### 1AC: Plan (0:30)

#### Plan – States ought to expand the Public Trust Doctrine to reduce private actor appropriation of Outer Space.

#### Plan reduces appropriation and ensures sustainable development.

Babcock 19 (, H., 2019. THE PUBLIC TRUST DOCTRINE, OUTER SPACE, AND THE GLOBAL COMMONS: TIME TO CALL HOME ET. [online] Lawreview.syr.edu. Available at: <https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf#page=67> [Accessed 15 December 2021] Professor Babcock served as general counsel to the National Audubon Society from 1987-91 and as deputy general counsel and Director of Audubon’s Public Lands and Water Program from 1981-87. Previously, she was a partner with Blum, Nash & Railsback, where she focused on energy and environmental issues, and an associate at LeBoeuf, Lamb, Leiby & MacRae where she represented utilities in the nuclear licensing process. From 1977-79, she served as a Deputy Assistant Secretary of Energy and Minerals in the U.S. Department of the Interior. Professor Babcock has taught environmental and natural resources law as a visiting professor at Pace University Law School and as an adjunct at the University of Pennsylvania, Yale, Catholic University, and Antioch law schools. Professor Babcock was a member of the Standing Committee on Environmental Law of the American Bar Association, and served on the Clinton-Gore Transition Team.)-rahulpenu

INTRODUCTION Space exploration is heating up. Governments and private interests are on a fast track to develop technologies to send people and equipment to celestial bodies, like the moon and asteroids, to extract their untapped resources.1 Near-space is rapidly filling up with public and private satellites, causing electromagnetic interference problems and dangerous space debris from collisions and earlier launches.2 The absence of a global management system for the private commercial development of outer space resources will allow these near space problems to be exported further into the galaxy.3 Moreover, without a governing authority or rules controlling entry or limiting despoliation, outer space could turn into the “Wild West” of the twenty-first century.4 Space treaties executed in the last century espoused the principle that space should be developed for the benefit of all mankind and banned both private ownership and militarization of space resources.5 But, they left development of a system for managing non-military activities in outer space to another day.6 Private commercial interests, which would be absorbing the risks and paying the high costs of space development, oppose any management scenario premised on that principle, as it would enable less developed countries to free ride on their investments.7 These interests, unsurprisingly, support privatizing outer space.8 But acceding to their wishes by establishing a system of property-based rules would transport Earth’s current division between haves and have-nots into outer space, and could lead to destabilizing hostilities—the exact consequences that the early treaty drafters hoped to avoid.9 To date, most scholars in this area have focused on developing management systems premised on private ownership or possession of the surface of some celestial body.10 This Article explores an alternative concept, the commons, in which no individual owns the property in question or can exclude others from it. Viewing property as a commons is closer to the principles set out in the various space treaties than implementation of a private property regime, and also offers a workable property regime. This Article demonstrates these conclusions by showing similarities between a large, Earth-bound commons, like the ocean and outer space, and how various commons management scenarios allow equitable use of resources, while preventing their despoliation and devolution into hostile disputes over entitlements to them. However, each of these commons management scenarios is flawed in some way and runs a similar risk to management approaches for private property of allowing the resource to be over-used or inequitably distributed. The public trust doctrine (**PTD**), an ancient doctrine that governments and individuals have used effectively for centuries to protect the public’s interests in terrestrial common pool resources (CPR) **and** to **fill** regulatory **gaps**, can be helpful in both respects.11 An examination of the doctrine identifies **commonalities** **between** outer **space** **and** **terrestrial** public trust **resources**.12 The **ease** and **low** **cost** of its implementation and enforcement, as well as its infinite malleability, are additional reasons to select it as a stopgap measure with some modification.13 This Article’s structure is straight forward. Part I acquaints the reader with the problem. It explains why the need to develop a management regime for space is becoming increasingly critical as advancing technology is allowing more and more private commercial interests to play at the edge of outer space with attendant negative externalities. 14 Soon these technological advances will allow private commercial interests to invade outer space with the potential for similar adverse impacts.15 Part II examines the international legal framework governing those activities and finds it lacks any capacity to regulate activities in outer space, in part because it is riddled with ambiguities and contradictions when it comes to ownership of outer space and its resources. Part III turns to that problem by discussing two types of property: private property and property owned in common with others. It examines the key features of each as well as their positive and negative attributes, how each might function in outer space, and what the consequences might be if one or the other prevailed. Because any property arrangement that results in its appropriation by the owner and the exclusion of others violates international space law, Part III also identifies various less-thanfull fee property arrangement, like leases and easements, to see if these problems can be avoided and concludes they cannot.16 It then examines property held in common to determine its viability under international space law and finds it consistent. Part IV investigates various approaches to managing property in outer space, be it held in private ownership or in common. Different approaches for managing private property in space are explored, including the right of first possession, tradable property claims, and establishing an exclusive economic zone, as well for managing an open access commons, such as the application of stewardship principles, norms, and the PTD. Each approach is evaluated in terms of its consistency with international law; its ability to promote and protect a sustainable, equitable, non-monopolistic, non-hostile environment in outer space; its efficiency; and its cost effectiveness. Only the PTD, which has been used for centuries to protect the public’s interests in CPRs and has demonstrated its ability to adapt to new circumstances, may be able to meet these goals.17 This Article finds commonalities between outer space and Earth-bound public trust resources, like the oceans. Additionally, the doctrine’s open access purpose resonates with language found in international treaties governing activities in outer space.18 This Article concludes that using the PTD will lead to a durable, equitable management regime in a commons where the wealthy are neither able to accumulate and control the resources that outer space has to offer nor over-exploit and deplete them. However, neither the doctrine nor ownership in common supplies any incentives for development, which may lead private enterprises to question whether development of outer space resources is worth the risks and costs.19 But, limited use of private property management approaches, like lotteries and tradable development claims—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property—may fill this gap.20 This Article’s contribution to the literature on managing outer space resources and commons theory is using the PTD to bridge the gap between them and to suggest a hybrid management approach that melds commons theory with private property incentives.

#### Exemptions devastate Regulation Credibility – OST proves.

Hickman and Dolman 2 John Hickman and Everett Dolman Volume 21 Number 1 2002 “Resurrecting the Space Age: A State–Centered Commentary on the Outer Space Regime” (associate professor in the Department of Government and International Studies at Berry College in Mt. Berry)//Elmer

Thus a state party need merely announce its intention to withdraw and then wait one year. Withdrawal of a single state party to the treaty, however, would not necessarily terminate the treaty between the other state parties. Yet, the decision of an important state not to be bound by a regime–creating treaty obviously endangers the entire treaty. The decision of the United States or China to withdraw from the OST would have far greater implications for the survival of the international space regime than the same decision by Bangladesh, Burkina Faso, or Papua New Guinea—the equality of states under international law remains nothing more than a useful fiction. For the OST to remain good international law, it must be accepted as such by the major space faring states of the 21st Century: the United States, Russia, the European Union, Japan, and China. One defection from the regime by a member of this group would no doubt lead to its effective collapse, as the remaining space faring states are unlikely to use the kind of coercion necessary to enforce the regime. A more likely response to such a defection is a scramble to make similar claims to sovereignty, based on historical precedent and effective occupation. Similar rushes to stake claims for territory sovereignty in other celestial bodies might follow.

#### Private entities erode government innovation.

Christian Davenport, 2/25/21 (Colby College, B.A., American Studies. Christian Davenport covers NASA and the space industry for The Washington Post's Financial desk, “As private companies erode government’s hold on space travel, NASA looks to open a new frontier”, <https://archive.is/WT6Pl>) Ngong

As private companies erode government’s hold on space travel, NASA looks to open a new frontier With companies like Elon Musk’s SpaceX taking off, the space agency is facing a fundamental change in its identity The four astronauts who will fly on a SpaceX mission by the end of the year will be a bunch of private citizens with no space experience. One’s a billionaire funding the mission; another is a health care provider. The third will be selected at random through a sweepstakes, and the last seat will go to the winner of a competition. In the new Space Age, you can buy a ticket to orbit — no need to have been a fighter pilot in the military or to compete against thousands of other overachievers for a coveted spot in NASA’s astronaut corps. In fact, for this mission, the first composed entirely of private citizens, NASA is little more than a bystander. It does not own or operate the rocket that will blast the astronauts into space or the capsule they will live in for the few days they are scheduled to circle Earth every 90 minutes. NASA has no say in selecting the astronauts, and it will not train or outfit them — that will all be done by Elon Musk’s SpaceX. The money to pay for the flight also will not come from NASA — or any other government account. The cost of the project is being borne by a billionaire, Jared Isaacman, who has set it up as a fundraiser for St. Jude’s Research Hospital and a promotional device for his business, Shift4Shop, which helps businesses set up websites and process payments. This is the new look of human space exploration as government’s long-held monopoly on space travel continues to erode, redefining not only who owns the vehicles that carry people to space, but also the very nature of what an astronaut is and who gets to be one. And it comes as NASA confronts some of the largest changes it has faced since it was founded in 1958 when the United States’ world standing was challenged by the Soviet Union’s surprise launch of the first Sputnik into orbit. Now it is NASA’s unrivaled primacy in human spaceflight that is under challenge. Thanks to NASA’s investments and guidance, the private space sector has grown tremendously — no entity more than SpaceX, which according to CNBC is now worth $74 billion. The commercial space industry is taking on ever more roles and responsibilities — flying not just cargo and supplies to the International Space Station, but even NASA’s astronauts there. The private sector will launch some of the major components of the space station NASA wants to build in orbit around the moon, and private companies are developing the spacecraft that will fly astronauts to and from the lunar surface. Space enthusiasts, including NASA, see enormous benefit in the shift — a new era of space exploration that will usher in a more capable and efficient space industry. But the changing dynamic also has left NASA, which for decades has set the pace for the American space project, with an uncertain role, a development NASA’s Safety Aerospace Safety Advisory Panel warns could have consequences for years to come. The growth of companies like SpaceX has "tremendous upside potential — and are accompanied by equally tremendous challenges for managing the risk of human space exploration,” it said in its annual report, released last month. “NASA leadership in human space exploration is still preeminent, but the agency’s role is evolving with critical implications for how risk and safety will be managed.” So far, NASA has done well “as it shifts from principally executing its programs and missions to commercially acquiring significant key elements and services,” it said. But as the agency continues to evolve, “NASA must make some strategically critical decisions, based on deliberate and thorough consideration, that are necessary because of their momentous consequences for the future of human space exploration and, in particular, for the management of the attendant risks.” In an interview, Steve Jurczyk, NASA’s acting administrator, said the agency is well aware of how its identity and role are changing, and he likened the agency’s role to how the U.S. government fostered the commercial aviation industry in the early 20th century. NASA’s predecessor, NACA, or the National Advisory Committee for Aeronautics, “did research, technology development to initially support defense … but also later on supporting a burgeoning commercial aircraft industry and aviation industry,” he said. “So that may be how we evolve, moving forward on the space side. We’re going to do the research and the technology development and be the enablers for continuing to support the commercial space sector.” NASA has not ceded all ground. It still leads major exploration and science programs that no company could match. Last week, for example, it landed a rover the size of a car on Mars, hitting a precise landing target after traveling nearly 300 million miles. Later this year, it is scheduled to launch the James Webb telescope, which is designed to look back in time to the origins of the universe. And it also recently snagged a sample of rocks and soil from an asteroid 200 million miles from Earth to return them to Earth for study. “NASA works," Rob Manning, the chief engineer at NASA’s Jet Propulsion Laboratory, said after the Perseverance landed safely on Mars. “When we put our arms together and our hands together and our brains together, we can succeed. This is what NASA does.” Those big, daring, push-the-envelope missions is where NASA’s future lies, agency and industry officials agree. Not in looking for financial gain, but blazing the trail and opening new frontiers, and then allowing private industry to take over in the way homesteaders expanded into the West. Within NASA, there is still some resistance to that paradigm shift. “NASA feels like that’s our domain,” said Phil McAlister, NASA’s director of commercial spaceflight. “And my response is, the solar system is a big place. We at NASA should always be doing the next thing, the thing where the profit motive is not as evident and where the barriers to entry are still too high for the private sector to really make a compelling business case.” Jan Worner, the outgoing general director of the European Space Agency, agrees. “I believe space agencies have to change,” he said in an interview. “If you are fixed permanently to the same thing that you did in the past, you will lose.” But NASA officials are concerned that much of the future workforce is going to be attracted to a growing number of commercial companies doing amazing things. There is Planet, for example, which is putting up constellations of small satellites that take an image of Earth every day. Or Relativity Space, which is 3-D printing entire rockets. Or Axiom Space, which is building a commercial space station. Or Astrobotic, which intends to land a spacecraft on the moon later this year. The question NASA faces, then, is an urgent one: “How do you maintain that NASA technical expertise?” Jurczyk said. The agency does not know. “It may mean people are hiring more midcareer from industry or having people come to NASA, then go to industry, and come back. Or a different model where maybe you’re not coming to NASA and staying for your 35-, 40-year career,” he said. “We’re still thinking through that.” The workforce predicament was not on NASA’s mind when it embarked on this road in 2006. That is when it awarded relatively small contracts to see whether the private sector could develop spacecraft capable of taking cargo to the International Space Station. At the time, SpaceX, which won an award, was largely unknown and on the verge of bankruptcy, with just one successful flight to orbit for its Falcon 1 rocket after three failures. Outside of what Musk once called “the weird rebels within NASA,” few thought the program would work. It was not taken seriously by the mainstream aerospace industry or even by NASA’s leadership. “Let’s just give these annoying commercial people enough money so that they can fail, and we can say, ‘That was dumb. We don’t have to do that again,'” Musk once told The Washington Post. But it did work. And now NASA is relying on the private sector not only to deliver supplies and science experiments to the surface of the moon, but also its most precious cargo — its astronauts — there. Turning over human spaceflight to the private sector was a line many thought NASA would never cross. But last year, SpaceX successfully flew two crewed missions to the space station, and Boeing, the other company with the human spaceflight contract, is hoping to fly its first later this year. NASA has been eager to build on that success and hire private-sector companies to build and operate the spacecraft that would take astronauts to and from the surface of the moon. And while NASA’s flagship rocket, the Space Launch System, would be used to fly astronauts to the moon and be the most powerful ever built, it has suffered all sorts of cost overruns and technical delays. A test of its engines that was supposed to last as long as eight minutes was cut short after just one because of a technical problem. And the redo of the test was recently postponed by NASA, which said it was looking into a problem with one of the valves. Recently, the NASA inspector general said the total cost of the rocket would reach $27 billion through 2025. That enormous cost has outraged critics of the space program, who have derided the effort as little more than a jobs program for select congressional districts and dubbed it the “Senate Launch System.” Recently, the Bloomberg editorial board called for the Biden administration to “scrap the Space Launch System,” asking, “Why is the U.S. government building a space rocket?” “No doubt, the era of government spacefaring had its glories,” the editorial read. “But space is now a $424 billion business, with U.S. companies at its forefront. The new administration should embrace this revolution — and bring the power of private enterprise to bear in crossing the next cosmic frontier.” Some high-level NASA officials, including former NASA Administrator Jim Bridenstine, have indicated that if the commercial sector can develop lower-cost alternatives, the space agency would have no choice but to consider those instead. NASA has already shifted one major mission from SLS — recently it announced that a commercial rocket, and not SLS, as Congress had mandated for years, would launch the Europa Clipper spacecraft that would study Jupiter’s moon. That alone would save NASA “over $1.5 billion compared to using an SLS rocket,” according to NASA’s fiscal year 2021 budget request. NASA has always relied on contractors to build its hardware — from the Apollo lunar module built by Grumman to the space shuttle, built largely by North American Rockwell. But NASA defined the precise requirements, took ownership of the spacecraft and operated them. That is not the case with many of its programs today. It works alongside the companies to validate their rockets and spacecraft and ensure they meet the agency’s safety standards. But the hardware and the launch procedures remain in private hands. The private astronaut mission, dubbed Inspiration4, marks the next iteration in this transition. Isaacman, the billionaire founder and chief executive of Shift4Shop, a payments technology company, paid an undisclosed sum for the SpaceX flight. Isaacman, an accomplished pilot, will occupy one of the four seats. Another will go to Hayley Arceneaux, a 29-year-old physician assistant at St. Jude Children’s Research Hospital. The third is to be raffled off as part of a fundraising effort for the hospital. And the fourth seat will go to the winner of a competition among entrepreneurs who use Shift4Shop’s platform. Isaacman has donated $100 million to St. Jude and hopes the fundraising effort will match that. “We will, of course, coordinate this with NASA,” Musk said on a call with reporters earlier this month to discuss the mission. “NASA has been briefed on this and is supportive.” But it will be SpaceX and the crew that will determine the flight parameters and training requirements, not NASA. “Wherever you want to go, we’ll take you there,” Musk said to Isaacman on the call. That mission will be followed by a second flight made up entirely of civilians — three wealthy business executives, who are each paying $55 million, in addition to the commander, Michael Lopez-Alegria, a former NASA astronaut who now serves as a vice president at Axiom. Instead of spending a few days inside SpaceX’s Dragon spacecraft, which has about as much interior room as a large SUV, they will fly to the International Space Station. They will spend eight days there before flying back. Ultimately, Axiom’s goal is even bigger — to build a space station of its own. The ISS is getting old and will need to come down at some point. NASA has said that it would eventually get out of the space station business — and outsource that to the private sector as well. Axiom is one of the leading candidates to build the successor. If Axiom is successful, it could then proceed to its ultimate goal: charter missions of private citizens, flying on private rockets to a private space station with little to no involvement from NASA.

