dynamic and positive analyses of two eco-modernist thinkers, Harvard psychologist Steven Pinker and science journalist Will Boisvert. In an essay for The Breakthrough Journal, Pinker notes that such optimism "is commonly dismissed as the 'faith that technology will save us.' In fact, it is a skepticism that the status quo will doom us—that knowledge and behavior will remain frozen in their current state for perpetuity. Indeed, a naive faith in stasis has repeatedly led to prophecies of environmental doomsdays that never happened." In his new book, Enlightenment Now, Pinker points out that "as the world gets richer and more tech-savvy, it dematerializes, decarbonizes, and densifies, sparing land and species." Economic growth and technological progress are the solutions not only to climate change but to most of the problems that bedevil humanity. Boisvert, meanwhile, tackles and rebuts the apocalyptic prophecies made by eco-pessimists like Wallace-Wells, specifically with regard to food production and availabilty, water supplies, heat waves, and rising seas. "No, this isn't a denialist screed," Boisvert writes. "Human greenhouse emissions will warm the planet, raise the seas and derange the weather, and the resulting heat, flood and drought will be cataclysmic. Cataclysmic—but not apocalyptic. While the climate upheaval will be large, the consequences for human well-being will be small. Looked at in the broader context of economic development, climate change will barely slow our progress in the effort to raise living standards." Boisvert proceeds to show how a series of technologies—drought-resistant crops, cheap desalination, widespread adoption of air-conditioning, modern construction techniques—will ameliorate and overcome the problems caused by rising temperatures. He is entirely correct when he notes, "The most inexorable feature of climate-change modeling isn't the advance of the sea but the steady economic growth that will make life better despite global warming." Horgan, Pinker, and Boisvert are all essentially endorsing what I have called "the progress solution" to climate change. As I wrote in 2009, "It is surely not unreasonable to argue that if one wants to help future generations deal with climate change, the best policies would be those that encourage rapid economic growth. This would endow future generations with the wealth and superior technologies that could be used to handle whatever comes at them including climate change." Six years later I added that that "richer is more climate-friendly, especially for developing countries. Why? Because faster growth means higher incomes, which correlate with lower population growth. Greater wealth also means higher agricultural productivity, freeing up land for forests to grow as well as speedier progress toward developing and deploying cheaper non–fossil fuel energy technologies. These trends can act synergistically to ameliorate man-made climate change." Horgan concludes, "Greens fear that optimism will foster complacency and hence undermine activism. But I find the essays of Pinker and Boisvert inspiring, not enervating….These days, despair is a bigger problem than optimism." Counseling despair has always been wrong when human ingenuity is left free to solve problems, and that will prove to be the case with climate change as well.

#### Capitalism is good and solves every ecological impact

Marco Rosaire Rossi 15, writer and activist in Olympia, Washington. He is the author of the book, A Politics for the 99%. His previous works have been published in Z Magazine, the Peace and Conflict Monitor, Counterpunch.org, New Compass, and the Humanist magazine., 9-29-2015, "Ecological Modernity versus Capitalist Modernity," New Compass, http://new-compass.net/articles/ecological-modernity-versus-capitalist-modernity

In this provocative essay, Marco Rosaire Rossi challenges Murray Bookchin's fundamental claim that capitalism's lifeblood is unfettered growth. Contrary to radical wisdom, Rossi writes, if we are to build an ecological society we will need more growth, not less. De-growth in a time of austerity is morally reprehensible and material prosperity must be increased; the Industrial Revolution must be rapidly advanced. Without this progress, humanity will only remain at the threshold of an ecological society and no more. It has become almost cliché to remark that human civilization is facing an existential crisis unparalleled in history. It is almost cliché, but not quite, because to refer to it as cliché does a disservice to the extensiveness of the problem; and yet, calling it a cliché somehow speaks to the banality of the apocalyptic cries. From across the political spectrum, there is a sense that “The End Is Nigh,” and after “Nigh” has lasted many years—for some, even decades—a sense of apathetic dread sinks in. The world is going to die, it has been dying for years, and apparently there is nothing anyone can do about it. This acedia of apathetic dread is based both in reality and in ideology. The reality is that the planet is experiencing a major threat in the form of global warming. Our global economic system has put itself in violent opposition to any ecological parameters. The major disruptions of global warming still loom over the horizon; yet, their immanence means that we need to consider the consequences of increasing humanity’s material prosperity. Billions of people need to be pulled out of poverty, but if doing so ends up sending the planet off a cliff then it makes little sense to do just that. At the same time, billions of people are living in abject poverty. Chilling ourselves to their plight out of ecological concern requires a dimming of our sense of humanity. In halting material prosperity we may save the planet but in the process we kill our humanity. Development or Sustainability? The ideological source of this apathetic dread is the Morton’s Fork between material security and ecological sustainability to begin with. Ideologically, there