# NC

#### My value is morality, because the word “ought” implies a moral obligation according to the Merriam Webster dictionary.

#### My value criterion is respecting freedom.

#### To respect someone’s freedom, it entails allowing them to make their own decisions and choices without unnecessarily interfering with them. For example, murder would be a violation of freedom since it would interfere with another person’s ability to make their decisions because they would be killed.

#### For everyone to be able to respect other’s freedoms, their own freedoms must also be respected because they would need to the freedom to respect others in the first place. It would not make sense for me to be able to murder you but for you to be unable to murder me, so rights must be equal – what can be guaranteed to me must also be guaranteed to you.

#### We have a duty to respect freedom

#### [1] It’s the only way to hold people accountable for their decisions. Being able to consciously decide what to do means that you can be held responsible for that action – if I were to accidentally bump into you, I would not be considered a bad person because I did not use my freedom to make that decision, but if I were to push you over on purpose, I would.

#### [2] To find a truth claim, we must debate in round. However, that assumes that there is freedom to do so, so it’s a prerequisite to action. Hoppe writes:

From the Economics of Laissez Faire to The Ethics of Libertarianism, Hans-Hermann Hoppe, in Man, Economy, and Liberty: Essays in Honor of Murray N. Rothbard, The Ludwig von Mises Institute Auburn University

First, it should be noted that such a position assumes that at least the question of whether or not value judgments or normative statements can be justified is itself a cognitive problem. If this were not assumed, Mises could not even say what he evidently says and claims to be the case. His position simply could not exist as an arguable intellectual position. At first glance this does not seem to take one very far. It still seems to be a far cry from this insight to the actual proof that normative statements can be justified and, moreover that it is only the libertarian ethic which can be defended. This impression is wrong, however, and there is already much more won here than might be suspected. The argument shows us that **any truth claim, the claim connected with any proposition that it is true, objective or valid (all terms used synonymously here), is and must be raised and decided upon in the course of an argumentation.** And since it cannot be disputed that this is so ([since] one cannot communicate and argue that one cannot communicate and argue), and **it must be assumed that everyone knows what it means to claim something to be true** ([since] one cannot deny this statement without claiming its negation to be true), this very fact has been aptly called "the a priori of communication and argumentation." 16 Now arguing never consists of just free-floating propositions claiming to be true. Rather, **argumentation is always an activity**, too. But then, **given that truth claims are raised and decided upon in argumentation and that argumentation, aside from whatever it is that is said in its course, is a practical affair, then it follows that intersubjectively meaningful norms must exist—precisely those which make some action an argumentation—which have a special cognitive status in that they are the practical [as] preconditions of objectivity and truth.** Hence, one reaches the conclusion that norms must indeed be assumed to be justifiable as valid. **It is simply impossible to argue otherwise, because the ability to argue so would in fact already presuppose the validity of those norms which underlie any argumentation whatever**. In contradistinction to the natural rights theorists, though, one sees that the answer to the question of which ends can or cannot be justified is not to be read off from the wider concept of human nature but from the narrower one of argumentation. And with this, then, **the peculiar role of reason in determining the contents of ethics can be given a precise description; in clear contrast to the role of reason in establishing empirical laws of nature, in determining moral laws reason can claim to yield results which can be shown to be valid a priori. It only makes explicit what is already implied in the concept of argumentation itself;** and in analyzing any actual norm proposal its task is merely confined to analyzing whether or not it is logically consistent with the very ethics which the proponent must presuppose as valid insofar as he is able to make his proposal at all.

#### To clarify, my framework does not value the ability to do anything you want, but rather the ability to decide what you want to do.