### 1AC: Sustainable Space Advantage (2:50)

#### The Advantage is Sustainable Space Development:

#### Implementing the PTD for Private Appropriation results in a legally binding regime that curbs unsustainable development – ensures closing of legal loopholes.

Babcock 19 (, H., 2019. THE PUBLIC TRUST DOCTRINE, OUTER SPACE, AND THE GLOBAL COMMONS: TIME TO CALL HOME ET. [online] Lawreview.syr.edu. Available at: <https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf#page=67> [Accessed 15 December 2021] Professor Babcock served as general counsel to the National Audubon Society from 1987-91 and as deputy general counsel and Director of Audubon’s Public Lands and Water Program from 1981-87. Previously, she was a partner with Blum, Nash & Railsback, where she focused on energy and environmental issues, and an associate at LeBoeuf, Lamb, Leiby & MacRae where she represented utilities in the nuclear licensing process. From 1977-79, she served as a Deputy Assistant Secretary of Energy and Minerals in the U.S. Department of the Interior. Professor Babcock has taught environmental and natural resources law as a visiting professor at Pace University Law School and as an adjunct at the University of Pennsylvania, Yale, Catholic University, and Antioch law schools. Professor Babcock was a member of the Standing Committee on Environmental Law of the American Bar Association, and served on the Clinton-Gore Transition Team.)-rahulpenu

F. The Public Trust Doctrine (PTD) as a Gap Filling, Place-Holding Management Approach506 The PTD offers both an approach for managing an open access commons and a gap-filling tool until a regulatory regime is adopted.507 The doctrine is based on the idea that the “sovereign holds certain common properties in trust in perpetuity for the free and unimpeded use of the general public.”508 The public’s right to access and use trust resources is never lost, and neither the government nor private individuals can alienate or otherwise adversely affect those resources unless for a comparable public purpose.509 The resources the doctrine protects “have long been part of a ‘taxonomy of property’ [that recognizes] the division of natural wealth into private and public property.”510 “The doctrine places on governments ‘an affirmative, ongoing duty to safeguard the long-term preservation of those resources for the benefit of the general public,’”511 thus limiting the sovereign’s power on behalf of both present and future individuals.512 It directs the government to manage trust resources for public benefit, not private gain.513 It applies to private as well as public resources and is used to preserve the public’s access to CPRs.514 Government agencies have the non-rescindable power to revoke uses of trust resources that are inconsistent with the doctrine.515 This effectively places a permanent easement over trust resources that burdens their ownership with an overriding public interest in the preservation of those resources.516 However, trust resources can be alienated in favor of private ownership, if the alienation will still serve the public’s interest in those resources and not interfere with trust uses of the remaining land.517 The PTD, therefore, protects the “people’s common heritage,”518 just as Article 11 of the Moon Treaty protects outer space as part of the common heritage of mankind.519 The doctrine also appears to be infinitely malleable. Original uses of the doctrine were restricted to only that “aspect of the public domain below the low-water mark on the margin of the sea and the great lakes, the waters over those lands, and the waters within rivers and streams of any consequence,”520 and covered only traditional uses of those lands, like fishing and navigation.521 Over time, the scope and application of the doctrine broadened to protect more public resources and different uses.522 Thus, the **doctrine** expanded to protect new trust resources, such as dry sand beaches, inland lakes, groundwater, dry riverbeds, and wildlife,523 and passive uses of those resources, like scientific study.524 The original link to navigable water and tidelands disappeared.525 Supporters of the doctrine successfully advocated that it be applied to “wildlife, parks, cemeteries, and even works of fine art,”526 while arguing more recently its application to the atmosphere.527 A doctrine that imposes a perpetual duty on the sovereign to preserve trust resources, prevents their alienation for private benefit, assures public access to them, and can be invoked by anyone seems particularly useful as a management tool in outer space.528 The fact that **public** **access** to trust resources is so **central** to the doctrine **makes** it **reflective**, not contradictory, **of** international space **law’s** **bar** **against** **appropriation** of outer space and of the principle of space being the “province of all mankind.”529 It **avoids** the problems of alienation and **exclusion** associated with any of the management approaches associated with some form of private property and requires neither the creation of a new administrative authority nor the presence of a close-knit group of like-minded people.530 Members of the public, both rich and poor, can invoke and enforce the doctrine as easily as the sovereign.531 It is cost effective to the extent that no separate apparatus is required to implement it, and the doctrine has shown itself to be highly adaptable and innovative as different needs arise.532 It could also fill the gap in international law with respect to managing celestial property. Therefore, of all the management approaches studied here, the PTD seems the most suited to keep order in space until a regulatory regime is imposed. However, the doctrine provides no incentives for development of trust resources; rather, it might be used to limit or curtail that development, making it an imperfect, perhaps even counter-productive solution by itself to the extent that such development might be beneficial.533 Modifying the doctrine to allow limited use of private property management approaches, like tradable development claims, might buffer that effect—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property, enabled by application of the PTD. CONCLUSION “Only a legal system that accommodates both the human need for resources and the necessary preservation of mankind’s common heritage can fulfill these criteria.”534 The future is now with regard to the development of outer space and its resources—it is no longer a question of whether humans will engage in these activities, but how soon they will. Technically advanced countries and private commercial enterprises are probing outer space and preparing for landing on an asteroid or the moon to extract their resources.535 Speculators are selling deeds to the moon’s surface and preparing to exploit the tourism potential that space offers.536 But, the legal framework for managing these initiatives is almost nonexistent.537 International treaties came into being before all this activity began in earnest and national laws that might apply are stunted by jurisdictional quandaries like the absence of national boundaries in outer space.538 Thus, there is an urgency to figure out how to control what happens in outer space before its resources are irreparably damaged or permanently monopolized by powerful countries and individuals. In the absence of regulation, much of the current debate centers on what property regime should be applied in outer space.539 The assumption is that by only allowing private property rights in space, countries and commercial enterprises will undertake the risks and costs of space development.540 However, unless international space law changes, it may prevent this from happening. If it changes, strong management controls will be necessary to prevent destruction or over-consumption of celestial resources, as well as monopolization and competitive behavior by participants, which could lead to hostilities and inequities. This Article examines various private property regimes, including those of less than full fee ownership, to see if any would avoid the conflict with the international prohibition on appropriation of outer space and its resources. It concludes that none will because each retains the right to exclude and each is insensitive to the treaties’ equity concerns. In contrast, considering outer space to be common is consistent with international space law in both respects. Hypothesizing that private property in outer space may yet prevail, this Article investigates different private property management approaches, such as the right of first possession, lotteries, and tradable development rights, to see if any would be cost effective, easy to implement and equitable, and would also prevent over-consumption, monopolization or the slide into rivalrous behavior. The Article concludes that each comes up short in some respect. Social norms as a management tool for property held in common, although compliant with international law, are also not up to the task. Instead, although ancient, the PTD, with its malleability, easy and cost-effective implementation and enforcement, non-consumption principle, and consistency with the goals that animate international space treaties, seems best suited to the task of protecting the public’s interests in the global commons that is outer space as it has done for centuries in Earth-bound commons. But, as its principal terrestrial use has been to protect trust resources from development, the doctrine needs some modification to encourage development of celestial resources. Hence, this Article suggests that modifying the PTD to allow the application of private property management tools, like tradable development rights, will not only allow development, but also will assure that when it happens, it will not be just profitable for a few, but will also be sustainable and equitable.

#### Sustainable development embedded in law solves debris, security, and a litany of impacts.

Aganaba-Jeanty 16 (, T., 2016. Space Sustainability and the Freedom of Outer Space. [online] Taylor & Francis. Available at: <https://www.tandfonline.com/doi/full/10.1080/14777622.2016.1148463> [Accessed 15 December 2021] Timiebi is an assistant professor of Space and Society, in the School for the Future of Innovation in Society, an affiliate faculty with the Interplanetary Initiative, a senior global futures scientist with the Global Futures Lab, and holds a courtesy appointment at the Sandra Day O’Connor College of Law, all at Arizona State University. Timiebi was a post-doctoral fellow and is a senior fellow at the Centre for International Governance Innovation (CIGI) based in Waterloo, Ontario Canada where she focused on environmental and space governance. Timiebi was Executive Director of the World Space Week Association coordinating the global response to the UN 1999 declaration that World Space Week should be celebrated Oct 4-10 annually. She is currently on the Advisory Board for the Space Generation Advisory Council supporting the UN Programme on Space Applications. She is also on the Science Advisory Board of World View Enterprises and the SETI Institute. - pp. 10-13.)-rahulpenu

---Critique of status quo polices for space sustainability

---New regimes key

---Sustainability needs to be in law

---Perm VS Global South Ks

Definitions of space sustainability The Secure World Foundation defines space sustainability as “ensuring that all humanity can continue to use outer space for peaceful purposes and socioeconomic benefit.”39 It is also described as “the ability of all humanity to continue to use outer space for peaceful purposes and socioeconomic benefit over the long term.” It is proposed that, read together, these broad definitions take as their premise that: (1) all humanity thus far is using space for peaceful purposes and for socioeconomic benefit; (2) this use is threatened; (3) measures must be taken to protect it; and (4) all humanity currently possesses the ability, in the sense of having a skill or the capacity, to ensure space sustainability for peaceful purposes. Under this conceptualization, the negative effect of not using space sustainably is primarily economic.40 Bearing in mind the governmental origins of space exploitation, where market economics did not play a primary role in decision making, the growing focus on the economic perspective in space affairs acknowledges Carolyn Deere’s opinion that problems emerge in the international domain from an absence of powerful economic interests.41 Of course, as more space applications are developed, economic interests become more prevalent in that market protectionism then underlies the rationales for many positions taken. Space sustainability is also conceptualized as defining good behavior, its boundaries, and disincentives for negative behavior in space.42 Space sustainability then becomes a much more limited political concept calling for specific measures to strengthen norms.43 Some notable examples follow: An International Code of Conduct—the European Union proposed a non-binding voluntary code whose purpose is “security, safety, sustainability” for all space activities providing for general measures on space operations and space debris.44 The Scientific and Technical Subcommittee of UNCOPUOS working group objective of establishing guidelines for the long-term sustainability of outer space activities. Proposed International Civil Aviation Organization for Space—the establishment of an international organization focused on space safety and the establishment of binding safety standards similar to the International Civil Aviation Organization.45 Industry efforts for a global space situational awareness database Group of Governmental Experts (GGE) on Transparency and Confidence Building Measures. Depending on the forum for discussion and in line with the previously mentioned initiatives, the concept of space sustainability is also used interchangeably with the following: (1) space security, which entails access to space and freedom from threats;46 (2) space stability addressing space situational awareness;47 (3) space safety, which is protection from all unreasonable levels of risk (primarily protection of humans or human activities);48 and (4) responsible uses of space.49 These all reflect the two components of space sustainability as described by the founder of Secure World Foundation: “the first is the physical environment, which includes management of space debris, electromagnetic and physical crowding and congestion, and space weather.... The second component is the political environment, and includes promoting stability and preventing conflict between nations.”50 Bearing this in mind and notwithstanding the potential confusion caused by the interchangeability of terms used, at the core of all proposals conceptualizing space sustainability or related concepts are the notions that: (1) space assets are kept safe and secure, and that the assets are not harmed or interfered with; (2) peaceful space activities continue as free from purposeful/intentional or unintentional harmful interference; (3) the space environment is preserved for peaceful uses; and (4) international cooperative efforts are required. These four points are understood to be the current core conditions for and of space sustainability. It must be acknowledged that space sustainability, in this context, is severed from the ecological roots of sustainable development. Rationale for space sustainability The proposed baseline conditions for the current conception for space sustainability coincide with Gallagher’s analysis of the logic for space cooperation as “Space Governance for Global Security” where all space actors seek “to secure the space domain for peaceful use; to protect space assets from all hazards; and to derive maximum value from space for security, economic, civil, and environmental ends.”51 Based on this understanding, the current conception of and rationale for space sustainability ties more clearly to global security than to sustainable development. This logic emphasizes that “the more different countries, companies, and individuals depend on space for a growing array of purposes, the more they need equitable rules, shared decision-making procedures, and effective compliance mechanisms to maximize the benefits that they all can gain from space, while minimizing risks from irresponsible space behaviors or deliberate interference with legitimate space activities.”52 While it is acknowledged that such a need exists, the difficulty in reaching agreement on how to bring it about is one reason why some states are more focused on producing a dialogue on long-term sustainability. This is seen in the proliferation of reports outlining best practices and options that enhance sustainability through increased information sharing, as well as a focus on technical issues rather than on the creation of any new legal regimes. To minimize some of the risks of non-sustainable space use, Weeden53 proposes a three-pillar technical approach to space sustainability: (1) debris mitigation; (2) debris removal; and (3) space traffic management. This is conjoined with an immediate need for data in support of conjunction assessment and collision avoidance. This emphasis on data sharing/collection includes enabling research into potential solutions to the problem of space debris, and enhancing transparency and cooperation among states. Weeden also suggests that this narrow approach to space sustainability serves both to educate space actors about the severity of the space debris problem and to provide stability to reduce the likelihood of conflict. A common approach to data also serves as verification for a potential code of conduct in space, setting the stage for future space governance models. These proposals follow the logic of sustainability for global security. While this logic is in line with the dominant conceptualization of benefit sharing and freedom of outer space, the position taken in this article is that it does not adequately speak to sustainability from the perspective of aspirant space states. To do so requires a significantly broader discussion and solutions aimed towards aligning space law and policy with the sustainable development paradigm, if understood as being an inclusive paradigm and not focused on the individualistic/self-interested nature of the current conception of sustainable development. A systemic, sustainable development law approach calls for a conscious engagement with the web of overlapping social, environmental, cultural, and legal frameworks, as well as cultural considerations, economic policies, expectations, players, and interests.54 Bearing in mind current U.S. space policy,55 such a broad overarching objective may not be achievable as part of the dialogue on the “Long Term Sustainability of Outer Space Activities,” but U.S. policy regarding preservation of the space environment nevertheless offers insights because international initiatives congruent with it are likely to garner the most support. Schrogl56 proposed that sustainability is rendered to threats and risks to satellite operations. This approach acknowledges the intersection of multiple issue areas: environment, security, mobility, knowledge, resources, and energy. This intersection of issue areas is more akin to the wider discourse of sustainability development of and on the Earth, and prompts a discussion of value to emerging and aspirant space actors. Otherwise, the dominant conceptualization of space sustainability removes any focus upon providing for the needs of those not among the most advanced space nations. This problem is highlighted in Peter and Rathgeber’s definition of space sustainability: Sustainable space activities can be seen as activities (in space, from space, through space and towards space) that meet the needs of the present space actors without comprising the ability of future generations to meet their own needs of performing space related operations safely.57 Peter and Rathgeber claim that the emergence of new institutional space actors, particularly from the south, is putting a greater pressure on the space environment and that the participation of the south in space sustainability efforts is unsatisfactory.58 Yet, the role of less-advanced nations in sustainability initiatives is more so on the receiving end in that advanced nations seek to engage newcomers to space during the early phase of the development of future directives and codes of conduct for sustainable space activities; that is,not really to seek their input, but to ensure compliance by the less-advanced nations.59 Their space activities are judged as either threats to or consistent with space sustainability, rather than as part of articulating the content of space sustainability.60 This indicates that, for national space programs of established space nations, a truly international focus on space sustainability is not a priority**.** It is interesting to note, at this juncture in the discussion, a fundamental provision proposed by a group of developing states during the development of the U.N. Space Benefits Declaration.61 (1) All States should pursue their activities in Outer Space with due regard to the need to preserve Outer Space, in such a way as not to hinder its continued utilization and exploration. (2) States should pay attention to all aspects related to the protection and preservation of the Outer Space environment, especially those potentially affecting the Earth’s environment. (3) States with relevant space capabilities and with programs for the utilization and exploration of outer space should share with developing countries on an equitable basis the scientific and technological knowledge necessary for the proper development of programs oriented to the more rational utilization and exploration of Outer Space.62 Paragraph 3 is fundamental and truly revealing when read in the light of the analysis of Schrogl.63 Schrogl claims that the declaration takes up the problem of space debris, which might endanger future space utilization to a significant extent. However, he also states that “the wish [of the Developing countries] to be informed about debris prevention measures voiced. . . is reasonable but actually needs no mentioning since these technological developments are discussions and documented publicly to the greatest extent.”64