appears to be an inability to imagine a society that is materially secure, even prosperous, and ecologically sustainable. Finding a loving marriage between technology and ecology is at the center of many of our ecological and social problems. New technologies must allow ecosystems to become more diverse and stable, and that environmental diversity and stability must be used in such a way that it allows humans the time and leisure to engage in even more sophisticated technological pursuits. What environmentalists have failed to cultivate when it comes to nature is the same sense of progress that seems instinctual to a modernist understanding of technology, thus their opposition. Since the birth of the environmental movement the entire approach to the natural world has been one of conservation. A pristine, romantic, and often spiritual approach to the natural world has meant that environmentalists have adopted a savior psychology to their activism. Nature, in its innocence, cannot be polluted with civilization. It must be saved from the inherent capriciousness of humanity through prohibitions and austerity. This one-sided approach to environmentalism not only ignores the vitality and resilience of the natural world, but also establishes an “otherness” between humanity and nature that reinforces humanity’s alienation to the natural world. In the hopes of bringing the “arrogance of man” down to the level of nature, environmentalists have duplicated the very dichotomy that they oppose but with one important twist: Nature is supposed to reign over society, and it should reign even if the supremacy of nature means that certain people in society must be made desolate. Ecology should not, and cannot, be a synonym for misanthropy. Civilization does have the potential to destroy nature, but it also has the potential to restore and complement it. The modern world has endowed us with both unprecedented destructive capacities and liberating potentialities. Moreover, modern technology has shown us the means to not only liberate humans from the harsh conditions of the natural world, but also to liberate the natural world from a harsh and myopic civilization. Before the use of coal fed the Industrial Revolution, the main source of energy in the world was wood. Wood is an extraordinarily inefficient source of energy that releases a lot of carbon into the atmosphere. If the European need for wood had not transferred to coal—and there was no reason to suspect that it would have slowed down—then all of Europe would have been deforested, and we would still be dealing with the problem of climate change. The fossil fuel economy saved humanity from this travesty. Fossil fuels, though problematic in our own time, are far denser forms of energy. They do not require a massive project of deforestation to extract. The movement beyond fossil fuels continues along the same lines as the movement beyond wood, that is, the search for denser and more efficient forms of energy. This project can only come about through the advancement of technological and scientific progress, a furthering of the Industrial Revolution, not its retraction. Similarly, our economy is potentially going through a subtle process of dematerialization that is forcing a reassessment of the relationship between industrial and postindustrial societies. We are able to generate more wealth, with less stuff, more efficiently. In the developing world, many countries are still experiencing materializing economies, but—as the developed nations dematerializes—there appears to be a point when economic development reaches past material security and into intellectual and cultural achievements. Consumerism is to be feared when it becomes a substitute for social creativity. Consumption, in contrast, is not just metabolically necessary, but socially desirable. The sociability of a farmers’ market or craft fair indicates that there is an innate participatory aspect to consumption that goes beyond avaricious conceptions of humanity as automaton pigs with bottomless stomachs. People consume the most when they are in groups, and yet our consumption is the least material when it is the most communal. The greatest ecological transformation that the modern world has brought is the migration of people from villages to cities and the bifurcation of rural and urban life. From an ecological perspective, cities, with their geographical density and tightly interwoven economies, create an ideal situation for harmonizing the social and the natural world. Cities enable rich cultural lives and they do so at a minimum of ecological consequences. Stacking homes in apartment buildings and concentrating human activity within a walkable distance requires an intense alteration of an ecological landscape, but that landscape is extremely small, and uses a fraction of the resources used by sprawling suburbs. In turn, the movement to the cities has been matched and encouraged by startling technological innovations in agriculture. The sustainable intensification that has happened through the creation of the modern city is also happening on the modern farm. Food production has reached heights undreamed of a hundred years ago, and it has done so with a fraction of the labor power and a slowing down of the need for more land. The ability to produce more with less has meant that a feral nature has been able to bounce back. The social and the natural world are cobbling together a lasting peace within a strategic division between urban, rural, and feral landscapes. These important trends give hope to reconciling technology and ecology but they are not inevitable. Apathetic dread should not be replaced by euphoric naiveté. These trends have only developed through an effort to modernize civilization. This includes pursuing a secular and scientific worldview that values innovation and technological achievements, but it also includes expanding democratic governance, ensuring social and economic equality, and