# debateLA R5

## Syllogism

#### Agents must be practical reasoners –

#### [1] Regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### [2] Action Theory – every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### [3] Inescapability – the exercise of practical rationality requires that one regards practical rationality as intrinsically good – that justifies a right to freedom.

Wood07[Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW rct st]

Kant holds that **the most basic act through which people exercise their practical rationality is that of setting an end** (G 4:437). **To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set** (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that **any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good** – that is, rationally required independently of any inclination to apply it. **The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good.** In doing all this, however, **the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general.** For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. **But to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities. It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it.** One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. **But that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself. To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature.** It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics **the rational nature in every person is an end in itself whether the person is morally good or bad.**

#### [4] Epistemology – ethics must begin a priori, meaning they can’t be derived from our experience.

#### [A] Representations of space – we can only access our experiences if we can interpret the space around us, but that requires the a priori. Thinking of the absence of space is impossible – we can think of empty space but never the lack of space itself. Imagining space through a priori thoughts is the only way we can even begin to have a conception of interpreting experience; we need to be able to construct space through our minds.

#### [B] Separateness – if space is based on experience, it must be formed from objects separate to us outside of our reasoning abilities. But to represent objects as separate from us, we would already need to assume space exists in the first place to have a concept of “separateness,” so to represent space as something separate from us would be incoherent.

#### [C] Uncertainty – every person has different experiences so we can’t have a unified perspective on what is good if we each have different conceptions of it – even if we can roughly aggregate it’s not enough because there’ll always be a case when it fails so the framework o/w on probability.

#### [D] Is/Ought Gap – experience in the phenomenal world only tells us what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises within the noumenal world to make a moral theory.

#### We have a unified perspective – If I say that 2+2=4, I understand not only that I know that 2+2=4, but that everyone around can arrive at the same conclusion too because they create practical syllogisms to justify their conclusion. But, willing a maxim that violates the freedom of others is a contradiction – that’s bad.

Engstrom, Stephen (Professor of Ethics at UPitt). “Universal Legislation As the Form of Practical Knowledge.” <https://ld.circuitdebater.org/w/images/8/89/Engstrom_-_Universal_Legislation_as_a_Form_of_Practical_Knowledge.pdf> rct st

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law** in accordance with the foregoing account of the formula of universal law. **Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency.** In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case. Now on the interpretation we’ve been entertaining, **applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share[s] the practical judgment asserting the goodness of every person’s acting according to the maxim in question.** Thus in the present case the application of **the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom**. Since here **all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom,** while on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom.**

#### Only a collective will that can have power over individuals can guarantee the enforcement of good maxims. Thus, the standard is consistency with the omnilateral will.

#### To clarify, the framework does not value the ability to set any end, but rather the ability to decide which ends to pursue.

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**Independence is the basic principle of right. It guarantees equal free- dom, and so requires that no person be subject to the choice of another.** The idea of independence is similar to one that has been the target of many objections. The basic form of almost all of these focuses on the fact that **any set of rules prohibits some acts that people would otherwise do**, so that, for example, **laws prohibiting personal injury** and property dam- age **put limits on the ability of people to do as they wish.** Because differ- ent **people have incompatible wants, to let one person do what [they] want[] will typically require preventing others from doing what they want.** Thus, it has been contended, **freedom cannot even be articulated as a political value, because freedoms always come into conflict,** and **the only way to mediate those conflicts is by appealing to goods other than freedom.** As I will explain in more detail in Chapter 2, such an objection has some force against freedom understood as the ability to do whatever you wish, but fails to engage Kant’s conception of independence. **Limits on indepen- dence generate a set of restrictions that are by their nature equally appli- cable to all.** Their **generality depends on the** fact that they **abstract from** what Kant calls **the “matter” of choice—the particular purposes being pursued—and focus instead on the capacity to set purposes without hav- ing them set by others.** **What you can accomplish depends on what oth- ers are doing—someone else can frustrate your plans by getting the last quart of milk in the store. If they do so, they don’t interfere with your in- dependence, because they impose no limits on your ability to use your powers to set and pursue your own purposes. They** just change the world in ways that **make your means useless for the particular purpose you would have set. Their entitlement to change the world in those ways just is their right to independence.** In the same way, your ability to enter into cooperative activities with others depends upon their willingness to co- operate with you, and their entitlement to accept or decline your invita- tions is simply their right to independence

#### Impact calc –

#### [1] Only the omnilateral will can motivate action – it’s external to wills of agents so it can obligate them all to follow certain rules – unilateral wills fail since they would involve one person coercing other people under their will and there would be no obligation to follow a person.

#### [2] Consequences fail – A) Induction Fails – You only know induction works because past experiences have told you it has, but that is in itself a form of induction, so you use induction to prove induction – that’s circular B) Butterfly Effect – Every action has an infinite number of consequences that stem from it – me picking up a pen could cause nuclear war a hundred years down – you can’t quantify the infinite amount of pain and pleasure to come C) Aggregation fails – everyone has different feelings of pain and pleasure, so you can’t universalize that and say it’s good – it’s impossible to measure something that’s completely subjective D) Culpability – any consequence can lead to another consequence so it’s impossible to assign obligations since you can’t pinpoint a specific actor that caused a consequence.

#### Prefer additionally –

#### [1] Oppression is caused by arbitrary exclusion of others – only universalizability makes sure that include everyone equally. Farr 02

Farr, Arnold. Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative? 2002, blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf.

The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. **The** Kantian **subject is an embodied, empirical, concrete subject.** However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. **We are physical creatures with physical drives or desires. The very fact that I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check by something,** or else I behave like a Freudian id. **My empirical character must be held in check by my intelligible character, which is the legislative activity of practical reason. It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence**. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: **In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally significant is that it makes our own case no special exception** (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, **universalizable moral principles require that the individual think beyond his or her own particular desires. The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation**. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, **the universalizability criterion is a principle of consistency and a principle of inclusion.** That is, in choosing my maxims I attempt to include the perspective of other moral agents.

#### Epistemic confidence:

#### [A] Resolvability – It’s impossible to know or multiply the numerical probability by the magnitude of an impact

#### [B] Vacuum – without an underlying moral theory we do not even know if it’s moral to engage in the multiplication process of epistemic modesty

#### [C] Circular – Modesty presumes confidence in modesty

#### [D] Key to phil ed – otherwise debaters will always go for extinction level impacts and never learn the nuances of a FW which outweighs since it’s key to LD

## Offense

#### I defend “Resolved: The appropriation of outer space by private entities is unjust.”

#### Property is an external right – it is something that we don’t innately have a right to by virtue of existing but acquire once we exercise our freedom. However, this is impossible when there is no state to create property divisions.