#### Congestion creates rivalrous orbits.

Fabian 19 (Christopher; January 2019; B.S. from the United States Air Force Academy, thesis submitted in partial fulfillment of the requirements for a M.S. from the University of North Dakota, approved by the Faculty Advisory Committee and in coordination with Dr. Michael Dodge, David Kugler, and Brian Urlacher; University of North Dakota Scholarly Commons, “A Neoclassical Realist’s Analysis Of Sino-U.S. Space Policy,” <https://commons.und.edu/theses/2455/>)

b. Defect/Defect The ubiquity of space technology has also yielded the negative externality of overcrowding the space domain. Despite its seemingly unlimited size, there are a limited number of useful earth-centric orbits to optimize terrestrial coverage. It is projected that there are over 300,000 medium sized objects capable of causing catastrophic failure of a satellite upon collision currently in earth’s orbit.159 Of these objects, 20,000 are actively tracked by the comparatively robust space surveillance network (SSN) of the United States Air Force, only 1,000 are active payloads, and even fewer have maneuver capability.160 Recent trends indicate that the problem of orbital congestion will only worsen in the coming decades as the barriers to entry are reduced. Launch service cost is rapidly decreasing due to an increased number of service providers and technology revolutions such as reusable rockets. Also, the miniaturization and simplification of satellite payloads further reduces the cost and infrastructure needed to be a spacefairing nation.161 This is evidenced by the near doubling of state operated satellites from 27 in 2000 to over 50 in 2012, coupled with a near doubling in total space objects from 1997 to 2007.162 The accumulation of space debris is a vital concern to the sustainable development of the space environment due to the increased probability of conjunction between active payloads and all other objects that results from crowded orbits. This increase in collision probability occurs proportionally to the number of objects in a given orbital domain. The tripling of orbital debris projected to occur in the next century, due to routine use and accumulation alone, would cause a tenfold increase in the probability of collision. In the event of a catastrophic collision between two objects, the resulting debris cloud could cause a cascading effect. Each successive collision increases the probability of another occurrence in a given orbit until an instability threshold is reached. At this threshold, debris removal due to decay would be negligible compared to debris created by subsequent collisions. As the propagation of debris continues, the cost of launching a satellite would eventually outweigh the benefits received due to the probability of that asset being destroyed by errant debris, effectively rendering the given orbit unusable. This debris propagation model and the dangers associated with it are colloquially referred to as the Kessler Syndrome. Kessler asserts unstable regions of low earth orbit (LEO) currently exist and that, barring the addition of more debris, a major collision would occur once every 10-20 years. If debris doubles, as it has in the last decade, the collision rate would increase to 2.5 years. Although most models’ time scales are on the order of centuries, it is widely accepted that the current rate of debris accumulation will render critical orbits unusable unless immediate measures are taken to return stability.163 There is near universal acceptance of the danger space debris presents, yet little substantive action has been taken to solve the problem. Current debris accumulation and propagation models show that earth orbiting domains are finite resources. Continued unsustainable development moving forward may preclude future usage, making earth orbits rivalrous goods.164 Furthermore, orbital domains are made a non-excludable good by the OST which states, “Outer space… shall be free for exploration and use by all States without discrimination of any kind.”165 As a non-excludable public good, space succumbs to the tragedy of the commons where the privately beneficial strategy of space utilization differs significantly from the socially optimal strategy promoting orbital stability.166 Understandably, most analysis has focused on solving the problem of orbital instability by addressing the market failure responsible for debris creation. The current reasoning suggests that if actors creating space debris internalize the cost of their actions, a solution can arise. Proposed solutions run the gamut of ideologies from free market tax incentives, to command and control legislation, to restructuring orbital property rights. Scientific solutions have also been proposed, but technological feasibility and cost remain major problems. Furthermore, analogous environments susceptible to the tragedy of the commons have been examined in hopes that they may prove applicable to the problem of orbit instability.167 This analysis is ultimately useful if the problem is to be solved under nominal conditions, but there is an underlying problem that needs to be addressed before any of these proposed solutions can realistically be enacted.

#### That triggers missile radars.

Hoots 15 (Felix; Fall 2015; Distinguished Engineer in the System Analysis and Simulation Subdivision, Ph.D. in Mathematics from Auburn University, M.S. in Mathematics from Tennessee Tech University; Crosslink, “Keeping Track: Space Surveillance for Operational Support,” <https://aerospace.org/sites/default/files/2019-04/Crosslink%20Fall%202015%20V16N1%20.pdf>)

The launch of Sputnik on October 4, 1957, marked the beginning of the Space Age. It also marked the beginning of an intense space race that brought a remarkable rate of rocket launches. In a very short time, the number of objects in orbit grew dramatically. This created a host of strategic challenges, including the need for space surveillance. In particular, the Air Force needed a way to prevent false alarms as satellites came within view of missile-warning radars, while the Navy needed a way to alert deployed units of possible reconnaissance by satellites overhead. These needs led to the establishment of a military mission to maintain a catalog of all Earth-orbiting objects—active payloads, rocket bodies, and debris—along with detailed information about trajectory and point of origin. Such a catalog could be used to filter normal orbital passages from potential incoming missiles and predict the passage of suspected spy satellites. The first catalog was relatively small in comparison with today’s version, which lists more than 22,000 items (as of May 2015). Also, the current version supports much more than the original military mission—and Aerospace is helping to extend its utility even further. The Space Catalog The Space Catalog is maintained by the Joint Space Operations Center (JSpOC) at Vandenberg Air Force Base, part of U.S. Strategic Command. One of the missions of JSpOC is to detect, track, and identify all artificial objects in Earth orbit. A key component of this mission is the Space Surveillance Network, a worldwide system of ground-based radars along with ground-based and orbital telescopes. The radars are used primarily for tracking near-Earth satellites with orbital period of 225 minutes or less, as well as some eccentric orbits that come down to near-Earth altitudes as they go towards their perigee. Ground-based telescopes are used for tracking more distant satellites, with orbital period greater than 225 minutes, and space-based sensors are used to track both near and distant satellites. The JSpOC tasks these sensors to track specific satellites and to record data such as time, azimuth, elevation, and range. This data is used to create orbital element sets or state vectors that represent the observed position of the satellite. The observed position can then be compared with the predicted position. The dynamic models used for predicting satellite motion are not perfect; factors such as atmospheric density variation caused by unmodeled solar activity can cause the predicted position to gradually stray from the true position. The observations are used to correct the predicted trajectory so the network can continue to track the satellite. This process of using observations to correct and refine an orbit in an ongoing feedback loop is called catalog maintenance, and it continues as long as the satellite remains in orbit. Ideally, the process is automatic, with manual inter vention only required when satellites maneuver or get near to reentry due to atmospheric drag. Sometimes, however, more effort is required. For example, a sensor may encounter a satellite trajectory that does not correspond well to anything in the catalog. Such observations are known as partially correlated observations if they are somewhat close to a known orbit or uncorrelated observations (or uncorrelated tracks) if they are far from any known orbit. Also, if a satellite is not tracked for five days, it is placed on an attention list for manual intervention. In that case, an analyst will attempt to match the wayward satellite to one of these partially correlated or uncorrelated tracks. If that effort succeeds, then the element sets are updated, and the object is returned to automatic catalog maintenance. On the other hand, if the satellite cannot be matched to a partially correlated or uncorrelated track, the satellite information continues to age. If it reaches 30 days without a match, the satellite is placed on the lost list. Risk Prediction One of the most visible uses of the catalog is to warn about collision risks for active payloads. This function predicts potential close approaches three to five days in advance to allow time to plan avoidance maneuvers, if necessary. Unplanned maneuvers may disturb normal operations and deplete resources for future maneuvers, so one would like to have high confidence in the collision-risk predictions. The reliability of the predictions depends directly on the accuracy of the orbit calculation, which in turn depends on the quality and quantity of the tracking data, which is limited by the capability of the Space Surveillance Network. Simply put, there are not enough tracking resources in the network to achieve high-quality orbits for every object in the catalog. Furthermore, many smaller objects can only be tracked by the most sensitive radars, and this tracking is infrequent. Most objects in the catalog are considered debris, which can neither maneuver nor broadcast telemetry. On the other hand, some satellite operators depend exclusively on the satellite catalog to know where their satellites are, and users of the satellite orbital data depend on the catalog to know when the satellites will be within view. This situation creates a challenging problem in balancing Space Surveillance Network resources to support the collision-warning task (tracking as many potential hazards as possible) while also providing highly accurate support to operational satellites (tracking the spacecraft as precisely as possible). The practical solution is to perform collision risk assessment using a large screening radius to ensure no close approaches are missed despite lower-quality predictions. Once an object is identified as having a potentially close approach, then the tasking level is raised, with the expectation that more tracking data will be obtained to refine the collision risk calculations. When the danger has passed, the object reverts to a normal tracking level. Collisions and spontaneous breakups do happen. The first satellite breakup occurred on June 29, 1961, when residual fuel in an Ablestar rocket body exploded, creating 296 trackable pieces of debris. Since that time, there have been more than 200 satellite breakups, the most notable being the missile intercept of the Fengyun-1C satellite, which created more than 3300 trackable fragments. In most cases, these breakups are first detected by the phased-array radars in the Space Surveillance Network. When multiple objects are observed where only one was expected, the downstream sensors are alerted, but no tasking is issued because specific debris orbits are not yet established. Tracks are taken and tagged as uncorrelated. Analysts at JSpOC then attempt to link uncorrelated tracks from different sensors to form a candidate orbit. Subsequent tracking improves the orbit to the point that the object can be named and numbered and moved into the catalog for automatic maintenance.

#### Nuclear war.

Rogoway 15 (Tyler; November 12; Defense Journalist and Editor of Time Inc’s The War Zone; Jalopnik, “These Are The Doomsday Satellites That Detected The Explosion Of Metrojet 9268,” <https://foxtrotalpha.jalopnik.com/these-are-the-doomsday-satellites-that-detected-the-exp-1737434876>)

For over 50 years the Pentagon has had early warning satellites in orbit aimed at spotting launches of ballistic missiles, especially the big intercontinental kind that can fly around the globe in less than 30 minutes and bring about nuclear Armageddon. Recently, these satellites have made news for their “secondary capabilities,” spotting the downing of Metrojet Flight 9268 and Malaysian Airlines Flight 17. These are the shadowy satellites that are capable of such amazing feats, and an idea of how they work. In 1960, at the height of the Cold War and at the dawn of the space age, the first Missile Defense Alarm System (MiDAS) satellite was launched into low earth orbit. Six years later there was a constellation of nine of these satellites roaming the heavens, each scanning the Soviet Union for large infrared plumes, the tell-tale sign of a ballistic missile or rocket launch. These fairly crude, low-earth orbit satellites, along with the radar-based Ballistic Missile Early Warning System, would be the basis for a Cold War ballistic missile surveillance system that would become ever more complex and capable as the years went by. If ballistic missile launches were detected and deemed a threat, the decision to retaliate would mean the National Command Authority making the call to do so within half an hour, an act that could bring an the end of humanity’s reign on Earth, permanently. The first really reliable and full coverage space-based ballistic missile early warning capability came with the launch of the first Defense Support Program (DSP) satellite in 1970. These new satellites were much more capable than their MiDAS predecessors. Early DSP satellite design was relatively straight forward, with the satellites’ spinning around their center axis while in geosynchronous orbit. This allows their telescopic infrared sensor to continuously sweep an area of the planet in a relatively brief amount of time, around six times in one minute. If something were detected, the information would immediately be data-linked to controllers on the ground at the 460th Space Wing located at Buckley AFB in in Colorado. A total of 23 of these satellites have been launched over the program’s life, with constant upgrades made along the way. A DSP satellite was launched by the Space Shuttle on STS-44 in 1991, and the last one was launched by a Delta IV Heavy in 2007. Most famously, the Defense Support Program constellation of satellites were used to detect launches of SCUD missiles during Operation Desert Storm.