encouraging cosmopolitan perspectives. Dealing with our current ecological crisis means that we must recognize that our inability to move from fossil fuels to other sources of energy is rooted in stubborn institutional arrangements that do not respond more to the imperatives hierarchical management and market competition than human and ecological needs do. Capitalism: No friend of growth Global warming is a market failure of potentially catastrophic proportions. The carbon released into the earth’s atmosphere is externalized from the transactions within our economy, and this externalization means that the cost of this pollution is placed on future generations and the environment. The pursuit of developing nations to have a living standard on par with that of developed nations is thought to be at the heart of this market failure, but that is a misplaced analysis. Free market libertarians and Luddite eco-socialists alike have thought that economic development was a byproduct of capitalism. This assumption ignores the reality that the areas of the world that have been forced to deal with the fiercest free-market conditions are the areas of the world that have been the most chronically underdeveloped. Developing nations have only been able to shake off the yoke of imperialism through establishing planned economies, industrial policies, and social safety nets that prevent the self-destructive tendencies of markets. For decades, pioneering social ecologists such as Murray Bookchin warned environmentalists and political radicals of a coming ecological collapse initiated by capitalist modes of production. For Bookchin it was capitalism’s “grow-or-die” ethos that inexorably linked the market economy to the simplification and eventual destruction of complex life, including humanity. Bookchin got the problem right, but the causal mechanism wrong. Indeed, capitalist modes of production are at the heart of much of our current ecological problems, but it is not because capitalism inherently promotes economic growth. If there is one major lesson that should be drawn from post-World War II economic history, especially from our own globalized neoliberal era, it is that the economic growth unleashed by unfettered free markets is quite limited. Free market capitalism does not seem to operate along the lines of “grow-or-die,” but instead along the lines of “grow-then-die,” meaning that macroeconomic growth under capitalism is hindered by the same anarchic market forces that lead to its initial paroxysm. And it is the periods of economic destruction—where there are continual recessions and extreme social volatility—that pose the greatest threats to our ecology. It is in those periods when it is the most difficult for people to understand that the fate of humanity is intimately tied to the fate of the natural world, and when people are least inclined to use additional resources to explore newer, more environmentally sustainable technologies. Capitalism is at the heart of our ecological crisis not because it develops economies, but for the very fact that it does the opposite. Joseph Schumpeter’s plucking of the term “creative destruction” from Marxists has both enlightened and obfuscated our conceptual understanding of economic development and its relation to technology. For Schumpeter, largely drawing on Marxist writings on capitalism, creative destruction referred to periods of economic development where an old world was destroyed to make way for the prosperity of a new one. His meaning is more akin to the Hegelian notion Aufhebung, a concept that is always underneath Marx’s work, than to the mechanistic repetition of collapse and regeneration of the business cycle that free-market apologists have emphasized. The exogenous factor for these economic upheavals was the introduction of new technologies, ones that were able to internalize externalities, create efficiencies, and thus undermine all previous forms of competition, even monopolistic forms. Schumpeter was correct in recognizing the inherent developmental nature within economies and the important role of technological progress as in usurping a given economic order, but his willingness to attribute this progress to capitalists, specifically large corporations and monopolistic entities, clouds the actual nature of this economic development. The increasing complexity of economic transactions and technological innovation demand that those periods of creative destruction become less driven by lone inventors and more the result of collective institutions and mass social cooperation. The belief that capitalism, as an ethical framework, can save itself by its own innovation ignores the stark reality that to produce such innovation in complex modern societies capitalist ethics must be violated, sometimes violently so. Marx and Engels were correct: there is a disjunction between modes of production that require increasingly cooperative institutions and an economic system that promotes an extreme individualistic ethos above all else. But, their focus on the birth of factory labor out of feudal artisanship was myopic. Capitalism’s inconsistencies arise not only within the factory, where the cooperation of workers to produce goods is at odds with the individual ownership of the factory by capitalists, but also in society at large, where the demands for modern technological innovation require huge economies of scale and cooperation between workers in entire industries. In this way, economies have developed despite private ownership and hierarchical forms of management, not because of them. As the Solow-Swan growth model has shown, the main engine for economic growth in developed nations, at least since World War II, has been the introduction of technological innovation. In this same period, the primer for this engine has been public sector spending. It is the public sector that has played the most critical role in economic development through planning economies and allocating