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One key reason Kant does not accept the skeptical view of political authority, as put forward by Simmons, is that, when it comes to rights over external resources, he does not see the value of freedom as having the moral structure that Simmons attributes to it. Kant and Simmons, however, (along with Rousseau, whom we will examine in the next chapter) do share the same conception of freedom at the most basic level, a conception we can call freedom as independence. Since this notion of freedom as independence is one I will use throughout this book, it is worth a few words of clarification here. To be free-as-independent, as all these thinkers conceive it, is not to be forced to obey the will of another person; it is to enjoy a sphere of independent self-government within which others cannot interfere. This notion of freedom is thus particularly concerned with the relationships between persons. It is not concerned in the same way with whatever restrictions may be placed on our choices by natural obstacles or constraints. Being unable to hike up a mountain because a tree blocks the path does not make me less free, on the freedom- as-independence view. But being unable to hike up a mountain because you have tied me up, or because I have to seek your permission to engage in any leisure activities, does make me unfree. Freedom as independence, therefore, always refers to a relation between one person’s will and anoth- er’s: to be unfree is to be forced to obey someone else’s will rather than one’s own. For both Kant and Simmons, attaining this sort of freedom as indepen- dence requires people possess rights of property in external things. This is because the only way one person can be free from subjection to another person’s will is to have exclusive control over a sphere of the physical world within which those others are not allowed to interfere with his actions. And to have that sort of control is to have property. This exclusive sphere of property includes (a) rights of control over one’s own body and (b) rights of control over specific objects. While Kant agrees with Sim- mons that freedom requires property, he also claims that property is only possible through the state. As a result, he concludes that freedom as inde- pendence is only possible through the state. Since Kant believes that there is a basis in natural right for claiming private property, and he believes that private property requires the state, he concludes that the state is not an optional or voluntary association. Indeed, he goes so far as to suggest that we may be forced into the state against our will.18 Kant: External Freedom as Independence How does Kant reach these conclusions? Kant begins his Metaphysics of Morals with the argument that every human being possesses an innate right to external freedom, which as we have seen, is a right to indepen- dence from being coerced or constrained by another person’s will in car- rying out our choices. This, he says, is the “only original right belonging to man by virtue of his humanity.” Freedom (independence from being constrained by another’s choice [Willku ̈ r]), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of humanity. This principle of innate freedom al- ready involves the following authorizations, which are not really dis- tinct from it (as if they were members of the division of some higher concept of a right): innate equality, that is, independence from being bound by others to more than one can in turn bind them; hence a human being’s quality of being his own master (sui iuris), as well as being a human being beyond reproach (iusti), since before he performs any act affecting rights he has done no wrong to anyone; and finally, his being authorized to do to others anything that does not in itself diminish what is theirs, so long as they do not want to accept it—such things as merely communicating his thoughts to them, telling or promis- ing them something, whether what he says is true and sincere or untrue and insincere (veriloquium aut falsiloquium); for it is entirely up to them whether they want to believe him or not. (MM, 6:238) As the sole human right, for Kant, the right to freedom as independence gives us several kinds of prerogatives. First, it gives us the title to do any- thing to other people that we may do to them without actually diminish- ing their freedom as independence, like simply communicating our thoughts to them: it thus grounds rights to freedom of speech and thought. Second, it gives us title to insist that we not be bound by any restrictions to freedom that are not reciprocal restrictions, that do not bind other people in the same way: it justifies a right to equal treatment. In addition, Kant holds that the innate right includes a minimum of bodily inviolability: someone who physically interferes with my body without my consent “affects and diminishes what is internally mine (my freedom), so that his maxim is in direct contradiction with the axiom of right” (MM, 6:250). Since my faculty of self-determination can only be exercised through my body, anyone who uses direct physical force on my body interferes with all possible expressions of my freedom.19 These titles—to freedom of thought and communication, to equal treatment, and to a minimum of bodily inviolability—together comprise our original claims to freedom. Unlike internal or metaphysical freedom, though, on Kant’s theory, ex- ternal freedom is defined by the individual’s capacity to set and pursue ends in the outside world, by acting. So in order to be externally free, I must be able to take up and use physical means—at the very least, spaces and also potentially objects—in order to carry out my choices. I am not externally free merely by thinking or wishing or setting myself a goal, without taking any concrete actions; I cannot be externally free in chains. I am externally free only when I can do something to further my projects. And this means that I must be able to actually take up some means to my ends without fear of your interference with my acts. External freedom thus involves the use of pieces of the physical world, where this use is potentially subject to interference by other persons.20 While all rights involve some sort of claim to external freedom, Kant draws a important distinction between rights that belong to us innately (like all those described above) and those we must acquire. Here, Kant differentiates between what he calls the internal and external “mine” (meum). Some rights—like the innate titles—are internally mine: I am born with them; they are my inalienable property; I do not have to do anything to acquire them. Other rights are acquired, and so belong to what Kant calls the external mine: these rights do not belong to us by birth, but require a particular act to be established (MM, 6:237). Kant refers to three broad kinds of acquired rights: rights to “(1) a (corporeal) thing external to me; (2) another’s choice to perform a specific deed (praestatio); (3) another’s status in relation to me” (MM, 6:248). These three kinds of acquired rights specify (1) my claims of ownership or prop- erty; (2) my contractual claims against others; and (3) my status as an occupant of a role, as a spouse, parent, or head of household.21 And shortly after introducing the innate right, interestingly, Kant suggests that it can more or less be laid aside in his political theory, in favor of a discus- sion of acquired rights: “It can be put in the prolegomena and the division of the doctrine of right can refer only to what is externally mine or yours” (MM, 6:238). Most of Kant’s political theory, then, is concerned not with the innate right, but instead with acquired rights, which define the precise bounds of our sphere of control over the external world. The fundamental task of a science of right, as Kant sees it, is to show how these rights to an “external mine” should be defined and guaranteed: “The doctrine of right wants to be sure that what belongs to each has been determined (with mathematical exactitude)” (MM, 6:233). As we shall see, Kant con- cludes that we cannot acquire these sorts of rights without a state. One reason for this is that unlike our titles to freedom of thought and communication or to minimal bodily inviolability, our rights to specific external objects are not naturally determinate. Freedom as independence requires that I have rights of control over a particular body (my own), but not that I have rights of control over a particular object. In order to be free-as-independent, I must have a right to some sphere of property, but it does not matter which specific objects I have a right to.22 Kant’s position can perhaps be made more intuitive if we reflect that any system of prop- erty will require the existence of a set of rules that is complex and to some extent conventional: rules about what sorts of things are eligible to be held as private property, what precisely are the conditions defining voluntary exchange, what constitutes an exploitative agreement, what are the condi- tions of publicly recognized spousal or parental rights, and how to distrib- ute opportunities, education, and income. The conditions specifying these sorts of rights would be imprecise and difficult to judge in a state of nature. The basic thought here is that while a principle of equal freedom pro- vides us some information about what just property distributions should look like, the principle’s content is underspecified, and therefore cannot be directly applied. The equal freedom principle suggests that whatever system of property we implement, it ought to be consistent with every- one’s possession of a zone of freedom that is guaranteed against others’ coercive interference. Nevertheless, many possible systems of property— collective allocation, market socialism, unfettered private ownership— are potentially consistent with that sense of equal freedom. And under each one of these many possible systems, there will again be many possible particular rules consistent with everyone’s freedom—rules about the pre- cise bundle of claims conferred by ownership, about how exchange is to be regulated, about which objects belong to which particular persons. And finally, any system of property will also have to include some aspects that are wholly conventional: rules about what precise formalities are required to conclude a contract, exactly how long a statute of limitations to institute, down, indeed, to what side of the road to drive on.

#### That affirms –

#### [1] In outer space, there is no governing authority and thus claiming property imposes your will over others.

Stilz 2 (Anna Stilz, Anna Stilz is Laurance S. Rockefeller Professor of Politics and the University Center for Human Values. Her research focuses on questions of political membership, authority and political obligation, nationalism and self-determination, rights to land and territory, and collective agency. , 2009, accessed on 12-18-2021, Muse.jhu, "Project MUSE - Liberal Loyalty", https://muse.jhu.edu/book/30179)//phs st