#### Independently, debris hits on satellites causes Russia War.

Lewis 4 Jeffrey Lewis, in the Advanced Methods of Cooperative Study Program- Worked In the Office of the Undersecretary of Defense for Policy, Center for Defense Information, ‘4, "What if Space Were Weaponized," July 2004 pg online @ www.cdi.org/PDFs/scenarios.pdf)

Accidental Nuclear War Scenario Crisis Over Kalningrad (2010) This is the second of two scenarios that consider how U.S. space weapons might create incentives for America’s opponents to behave in dangerous ways. The previous scenario looked at the systemic risk of accidents that could arise from keeping nuclear weapons on high alert to guard against a space weapons attack. This section focuses on the risk that a single accident in space, such as a piece of space debris striking a Russian early-warning satellite, might be the catalyst for an accidental nuclear war. As we have noted in an earlier section, the United States canceled its own ASAT program in the 1980s over concerns that the deployment of these weapons might be deeply destabilizing. For all the talk about a “new relationship” between the United States and Russia, both sides retain thousands of nuclear forces on alert and conﬁgured to ﬁght a nuclear war. When briefed about the size and status of U.S. nuclear forces, President George W. Bush reportedly asked “What do we need all these weapons for?” 43 The answer, as it was during the Cold War, is that the forces remain on alert to conduct a number of possible contingencies, including a nuclear strike against Russia. This fact, of course, is not lost on the Russian leadership, which has been increasing its reliance on nuclear weapons to compensate for the country’s declining military might. In the mid-1990s, Russia dropped its pledge to refrain from the “ﬁrst use” of nuclear weapons and conducted a series of exercises in which Russian nuclear forces prepared to use nuclear weapons to repel a NATO invasion. In October 2003, Russian Defense Minister Sergei Ivanov reiterated that Moscow might use nuclear weapons “preemptively” in any number of contingencies, including a NATO attack. 44 So, it remains business as usual with U.S. and Russian nuclear forces. And business as usual includes the occasional false alarm of a nuclear attack. There have been several of these incidents over the years. In September 1983, as a relatively new Soviet early-warning satellite moved into position to monitor U.S. missile ﬁelds in North Dakota, the sun lined up in just such a way as to fool the Russian satellite into reporting that half a dozen U.S. missiles had been launched at the Soviet Union. Perhaps mindful that a brand new satellite might malfunction, the ofﬁcer in charge of the command center that monitored data from the early-warning satellites refused to pass the alert to his superiors. He reportedly explained his caution by saying: “When people start a war, they don’t start it with only ﬁve missiles. You can do little damage with just ﬁve missiles.” 45 In January 1995, Norwegian scientists launched a sounding rocket on a trajectory similar to one that a U.S. Trident missile might take if it were launched to blind Russian radars with a high 26 What if Space Were Weaponized? altitude nuclear detonation. The incident was apparently serious enough that, the next day, Russian President Boris Yeltsin stated that he had activated his “nuclear football” – a device that allows the Russian president to communicate with his military advisors and review his options for launching his arsenal. In this case, the Russian early-warning satellites could clearly see that no attack was under way and the crisis passed without incident. 46 In both cases, Russian observers were conﬁdent that what appeared to be a “small” attack was not a fragmentary picture of a much larger one. In the case of the Norwegian sounding rocket, space-based sensors played a crucial role in assuring the Russian leadership that it was not under attack. The Russian command system, however, is no longer able to provide such reliable, early warning. The dissolution of the Soviet Union cost Moscow several radar stations in newly independent states, creating “attack corridors” through which Moscow could not see an attack launched by U.S. nuclear submarines. 47 Further, Russia’s constellation of early-warning satellites has been allowed to decline – only one or two of the six satellites remain operational, leaving Russia with early warning for only six hours a day. Russia is attempting to reconstitute its constellation of early-warning satellites, with several launches planned in the next few years. But Russia will still have limited warning and will depend heavily on its space-based systems to provide warning of an American attack. 48 As the previous section explained, the Pentagon is contemplating military missions in space that will improve U.S. ability to cripple Russian nuclear forces in a crisis before they can execute an attack on the United States. Anti-satellite weapons, in this scenario, would blind Russian reconnaissance and warning satellites and knock out communications satellites. Such strikes might be the prelude to a full-scale attack, or a limited effort, as attempted in a war game at Schriever Air Force Base, to conduct “early deterrence strikes” to signal U.S. resolve and control escalation. 49 By 2010, the United States may, in fact, have an arsenal of ASATs (perhaps even on orbit 24/7) ready to conduct these kinds of missions – to coerce opponents and, if necessary, support preemptive attacks. Moscow would certainly have to worry that these ASATs could be used in conjunction with other space-enabled systems – for example, long-range strike systems that could attack targets in less than 90 minutes – to disable Russia’s nuclear deterrent before the Russian leadership understood what was going on. What would happen if a piece of space debris were to disable [hit] a Russian early-warning satellite under these conditions? Could the Russian military distinguish between an accident in space and the ﬁrst phase of a U.S. attack? Most Russian early-warning satellites are in elliptical Molniya orbits (a few are in GEO) and thus difﬁcult to attack from the ground or air. At a minimum, Moscow would probably have some tactical warning of such a suspicious launch, but given the sorry state of Russia’s warning, optical imaging and signals intelligence satellites there is reason to ask the question. Further, the advent of U.S. on-orbit ASATs, as now envisioned 50 could make both the more difﬁcult orbital plane and any warning systems moot. The unpleasant truth is that the Russians likely would have to make a judgment call. No state has the ability to deﬁnitively determine the cause of the satellite’s failure. Even the Accidental Nuclear War Scenarios 27 United States does not maintain (nor is it likely to have in place by 2010) a sophisticated space surveillance system that would allow it to distinguish between a satellite malfunction, a debris strike or a deliberate attack – and Russian space surveillance capabilities are much more limited by comparison. Even the risk assessments for collision with debris are speculative, particularly for the unique orbits in which Russian early-warning satellites operate. During peacetime, it is easy to imagine that the Russians would conclude that the loss of a satellite was either a malfunction or a debris strike. But how conﬁdent could U.S. planners be that the Russians would be so calm if the accident in space occurred in tandem with a second false alarm, or occurred during the middle of a crisis? What might happen if the debris strike occurred shortly after a false alarm showing a missile launch? False alarms are appallingly common – according to information obtained under the Freedom of Information Act, the U.S.-Canadian North American Aerospace Defense Command (NORAD) experienced 1,172 “moderately serious” false alarms between 1977 and 1983 – an average of almost three false alarms per week. Comparable information is not available about the Russian system, but there is no reason to believe that it is any more reliable. 51 Assessing the likelihood of these sorts of coincidences is difﬁcult because Russia has never provided data about the frequency or duration of false alarms; nor indicated how seriously earlywarning data is taken by Russian leaders. Moreover, there is no reliable estimate of the debris risk for Russian satellites in highly elliptical orbits. 52 The important point, however, is that such a coincidence would only appear suspicious if the United States were in the business of disabling satellites – in other words, there is much less risk if Washington does not develop ASATs. The loss of an early-warning satellite could look rather ominous if it occurred during a period of major tension in the relationship. While NATO no longer sees Russia as much of a threat, the same cannot be said of the converse. Despite the warm talk, Russian leaders remain wary of NATO expansion, particularly the effect expansion may have on the Baltic port of Kaliningrad. Although part of Russia, Kaliningrad is separated from the rest of Russia by Lithuania and Poland. Russia has already complained about its decreasing lack of access to the port, particularly the uncooperative attitude of the Lithuanian government. 53 News reports suggest that an edgy Russia may have moved tactical nuclear weapons into the enclave. 54 If the Lithuanian government were to close access to Kaliningrad in a ﬁt of pique, this would trigger a major crisis between NATO and Russia. Under these circumstances, the loss of an early-warning satellite would be suspicious. It is any military’s nature during a crisis to interpret events in their worst-case light. For example, consider the coincidences that occurred in early September 1956, during the extraordinarily tense period in international relations marked by the Suez Crisis and Hungarian uprising. 55 On one evening the White House received messages indicating: 1. the Turkish Air Force had gone on alert in response to unidentiﬁed aircraft penetrating its airspace; 2. one hundred Soviet MiG-15s were ﬂying over Syria; 3. a British Canberra bomber had been shot down over Syria, most likely by a MiG; and 4. The Russian ﬂeet was moving through the Dardanelles. Gen. Andrew 28 What if Space Were Weaponized? Goodpaster was reported to have worried that the conﬂuence of events “might trigger off … the NATO operations plan” that called for a nuclear strike on the Soviet Union. Yet, all of these reports were false. The “jets” over Turkey were a ﬂock of swans; the Soviet MiGs over Syria were a smaller, routine escort returning the president from a state visit to Moscow; the bomber crashed due to mechanical difﬁculties; and the Soviet ﬂeet was beginning long-scheduled exercises. In an important sense, these were not “coincidences” but rather different manifestations of a common failure – human error resulting from extreme tension of an international crisis. As one author noted, “The detection and misinterpretation of these events, against the context of world tensions from Hungary and Suez, was the ﬁrst major example of how the size and complexity of worldwide electronic warning systems could, at certain critical times, create momentum of its own.” Perhaps most worrisome, the United States might be blithely unaware of the degree to which the Russians were concerned about its actions and inadvertently escalate a crisis. During the early 1980s, the Soviet Union suffered a major “war scare” during which time its leadership concluded that bilateral relations were rapidly declining. This war scare was driven in part by the rhetoric of the Reagan administration, fortiﬁed by the selective reading of intelligence. During this period, NATO conducted a major command post exercise, Able Archer, that caused some elements of the Soviet military to raise their alert status. American ofﬁcials were stunned to learn, after the fact, that the Kremlin had been acutely nervous about an American ﬁrst strike during this period. 56 All of these incidents have a common theme – that conﬁdence is often the difference between war and peace. In times of crisis, false alarms can have a momentum of their own. As in the second scenario in this monograph, the lesson is that commanders rely on the steady ﬂow of reliable information. When that information ﬂow is disrupted – whether by a deliberate attack or an accident – conﬁdence collapses and the result is panic and escalation. Introducing ASAT weapons into this mix is all the more dangerous, because such weapons target the elements of the command system that keep leaders aware, informed and in control. As a result, the mere presence of such weapons is corrosive to the conﬁdence that allows national nuclear forces to operate safely.

#### Unchecked Commercial Appropriation causes Space Conflicts.

Perez 21 Veronica Delgado-Perez. 12/14/21. Argument | The Commercialization of Space Risks Launching a Militarized Space Race. <https://www.theintlscholar.com/periodical/12/14/2020/analysis-commercialization-space-risk-international-law-military-space-race> [Veronica Delgado-Perez is a Staff Writer at The International Scholar.] // CVHS SR