resources toward research and development. Unfortunately, the public, disengaged from their political institutions by a sprawling hierarchical class of bureaucrats and professional politicians, have allowed a parasitic private sector to profit from this innovation and to direct this allocation in a manner that best serves them. Regardless though, modern capitalist prosperity has only been able to occur through shadow socialism. The irony of all modern entrepreneurs is that none of them would have been able to innovate without the aid of the state. Socialism, democracy and equality The question then beckons: why should socialism remain in the shadows? What is needed to deal with the crisis of global warming is not policies of planned economic de-growth that mimic rightwing austerity under a socialists facade, but rapid and sustainable economic growth through embracing technological innovations that reconcile the tension between society and nature. A great confusion has overcome both the acolytes and adversaries of capitalism. “Capitalism” as a particular mode of production has become so synonymous with economics in general that any economic growth is seen as capitalist economic growth, regardless of its context or results. In actuality, capitalism is an example of an alienated economy where the vast majority of its participants—that is to say, workers and consumers—are unaware of their true economic potential. The ultimate form of “creative destruction” regarding capitalism is the technological and economic development out of capitalism itself. The humanist desire for continuous and sustainable economic development, the constant pursuit for ecologically sound and cooperative forms of production and consumption is a threat to capitalism, not the apex of its expression. Polemical calls for economic de-growth in a world where the majority of people still live in abject poverty are worse than strategically inept; they are morally reprehensible and politically asphyxiating. Democracy, especially sophisticated forms of direct democracy, cannot advance without increasing material prosperity. Since the time of Aristotle, it has been recognized that for democracy to function there must be a degree of leisure time spent among the population. No robust public life can be established in a society where material scarcity causes people to devote the majority of their time to securing the fundamental means of subsistence. Further, a society where technologies have reduced, and in some cases eliminated, odious tasks liberates people to engage in higher cultural functions, including their own self-management and governance. This is especially the case for those who have been traditionally denied access to the public sphere. Despite its necessity for its time, the eighteenth-century cry that “we are all born equal” has become an ossified platitude. The reality is that we are not all born equal. Nature produces grave inequalities between us in ability. Morality demands that we rectify these inequalities by creating new opportunities, both socially and materially, for all. There is a dialectical relation between social equality and technological innovation. Modern feminism would have an entirely different meaning if breakthroughs in contraceptive technologies were not established by the mid-twentieth century. The case is similar for the elderly, for transgender individuals, for people with disabilities, children, and nations established in areas of the world with a dearth of natural resources. In each situation, the interaction between social struggles and technological innovations has led to greater social inclusion. People are not born equal, rather, they are perpetually made and remade equal by continuous efforts at social uplift and prosperity. Conclusion There is no reason to doubt that such “equalizing” efforts could not only continue but be advanced into the ecological realm. Modern technologies and the growth of material prosperity have within them the potential to “uplift” the environment. Far from being a matter of mere conservation, environmental sustainability in the modern world is a twin-cousin to development economics. Influenced by the work of soft deep ecologists such as Bill McKibben, many environmentalists have lamented the “end of nature” and arrival of the Anthropocene, fearing that it signifies the beginning of the end for biodiversity. No doubt, the Anthropocene has this potential, but it also has another potential. Through modeling its environment to ensure human prosperity while at the same time organizing its social institutions to guarantee environmental stewardship, humanity has a historical opportunity that is unprecedented among any species on that planet. Humanity can escape its Malthusian traps through continually enriching, rather than simplifying, it surrounding environment. Its flourishing as a species could be a boon for biodiversity rather than its dwindling. There needs to be a conscious social reconfiguration that utilizes denser forms of energy, dematerializes economies, and geographically decouples humanity from nature within a triad of urban, rural, and feral development. If such a reconfiguration where to occur it would mean a massive expansion of economic growth through the unleashing of humanity’s technological and scientific potential. The complexity of such a project can only happen through the type of large participatory planned economy that socialists have always advocated for. All capitalists have a vested interest in protecting their business model, even if such a model is based on an obsolete technology that is destroying the planet. The only way societal development can avoid getting bogged down in the obstinateinterests of capitalists is if economic interests become the general interest of all. That is only possible in a democratic economic system that values the participation and perspective of each individual, in community, instead of the will of one class over another