It might seem, then, that Kant, like Simmons, would hold that although our acquired rights are initially indefinite, our private acts of appropria- tion in a state of nature can function to more clearly delimit their contours. Once I appropriate an external object—for example, my piece of land in the state of nature—the boundaries of my right to external freedom might simply be equivalent to those of the things and spaces that I have appropriated. If this were so, then individuals could succeed in more precisely defining property without the help of the state, and simply by coordinating expectations based on their private acts. In order to respect and acknowledge my external freedom, on this view, you would just have to cede me the spot I have rightfully occupied and to refrain from infringing on my choices within that sphere. Yet Kant does not take this position: he argues that the rights made possible by the postulate of practical reason are problematic. Whatever rights our private acts of appropriation outside the state confer upon us can only be understood as provisional rights, that is, they are not conclusive and settled (peremp- torische): indeed, for him, “It is possible to have something external as one’s own only in a rightful condition, giving laws publicly, that is, a civil condition” (MM, 6:255). What is the problem with these private methods of defining our rights to property? Why are they so unsatisfactory, from Kant’s perspective? The essential problem with acquiring property rights in a state of nature, for Kant, seems to be that we cannot unilaterally—through private will— impose a new obligation on other persons to respect our property that they would not otherwise have had.30 “By my unilateral choice I cannot bind another to refrain from using a thing, an obligation he would not otherwise have; hence I can do this only through the united choice of all who possess it in common” (MM, 6:261).31 Even claiming to interpret the a priori general will on another person’s behalf, says Kant, is at- tempting to impose a law on them on my own private authority, since every act of appropriation is “the giving of a law that holds for everyone” (MM, 6:253).32 And he worries that this claim to private authority over others is a potential source of injustice: “Now when someone makes ar- rangements about another, it is always possible for him to do the other wrong; but he can never do wrong in what he decides upon with regard to himself (for volenti non fit inuria)” (MM, 6:314). My will to appro- priate, in the belief that my appropriation is justifiable to others, cannot yet serve as a (coercive) law for everyone else, because it cannot put them under an obligation. Kant suggests, in other words, that figuring out how to carve up shares of the external world consistently with everyone’s freedom does not ex- haust the entire problem of justice involved in acquiring rights to prop- erty. We might appeal to criteria of salience or convention to help coordi- nate our expectations on which of the many possible property distributions to choose. But we face an additional difficulty: how do we impose one of these distributions without at the same time arrogating to ourselves the private authority to lay down the law for an equally free being, one who has an innate right not to be constrained by our private will? In coercing someone to respect our view of our property rights, we are also necessarily claiming the right to impose our private will upon that person. If it is to really respect everyone’s freedom, Kant thinks, a property distribution cannot be unilaterally imposed in this way. This additional dimension of the problem of justly acquiring rights— the problem of unilateral imposition—is rooted in each person’s basic “right to do what seems right and good to him and not to be dependent upon another’s opinion about this” (MM, 6:312). This right to do what seems right and good to him derives from the moral equality of persons: no one has an innate right to decide in another person’s behalf. And be- cause each person is an equally authoritative judge, it is therefore impossi- ble—in a state of nature—to put [them] under an obligation of justice that [they] himself does not recognize. The will of all others except for himself, which proposes to put him under obligation to give up a certain possession, is merely unilateral, and hence has as little lawful force in denying him possession as he has in asserting it (since this can be found only in a general will). (MM, 6:257) In conditions of equal authority—such as those that exist in any state of nature—one is obligated only by what one recognizes, by one’s own lights, as an objectively valid requirement of justice. For that reason, no other person’s merely unilateral will can bind one in the face of one’s own disagreement. Kant concludes from this that “no particular will can be legislative for the commonwealth” (TP, 8:295), since no private person’s will can effec- tively claim to impose an obligation on others. Instead, Kant says that “all right,” that is to say all claims that impose binding duties on others, “depends on laws” (TP, 8:294). Law overcomes the problem of unilater- alism inherent in imposing new obligations on others on one’s own au- thority, by substituting an omnilateral will in place of a unilateral one: “Only the concurring and united will of all, insofar as each decides the same thing for all, and all for each, and so only the general united will of the people, can be legislative” (MM, 6:314). But why is law—imposed from a public perspective—consistent with everyone’s freedom in a way that particular wills—based on our private judgments—are not? Fundamentally, Kant argues that defining and enforcing both our rights over our bodies and our rights to external objects through public and nonarbitrary laws is the only way to secure ourselves against the coercive interference of other private persons in our affairs. For Kant, then, the only sort of property distribution to which we could all hypothetically consent must necessarily be one that is defined and enforced by the state, since all privately enforced distributions have the inevitable side-effect of subjecting us to the wills of others. To show this in more detail, Kant points out two different ways that unilateral private enforcement under- mines our right to independence: first, through unilateral interpretation— a particularly pervasive problem in the enforcement of property rights, since these rights are fully conventional in a way our rights over our bod- ies are not; and second, through unilateral coercion, which threatens in- terference by others in all our rights, both our rights over our bodies and our rights over external things.

#### [2] In the state of nature, everyone is an equal arbitrator of justice – that makes rights violations impossible to resolve.

Stilz 3 (Anna Stilz, Anna Stilz is Laurance S. Rockefeller Professor of Politics and the University Center for Human Values. Her research focuses on questions of political membership, authority and political obligation, nationalism and self-determination, rights to land and territory, and collective agency. , 2009, accessed on 12-18-2021, Muse.jhu, "Project MUSE - Liberal Loyalty", https://muse.jhu.edu/book/30179)//phs st

The Problem of Unilateral Interpretation Kant centrally appeals to the idea that to conclusively possess a right, it must be an objective right, rather than a subjective right based on one individual’s private interpretation of what justice requires. A subjective right is an individual’s good-faith belief about his rights: this belief gives him title to coerce others to keep off his property or to allow him bodily inviolability. But it does not yet place other people under a correlative duty. That would be so only if all individuals shared [their] interpretation of justice. But since individuals are equally authoritative judges in the state of nature, whenever they do not share another person’s belief about jus- tice, his belief imposes no duty on them at all. Instead, they are obliged only by the duties imposed by their own good-faith interpretation of jus- tice, which may not be concordant with his. It might be said, by someone of a more Lockean persuasion, that one of these competing interpreta- tions is the one that simply is valid as a matter of moral fact. That may be so. But as long as we remain in a state of nature, even this true view of right must remain unrealized, since each person, being an equally au- thoritative judge, has a right to enforce [their] own interpretation of justice, which means the true view of right places the person under no duties when it does not correspond with the person’s own. So as long as we remain our own judges and self-enforcers, there is no means by which we might establish which interpretation of right is morally valid without claiming the authority to serve as judge in another person’s behalf and forcibly subject the person to our will. And to claim that authority over someone else, Kant thinks, is refuse to recognize a person’s independence as an equally free being. For this reason, Kant thinks a procedure for the determination of objec- tive rights is a constitutive feature of justice, since a common process of adjudication is logically necessary if anyone’s rights are to impose any objective duties on other people.33 Objective rights are rights that are de- termined through such a process of adjudication, and that impose recog- nizable duties on us even when we disagree about what justice requires. If each person is threatened with violence every time another person’s private interpretation of justice disagrees with her own, [they] cannot possi- bly enjoy a secure sphere of freedom, since this other person is able to interfere with it whenever he sees fit. Instead, it is a constitutive part of justice that there be one univocal interpretation of the rights and duties to which everyone is subject, because only then can people securely enjoy independence from each other. Part of what justice demands, then, is a mechanism by which people can have their rights guaranteed in the exter- nal world without depending on the concordance of other people’s beliefs. Justice cannot be attained in the absence of such a procedure: only once it is in place are we fully independent of interference by other people, as we have an innate claim to be. To see how the unilateralism of interpretation undermines indepen- dence, imagine for a moment that you and I are state-of-nature neighbors. Say we have managed to resolve the indeterminacy of our property rights somewhat, perhaps by appropriating only in accordance with our inter- pretation of Kant’s a priori general will, or by coordinating our expecta- tions based on the most salient just system. So we have hit on some right- ful boundary that sets off your property from mine, such that if I desire to live side by side with you in peace, simply by respecting your basic rights, I ought to be able to do so. Let’s call our initial “property-owning” equilibrium E1. Now suppose some dispute arises between us over whether your prop- erty right has in fact been infringed. Perhaps I have built a huge garage in my area, which blocks the sunlight to your property and makes your gar- den unusable. Any number of examples are possible; what unites them all is that they represent new contingencies, the disposition of which is going to be indefinite enough according to whatever original criterion of appro- priation we are working with to make it likely parties acting in good faith might disagree. In our state-of-nature system, however, the interpretation of what right actually requires in this contingency is left up to you, along with the choice of whether or not to exercise your coercive rights to re- dress any (perceived) violation. So let’s say that you decide my garage is a violation of your acquired rights, since it makes your entire garden unusable, and so you cross our boundary in order to prevent me from blocking the light and to exact compensation from me. If I do not agree with your interpretation of your rights, I am under no obligation to submit to you: I am an equally authori- tative interpreter of justice. I may object to the rightfulness of your bound- ary-crossing in this case, or, even if I concede that you had a right to exact punishment, I may (in all good faith) think that you have exceeded the bounds of the compensation you are entitled to. So I may struggle against you, and regard myself as doing so rightfully. In this situation we both regard ourselves as having a claim of justice, and since we both act in good faith, we act with full subjective right. But in our state of nature, the only thing that can decide the matter between us is a contest of strength, since both sides are equally right from their point of view. As Jeremy Waldron puts it: there is an affront to the idea of justice when force is used by opposing sides, confrontationally and contradictorily, in justice’s name. The point of using force in the name of justice is to assure people of that to which they are entitled. But if force is being used to further contradic- tory ends, then its connection with assurance is ruptured.3 Let’s say that in this case you are the stronger, and that you succeed in demolishing my garage and in exacting what you regard as rightful com- pensation for my supposed infringement—say, one-quarter of my prop- erty. Now we have a new property-owning equilibrium, E2, in which you possess 125 percent of our combined share and I possess only 75 percent. And keeping with our initial assumption that both parties were acting in good faith, with full subjective right, this new equilibrium would not have come about unrightfully. Yet there is a real sense in which I retain a claim here, since the only reason you now possess more of the total is that you were stronger, not that I was convinced by your interpretation of justice. But the bounds of our sphere of control in the external world ought not to depend on the contingencies of who is stronger, and our innate independence ought not to be subject to continual interference by others who may coerce us at any moment in accordance with their private views. For this reason, Kant thinks it is a constitutive feature of justice that it be administered by an authoritative legal system, which can impose one set of objective rules about what constitutes an infringement of property—rules we must re- spect even when we disagree about what justice requires—and adjudicate our conflicting claims in a way that is consistent with our continued inde- pendence from each other. The idea is that if we want to possess claims that, as objective rights, are actually respected by others in the external world, we will need to recognize one and only one common set of rules about rights, not a variety of competing private interpretations that coer- cively struggle for the upper hand.