Fundamentals of the Final Frontier It is a geopolitical imperative to determine what, if any, commercial activities and use of extraterrestrial resources are permitted within the confines of international law. Without clear-cut agreements on what activity is recognized by international law, the world will undoubtedly see states push the boundaries ever further in an attempt to gain the edge over geopolitical competitors — even more-so in an era of renewed great power competition. Yet to date, there exists no comprehensive treaty or legal reference to commercial activity in space. However, this should come as no surprise. It has only been since the turn of the century that technology and markets have progressed to the point where commercial space exploration and exploitation has become possible. Only recently have experts and analysts of geopolitics and international law begun to seriously examine questions surrounding the legal framework that would govern extraterrestrial resource-mining and other commercial activities. In the last decade, the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) dealt with commercial aspects in outer space. In one of their last reports, the Committee expressed that the era of the commercial utilization of outer space’s resources is intrinsically linked to the escalation of international competition over resources, which could threaten international peace and security. By encouraging the international community to engage in outer space’s activities for the benefit of humankind as a whole, “some delegations” have expressed that states should avoid the promotion of laws and regulations related to the commercialization of outer space, arguing that it should be considered the heritage of all humanity. In that regard, states must then ensure that domestic law on the use of outer space complies with international space law, which means that states should respect the principles outlined in the Outer Space Treaty and ensure that national regulations do not contravene international provisions. Even though the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (which entered into force in 1967), refers to the exploration and use of outer space, it does not address questions of a commercial nature, which compromises the ability of states and international actors to address new challenges to extraterrestrial activities. In several provisions, the treaty highlights that these activities may be carried out for peaceful purposes and the benefit of all people, reaffirming that outer space is not subject to national appropriation. Were outer space not considered a global commons, that would imply that the resources and results of commercial exploration may fall within the jurisdiction of a country. It is thus incumbent upon Washington — and its commercial enterprises — to demonstrate how American commercial exploration of space benefits other countries and complies with international space law, or otherwise to adhere to the spirit of past treaties which emphasize the impartiality of outer space until such time as the law is clarified. International Law is Adrift in Space The potential benefits of commercial space exploration cannot be ignored. From an economic standpoint, the space industry would generate a significant economic boon for both states and private companies, due to the abundance and variety of resources — particularly scarce minerals that are difficult to extract on Earth. As one example of the vastness of resources held in outer space, one asteroid has the potential to contain more than the total supply of platinum extracted throughout the history of mankind. It may very well open the door to an advanced era of space navigation, building extraterrestrial infrastructure that facilitates the exploration and use of space’s resources, and extra-planetary human habitation. Inevitably, there are significant drawbacks to the commercialization of space exploration. These can vary, for instance, from the commercial dominance of space’s natural resources only by those states with the technical and financial capital to support space missions, to geopolitical competition over extraterrestrial resources that threatens world peace and security, to the potential for the monopolization of extraterrestrial resources by states and private companies. As was the case during the Cold War, the Soviet Union and the United States began a Space Race in which they struggled to achieve supremacy in space exploration and domination of science. Today, the number of space powers has increased thanks to continual advancements in flight, combustion, and fueling technologies. In the three decades since the end of the Cold War, technologically advanced countries like China, Japan, and France which previously had no space program have successfully navigated to the top tier of space-faring agencies and programs. In 2018, the U.S. allocated $41 billion to space programs, followed by China at $5.8 billion, and Russia at $3.1 billion. Collectively, the three major space powers control almost 65% of the global industry, showing space powers are monopolizing space and reinforcing the inequality gap between states that do not have sufficient economic and technological capacity to invest. With new actors on the game stage, conflicts of interest may arise. There is a risk that each actor adopts a kind of short-term Realist approach to space policy — one which is driven by self-interest in reaping the greatest benefits of extraterrestrial exploration and commercialization while controlling access to others. If unmitigated, states may choose to militarize outer space to gain a strategic edge over competitors and adversaries. This process has already begun. Under the Trump administration, the Pentagon established the U.S. Space Force as a new branch of the Armed Forces to protect the country and allied interests in space. Already, Delta 4 — one of the U.S. Space Force’s missions — conducts strategic and theater missile warnings, manages weapon systems, and provides information to missile defense forces. The measure shows that for the U.S., outer space is not only a domain of scientific exploration but has the potential to become increasingly securitized. With the impending expiration of the Strategic Arms Reduction Treaty (START) between the U.S. and Russia on February 5, 2021, a number of security dilemmas could arise. If the world’s two largest nuclear powers do not edge toward extending the treaty, Washington and Moscow risk returning to the era of unrestricted expansion of launch platforms and strategically-deployed nuclear warheads — potentially with the aid of military infrastructure in space. Although President-elect Biden has expressed his interest in negotiating an extension of New START, how Moscow and Washington might proceed remains an open question. Bilateral progress towards a new arms-control regime would require establishing limits on the number and range of long- and mid-range missiles, establishing measures to limit the expansion of traditional missile deployment to space, and banning the deployment of nuclear weapons and weapons of mass destruction in outer space. More than the risk of the securitization of space, state, and private actors could begin to claim exclusive legal rights over the resources they discover. Indeed, the U.S. Commercial Space Launch Competitiveness Act, which came into force in 2015, expressly recognizes the right of U.S. Citizens to possess, own, transport, use, and sell space resources. By this means, domestic law already acknowledges the legal claim to property by individuals, which is prohibited by international law. Under the Outer Space Treaty, states renounced any traditional form of acquisition of territories and agreed not to foray unilaterally into space to extend their national policies on Earth or to exercise any kind of sovereignty over celestial bodies or resources. The absence of a modern international treaty that addresses these issues should be received with grave concern, as there is significant potential for risk to become reality. Existing UN treaties lack the technological context and foresight to address legal questions regarding the potential for commercial exploration and exploitation of outer space or its resources. During the sixties and seventies, when international instruments like the Outer Space treaty were conceived, the principal aim of states was to support and expand the scale of the state’s national capacity for operation in space and the development of legal instruments to guide state’s international cooperation in the peaceful exploration of outer space. These instruments were never designed to respond to commercial questions over mining or tourism in space, private investment in space activities, or the emergence of non-state private enterprises operating in space. As a result, private enterprises operating in the vacuum of space also float in an unstable legal vacuum which threatens to implode in geopolitical competition. Beyond Stars and States In an increasingly commercial outer space in which there are no set limits to the exploitation of resources or claim to property, states and private companies will inevitably pursue the development of new extraterrestrial industries to suit their geoeconomic interests. If unchecked, the legal protection of outer space as a domain of exploration for the benefit of all humanity would functionally fail. To protect investments and profit from national space industries, states would likely resort to military force to protect and secure private assets. Over time, space would ultimately become a fourth border domain over which states claim, exercise, and defend sovereignty — including through the use of force. The challenge is thus to prevent the circumstances that could lead to space-borne conflict before it is made possible. Notwithstanding, commercial exploration and the use of natural resources need not lead to predation among actors involved in space. The potential rewards — both technological and environmental — that could come from investment in the harvesting of resources in space are immense. International law cannot afford to wait for the security dilemma posed by commercial activity in space to manifest before addressing it but must anticipate and proactively adopt measures to address future issues that govern extraterrestrial human activity. The only remedy for the lack of legal governance over commercial activity in space is the creation of new international laws through a comprehensive international treaty on commercial operations in space. The new treaty must expressly regulate commercial activities by states and private companies, enshrine an international liability and compensation regime covering damages caused with workable sanction provisions, and reinforce norms that restrict any militarization of outer space. The international community should focus its efforts on establishing a legal regime, with mandatory provisions (rather than non-binding resolutions, observations, commentaries, and conclusions) which generate both international responsibility and provide enforceable sanctions in the event of violations. The effort should be borne out by expanding the scope and strengthening the oversight powers of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), rather than creating a new organ with redundant bureaucracy. Beyond the tasks of encouraging space research programs, studying space activities, and addressing legal questions, COPUOS should be granted the necessary powers to perform control and oversight monitoring functions. Experience has taught the international community that cooperative arrangements between states and international organizations can prevent competition for resources from escalating to kinetic conflict. Through cooperation, there is a chance to preserve extraterrestrial resources for future generations, secure an equitable allocation of resources and benefits with a mind to each country’s specific needs, and prevent the expansion of geopolitical conflict to the domain of space. Space powers must recognize the value in partnering with other states to advance the development of space programs more efficiently. It should be clear now that all nations could reap the benefits of collective action, exploration, and commercialization of resources from beyond Earth’s atmosphere while preventing a drawn-out international conflict to the final frontier. The will of states not to jeopardize the fundamental basis of international law must be reflected in coordination and surveillance efforts to ensure that the advantages derived from space exploration allow humanity to continue evolving.

#### Space War cause Nuclear War.

Gallagher 15 “Antisatellite warfare without nuclear risk: A mirage” <http://thebulletin.org/space-weapons-and-risk-nuclear-exchanges8346> (interim director of the Center for International and Security Studies in Maryland, previous Executive Director of the Clinton Administration’s CTBT Treaty Committee, an arms control specialist at the State Dept., and a faculty member at Wesleyan)//Elmer

In recent decades, however, as space-based reconnaissance, communication, and targeting capabilities have become integral elements of modern military operations, strategists and policy makers have explored whether carrying out antisatellite attacks could confer major military advantages without increasing the risk of nuclear war. In theory, the answer might be yes. In practice, it is almost certainly no. Hyping threats. No country has ever deliberately and destructively attacked a satellite belonging to another country (though nations have sometimes interfered with satellites' radio transmissions). But the United States, Russia, and China have all tested advanced kinetic antisatellite weapons, and the United States has demonstrated that it can modify a missile-defense interceptor for use in antisatellite mode. Any nation that can launch nuclear weapons on medium-range ballistic missiles has the latent capability to attack satellites in low Earth orbit. Because the United States depends heavily on space for its terrestrial military superiority, some US strategists have predicted that potential adversaries will try to neutralize US advantages by attacking satellites. They have also recommended that the US military do everything it can to protect its own space assets while maintaining a capability to disable or destroy satellites that adversaries use for intelligence, communication, navigation, or targeting. Analysis of this sort often exaggerates both potential adversaries’ ability to destroy US space assets and the military advantages that either side would gain from antisatellite attacks. Nonetheless, some observers are once again advancing worst-case scenarios to support arguments for offensive counterspace capabilities. In some other countries, interest in space warfare may be increasing because of these arguments. If any nation, for whatever reason, launched an attack on a second nation's satellites, nuclear retaliation against terrestrial targets would be an irrational response. But powerful countries do sometimes respond irrationally when attacked. Moreover, disproportionate retaliation following a deliberate antisatellite attack is not the only way in which antisatellite weapons could contribute to nuclear war. It is not even the likeliest way. As was clearly understood by the countries that negotiated the Outer Space Treaty, crisis management would become more difficult, and the risk of inadvertent deterrence failure would increase, if satellites used for reconnaissance and communication were disabled or destroyed. But even if the norm against attacking another country’s satellites is never broken, developing and testing antisatellite weapons still increase the risk of nuclear war. If, for instance, US military leaders became seriously concerned that China or Russia were preparing an antisatellite attack, pressure could build for a pre-emptive attack against Chinese or Russian strategic forces. Should a satellite be struck by a piece of space debris during a crisis or a low-level terrestrial conflict, leaders might mistakenly assume that a space war had begun and retaliate before they knew what had actually happened. Such scenarios may seem improbable, but they are no more implausible than the scenarios that are used to justify the development and use of antisatellite weapons.

#### Nuke war causes extinction AND outweighs other existential risks

* Checked

PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf> //Re-cut by Elmer

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about **20 percent** for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species) as well as destroying the delicate interwoven techno-structure on which latter-day 'civilization' has come to depend. Temperatures would drop to below those of the last ice-age for up to 30 years as a result of the lofting of up to 180 million tonnes of very black soot into the stratosphere where it would remain for decades. 15. Though human ingenuity and resilience shouldn't be underestimated, human survival itself is arguably problematic, to put it mildly, under a 2000+ warhead USA/Russian federation scenario. 16. The Joint Statement on Catastrophic Humanitarian Consequences signed October 2013 by 146 governments mentioned 'Human Survival' no less than 5 times. The most recent (December 2014) one gives it a highly prominent place. Gareth Evans’ ICNND (International Commission on Nuclear Non-proliferation and Disarmament) Report made it clear that it saw the threat posed by nuclear weapons use as one that at least threatens what we now call 'civilization' and that potentially threatens human survival with an immediacy that even climate change does not, though we can see the results of climate change here and now and of course the immediate post-nuclear results for Hiroshima and Nagasaki as well.

#### Satellite collapse ensures nuclear miscalculation.

Les Johnson 14. Baen science fiction author, popular science writer, and NASA technologist. “Living without satellites”. <https://www.baen.com/living_without_satellites>.

Satellite imagery is used by the military and our political leaders to maintain the peace. When your potential adversaries can’t hide what they’re doing, where their armies are moving and what they are doing with their civilian and military infrastructure, then the danger of surprise attack is diminished. In our nuclear age with instant death only minutes away by missile attack, the doctrine of Mutual Assured Destruction (MAD) only works if both sides know whether or not they are being attacked. The launch of missiles or a bomber fleet can easily be seen from space far in advance of either reaching their potential targets halfway around the globe. The danger of surprise attack is therefore small, making an accidental war far less likely. So what does all this mean? And what do we do about it? First of all, it means that the advocates of space development, exploration and commercialization have succeeded far beyond their initial expectations and dreams. The economies and security of countries in the developed world are now dependent on space satellites. We space advocates should celebrate our success and be terrified of it at the same time. Should we lose these fragile assets in space, our economy would experience a disruption like no other: ship, air and train travel would stop and only restart/operate in a much-reduced capacity for years (GPS loss). Many banking and retail transactions would cease (VSAT loss). Distribution of news and vital national information would be crippled (communications satellite loss). Lives would be put at risk and the productivity of our farming would dramatically decrease (weather satellite loss). The risk of war, including nuclear war, would increase (loss of spy satellites) and our military’s ability to react to crises would be significantly reduced (loss of military logistics and intelligence gathering satellites).

#### Kessler syndrome ensures cascading impacts - satellites solve every impact, including military readiness, internet, and space weather.

Dvorsky 15 George Dvorsky 6-4-2015 “What Would Happen If All Our Satellites Were Suddenly Destroyed?” <https://io9.gizmodo.com/what-would-happen-if-all-our-satellites-were-suddenly-d-1709006681> (Senior staff reporter at Gizmodo specializing in astronomy, space exploration, SETI, archaeology, bioethics, animal intelligence, human enhancement, and risks posed by AI and other advanced tech.)//Elmer