Arthur Ripstein, a philosophy professor, writes:, (Arthur Ripstein, Arthur Ripstein is Professor of Law and Philosophy and University Professor. He was appointed to the Department of Philosophy in 1987, promoted to Full Professor in 1996, appointed to the Faculty of Law in 1999, and appointed to the rank of University Professor in 2016. He received a doctorate in philosophy from the University of Pittsburgh, a master’s degree in law from Yale, and an undergraduate degree from the University of Manitoba. He was Chair of the Philosophy Department 2011-14 and Acting Chair 2019-20., 2009, accessed on 8-18-2020, Harvard University Press, "Force and Freedom",) NP 8/4/16. rct st

**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

#### That brings me to my case.

### C1: Unowned acquisition

#### Acquisition of property can never be unjust – to create rights violations, there must already be an owner of the property being violated, but that presupposes its appropriation by another entity.

Feser 1, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is a serious difficulty with this criticism of Nozick, however. It is just this: There is no such thing as an unjust initial acquisition of resources; therefore, there is no case to be made for redistributive taxation on the basis of alleged injustices in initial acquisition. This is, to be sure, a bold claim. Moreover, in making it, I contradict not only Nozick’s critics, but Nozick himself, who clearly thinks it is at least possible for there to be injustices in acquisition, whether or not there have in fact been any (or, more realistically, whether or not there have been enough such injustices to justify continual redistributive taxation for the purposes of rectifying them). But here is a case where Nozick has, I think, been too generous to the other side. Rather than attempt —unsatisfactorily, in the view of his critics—to meet the challenge to show that initial acquisition has not in general been unjust, he ought instead to have insisted that there is no such challenge to be met in the first place. Giving what I shall call “the basic argument” for this audacious claim will be the task of Section II of this essay. The argument is, I think, compelling, but by itself it leaves unexplained some widespread intu- itions to the effect that certain specific instances of initial acquisition are unjust and call forth as their remedy the application of a Lockean proviso, or are otherwise problematic. (A “Lockean proviso,” of course, is one that forbids initial acquisitions of resources when these acquisitions do not leave “enough and as good” in common for others.) Thus, Section III focuses on various considerations that tend to show how those intuitions are best explained in a way consistent with the argument of Section II. Section IV completes the task of accounting for the intuitions in question by considering how the thesis of self-ownership itself bears on the acqui- sition and use of property. Section V shows how the results of the previ- ous sections add up to a more satisfying defense of Nozickian property rights than the one given by Nozick himself, and considers some of the implications of this revised conception of initial acquisition for our under- standing of Nozick’s principles of transfer and rectification. II. The Basic Argument The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of justice, that is to say, simply does not apply to initial acquisition. It applies only after initial acquisition has already taken place. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that external resources are initially unowned. Consider the following example. Suppose an individual A seeks to acquire some previously unowned resource R. For it to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B (or perhaps a group of individuals) against whom A commits the injustice. But for B to have been wronged by A’s acquisi- tion of R, B would have to have had a rightful claim over R, a right to R. By hypothesis, however, B did not have a right to R, because no one had a right to it—it was unowned, after all. So B was not wronged and could not have been. In fact, the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. The same thing, by extension, will be true of all unowned resources: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer. It is impossible, then, for there to be any injustices in initial acquisition.7

#### Acquisition can never be unjust because for you to have wronged someone, they had to have the property rightfully, which is only possible if they acquired it.

### C2: Freedom to act

#### Thus, self-ownership justifies the appropriation of property – our freedom necessitates being able to set and pursue external things as our ends, including exercising our rights on property. Restricting this arbitrarily limits our freedom which is unjust.