# Underview

#### Unregulated mining causes asteroid deflection and astroterror

Drmola and Mareš 15 - Jakub Drmola is a PhD student and Miroslav Mareš professor, at the Divison of Security and Strategic Studies, Masaryk University, Czech Republic, "Revisiting the deflection dilemma", *Astronomy & Geophysics*, Volume 56, Issue 5, October 2015, Pages 5.15–5.18, <https://academic.oup.com/astrogeo/article/56/5/5.15/235650>

There are two basic ways to go about moving the resources contained within a given asteroid to the Earth. They can be extracted from the asteroid during its natural orbit and then transported to the Earth, or the entire asteroid might be moved closer to a more convenient location before starting mining. Thus repositioned, it might even be used as a shielded habitat, once hollowed out (Ostro 1999). There are different speculative costs and benefits associated with either option, which would vary with the size, orbit and composition of the asteroid. But, crucially, the second option would entail putting asteroids into orbit around the Earth, the Moon or possibly at one of the Earth’s Lagrangian points. Indeed, NASA has already planned a mission to capture a small asteroid and place it in a high cislunar orbit, where it would serve as a destination for future manned missions and experiments. This “Asteroid Redirect Mission” is to take place in the next decade and is being pitched mainly as a stepping stone towards a future mission to Mars (see box “NASA’s Asteroid Redirect Mission”; Brophy et al. 2012, Burchell 2014, Gates et al. 2015). Programmes to redirect asteroids and, especially, plans to mine asteroids on an industrial scale essentially resurrect the deflection dilemma. But it is no longer a matter of superpowers intentionally misusing technology designed to prevent dangerous impacts. It becomes an issue of proliferation among private entities. Once private mining companies acquire the technical ability to redirect suitable NEOs (Baoyin et al. 2011) in order to extract platinum or water from them, perilous inflections become more likely. The probability of accidents will rise with the number of asteroids whose trajectories we decide to manipulate. Such accidents might be very unlikely, but even a tiny technical or human error in the execution of an inflection meant to place an asteroid into the lunar or geocentric orbit might send it crashing into the Earth with potentially devastating consequences. And while we might find solace in the low probabilities associated with such an accident, even contemporary industries which are considered very safe suffer from unlikely tragedies. Despite being dependable and reliable, airliners do crash; there are a lot of them flying and very improbable accidents do happen if the dice are rolled often enough. Undoubtedly, we will not be steering as many asteroids as we steer planes any time soon, but industries tend to be more accident-prone during their infancy. Furthermore, a single asteroid can do a lot more damage than a single plane. And who is to say how much metal or water we are going to need in space over the course of the 21st century, or the next? The second source of risk is the intentional misuse, similar to the original deflection dilemma. But the entry barrier for asteroid weaponization gets much lower if mining them and moving them around becomes a common industrial activity. This is in stark contrast to the original scenario which envisioned this technology to be used solely for planetary defence and under control of a very small number of the most powerful countries (Morrison 2010). If such a powerful technology becomes widely and commercially available, even rogue states and wellfunded terrorist groups might be tempted to use it for an unexpected and devastating attack. In addition, an active asteroid mining industry would make it more difficult to detect any hostile inflection attempts among the number of legitimate and benign ones. Policy implications Considering these possible future dangers, it seems prudent to consider what to do about them sooner rather than later. The most obvious “solution” would be a blanket ban on the development of any technology that might lead to artificially inflected asteroids crashing into the Earth. However, such a ban would be incompatible with the dream of increased presence of humans in the solar system. It would stymie both scientific exploration and economic development here on Earth, which is increasingly dependent on precious metals and spacebased technologies. Furthermore, this approach would leave us more vulnerable to natural impacts which, in the long view, seems less than desirable. Another approach might be similar to the current regime of non-proliferation of nuclear weapons, aiming to support peaceful civilian use of nuclear power while at the same time prohibiting the spread of weapons of mass destruction. The regime mostly works (with caveats, see Wood et al. 2008) because these applications require different infrastructures and fissile materials enriched to different levels of purity. This makes it possible, at least in principle, to tell apart operations meant for the production of electricity and those designed to create weapons. Unfortunately, the difference between legitimate and hostile trajectory modification would lie only in the acceleration imparted on the asteroid and not in the technical means to do it. As the spacecraft launched with the intent to cause impact with the Earth might be identical to those sent off to retrieve resources, telling them apart would be nearly impossible, until it was too late. And this approach makes no difference to the chances of an industrial accident. If monitoring equipment on Earth is unhelpful, the focus changes to space. In other words, all asteroid movement missions should be constantly monitored. For an attacker, it would make most sense to delay the final course adjustment for as long as possible in order to give the least warning and make the timeframe for reaction as short as possible. So an asteroid might head towards a safe orbit fit for resource extraction for most of its altered flight time, but be further accelerated at the last possible moment onto an impact trajectory, perhaps mere days before it hits a major city. Our current programmes cataloguing NEOs (such as CSS or Pan-STARRS), which look for new, previously unknown objects, are not ideally suited for the task of constantly tracking a number of different, already known asteroids. New instruments would be needed to track them in order to immediately detect any hazardous inflection, whether intentional or accidental. Once such a detection is made, emergency measures to evacuate the population or, preferably, to “re-deflect” the incoming object can be executed right away, regardless of the cause. Accidents and hostilities could be treated the same way and countered by the same system (initially, at least). Such a system would be more akin to an air traffic control than a non-proliferation regulation, offering security through vigilance, rather than absence. Additionally, development of a system able to deflect incoming objects at relatively short notice would be beneficial in case of an impending natural impact. Conclusion Perhaps none of these concerns will become relevant. Maybe the idea of asteroid mining will soon fizzle out because we will discover cheaper and more efficient local alternatives. Maybe humanity will lose the will or the capability to explore space any further. Or perhaps manipulating asteroid trajectories will prove impractical or too costly. Certainly, it would not be the first time that a promising and seemingly obvious future does not come about. In the 1960s it seemed almost self-evident that by the second decade of the 21st century we would have flying cars and a base on the Moon. Yet we do not. Asteroid mining might be a similar case of unfulfilled promises and misplaced visions. On the other hand, there are examples of industries that developed surprisingly fast despite being considered unrealistic, not too long ago: air travel, nuclear power generation, or commercial satellites. The spread of the internet and the accompanying digital information revolution is another example; hardly anyone anticipated having virtually the entire repository of human knowledge at our fingertips at all times (except Douglas Adams). Whether the deflection dilemma forever remains an unmaterialized threat or it becomes a palpable problem, it is something to be mindful of now, as the foundations of the prospective asteroid mining industry are being laid. In the end, the purpose of this paper is not to predict the future. Instead it aims to merely update a conscientious warning which called for our diligence more than 20 years ago. While the world has changed somewhat, the basic idea remains valid. Whether the danger comes from warring superpowers, terrorists or negligent corporations, we must be aware of the realistic risks in order to avoid being either stumped by unforeseen catastrophes or paralysed by unwarranted fear. Either extreme would be harmful for our future.●