Lastly, there’s the [Kessler Syndrome](http://www.spacesafetymagazine.com/space-debris/kessler-syndrome/) to consider. This scenario was portrayed in the 2013 film Gravity. In the movie, a Russian missile strike on a defunct satellite inadvertently causes a cascading chain reaction that formed an ever-growing cloud of orbiting space debris. Anything in the cloud’s wake — including satellites, space stations, and astronauts — gets annihilated. Disturbingly, the Kessler Syndrome is a very real possibility, and the likelihood of it happening [is steadily increasing as more stuff gets thrown into space](http://io9.com/how-to-clean-up-deadly-space-junk-before-disaster-strik-1443463338). Given these grim prospects, it’s fair to ask what might happen to our civilization if any of these things happened. At the risk of gross understatement, the complete loss of our satellite fleet would instigate a tremendous disruption to our current mode of technological existence — disruptions that would be experienced in the short, medium, and long term, and across multiple [domains](https://io9.gizmodo.com/what-would-happen-if-all-our-satellites-were-suddenly-d-1709006681). Compromised Communications Almost immediately we’d notice a dramatic reduction in our ability to communicate, share information, and conduct transactions. “If our communications satellites are lost, then bandwidth is also lost,” [Jonathan McDowell](http://planet4589.org/) tells io9. He’s an astrophysicists and Chandra Observatory scientist who works out of the [Harvard-Smithsonian Center for Astrophysics](http://planet4589.org/jcm/cfa-www.harvard.edu). McDowell says that, with telecommunication satellites wiped out, the burden of telecommunications would fall upon undersea cables and ground-based communication systems. But while many forms of communication would disappear in an [instant](https://io9.gizmodo.com/what-would-happen-if-all-our-satellites-were-suddenly-d-1709006681), others would remain. All international calls and data traffic would have to be re-routed, placing tremendous pressure on terrestrial and undersea lines. Oversaturation would stretch the capacity of these systems to the limit, preventing many calls from going through. Hundreds of millions of Internet connections would vanish, or be severely overloaded. A similar number of cell phones would be rendered useless. In remote areas, people dependent on satellite for television, Internet, and radio would practically lose all service. “Indeed, a lot of television would suddenly disappear,” says McDowell. “A sizable portion of TV comes from cable whose companies relay programming from satellites to their hubs.” It’s important to note that we actually have a precedent for a dramatic — albeit brief — disruption in com-sat capability. Back in 1998, [there was a day in which a single satellite failed and all the world’s pagers stopped working](http://articles.latimes.com/1998/may/21/news/mn-52190). Get Out Your Paper Maps We would also lose the Global Positioning System. In the years since its inception, GPS has become ubiquitous, and a surprising number of systems have become reliant on it. “Apart from the fact that everyone has forgotten to navigate without GPS in their cars, many airplanes use GPS as well,” says McDowell. Though backup systems exist, airlines use GPS to chart the most fuel-efficient and expeditious routes. Without GPS and telecomm-sats, aircraft controllers would have tremendous difficulty communicating with and routing airplanes. Airlines would have to fall back to legacy systems and procedures. Given the sheer volume of airline traffic today, accidents would be all but guaranteed. Other affected navigation systems would include those aboard cargo vessels, supply-chain management systems, and transportation hubs driven by GPS. But GPS does more than just provide positioning — it also provides for timing. Ground-based atomic clocks can perform the same function, but GPS is increasingly being used to distribute the universal time standard via satellites. Within hours of a terminated service, any distributing networks requiring tight synchronization would start to suffer from “clock drift,” leading to serious performance issues and outright service outages. Such disruptions could affect everything from the power grid through to the financial sector. In the report, “[A Day Without Space: Economic and National Security Ramifications](http://marshall.org/wp-content/uploads/2013/08/Day-without-Space-Oct-16-2008.pdf),” Ed Morris, the Executive Director of the Office of Space Commerce at the Department of Commerce, writes: If you think it is hard to get work done when your internet connection goes out at the office, imagine losing that plus your cell [phone](https://io9.gizmodo.com/what-would-happen-if-all-our-satellites-were-suddenly-d-1709006681), TV, radio, ATM access, [credit cards](https://io9.gizmodo.com/what-would-happen-if-all-our-satellites-were-suddenly-d-1709006681), and possibly even your electricity. [...] Wireless services, especially those built to [CDMA standard](http://www.protocols.com/pbook/cellular.htm), would fail to hand off calls from one cell to the next, leading to dropped connections. Computer networks would experience slowdowns as data is pushed through finite pipelines at reduced bit rates. The same would be true for major networks for communication and entertainment, since they are all IP-based today and require ultra-precise timing to ensure digital traffic reaches its destination. The lack of effective synch would hit especially hard in banking, where the timing of transactions needs to be recorded. Credit card payments and bank accounts would likely freeze, as billions of dollars could be sucked away from businesses. A financial crash is not out of the question. The Loss of Military Capability The sudden loss of satellite capability would have a profound effect on the military. The Marshall Institute puts it this way: “Space is a critical enabler to all U.S. warfare domains,” including intelligence, navigation, communications, weather prediction, and warfare. McDowell describes satellite capability as as the “backbone” of the U.S. military. And as 21st century warfare expert [Peter W. Singer](http://www.pwsinger.com/biography.html) from [New America Foundation](https://www.newamerica.org/) tells io9, “He who controls the heavens will control what happens in the battles of Earth.” Singer summarized the military consequences of losing satellites in an email to us: Today there are some 1,100 active satellites which act as the nervous system of not just our economy, but also our military. Everything from communications to GPS to intelligence all depend on it. Potential foes have noticed, which is why Russia and China have recently begun testing a new generation of anti-satellite weapons, which in turn has sparked the U.S. military to recently budget $5 billion for various space warfare systems. What would happen if we lost access to space? Well, the battles would, as one U.S. military officer put it, take us back to the “pre digital age.” Our drones, our missiles, even our ground units wouldn’t be able to operate the way we plan. It would force a rewrite of all our assumptions of 21st century high tech war. We might have a new generation of stealthy battleships...but the loss of space would mean naval battles would in many ways be like the game of Battleship, where the two sides would struggle to even find each other. Moreover, and as McDowell explains to io9, the loss of satellite capability would have a profound effect on arms control capabilities. Space systems can monitor compliance; without them, we’d be running blind. “The overarching consideration is that you wouldn’t really know what’s going on,” says McDowell. “Satellites provide for both global and local views of what’s happening. We would be less connected, less informed — and with considerably degraded situational awareness.” Compromised Weather Prediction and Climate Science One great thing satellites have done for us is improve our ability to forecast weather. Predicting a slight chance of cloudiness is all well and good, but some areas, like India, Pakistan, and Bangladesh, are dependent on such systems to predict potentially hazardous monsoons. And in the U.S., the NOAA has estimated that, during a typical hurricane season, weather satellites save as much as $3 billion in lives and property damage. There’s also the effect on science to consider. Much of what we know about climate change comes from satellites. As McDowell explains, the first couple of weeks without satellites wouldn’t make much of a difference. But over a ten-year span, the lack of satellites would preclude our ability to understand and monitor such things as the ozone layer, carbon dioxide levels, and the distribution of polar ice. Ground-based and balloon-driven systems would help, but much of the data we’re currently tracking would suddenly become much spottier. “We’re quite dependent on satellites for a global view of what’s happening on our planet — and at a time when we really, really need to know what’s happening,” says McDowell. It’s also worth pointing out that, without satellites, we also wouldn’t be able to monitor space weather, such as incoming space storms. Time to Recover With all the satellites gone, both governmental and private interests would work feverishly to restore space-based capabilities. Depending on the nature of the satellite-destroying event, it could take decades or more to get ourselves back to current operational standards. It would take a particularly long time to recover from a Carrington Event, which would zap many ground-based electronic systems as well. The U.S. military is already thinking along these lines, which is why it’s working on the ability to quickly send up emergency assets, such as small satellites parked in Low Earth Orbit (LEO). Cube satellites are increasingly favored, as an easy-to-launch, affordable, and effective solution — albeit a short-term one. The U.S. Operationally Responsive State Office is currently working on the concept of emergency replenishment and the ability to “rapidly deploy capabilities that are good enough to satisfy warfighter needs across the entire spectrum of operations, from peacetime through conflict.” As for getting full-sized, geostationary satellites back into orbit, that would prove to be a greater challenge. It can take years to built a new satellite, which typically requires a big, costly rocket to get it into space. Lastly, if a Kessler Syndrome wipes out the satellites, that would present an entirely different recovery scenario. According to McDowell, it would take a minimum of 11 years for LEO to clear itself of the debris cloud; any objects below 500 km (310 miles) would eventually fall back to Earth. Thus, we would only be able to start re-seeding LEO in a little over a decade following a Kessler event. Unfortunately, the area above 600 km (372 miles) would remain out of touch for a practically indefinite period of time; objects orbiting at that height tend to stay there for a long, long time. We’d probably lose this band for good — unless we manually removed the debris field, using clean-up satellites or other techniques. It’s worth noting that a single Kessler event could hit the LEO zone or the GEO zone (geosynchronous orbit) but realistically not both; LEO debris could never reach GEO, and vice versa — though a spent rocket in GTO (geosynchronous transfer orbit) or SSTO (supersynchronous transfer orbit) passes through or near both zones and could potentially affect either of them. The spent rockets in GTO do not stay too close to the GEO arc for long due to orbital perturbations, so a GEO Kessler event is very unlikely to be triggered by one of them. Suffice to say, we should probably take the prospect of a Kessler Syndrome more seriously, and be aware of what could happen if we’re no longer able to use these spaces.

### 1AC: Fwk

#### The standard is maximizing expected well-being. – we will spec – Hedonistic act Utilitarianism

#### Prefer:

#### 1] Pleasure and pain are intrinsic value and disvalue

Blum et al. 18

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**Pleasure** is not only one of the three primary reward functions but it also **defines reward.** As homeostasis explains the functions of only a limited number of rewards, the principal reason why particular stimuli, objects, events, situations, and activities are rewarding may be due to pleasure. This applies first of all to sex and to the primary homeostatic rewards of food and liquid and extends to money, taste, beauty, social encounters and nonmaterial, internally set, and intrinsic rewards. Pleasure, as the primary effect of rewards, drives the prime reward functions of learning, approach behavior, and decision making and provides the **basis for hedonic theories** of reward function. We are attracted by most rewards and exert intense efforts to obtain them, just because they are enjoyable [10]. Pleasure is a passive reaction that derives from the experience or prediction of reward and may lead to a long-lasting state of happiness. The word happiness is difficult to define. In fact, just obtaining physical pleasure may not be enough. One key to happiness involves a network of good friends. However, it is not obvious how the higher forms of satisfaction and pleasure are related to an ice cream cone, or to your team winning a sporting event. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure [14]. Pleasure as a hallmark of reward is sufficient for defining a reward, but it may not be necessary. A reward may generate positive learning and approach behavior simply because it contains substances that are essential for body function. When we are hungry, we may eat bad and unpleasant meals. A monkey who receives hundreds of small drops of water every morning in the laboratory is unlikely to feel a rush of pleasure every time it gets the 0.1 ml. Nevertheless, with these precautions in mind, we may define any stimulus, object, event, activity, or situation that has the potential to produce pleasure as a reward. In the context of reward deficiency or for disorders of addiction, homeostasis pursues pharmacological treatments: drugs to treat drug addiction, obesity, and other compulsive behaviors. The theory of allostasis suggests broader approaches - such as re-expanding the range of possible pleasures and providing opportunities to expend effort in their pursuit. [15]. It is noteworthy, the first animal studies eliciting approach behavior by electrical brain stimulation interpreted their findings as a discovery of the brain’s pleasure centers [16] which were later partly associated with midbrain dopamine neurons [17–19] despite the notorious difficulties of identifying emotions in animals. Evolutionary theories of pleasure: The love connection BO:D Charles Darwin and other biological scientists that have examined the biological evolution and its basic principles found various mechanisms that steer behavior and biological development. Besides their theory on natural selection, it was particularly the sexual selection process that gained significance in the latter context over the last century, especially when it comes to the question of what makes us “what we are,” i.e., human. However, the capacity to sexually select and evolve is not at all a human accomplishment alone or a sign of our uniqueness; yet, we humans, as it seems, are ingenious in fooling ourselves and others–when we are in love or desperately search for it. It is well established that modern biological theory conjectures that **organisms are** the **result of evolutionary competition.** In fact, Richard Dawkins stresses gene survival and propagation as the basic mechanism of life [20]. Only genes that lead to the fittest phenotype will make it. It is noteworthy that the phenotype is selected based on behavior that maximizes gene propagation. To do so, the phenotype must survive and generate offspring, and be better at it than its competitors. Thus, the ultimate, distal function of rewards is to increase evolutionary fitness by ensuring the survival of the organism and reproduction. It is agreed that learning, approach, economic decisions, and positive emotions are the proximal functions through which phenotypes obtain other necessary nutrients for survival, mating, and care for offspring. Behavioral reward functions have evolved to help individuals to survive and propagate their genes. Apparently, people need to live well and long enough to reproduce. Most would agree that homo-sapiens do so by ingesting the substances that make their bodies function properly. For this reason, foods and drinks are rewards. Additional rewards, including those used for economic exchanges, ensure sufficient palatable food and drink supply. Mating and gene propagation is supported by powerful sexual attraction. Additional properties, like body form, augment the chance to mate and nourish and defend offspring and are therefore also rewards. Care for offspring until they can reproduce themselves helps gene propagation and is rewarding; otherwise, many believe mating is useless. According to David E Comings, as any small edge will ultimately result in evolutionary advantage [21], additional reward mechanisms like novelty seeking and exploration widen the spectrum of available rewards and thus enhance the chance for survival, reproduction, and ultimate gene propagation. These functions may help us to obtain the benefits of distant rewards that are determined by our own interests and not immediately available in the environment. Thus the distal reward function in gene propagation and evolutionary fitness defines the proximal reward functions that we see in everyday behavior. That is why foods, drinks, mates, and offspring are rewarding. There have been theories linking pleasure as a required component of health benefits salutogenesis, (salugenesis). In essence, under these terms, pleasure is described as a state or feeling of happiness and satisfaction resulting from an experience that one enjoys. Regarding pleasure, it is a double-edged sword, on the one hand, it promotes positive feelings (like mindfulness) and even better cognition, possibly through the release of dopamine [22]. But on the other hand, pleasure simultaneously encourages addiction and other negative behaviors, i.e., motivational toxicity. It is a complex neurobiological phenomenon, relying on reward circuitry or limbic activity. It is important to realize that through the “Brain Reward Cascade” (BRC) endorphin and endogenous morphinergic mechanisms may play a role [23]. While natural rewards are essential for survival and appetitive motivation leading to beneficial biological behaviors like eating, sex, and reproduction, crucial social interactions seem to further facilitate the positive effects exerted by pleasurable experiences. Indeed, experimentation with addictive drugs is capable of directly acting on reward pathways and causing deterioration of these systems promoting hypodopaminergia [24]. Most would agree that pleasurable activities can stimulate personal growth and may help to induce healthy behavioral changes, including stress management [25]. The work of Esch and Stefano [26] concerning the link between compassion and love implicate the brain reward system, and pleasure induction suggests that social contact in general, i.e., love, attachment, and compassion, can be highly effective in stress reduction, survival, and overall health. Understanding the role of neurotransmission and pleasurable states both positive and negative have been adequately studied over many decades [26–37], but comparative anatomical and neurobiological function between animals and homo sapiens appear to be required and seem to be in an infancy stage. Finding happiness is different between apes and humans As stated earlier in this expert opinion one key to happiness involves a network of good friends [38]. However, it is not entirely clear exactly how the higher forms of satisfaction and pleasure are related to a sugar rush, winning a sports event or even sky diving, all of which augment dopamine release at the reward brain site. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure. Remarkably, there are pathways for ordinary liking and pleasure, which are limited in scope as described above in this commentary. However, there are **many brain regions**, often termed hot and cold spots, that significantly **modulate** (increase or decrease) our **pleasure or** even **produce the opposite** of pleasure— that is disgust and fear [39]. One specific region of the nucleus accumbens is organized like a computer keyboard, with particular stimulus triggers in rows— producing an increase and decrease of pleasure and disgust. Moreover, the cortex has unique roles in the cognitive evaluation of our feelings of pleasure [40]. Importantly, the interplay of these multiple triggers and the higher brain centers in the prefrontal cortex are very intricate and are just being uncovered. Desire and reward centers It is surprising that many different sources of pleasure activate the same circuits between the mesocorticolimbic regions (Figure 1). Reward and desire are two aspects pleasure induction and have a very widespread, large circuit. Some part of this circuit distinguishes between desire and dread. The so-called pleasure circuitry called “REWARD” involves a well-known dopamine pathway in the mesolimbic system that can influence both pleasure and motivation. In simplest terms, the well-established mesolimbic system is a dopamine circuit for reward. It starts in the ventral tegmental area (VTA) of the midbrain and travels to the nucleus accumbens (Figure 2). It is the cornerstone target to all addictions. The VTA is encompassed with neurons using glutamate, GABA, and dopamine. The nucleus accumbens (NAc) is located within the ventral striatum and is divided into two sub-regions—the motor and limbic regions associated with its core and shell, respectively. The NAc has spiny neurons that receive dopamine from the VTA and glutamate (a dopamine driver) from the hippocampus, amygdala and medial prefrontal cortex. Subsequently, the NAc projects GABA signals to an area termed the ventral pallidum (VP). The region is a relay station in the limbic loop of the basal ganglia, critical for motivation, behavior, emotions and the “Feel Good” response. This defined system of the brain is involved in all addictions –substance, and non –substance related. In 1995, our laboratory coined the term “Reward Deficiency Syndrome” (RDS) to describe genetic and epigenetic induced hypodopaminergia in the “Brain Reward Cascade” that contribute to addiction and compulsive behaviors [3,6,41]. Furthermore, ordinary “liking” of something, or pure pleasure, is represented by small regions mainly in the limbic system (old reptilian part of the brain). These may be part of larger neural circuits. In Latin, hedus is the term for “sweet”; and in Greek, hodone is the term for “pleasure.” Thus, the word Hedonic is now referring to various subcomponents of pleasure: some associated with purely sensory and others with more complex emotions involving morals, aesthetics, and social interactions. The capacity to have pleasure is part of being healthy and may even extend life, especially if linked to optimism as a dopaminergic response [42]. Psychiatric illness often includes symptoms of an abnormal inability to experience pleasure, referred to as anhedonia. A negative feeling state is called dysphoria, which can consist of many emotions such as pain, depression, anxiety, fear, and disgust. Previously many scientists used animal research to uncover the complex mechanisms of pleasure, liking, motivation and even emotions like panic and fear, as discussed above [43]. However, as a significant amount of related research about the specific brain regions of pleasure/reward circuitry has been derived from invasive studies of animals, these cannot be directly compared with subjective states experienced by humans. In an attempt to resolve the controversy regarding the causal contributions of mesolimbic dopamine systems to reward, we have previously evaluated the three-main competing explanatory categories: “liking,” “learning,” and “wanting” [3]. That is, dopamine may mediate (a) liking: the hedonic impact of reward, (b) learning: learned predictions about rewarding effects, or (c) wanting: the pursuit of rewards by attributing incentive salience to reward-related stimuli [44]. We have evaluated these hypotheses, especially as they relate to the RDS, and we find that the incentive salience or “wanting” hypothesis of dopaminergic functioning is supported by a majority of the scientific evidence. Various neuroimaging studies have shown that anticipated behaviors such as sex and gaming, delicious foods and drugs of abuse all affect brain regions associated with reward networks, and may not be unidirectional. Drugs of abuse enhance dopamine signaling which sensitizes mesolimbic brain mechanisms that apparently evolved explicitly to attribute incentive salience to various rewards [45]. Addictive substances are voluntarily self-administered, and they enhance (directly or indirectly) dopaminergic synaptic function in the NAc. This activation of the brain reward networks (producing the ecstatic “high” that users seek). Although these circuits were initially thought to encode a set point of hedonic tone, it is now being considered to be far more complicated in function, also encoding attention, reward expectancy, disconfirmation of reward expectancy, and incentive motivation [46]. The argument about addiction as a disease may be confused with a predisposition to substance and nonsubstance rewards relative to the extreme effect of drugs of abuse on brain neurochemistry. The former sets up an individual to be at high risk through both genetic polymorphisms in reward genes as well as harmful epigenetic insult. Some Psychologists, even with all the data, still infer that addiction is not a disease [47]. Elevated stress levels, together with polymorphisms (genetic variations) of various dopaminergic genes and the genes related to other neurotransmitters (and their genetic variants), and may have an additive effect on vulnerability to various addictions [48]. In this regard, Vanyukov, et al. [48] suggested based on review that whereas the gateway hypothesis does not specify mechanistic connections between “stages,” and does not extend to the risks for addictions the concept of common liability to addictions may be more parsimonious. The latter theory is grounded in genetic theory and supported by data identifying common sources of variation in the risk for specific addictions (e.g., RDS). This commonality has identifiable neurobiological substrate and plausible evolutionary explanations. Over many years the controversy of dopamine involvement in especially “pleasure” has led to confusion concerning separating motivation from actual pleasure (wanting versus liking) [49]. We take the position that animal studies cannot provide real clinical information as described by self-reports in humans. As mentioned earlier and in the abstract, on November 23rd, 2017, evidence for our concerns was discovered [50] In essence, although nonhuman primate brains are similar to our own, the disparity between other primates and those of human cognitive abilities tells us that surface similarity is not the whole story. Sousa et al. [50] small case found various differentially expressed genes, to associate with pleasure related systems. Furthermore, the dopaminergic interneurons located in the human neocortex were absent from the neocortex of nonhuman African apes. Such differences in neuronal transcriptional programs may underlie a variety of neurodevelopmental disorders. In simpler terms, the system controls the production of dopamine, a chemical messenger that plays a significant role in pleasure and rewards. The senior author, Dr. Nenad Sestan from Yale, stated: “Humans have evolved a dopamine system that is different than the one in chimpanzees.” This may explain why the behavior of humans is so unique from that of non-human primates, even though our brains are so surprisingly similar, Sestan said: “It might also shed light on why people are vulnerable to mental disorders such as autism (possibly even addiction).” Remarkably, this research finding emerged from an extensive, multicenter collaboration to compare the brains across several species. These researchers examined 247 specimens of neural tissue from six humans, five chimpanzees, and five macaque monkeys. Moreover, these investigators analyzed which genes were turned on or off in 16 regions of the brain. While the differences among species were subtle, **there was** a **remarkable contrast in** the **neocortices**, specifically in an area of the brain that is much more developed in humans than in chimpanzees. In fact, these researchers found that a gene called tyrosine hydroxylase (TH) for the enzyme, responsible for the production of dopamine, was expressed in the neocortex of humans, but not chimpanzees. As discussed earlier, dopamine is best known for its essential role within the brain’s reward system; the very system that responds to everything from sex, to gambling, to food, and to addictive drugs. However, dopamine also assists in regulating emotional responses, memory, and movement. Notably, abnormal dopamine levels have been linked to disorders including Parkinson’s, schizophrenia and spectrum disorders such as autism and addiction or RDS. Nora Volkow, the director of NIDA, pointed out that one alluring possibility is that the neurotransmitter dopamine plays a substantial role in humans’ ability to pursue various rewards that are perhaps months or even years away in the future. This same idea has been suggested by Dr. Robert Sapolsky, a professor of biology and neurology at Stanford University. Dr. Sapolsky cited evidence that dopamine levels rise dramatically in humans when we anticipate potential rewards that are uncertain and even far off in our futures, such as retirement or even the possible alterlife. This may explain what often motivates people to work for things that have no apparent short-term benefit [51]. In similar work, Volkow and Bale [52] proposed a model in which dopamine can favor NOW processes through phasic signaling in reward circuits or LATER processes through tonic signaling in control circuits. Specifically, they suggest that through its modulation of the orbitofrontal cortex, which processes salience attribution, dopamine also enables shilting from NOW to LATER, while its modulation of the insula, which processes interoceptive information, influences the probability of selecting NOW versus LATER actions based on an individual’s physiological state. This hypothesis further supports the concept that disruptions along these circuits contribute to diverse pathologies, including obesity and addiction or RDS.