Feser 2, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

V. Some Implications If what I have argued so far is correct, then the way is opened to the following revised case for strongly libertarian Lockean-Nozickian prop-erty rights: We are self-owners, having full property rights to our body parts, powers, talents, energies, etc. As self-owners, we also have a right, given the SOP, not to have our self-owned powers nullified —we have the right, that is, to act within the extra-personal world and thus to acquire rights to extra-personal objects that the use of our self-owned powers requires.39 This might involve the buying or leasing of certain rights or bundles of rights and, correspondingly, the acquiring of lesser or greater degrees of ownership of parts of the external world, but as long as one is able to exercise one’s powers to some degree and is not rendered incapable of acting within that world, the SOP is satisfied. In any case, such rights can only be traded after they are first established by initial acquisition. In initially acquiring a resource, an agent does no one an injustice (it was unowned, after all). Furthermore, [they] has mixed [their] labor with the resource, significantly altering it and/or bringing it under his control, and is himself solely responsible for whatever value or utility the resource has come to have. Thus, [they] has a presumptive right to it, and, if his control and/or alteration (and thus acquisition) of it is (more or less) complete, his own- ership is accordingly (more or less) full. The system of strong private property rights that follows from the acts of initial acquisition performed by countless such agents results, as a matter of empirical fact, in a market economy that inevitably and dramatically increases the number of resources available for use by individuals, and these benefited individuals include those who come along long after initial acquisition has taken place. (Indeed, it especially includes these latecomers, given that they were able to avoid the hard work of being the first to “tame the land” and draw out the value of raw materials.)40 The SOP is thus, in fact, rarely, if ever, violated. The upshot is that a system of Lockean-Nozickian private property rights is morally justified, with a strong presumption against tampering with exist- ing property titles in general. In any case, there is a strong presumption against any general egalitarian redistribution of wealth, and no case what- soever to be made for such redistribution from the general theory of prop- erty just sketched, purged as it is of the Lockean proviso, with all the egalitarian mischief-making the proviso has made possible

# DA

#### Commercial space manufacturing is burgeoning and solves disease, but the plan kills it --- private launch and appropriation is key

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The use of LEO by governments and commercial enterprises is a complex ecosystem for providing opportunities and financing. In the last two decades, governments around the world, led by the U.S. and China, have heavily supported private space companies (2019 Report). These investments have focused on launch technologies, as high launch costs are perceived to be the greatest limiting factor to expanded space exploration and utilization (Werzt et al., 1996) and have led to recent reductions in the cost of transporting cargo to LEO by a factor of more than 20. Between 1970 and 2020, the average cost to launch a kilogram of payload into LEO on the space shuttle remained constant at about $54,500. Now, the cost per kilogram is $2,720 on a SpaceX Falcon 9 rocket (Figure 1) (Jones, H. W. et al., 2020). Preprints (www.preprints.org) | NOT PEER-REVIEWED | Posted: 2 August 2021 doi:10.20944/preprints202108.0044.v1 4 Figure 1: The cost of launching payloads to LEO has dropped considerably over the last 50 years. Note: Data is not to scale. Additionally, several private companies are now pursuing commercial space stations. Axiom Space, headquartered in Houston, is currently developing what promises to be the first‐ever privately operated space station, with the initial module scheduled to launch to the ISS in 2024. Axiom plans to dock multiple modules to the ISS that will eventually detach to become a standalone station. As the cost of transport to LEO has decreased—and is expected to decrease further—and plans for new platforms in LEO continue to advance (Dinkin S., 2019), opportunities in areas such as satellite deployment, biomedical research, in‐space manufacturing, and space tourism increase. Preprints (www.preprints.org) | NOT PEER-REVIEWED | Posted: 2 August 2021 doi:10.20944/preprints202108.0044.v1 5 As the past half century has witnessed the opening of space for exploration and commercial opportunities, in this same period, we have experienced exponential growth in our understanding of biology and physiology. This knowledge has been translated and commercialized for the benefit of human health and continues to accelerate as new technologies create additional tools to explore and cure. One aspect of this biomedical revolution is in the field of regenerative medicine, built upon advances in stem cell biology, biomaterials, and bioengineering. Remarkable advancements have been made in the design of MPS, also called tissue chips or organs‐on‐chips, and organoids that can mimic complex organ systems outside of the body for drug development or potential implantation to restore function. Stem cell isolation, characterization, and manipulation is advancing, with target applications broadly spread across tissues impacted by disease, trauma, and congenital conditions. Biomaterials and bioengineering advances have created new medical devices, targeted drug delivery platforms, biosensors and new imaging modalities, and the bioprinting of tissue constructs. To take advantage of these significant advances—more frequent and more affordable access to LEO and exponential progress in biomedical technology—the question is: How do these intersect, and what new opportunities arise as both advance? How can the unique LEO environment be leveraged to further advance biomanufacturing? Compelling answers to these questions will introduce economic drivers for investment in space‐based R&D that extend beyond the initial focus on pure discovery and into the expansion of commercial development in LEO. Over the past decade, the ISS National Lab has supported important space‐based research in the areas of tissue engineering and regenerative medicine that lays the groundwork for more complex studies and future investment. This critical research addressed fundamental questions such as: How does the LEO environment affect the organ function mimicked by tissue chips, and how do these changes relate to human disease? How does microgravity affect stem cell proliferation and differentiation? And how might 3D bioprinting benefit from the absence of gravity? Continued access to LEO through the ISS National Lab provides a unique opportunity for R&D that enables the jump from this initial work to the development of a sustainable market for biomanufacturing in space. The ISS is a powerful platform with a limited lifetime and thus limited time left for utilization; therefore, now is the time to leverage this invaluable orbiting laboratory to conduct R&D that demonstrates the value of biomanufacturing in space. This work will set the stage for increased private investment and the transition to larger and more numerous platforms in LEO that can support further discovery and development in the coming decades