#### Major collisions cause extinction

Baum ’19 - executive director of the Global Catastrophic Risk Institute, Ph.D in Geography

Seth Baum, “Risk-Risk Tradeoff Analysis of Nuclear Explosives for Asteroid Deflection,” SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, May 31, 2019), <https://papers.ssrn.com/abstract=3397559>.

The most severe asteroid collisions and nuclear wars can cause global environmental effects. The core mechanism is the transport of particulate matter into the stratosphere, where it can spread worldwide and remain aloft for years or decades. Large asteroid collisions create large quantities of dust and large fireballs; the fire heats the dust so that some portion of it rises into the stratosphere. The largest collisions, such as the 10km Chicxulub impactor, can also eject debris from the collision site into space; upon reentry into the atmosphere, the debris heats up enough to spark global fires (Toon, Zahnle, Morrison, Turco, & Covey, 1997). The fires are a major impact in their own right and can send additional smoke into the stratosphere. For nuclear explosions, there is also a fireball and smoke, in this case from the burning of cities or other military targets. While in the stratosphere, the particulate matter blocks sunlight and destroys ozone (Toon et al., 2007). The ozone loss increases the amount of ultraviolet radiation reaching the surface, causing skin cancer and other harms (Mills, Toon, Turco, Kinnison, & Garcia, 2008). The blocked sunlight causes abrupt cooling of Earth’s surface and in turn reduced precipitation due to a weakened hydrological cycle. The cool, dry, and dark conditions reduce plant growth. Recent studies use modern climate and crop models to examine the effects for a hypothetical IndiaPakistan nuclear war scenario with 100 weapons (50 per side) each of 15KT yield. The studies find agriculture declines in the range of approximately 2% to 50% depending on the crop and location.11 Another study compares the crop data to existing poverty and malnourishment and estimates that the crop declines could threaten starvation for two billion people (Helfand, 2013). However, the aforementioned studies do not account for new nuclear explosion fire simulations that find approximately five times less particulate matter reaching the stratosphere, and correspondingly weaker global environmental effects (Reisner et al., 2018). Note also that the 100 weapon scenario used in these studies is not the largest potential scenario. Larger nuclear wars and large asteroid collisions could cause greater harm. The largest asteroid collisions could even reduce sunlight below the minimum needed for vision (Toon et al., 1997). Asteroid risk analyses have proposed that the global environmental disruption from large collisions could cause one billion deaths (NRC, 2010) or the death of 25% of all humans (Chapman, 2004; Chapman & Morrison, 1994; Morrison, 1992), though these figures have not been rigorously justified (Baum, 2018a). The harms from asteroid collisions and nuclear wars can also include important secondary effects. The food shortages from severe global environmental disruption could lead to infectious disease outbreaks as public health conditions deteriorate (Helfand, 2013). Law and order could be lost in at least some locations as people struggle for survival (Maher & Baum, 2013). Today’s complex global political-economic system already shows fragility to shocks such as the 2007- 2008 financial crisis (Centeno, Nag, Patterson, Shaver, & Windawi, 2015); an asteroid collision or nuclear war could be an extremely large shock. The systemic consequences of a nuclear war would be further worsened by the likely loss of major world cities that serve as important hubs in the global economy. Even a single detonation in nuclear terrorism would have ripple effects across the global political-economic system (similar to, but likely larger than, the response prompted by the terrorist attacks of 11 September 2001). It is possible for asteroid collisions to cause nuclear war. An asteroid explosion could be misinterpreted as a nuclear attack, prompting nuclear attack that is believed to be retaliation. For example, the 2013 Chelyabinsk event occurred near an important Russian military installation, prompting concerns about the event’s interpretation (Harris et al., 2015). The ultimate severity of an asteroid collision or violent nuclear conflict use would depend on how human society reacts. Would the reaction be disciplined and constructive: bury the dead, heal the sick, feed the hungry, and rebuild all that has fallen? Or would the reaction be disorderly and destructive: leave the rubble in place, fight for scarce resources, and descend into minimalist tribalism or worse? Prior studies have identified some key issues, including the viability of trade (Cantor, Henry, & Rayner, 1989) and the self-sufficiency of local communities (Maher & Baum, 2013). However, the issue has received little research attention and remains poorly understood. This leaves considerable uncertainty in the total human harm from an asteroid collision or nuclear weapons use. Previously published point estimates of the human consequences of asteroid collisions12 and nuclear wars (Helfand, 2013) do not account for this uncertainty and are likely to be inaccurate. Of particular importance are the consequences for future generations, which could vastly outnumber the present generation. If an asteroid collision or nuclear war would cause human extinction, then there would be no future generations. Alternatively, if survivors fail to recover a large population and advanced technological civilization, then future generations would be permanently diminished. The largest long-term factor is whether future generations would colonize space and benefit from its astronomically large amount of resources (Tonn, 1999). However, it is not presently known which asteroid collisions or nuclear wars (if any) would cause the permanent collapse of human civilization and thus the loss of the large future benefits (Baum et al., 2019). Given the enormous stakes, prudent risk management would aim for very low probabilities of permanent collapse (Tonn, 2009). It should be noted that the severity of violent nuclear conflict could depend on more than just the effects of nuclear explosions, because the overall conflict scenario could include non-nuclear violence. Indeed, it is possible for the nuclear explosions to constitute a relatively small portion of the total severity, as was the case in World War II. 4.4 Risk of Violent Non-Nuclear Conflict Finally, it is necessary to discuss the risk of violent non-nuclear conflict. Only a small portion of violent non-nuclear conflicts are applicable, specifically the portion affected by nuclear weapons. More precisely, this section discusses non-nuclear conflicts involving one or more countries that possess nuclear weapons at some point during the lifetime of a nuclear deflection program. Nuclear deterrence theory predicts that nuclear-armed adversaries will not initiate major wars against each other because both sides could be destroyed in a nuclear war. However, the theory does permit limited, small-scale violent conflicts between nuclear-armed countries. These conflicts likely would not involve nuclear weapons. Indeed, nuclear deterrence may even make small violent conflicts more likely, because the countries know that neither side wants to escalate the conflict into major war. This idea is known as the stability-instability paradox: nuclear deterrence brings stability with respect to major wars but instability with respect to minor conflicts. Empirical support for the stability-instability paradox has been found by some research (Rauchhaus, 2009),while other research has found no significant effect of the possession of nuclear weapons on the probability of conflicts of any scale (Bell & Miller, 2015; Gartzke & Jo, 2009). If countries fully disarm their nuclear arsenals, such that they would never have nuclear weapons again, then there would be no nuclear deterrence to prevent the onset of major wars. A simple risk analysis could assume that the risk of major wars would be comparable to the risk prior to the development of nuclear weapons. The two twentieth century World Wars combined for around 100 million deaths in 50 years,13 suggesting an annualized risk of two million deaths. However, two World Wars do not make for a robust dataset. Indeed, the robustness of these two data points is called into question by historical analysis finding that both world wars might not have occurred in the reasonably plausible event that the 1914 assassination of Archduke Ferdinand had failed (Lebow, 2014). Similarly, another historical analysis finds that the U.S. and Soviet Union would probably not have waged major war against each other even in the absence of nuclear deterrence (Mueller, 1988). Furthermore, these past events are not necessarily applicable to the future conditions of a post-nuclear-disarmament world. To the best of the present author’s knowledge, no studies have analyzed the risk of major wars in a post-nucleardisarmament world.