#### Actor specificity:

#### A] Governments must aggregate since every policy benefit some and harms others, which also means side constraints freeze action.

#### B] States lack wills or intentions since policies are collective actions. Actor-specificity comes first since different agents have different ethical standings. Link turns calc indites because the alt would be *no* action.

#### Extinction first –

#### 1 – Forecloses future improvement – we can never improve society because our impact is irreversible

#### 2 – Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities

#### 3 – Moral obligation – allowing people to die is unethical and should be prevented because it creates ethics towards other people

#### 4 – Objectivity – body count is the most objective way to calculate impacts because comparing suffering is unethical

#### 5 – Moral uncertainty – if we’re unsure about which interpretation of the world is true – we ought to preserve the world to keep debating about it

### UV

#### Yes 1ar theory anything else means infinite abuse dtd 1ar can’t engage substance and theory no rvis 6 minute 2nr collapse means you always win competing Interps you have more time to defend your norm. Aff theory first – ¼ vs 1/7 means larger strategic loss.

#### Permissibility and presumption affirm –

**A] neutrality- otherwise we would not be able to justify morally neutral actions like drinking water**

**since there isn’t a prohibition and we would needlessly have to prove an obligation.**

**B] Trivialism- statements are true until proven false, if I told you my name, you’d believe me.**

#### C] Affirming is harder – that was above

#### Making impactful contributions demands causal policy relevance AND methodological pluralism---that is the only way to draw accurate contextual conclusions and prevent violent, imprecise reification.

Michael C. Desch 19. Packey J. Dee Professor of International Relations at Notre Dame and founding director of the Notre Dame International Security Center, former Professor and Director of the Patterson School of Diplomacy and International Commerce at the University of Kentucky, #gocats. 2019. “Conclusions, Responses to Objections, and Scholarly Recommendations.” Cult of the Irrelevant: The Waning Influence of Social Science on National Security, Princeton University Press.