#### Extinction

Yaneer Bar-Yam 16, Founding President of the New England Complex Systems Institute, “Transition to extinction: Pandemics in a connected world,” NECSI (July 3, 2016), http://necsi.edu/research/social/pandemics/transition

Watch as one of the more aggressive—brighter red — strains rapidly expands. After a time it goes extinct leaving a black region. Why does it go extinct? The answer is that it spreads so rapidly that it kills the hosts around it. Without new hosts to infect it then dies out itself. That the rapidly spreading pathogens die out has important implications for evolutionary research which we have talked about elsewhere [1–7].¶ In the research I want to discuss here, what we were interested in is the effect of adding long range transportation [8]. This includes natural means of dispersal as well as unintentional dispersal by humans, like adding airplane routes, which is being done by real world airlines (Figure 2).¶ When we introduce long range transportation into the model, the success of more aggressive strains changes. They can use the long range transportation to find new hosts and escape local extinction. Figure 3 shows that the more transportation routes introduced into the model, the more higher aggressive pathogens are able to survive and spread.¶ As we add more long range transportation, there is a critical point at which pathogens become so aggressive that the entire host population dies. The pathogens die at the same time, but that is not exactly a consolation to the hosts. We call this the phase transition to extinction (Figure 4). With increasing levels of global transportation, human civilization may be approaching such a critical threshold.¶ In the paper we wrote in 2006 about the dangers of global transportation for pathogen evolution and pandemics [8], we mentioned the risk from Ebola. Ebola is a horrendous disease that was present only in isolated villages in Africa. It was far away from the rest of the world only because of that isolation. Since Africa was developing, it was only a matter of time before it reached population centers and airports. While the model is about evolution, it is really about which pathogens will be found in a system that is highly connected, and Ebola can spread in a highly connected world.¶ The traditional approach to public health uses historical evidence analyzed statistically to assess the potential impacts of a disease. As a result, many were surprised by the spread of Ebola through West Africa in 2014. As the connectivity of the world increases, past experience is not a good guide to future events.¶ A key point about the phase transition to extinction is its suddenness. Even a system that seems stable, can be destabilized by a few more long-range connections, and connectivity is continuing to increase.¶ So how close are we to the tipping point? We don’t know but it would be good to find out before it happens.¶ While Ebola ravaged three countries in West Africa, it only resulted in a handful of cases outside that region. One possible reason is that many of the airlines that fly to west Africa stopped or reduced flights during the epidemic [9]. In the absence of a clear connection, public health authorities who downplayed the dangers of the epidemic spreading to the West might seem to be vindicated.¶ As with the choice of airlines to stop flying to west Africa, our analysis didn’t take into consideration how people respond to epidemics. It does tell us what the outcome will be unless we respond fast enough and well enough to stop the spread of future diseases, which may not be the same as the ones we saw in the past. As the world becomes more connected, the dangers increase.¶ Are people in western countries safe because of higher quality health systems? Countries like the U.S. have highly skewed networks of social interactions with some very highly connected individuals that can be “superspreaders.” The chances of such an individual becoming infected may be low but events like a mass outbreak pose a much greater risk if they do happen. If a sick food service worker in an airport infects 100 passengers, or a contagion event happens in mass transportation, an outbreak could very well prove unstoppable.