#### We’ll defend normal means as the signatories of the OST adding an optional protocol under Article II.

Tronchetti 7[Fabio Tronchetti is a professor at the International Institute of Air and Space Law, Leiden University, The Netherlands, 2007, <https://iislweb.org/docs/Diederiks2007.pdf>, 12-15-2021 amrita]

ARTICLE II OF THE OUTER SPACE TREATY: A MATTER OF DEBATE The legal content of Article II of the Outer Space Treaty is one of the most debated and analysed topic in the field of space law. Indeed, several interpretations have been put forward to explain the meaning of its provisions. Article II states that: “Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means”. **The text of Article II represents** the final point of a process, formally initiated with Resolution 1721, aimed at conferring to outer space the status of res communis omnium, namely a thing open for the **free exploration** and use by all States **without the possibility of being appropriated**. By prohibiting the possibility of making territorial claims over outer space or any part thereof based on use or occupation, Article II **makes clear that** the customary procedures of **i**nternational **law allowing** subjects to obtain **sovereignty rights over un-owed lands**, namely discovery, occupatio and effective possession, **do not apply to** outer **space.** This prohibition was considered by the drafters of the Outer Space Treaty the best guarantee for preserving outer space for peaceful activities only and for stimulating the exploration and use of the space environment in the name of all mankind. What has been the object of controversy among legal scholars is the question of whether both States and private individuals are subjected to the provisions of Article II. Indeed, **while Article II forbids** expressis verbis the national **appropriation by** claims of **sovereignty**, by means of use and occupation or other means of outer space, **it does not** make **a**ny explicit **mention** **to** its **private** appropriation. Relying on this consideration, some authors have argued that the private appropriation of outer space and celestial bodies is allowed. For instance, in 1968 Gorove wrote: “Thus, at present an individual acting on his own behalf or on behalf of another individual or private association or an international organisation could lawfully appropriate any parts of outer space…”6 . The same argument is used today by the enterprises selling extraterrestrial acres. They base their claim to the Moon and other celestial bodies on the consideration that Article II does not explicitly forbid private individuals and enterprises to claim, exploit or appropriate the celestial bodies for profit7 . However, it must be said, that nowadays there is a general consensus on the fact that **both national appropriation and private** property rights **are denied** under the Outer Space Treaty. Several way of reasoning have been advanced to support this view. Sters and Tennen affirm that the argument that Article II does not apply to private entities since they are not expressly mentioned fails for the reason that they do not need to be explicitly listed in Article II to be fully subject to the non-appropriation principle8 . **Private entities are allowed to carry out** space **activities but**, according to Article VI of the Outer Space Treaty, they **must be authorized** to conduct such activities **by the** appropriate **State** of nationality. But if the State is prohibited from engaging in certain conduct, then it lacks the authority to license its nationals or other entities subject to its jurisdiction to engage in that prohibited activity. Jenks argues that “States bear international responsibility for national activities in space; it follows that what is forbidden to a State is not permitted to a chartered company created by a State or to one of its nationals acting as a private adventurer”9 . It has been also suggested that **the prohibition of national** appropriation **implies prohibition of private** appropriation because the latter cannot exist independently from the former10. In order to exist, indeed, private property requires a superior authority to enforce it, be in the form of a State or some other recognised entity. In outer space, however, this practice of State endorsement is forbidden. Should a State recognise or protect the territorial acquisitions of any of its subjects, this would constitute a form of national appropriation in violation of Article II. Moreover, it is possible to use some historical elements to support the argument that both the acquisition of State sovereignty and the creation of private property rights are forbidden by the words of Article II. During the negotiations of the Outer Space Treaty, the Delegate of Belgium affirmed that his delegation “had taken note of the interpretation of the non-appropriation advanced by several delegations-apparently without contradiction-as covering both the establishment of sovereignty and the creation of titles to property in private law”11. The French Delegate stated that: “…there was reason to be satisfied that three basic principles were affirmed, namely: the prohibition of any claim of sovereignty or property rights in space…”12. The fact that the accessions to the Outer Space Treaty were not accompanied by reservations or interpretations of the meaning of Article II, it is an evidence of the fact that this issue was considered to be settled during the negotiation phase. Thus, summing up, we may say that **prohibition of appropriation of outer space** and its parts is a rule which **is valid for both private and public entity**. The theory that private operators are not subject to this rule represents a myth that is not supported by any valid legal argument. Moreover, it can be also added that if any subject was allowed to appropriate parts of outer space, the basic aim of the drafters of the Treaty, namely to prevent a colonial competition in outer space and to create the conditions and premises for an exploration and use of outer space carried out for the benefit of all States, would be betrayed. Therefore, **the need to protect the non-appropriative nature o**f outer **space emerges** in all its relevance.

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#### Countries and their companies are making their own rules through patchwork which creates conflict—an international body is key

Foster 16 – Craig, J.D., University of Illinois College of Law, “EXCUSE ME, YOU’RE MINING MY ASTEROID: SPACE PROPERTY RIGHTS AND THE U.S. SPACE RESOURCE EXPLORATION AND UTILIZATION ACT OF 2015”, *JOURNAL OF LAW, TECHNOLOGY & POLICY*, No. 2, page 428-430, http://illinoisjltp.com/journal/wp-content/uploads/2016/11/Foster.pdf