I want to reiterate that I am not arguing that scholarship that is formal or quantitative is by definition irrelevant. Indeed, one can point to examples of both that are. When applied to economic issues, the discipline of economics has managed to be both highly “scientific” and, at times, quite relevant, though for both good and ill. Likewise, there are examples of highly quantitative political science that policymakers have found useful.1 Finally, there is much nonquantitative scholarship, particularly but not exclusively in the humanities that, is jargon laden and otherwise inaccessible to a wider audience, including government policymakers.2 This is by no means an anti-social science methods screed, just a reminder of the tensions between rigor and relevance that need to managed rather than assumed away. Nor is this in any way a brief against theory. Former State Department official Roger Hilsman reminded us that everyone, including policymakers, uses theory. Paraphrasing John Maynard Keynes, he concluded that “it seems obvious that all thinking involves notions of how and why things happen. Even the ‘practical’ man who despises theory has a number of assumptions and expectations which lead him to believe that when certain things are done, certain results follow.. . .It is this ‘theory’ that helps a problem solver select from the mass of facts surrounding him those which he hopes are relevant.”3 Given that, I fully associate myself with Hans Morgenthau’s balanced view that “theory without verification is metaphysics, but empiricism without theory is aimless.”4 Since policymakers implicitly use theory in analyzing situations and assessing their alternatives, such theories should be stated explicitly and analyzed systematically, which is a comparative advantage of the scholars. Instead, what I offer is simply a critique of the increasing tendency of many social scientists to embrace methods and models for their own sake rather than because they can help us answer substantively important questions. This inclination is in part the result of the otherwise normal and productive workings of science, but is also reinforced by less positive factors such as organizational self-interest and intellectual culture. As a result of the latter, many political scientists have committed themselves to particular social science methods not so much because they believe they will illuminate real-world policy problems but because they serve a vested interest in disciplinary autonomy and dovetail with a particular image (mathematized and model-based) of what a “science” of politics should look like. In other words, the professionalization of social science is the root of the enduring relevance question. This tendency to equate rigor with technique imposes costs on the rest of society as well as the discipline, especially when it excludes a more balanced approach to rigor and relevance of the sort that characterized the subfield of security studies in the past. On the former, as diplomat George Kennan rightly observed, policymakers need academic expertise because they have to make decisions about issues and areas of the world “about which they cannot be expert and learned.”5 They depend on the academy for the raw data—whether quantitative or historical—that they use in decision making. They also rely on the social sciences for the theories they use to analyze and make sense of this data. The problem with relying exclusively on in-house government research to make up for the lack of policy-relevant academic research is that it is often of low quality. The role of the “independent policy analyst” is essential for three reasons: 6 He or she can challenge basic policy assumptions. As RAND’s Hans Spier put it, they can undertake “research which does not necessarily take the mission of the military for granted and admits the possibility U.S. may be wrong”7 And academic social scientists are particularly well suited to this role by virtue of the fact that they both conduct research and also teach future policymakers. Academics have some other advantages over policymakers. They have the time to develop greater depth of knowledge on issues and regions than most policymakers can. The institution of tenure also gives them, at least in theory, the freedom to explore controversial issues and take unpopular stands. And while peer review can homogenize and narrow scholarship, it also plays an indisputably positive role in advancing it. Finally, university-based scholars have less of a vested interest in certain policies and programs than do policymakers, though of course that is not to deny that they have their own institutional interests and biases.9 I am not suggesting, of course, that scholars would make better policy than bureaucrats and elected officials. They lack inside knowledge, have little actual power, and are often politically out of step with the rest of American society.10 They also come to policy issues with a markedly different intellectual orientation than policymakers.11 Rather, my point is simply that our democratic political system depends on the successful functioning of the marketplace of ideas and checks and balances in which individuals and groups with various strengths and weaknesses and offsetting biases participate in the larger policy debate, thereby compensating for each other’s limitations.12 We run into trouble when we lack one of these perspectives in policy debates. Indeed, there are instances—the war in Vietnam and the recent Iraq War—in which had the majority consensus of scholars in academia influenced policy, the country’s national interest would have been better served. As the flawed Iraq War debate demonstrates, our nation’s marketplace of ideas is bankrupt, particularly in national security affairs.13 Of course, our political problems run much deeper than just the Beltway/Ivory Tower gap, but closing it would represent an important step in the country’s intellectual recapitalization. This nation’s universities need to reclaim their place as one of society’s main sources of independent ideas about the problems that it faces.14 Less widely recognized, and perhaps more controversial given the prevailing sentiments in the Academy for a sharp distinction between “science” and “policy,” is my contention that the growing gap is ultimately bad for the generation of new knowledge. There are at least two reasons why greater attention to policy relevance produces better scholarship. First, it leads to more realistic theorizing. As John Kenneth Galbraith warned his economics colleagues nearly forty years ago, “No arrangement for the perpetuation of thought is secure if that thought does not make contact with the problems that it is presumed to solve.”15 Second, a focus on manipulatable variables makes it more likely that they are testable because the analyst can ensure variation on them. Also, the hyperspecialization of knowledge today makes it difficult for even scholars in related disciplines to understand each other, much less the general public. Such intellectual fragmentation makes the application of scholarly knowledge to policymaking extremely difficult. Therefore, a deeper and more regular engagement between the Ivory Tower and the Beltway will be mutually beneficial for both sides.16 Ultimately, even the most sophisticated social science will be judged by what it tells us about things that affect the lives of large numbers of people and which policymakers therefore seek to influence and control.17 The recurrent congressional debates about National Science Foundation funding for political science highlight the direct costs to the discipline of not being able to justify itself in terms of broader impact on the rest of society. Harkening back to the debate about the Mansfield Amendment, an article in Science cautioned that “to the extent that the research community disdains work on major national missions or behaves self-servingly in mission-oriented work, anti-intellectualism will increase its influence on the fate of American science.”18 Also, public and philanthropic community support for investment in academia generally reflects the belief that it will produce work that will speak to problems of broader importance. When the academy fails on that score, it can undermine that support.19 Political science’s subfield of international security studies can plausibly claim to save large amounts of money and even lives and so its increasing marginalization is a self-inflicted wound on the discipline. Response to Objections There are at least eight reasonable, though ultimately unpersuasive, objections to my argument that we should consider. First, some point to the influence of the Democratic Peace Theory (DPT) on the Clinton, George W. Bush, and Obama administrations as evidence that one of the most scientific of social science theories in international relations was both useful and influential among policymakers.20 The argument that democracies are unlikely to go to war with each other gained currency among social scientists based on statistical analysis of every major interstate war since 1815. In the words of Rutgers political scientist Jack Levy, the Democratic Peace Theory is “as close as anything we have to an empirical law in international relations.”21 Two scholars argued that the theory became relevant outside of the academy precisely “because of the law-like status of a particular empirical finding.”22 Others hold it up as a model of how basic research in political science can contribute to policymakers.23 It is not clear, though, that the influence of the DPT on recent U.S. foreign policy was due to its unassailable social scientific standing. While former Defense Department official and Ohio State political scientist Joseph Kruzel conceded that DPT “had substantial impact on public policy,” he attributed its attractiveness to policymakers to its simplicity rather than its social scientific rigor.24 It clearly identifies America’s enemies (nondemocratic states) and prescribed a simple response to them (make them democratic). It is also likely that the much less methodologically sophisticated articulation of the theory in the work of Michael Doyle was far more influential.25 And the process by which DPT entered the Clinton White House did not involve sophisticated social science. Rather, the key administration proponent of the democratic peace was National Security Advisor (and former college professor) Anthony Lake.26 It is clear, however, that to the extent that Lake was drawing support for the democratic peace from academic sources, it was not from statistically based research, but rather from the qualitative work of scholars like Harvard’s Samuel Huntington.27 The results of a survey of senior national security policymakers found that more than half of those familiar with the methodologically sophisticated democratic peace theory reported not being influenced by it in their government work.28 Finally, one could argue that U.S. policymakers have embraced the democratic peace because of its compatibility with our political culture rather than its scientific standing.29 A second, and in some ways, flip side of the first critique, is that the relevance problem with contemporary security studies is the result of the subfield’s domination by realism, and particularly its most abstruse and theoretical manifestation, neorealism.30 Critics point particularly to neorealist arguments that tout the virtues of nuclear proliferation as examples of theoretically elegant but politically unacceptable social science.31 Despite its respectability among scholars, neorealist proliferation optimism has reportedly had little influence on actual policy.32 While that particular policy issue may not have been influenced by realist thinking, as this book has shown realists have remained committed to policy relevance at times when the rest of the discipline has eschewed it. And they have more often been on the right side of policy debates as well.33 A third potential challenge to my argument is that many social scientists believe that they should avoid offering policy recommendations in favoring of focusing on basic research tasks such as identifying empirical regularities and offering generalizations to explain them.34 As Dartmouth political scientist Kalman Silvert warned, “It is not the legitimate role of the social scientist as scholar to advocate specific courses of governmental action or to act as implementer of government decisions.”35 Another rationale is that doing so is unnecessary given that the applied implications of basic research tend to trickle down by themselves.36 Policy engagement—particularly offering explicit policy recommendations—is both unwise and unnecessary in the view of many social scientists. Neither of these views, however, are shared by policymakers. Most believe that in addition to providing basic research findings, “scientists must explicitly define the linkage, whether immediate or remote, of the knowledge acquired or being acquired, to specific operational problems and continually assess the import of such knowledge to solution of the problems.”37 Nor are current and former policymakers sanguine about the trickle-down (or bubble-up in which senior policymakers get the results of scholarly work through their methodologically savvy staffs) process. As John K. Plank of the Brookings Institution, a former DoD official, recollected, “There is presumably a process whereby the research product is filtered up to [senior policymakers], but in point of fact very little of operational usefulness is transmitted.”38 Fourth, some political scientists believe that there are now so many new outlets for scholars to engage in the policy debate, it is both easier for them to do so and also unnecessary for them to concern themselves with doing so in their scholarship.39 Academics can now publish basic research in scholarly venues and then disseminate its applied implications through the new media. George Washington political scientist and blogger Marc Lynch effused that with the rise of the new media “this is in most ways a golden age for policy-relevant public spheres.”40 Indeed, many see the proliferation of new media outlets as the answer to political science’s perennial problem: its diminished public profile.41 The assumption here is that political scientists are simply not communicating their results effectively. There are three problems with these arguments: Until recently, we had no idea whether blogs and other new media reached policymakers. As one optimist conceded, we have “no solid statistics” on our impact.42 But we do now and it suggests that blogs and other new media are in fact not an important source of information for policymakers and therefore are unlikely to effectively convey the implications of basic research to policymakers, the media, or the general public.43 Moreover, even if a few blogs get some attention, many others do not, simply making more noise in an already cacophonous marketplace of ideas.44 And suggesting that the failure of communication argument misses the mark, Social Science Research Council president Craig Calhoun noted that scholarly “engagement with public constituencies must move beyond a dissemination model” that assumes that “pure research” will naturally triclde down, even with better communication.45 In other words, it is not the medium that matters as much as the message. And the message must be made more intelligible and useful to policymakers and the general public. Finally, there is systematic evidence that academic bloggers and scholars who utilize other new media venues receive little professional credit for them in the critical areas of promotion and tenure.46 In short, despite the explosive growth of new media outlets, professional incentives still do not encourage scholars to use them. A fifth conceivable objection is that advanced social science techniques and basic research will eventually become more useful to policymakers as they (or at least their staffs) become more sophisticated in their understanding of them. One optimist, for example, noted that most graduate public policy schools now include one or two required courses in economics and social science methods in their curricula. As these increasingly methodologically savvy young bureaucrats become senior policymakers, so this argument goes, they will be more adept at using them and more appreciative of their policy relevance.47 However, this argument assumes that training in advanced research techniques is a recent development. Policy schools, however, have long had methods courses as part of their required curriculum. Even prior to this, many national security policymakers came out of academic Ph.D. programs in which they were exposed to the latest innovations in social science methodology. It also ignores that the security studies subfield played a leading role in developing many of these sophisticated social science techniques, particularly at RAND in the 1950s.48 An example of the reverse flow of ideas from the policy world to the Academy was the “unquestionably” leading role that RAND mathematicians and other social scientists played in the development of game theory, a mathematical framework for strategizing under uncertainty.49 Despite early enthusiasm, many at RAND concluded that game theory had an Achilles Heel in its application to national security policy: how to assign the numerical values that were to be plugged into its formulas. That was not a trivial limitation, which led Hitch to confess that “for our purposes, Game Theory has been quite disappointing.”50 It also assumes that today’s aspiring policymakers come away from these methods courses with an unqualified appreciation of their usefulness. My experience after ten years in teaching in such schools, and familiarity with the evaluations students give these courses, leaves me skeptical. They often do not see the usefulness of such courses and suspect they are being forced to take them for academic, not professional, reasons.51 Other colleagues at professional schools share this impression.52 Finally, an earlier survey of current and former national security policymakers reveals that the more highly educated the policymaker, the greater the skepticism about their utility.53 This is consistent with the argument that familiarity with advanced techniques instills greater appreciation not only for their promise but also their limits. Even proponents of modern social science methods in international relations concede that “the emerging science of international relations has a long way to go before it can be of direct use to policy makers.”54 It is hard to find much evidence that the most sophisticated approaches to international relations are of much direct use to policymakers, and there are ample reasons for caution about how much of the discipline’s “basic” research is really trickling down to indirectly influence policymakers. Sixth, some point to the post-9 /11 resurgence of interest among younger social scientists as a harbinger of another renaissance of interest in policy relevance. Others suggest that changes in the nature of the “new paradigm of knowledge production,” which is “socially distributed, application-oriented, trans-disciplinary, and subject to multiple accountabilities” constitute grounds for optimism about a broader return to relevance among the social sciences.55 To be sure, there are reasons for optimism on this score but also for continuing caution. As we have seen, previous periods of optimism about answering the relevance question have given way to disappointment. Moreover, many scholars have claimed to be policy relevant even though policymakers did not find them so.56 As one CIA analyst warned, “Social scientists commonly define policy-relevant research far more broadly than the foreign policy community does.”57 A seventh potential criticism of my argument is there are other forms of “relevance” beyond just influencing government policymakers by offering policy recommendations to which scholars should aspire.58 Especially in a democratic political system, a scholar’s vocation for politics can also involve educating students and informing the wider public about pressing issues of policy. Moreover, an engaged scholar could serve with nongovernmental and private organizations rather than just through government service. While there is no doubt that policy influence is broader than just affecting government policy, that is ultimately the goal of the enterprise, either directly through policymakers or indirectly through the media or the public. Moreover, it is the clearest and most demanding standard of relevance available. So if we want to understand when and how social science matters to policymakers that is the most important, if not the only, aspect of it to consider.59 Finally, many political scientists share Daniel Drezner’s view that economics has solved the relevance question in being both rigorous and relevant. 60 The logical implication of such a belief is that the rest of social sciences should follow that discipline’s lead in terms of its approach and methodology. This economics envy is based on a misapprehension that academic trends in economics have not also created a relevance problem. For example, a recent review of research at the World Bank by leading academic economists raised questions about how much of the scholarship of bank analysts that was written for publication in academic journals was of any use to the bank.61 Their answer was not much. They blamed intellectual trends in the discipline because it encouraged research that was “too academic, too focused toward the previously existing academic agenda, and too directed towards technical rather than pressing policy issues.”62 Behind this economics envy lies an even deeper inferiority complex visa- vis the natural sciences. Many social scientists believe that the physical sciences have two advantages over the “softer” social sciences: more reliable data and a consensus on how to analyze it. Quantifiable data, in this view, is more persuasive, because it is clearer and less subject to dispute.63 This view of the superiority of the physical over the social sciences is widespread, with many of the former reveling in their preeminence and some of the latter manifesting two classic symptoms of an inferiority complex: resentment or reflexive emulation. Neither of these responses is healthy. It is simply not true that expressing propositions mathematically ensures that they are clearer and more transparent than conveying them in English. Economist Paul Romer admitted that “with enough math, an author can be confident that most readers will never figure out where FWUTV [facts with unknown truth values] is buried. A discussant or referee cannot say that an identification assumption is not credible if they cannot figure out what it is and are too embarrassed to ask.”64 On the latter, one would think that the 2008 Great Recession, in which the misguided belief that quantitative models of the economy could be used to guide investment decisions on the grounds they could reveal “the truth” about what drives the market, would temper confidence that such scientific approaches could ensure effective policy.65 In a much discussed essay in the New York Times Magazine, Princeton economist Paul Krugman concluded that “the economics profession went astray because economists, as a group, mistook beauty, clad in impressive-looking mathematics, for truth.. . . The central cause of the profession’s failure was the desire for an all-encompassing, intellectually elegant approach that also gave economists a chance to show off their mathematical prowess.”66 It is not even clear that natural scientists have been most influential when they have employed their most rigorous and mathematically sophisticated approaches, at least in the national security realm. Indeed, there is more evidence that they have been most influential when they have offered practical solutions to real-world problems. These solutions have often come from scientifically uncertain and incomplete data.67 These are the hallmarks of much of the best of qualitative social science. Social scientists also ought to take heart that they not only can make an important contribution using their own distinct approaches, but also that in some instances they might even be superior to those of the physical scientists. For example, many of the nuclear scientists involved in the Manhattan Project soon came to regret their role in the escalating nuclear arms race of the Cold War. Reflecting a collective sense of guilt, chemist and peace activist Linus Pauling got almost nine thousand scientists to sign a January 1958 petition to end nuclear testing as first step toward universal disarmament.68 Talcing an equally impractical tack, Hungarian physicist Leo Szilard wrote to Franldin Delano Roosevelt’s science adviser Vannevar Bush in January 1944, “This weapon is so powerful that there can be no peace if it is simultaneously in the possession of any two powers unless these two powers are bound by an indissoluble political union.”69 While not all of the atomic scientists harbored doubts—recall the famous debates between Robert Oppenheimer and Edward Teller—the majority became advocates of international control of nuclear weapons, a policy that in retrospect was politically unrealistic. In comparing the assessments and policy recommendations of the physical scientists in the Golden Age, with those of social scientists like Jacob Viner, Bernard Brodie, and William T. R Fox, it is hard to avoid the conclusion that the latter’s views of the nuclear problem (that the genie of nuclear weapons could not be stuffed back in the bottle), and their recommendations for dealing with that situation (nuclear deterrence), were far more “realistic” than those of the nuclear “one world” physical scientists. What Is to Be Done? There are, of course, some nuts-and-bolts issues that scholars should be mindful of if they want to participate in the broader policy debate. Since policymakers have short attention spans given the number and breadth of issues they have to deal with, scholarly efforts to engage them need to be brief in conveying their ideas.70 This explains why Op/Eds are particularly influential and why so many are optimistic that blogs could play a similar role. Moreover, policymakers find much current scholarly work—from across the methodological spectrum—inaccessible. The common sentiment animating their views is that scholars should cut the jargon. Policymakers don’t want scholars to write in Greek or French, but rather just plain English.71 There are also some much bigger issues undergirding the relevance question.72 To begin with, political science needs to rethink how it balances scholarly rigor with practical application. There is a middle ground between policy analysis and journalism, on one side, and scholastic irrelevance on the other.73 The best approach to balancing scholarly rigor with continuing policy relevance is methodological pluralism, which includes a commitment to using not any particular method (or all of them) but rather just the approach most appropriate for the question at hand. But methodological pluralism, by itself, is not sufficient. The latest trend in political science requiring the simultaneous use of multiple methods could, ironically, prove to be even more limiting of policy relevance. Indeed, given the need to employ all of these methods simultaneously, it is potentially even more constraining in terms of the problems it can address because it has to be limited to those which can be quantified, modeled, and studied in depth at the same time.74 Therefore, reinforcing methodological pluralism must also be a commitment to problem-, rather than method-, driven research agendas. It is only the combination of these two principles that will ensure that policy-relevant security studies can not only survive, but thrive, in political science.75 Scholars also need to think carefully about the role of theory in policyrelevant security studies scholarship. While there is no doubt that theory is important to policymakers, scholars need to be aware that as with many other things, too much of it can be a bad thing. In particular, the effort to cram the rich complexity of the social world into universal models can do intellectual violence to the phenomenon under study as well as produce suboptimal policy. Paul Nitze, then the director of the Secretary of State’s Policy Planning Staff, readily conceded policymakers’ need for theory but also noted that “there is the opposing consideration .. . that [theoretical] oversimplification presents great dangers.”76 Albert Wohlstetter advocated a balanced approach to theory, noting that the key to his success throughout his career “was the practical experience I had in working with engineers. I worked with them from two sides, so to speak, as someone who had been concerned with very abstract theory more basic than that familiar to design engineers, but on the other hand, I was also concerned with production, and therefore generally trying to get them to do things more practical than they wanted to do.”77 Theory is a powerful tool of statecraft, but when scholars embrace universal models they also risk irrelevance or worse. Likewise, the transmission belts conveying scholarly findings to the policy world must be repaired. Kennan envisioned the State Department’s Policy Planning Staff in the late 1940s serving this function, and in some respects it continues to do so to this day.78 However, there are limits to how effectively a part of the bureaucracy can serve as an honest research broker. A plethora of think tanks in Washington are also supposed to translate knowledge into action, though the trend in recent years has been toward the establishment of overtly political and advocacy organizations, rather than nonpartisan, translational research centers.79 Reinventing the role of think tanks as bridges between the Ivory Tower and the beltway is long overdue. While nonacademic transmission belts can mediate between the Ivory Tower and the Beltway, they are no substitute for the scholars who produce knowledge to themselves serve as their own translators of it into policy. To be sure, scholars should not stop writing scholarly books and monographs utilizing the most sophisticated techniques of their discipline, if appropriate. In addition to doing these things, scholars should address pressing real world problems, not just chase after disciplinary fads. No one is in a better position to highlight the policy implications of a given piece of research than the individual who conducted it. Academic social scientists, if they want to be heard by senior policymakers, and heard correctly, need to be their own policy “transmission belts.”80 The role of the Democratic Peace Theory in the recent Iraq war demonstrates the problems with scholars not specifying the concrete policy implications of their research.81 Drawing on DPT, some officials in the George W. Bush administration justified the invasion of Iraq as part of a larger strategy to bring peace to the region by spreading democracy.82 Democratic Peace proponent Bruce Russett objected to this conclusion after the fact though his voice had been largely mute in the run up to the war.83 Had he and other democracy scholars participated more actively in the prewar debate, this rationale may have been less credible. Academics also need to develop a more nuanced appreciation of the various influences on policy. Many, even in democratic political systems, tend to have an unrealistically “technocratic” attitude toward policymaking. 84 They often underestimate the role of politics in government decision making. Scholars must therefore understand that the policymaking process is inherently political and that without such an appreciation of the political considerations associated with any policy choice, even a good one may not be implemented.85