There are many reasons to be excited about the prospect of mining resources from space. Hopes are high that these mining efforts will provide an economic boon by producing jobs and injecting more money into the economy. 214 Additionally, the negative impact of mining natural resources on Earth is widely reported215 and might be mitigated by space mining. If mining precious resources from space can minimize the burden on Earth, then this would lend even greater support for asteroid mining. Finally, little enchants the human mind and propels innovation more than sending people and manmade objects into space. For good reason, there is much enthusiasm about the prospect of space mining. On the other hand, it is troublesome to some that private, commercial entities will be paving the way and making up many of the rules as they go. Might this lead to repeating many of the mistakes humans have made on Earth? Might there be unforeseen problems that could spell trouble if mining efforts are not properly regulated? The answer to these questions is likely “yes” as well. It will be important in the coming years to balance the former excitement against the latter caution. Space might seem limitless and impossible to affect in any significant fashion; but, history must be a major voice for the spacemining industry.216 It must be remembered that humans can make an impact that will be felt for generations to come. Thus, it will be important that lawmakers and the international community be as proactive as possible—both in outlining property rights and protecting the final frontier from being harmed by an industry that might become overzealous if left unchecked. Specifically, it will be vital for countries to enter into some sort of international agreement. One option is to create an agreement similar to UNCLOS, which would regulate how individual states and their citizens interact with resources mined from space.217 Such an agreement should recognize not only the property rights of the extracting commercial entities but also the rights of non-spacefaring countries to benefit from the minerals as well. This might include the creation of an international body, much like the ISA, that will ensure that the interests of all nations are maintained by distributing funds and technology to less wealthy or non-spacefaring nations. The U.S. would do well to help create and ratify such an agreement— something they have failed to do with UNCLOS. If the U.S. and other countries are uneasy about entering into such a restrictive agreement, they might also consider an international regulatory body and scheme much like the one used for satellites. The International Telecommunications Union (ITU) is a United Nations agency that, among other services, provides the international community with uniform satellite orbit oversight and regulatory guidance.218 Currently, 193 countries follow the ITU regulations and utilize their services, which have been likened to domain name registration.219 In the same way, spacefaring countries could form an international body that helps create and maintain a uniform space-mining legal framework.220 Without some sort of international framework as described above, the U.S. and other space-mining countries leave themselves open to great conflict and will be required to patch together a multitude of treaties between themselves as problems inevitably arise.221 V. CONCLUSION The idea of mining resources from celestial bodies is something that has always been relegated to video games and sci-fi movies. But as technology continues to progress at an exponential rate, such mining is starting to come within the realm of possibility. A number of companies are currently creating prospecting technologies that will allow them to determine exactly what an individual asteroid holds. They hope to eventually harvest these resources and sell them for lucrative profits. Fortunately for these companies, the current legal regime governing property rights to space resources is undergoing rapid change at the national level. The U.S. recently passed the Space Resource Exploration and Utilization Act of 2015, which explicitly entitles U.S. citizens to property rights over any space resources they obtain. This is certain to induce confidence in U.S. investors. The situation at the international level is different. Current international space agreements are vague, lacking in consensus, and provide little precedent for ownership of space resources. This has led the international community to move in the direction of creating a better regulatory framework, but this movement is still in discussion stages and is likely to take a while to come to fruition.

**Simpson 16** (Kurtis, Centre Director with Defence Research and Development Canada, has been conducting research on China’s leadership, Communist Party politics, the People’s Liberation Army and foreign policy for over 30 years,Master’s Degree and a Ph.D from York University, previously served as an intelligence analyst at the Privy Council Office and leader of the Asia Research Section at the Department of National Defence’s Chief Defence Intelligence (CDI) organization) “China’s Re-Emergence: Assessing Civilian-Military Relations In Contemporary Era – Analysis,” Eurasia Review, 12/21/2016 JL (recut sam dd)

Increased Professionalization I n the aftermath of the Cultural Revolution, the PLA has become a focal point for reform, improvement, and de-politicization. The armed forces were downsized from 4.5 million to 2.2 today. It is rapidly becoming a more modern force which is increasingly educated, better equipped, more regimented with retirements, selection and recruiting. Doctrinal adjustments are regularly made and announced in biannual Defence White Papers, moving the army along a continuum away from land based notions of “People’s War” to concepts like “Limited War under High Technology Conditions.”12 Highlights of this trajectory include: professional military education; specialization in key knowledge sectors like cyber security; a primacy placed on science and technology; improved training and augmented technical skills; the integration and operation of more sophisticated military kit; improvements to command and control; and a focus upon combined joint operations.13 Since 1997, China’s military budget has increased at double digit rates, with much of these augmentations going to offset higher salaries, better housing, and improved facilities. In 2014, official defence spending was published as US$ 131.57 billion; the second largest in the world, and by some intelligence estimates, only half the actual number.14 Increased professionalism is, however, a two-edged sword. While on one level it removes the military from the daily entanglements of political life, it also promotes a greater sense of autonomy, corporateness, and a sense of responsibility to intervene if vital interests are threatened, coupled with the expertise to do, so should the occasion arise.15 A Reduced Emphasis upon Political Work or Ideological Study While exceptions to the rule exist (such as the immediate period following the 1989 Tiananmen Square Massacre), military professionalization has generally resulted in less emphasis on political work and political education (relative to the time spent on military duties). The eroding foundations of Communist ideology are particularly of high impact on the military, as this calls directly into question the forces’ raison d’être—the promotion of Communist ideals through revolution and unqualified support of the Party. While Marxist ideology can still be invoked as required justification when needed, it is not treated in the sacrosanct manner it once was and this significantly reduces the ‘connective tissue’ seamlessly joining the Party and the PLA. The Growing Bifurcation of Elites China’s transition into a developed country with a relatively modern military force has demanded a move away from “dual role elites” to streams of distinct and separate senior officials who no longer share similar backgrounds, work experiences, or career paths. Promoted according to functional area expertise, few common bonds (including formal educational experience, common technical knowledge, shared management history, and common political connections) join military professionals, Party leaders, and senior civil servants, as was once the case with their revolutionary predecessors. The implications of this are important. Common frames of reference do not currently exist, and the potential for miscommunication is high. Civilian leaders do not regularly interact with their military counterparts, and a general ignorance of military tactics, training, and procedures continues, which is not systematized through effective briefing channels.16 In short, the growing bifurcation of elites impedes relationships built on trust as the distance between the military sphere and the political sphere lengthens. In particular, varying perspectives on national security issues are increasingly evident. Divided State-Party-Citizenry Loyalties In China, theoretically, the Communist Party, state apparatus, and military are all distinct entities with formal authorities, accountabilities, and responsibilities. In practice, the Party dominates all according to varying degrees through its membership, appointment routines, and sanctions. This too, however, is evolving. As China modernizes, power is becoming more decentralized, and the legitimacy of the Party (or lack thereof) is linked almost solely to the country’s economic performance. In fundamental respects, China’s legislature (or National People’s Congress) and its Standing Committee are now more appropriately serving an oversight function of the military. Directly linked to this is the NPC’s role in approving the military’s annual budget allocation. Once a ‘rubber-stamp’ process, this is less and less the case. The emergence of a stronger state structure with ties to the military is fostering a duality of legally and administratively distinct centres (one state, one party) with which the PLA must successfully interact, each often sharing overlaps in membership, but at times competing and conflicting agendas.17 In short, where the Party provides guidance and direction, the state administers and implements policy on a day-to-day basis. The constitutional ambiguity of the military’s allegiance to the Party and the state potentially fosters conflictual loyalties, and challenges the asserted shorthand understanding that the Party and PLA are indivisible and the same. Moreover, the Army’s de facto loyalty to China’s citizenry is historically founded (hence the name “the People’s Liberation Army”), and when tested on 4 June 1989 [Tiananmen Square uprising in Beijing], manifested itself in command and control issues (troops in some cases would not fire of protestors). Long-standing damage to a relationship previously viewed by both sides as inviolable continues to this day, and many assert that even if ordered, such violent suppression would not happen again in light of this precedent and the fallout from it.18 Internal Factionalism within the PLA Paralleling divided loyalties between Chinese Party, military and government bodies, one must also recognize that within each, factions exist, based upon generational, personal, professional, geographic, or institutional allegiances.19 These minor fault lines are most pronounced during crises, and they continue “In short, the growing bifurcation of elites impedes relationships built on trust as the distance between the military sphere and the political sphere lengthens.” 46 Canadian Military Journal • Vol. 16, No. 4, Autumn 2016 independent of professionalization.20 As was demonstrated by the civil-military dynamics of the Chinese government’s suppression of student demonstrators, both divisions and allegiances of interests emerged with respect to how to contain this situation and factional interests largely determined which troops would carry out the orders, who commanded them, what civilian Party leaders supported the actions, and who would be sanctioned following the mêlée. A consequence of factionalism within the PLA is that the Party’s control mechanisms (particularly because rule of law and constitutional restraints on the military are weak) needs to be robust to control not only a single military chain of command but (particularly during crises) perhaps more than one. This is not likely the case. A review of the evidence indicates the military’s influence, on the whole, is increasing, and the Party’s control decreasing. On one level, the Party clearly controls the military as the Central Military Commission or CMC (the highest military oversight body in the PRC) is chaired by a civilian, President Xi Jinping. Moreover, the PLAs representation on formal political decision making bodies (such as the Politburo Standing Committee, the Politburo, the Central Committee, and the NPC) has decreased over the years, but this does not necessary equate to a reduced level of influence. For example, the two Vice-Chairman of the CMC are now military generals, as are the remaining other eight members. Irrespective of institutional membership, military leaders retain considerable say. Personal interactions and informal meetings with senior party elites provide venues to sway decisions. They do, also, hold important places on leading small groups dedicated to issues like Taiwan and other security questions, such as the South China Seas.21 In a similar vein, other methods of Party influence, as exercised through political commissars, party committees, and discipline inspection commissions are no longer empowered to enforce the ideological dictates of a paramount leader. In the face of diffuse reporting chains, competing allegiances, and often effective socialization by the military units they are supposed to be watching over, most do not provide the Party guardian and guidance function once so pervasive. While perhaps overstated, Paltiel’s observation that “… China’s energies over the past century and half have given the military a prominent and even dominant role in the state, preempting civilian control and inhibiting the exercise of constitutional authority” is likely now truer than ever before in history. 22 While still loyal to the party as an institution, the PLA is not unconditionally subservient to a particular leader and retains the resources to enter the political arena if (at the highest levels) a decision is made to do so.

#### Their impact should have been triggered already—the PLA has been upset for months due to Xi’s actions in the Galwan incident. This means either 1] Xi is able to overcome internal instability or 2] other events will overcome the uniqueness.

### 1AR—Thumpers—PLA DA

#### Thumpers—massive resentment from the PLA due to Galwan incident. Narang 20

[Akshay Narang, Journalist for TFI Post who writes on political trends in PROC, “China fears Great PLA Mutiny after Galwan Humilation: Son of a former CCP leader spills the beans, https://tfipost.com/2020/07/china-fears-great-pla-mutiny-after-galwan-humilation-son-of-a-former-ccp-leader-spills-the-beans/] JJ

Jianli Yang, a Chinese dissident and the son of a former Chinese Communist Party (CCP) leader, has spilled the beans on unrest brewing within the PLA ever since the Indian Army inflicted heavy casualties on the Chinese Army.

At the root of growing anger and resentment within the PLA veterans serving officers is the refusal of the CCP regime to disclose the number of casualties during the Galwan Valley clash.

Within Chinese social media too, there was widespread resentment against the Xi Jinping regime as it did not even honour those who were killed in the clash. Weibo, China’s version of Twitter saw many citizens take potshots at the CCP.

On June 19, a Weibo user [said](https://tfipost.com/2020/06/we-will-share-info-at-the-right-time-china-tries-to-placate-its-people-after-outrage-over-dead-chinese-soldiers/), “India has held a memorial service for the sacrificial soldiers. It shows the high respect and attention of the whole country of India to the soldiers who defend the country and the land.”

It is not possible to know much about what goes on within China due to the wild censors on its social media, but Yang gives us some valuable insights.

He says that the disgruntled veterans, many of whom participated in the bloody Korean war and the 1979 Sino-Vietnamese war, “have been holding frequent mass protests across China for years now, hoping to shame the government into recognizing its obligation toward those who battled along the country’s borders in the past.”

Yang adds, “All they seek is better health care, pensions, and jobs, as a mark of due gratitude for their service to the nation. Shockingly, however, the country which has the world’s largest army, does not have a central agency to administer pensions and other benefits to its veterans. Resultantly, they are forced to depend on local governments for pensions, medical care, and other basic benefits.”

There is a wide disparity in the financial conditions of the local Chinese governments, and consequently, there is no standard pension for retired Chinese soldiers. According to the Chinese dissident, the veterans find themselves left at the mercy of corrupt local bureaucracy by the CCP which makes them feel like “donkeys slaughtered after they are too old to work a grindstone.”

The fate of the present PLA soldiers has only exacerbated the fury of the veterans. The PLA soldiers were forced by China to take on a professional Indian Army, and the results were catastrophic for the PLA.

Even worse, the Xi Jinping regime was never willing to admit that it got PLA soldiers butchered. Yang says Chinese Foreign Ministry spokesman Zhao Lijian did not acknowledge the number of casualties during his June 22 conference saying, “I have no information to offer.”

A day later, he again avoided giving any information and only said that reports of more than 40 Chinese soldiers circulated by Indian media was “false information”.

But then the same spokesperson had given a “step-by-step account of the Galwan clash (the Chinese version, of course) and China’s position on settling this incident.”

#### ] Thumpers Xi has expressed support plan– impact should have happened

Kania 18 — (Elsa Kania. Elsa B. Kania is an adjunct senior fellow with the Technology and National Security Program at the Center for a New American Security (CNAS), “China’s Strategic Ambiguity and Shifting Approach to Lethal Autonomous Weapons Systems“, Lawfare, 12-20-2020, https://www.lawfareblog.com/chinas-strategic-ambiguity-and-shifting-approach-lethal-autonomous-weapons-systems, accessed 12-19-2020, HKR-AR)

On April 13, China’s delegation to United Nations Group of Governmental Experts on lethal autonomous weapons systems announced the “desire to negotiate and conclude” a new protocol for the Convention on Certain Conventional Weapons “to ban the use of fully autonomous lethal weapons systems.” According to the aptly named Campaign to Stop Killer Robots, the delegation “stressed that [the ban] is limited to use only.” The same day, the Chinese air force released details on an upcoming challenge intended to evaluate advances in fully autonomous swarms of drones, which will also explore new concepts for future intelligent-swarm combat.

### 1AR—Thumpers—Xi DA

#### ] Tons of Thumpers—Xi is facing much backlash in China—both economic and fopo-wise.

**McGregor 19** [Richard McGregor, award-winning journalist and bureau chief for the financial times based in Washington D.C., <https://www.cnn.com/2019/07/16/opinions/xi-jinping-backlash-opinion-intl-hnk/index.html>, “The backlash is growing against Xi Jinping in China and around the world] JJ

From mid-2018, Xi was already facing a public backlash on economic policy, the area where it has always been safest for Chinese to speak out. Xi has a legion of critics on foreign policy as well, who believe he has overreached and left the way open for the US and others to bind together on issues ranging from trade and technology to military and strategic influence in east Asia.d

Most scholars have delivered their critiques in private, or in carefully coded language. However Deng Xiaoping’s son, Deng Pufang, was explicit in a speech late last year to a disabilities forum which was leaked to the Hong Kong media. He urged China’s leadership to “know its place” in the world, and concentrate on its problems at home.

Finally, the abolition of term limits summed up the rage that many influential officials and scholars felt about their country’s leader. In one decision, Xi confirmed his critics’ view that he was an unrepentant autocrat willing to take China backwards in the service of his agenda.

Just as it is difficult to anticipate where any challenge will come from, it is equally hard to see how Xi’s supremacy in domestic politics can be sustained. Factors which remain out of Xi’s control will weigh against him. China’s slowing economy and rapidly declining demographics can obviously be leveraged to argue in favor of maintaining tight authoritarian controls. But they are much more likely to work against Xi in future. The same goes for China’s tightening fiscal situation.

Beijing’s ability to throw money at every problem, like bailing out cash-strapped local governments, will only get harder. In other words, by the time of the next party congress, due in late 2022, the issue of succession should return with a vengeance.