# CP

#### Text: The colonization of outer space by private entities is just.

Colonization solves the case–

#### 1] Space colonization is good and possible – new developing tech and adaptation solves civil war, extinction, and civilization collapse.

Kennedy ’19 [Fred, “To Colonize Space Or Not To Colonize: That Is The Question (For All Of Us)”, 12-18-2019, Forbes, https://www.forbes.com/sites/fredkennedy/2019/12/18/to-colonize-or-not-to-colonize--that-is-the-question-for-all-of-us/?sh=65a8d2702367]//pranav

It’s important to distinguish between colonize and explore. Exploration already enjoys broad approval here in America. In June, 77% of U.S. respondents told Gallup pollsters that NASA’s budget should either be maintained or increased – undeniable evidence of support for the American space program (as it’s currently constituted). By any measure, we’ve done an admirable job of surveying the solar system over the past 60 years – an essential first step in any comprehensive program of exploration. Unmanned probes developed and launched by the United States and the Soviet Union conducted flybys of the Moon and the terrestrial planets not long after we reached Earth orbit, and since then, we’ve flown by the outer planets. Multiple nations have placed increasingly sophisticated robotic emissaries on the surfaces of the Moon, Mars, Venus and Saturn’s largest moon, Titan. Most stunningly, in a tour de force of technology and Cold War chutzpah, the U.S. dispatched humans to set foot on another world, just 50 years and a few months ago. But after only six such visits, we never returned. Moon habitats in lava tubes, crops under glass domes, ice mining at the south pole? No. NASA’s Artemis program may place a man and a woman on the Moon again in 2024. But that’s hardly colonization. For perspective, let’s look closer to home. Sailors from an American vessel may have landed on Antarctica as early as 1821 – the claim is unverified – but no scientific expeditions “wintered” there for another 75 years. The first two of these, one Belgian and one British, endured extreme cold and privation – one inadvertently, the other by design. And yet, 200 years after the first explorer set foot on the continent, there are no permanent settlements (partially as a result of a political consensus reached in the late 1950s, but in no small part due to the difficulty of extracting resources such as ore or fossil fuels through kilometers of ice). Less than 5,000 international researchers and support staff comprise the “summer population” at the bottom of the world. That number dwindles to just 1,100 during the harsh Antarctic winter, requiring millions of tons of supplies and fuel to be delivered every year – none of which can be produced locally. To suggest that Antarctica is colonized would be far overstating the sustainability of human presence there. If Antarctica is hard, the Moon, Mars, asteroids, and interplanetary space will be punishingly difficult. Writing in Gizmodo this past July, George Dvorsky describes the challenges to a human colony posed by low gravity, radiation, lack of air and water, and the psychological effects of long-term confinement and isolation inside artificial structures, in space or on planetary surfaces. Add to this the economic uncertainties of such a venture – where the modern analog of a Dutch or British East India Company would face enormous skepticism from investors regarding the profitability of shipping any good or finished product between colonial ports of call – and it becomes clear why nation states and mega-corporations alike have so far resisted the temptation to set up camp beyond geosynchronous orbit. Perhaps, many argue, we should focus our limited resources on unresolved problems here at home? Yet a wave of interest in pursuing solar system colonization is building, whether its initial focus is the Moon, Mars, or O’Neill-style space habitats. Jeff Bezos has argued eloquently for moving heavy industry off the home planet, preserving Earth as a nature reserve, and building the space-based infrastructure that will lower barriers and create opportunities for vast economic and cultural growth (similar to how the Internet and a revolution in microelectronics has allowed Amazon and numerous other companies to achieve spectacular wealth). Elon Musk and Stephen Hawking both suggested the need for a “hedge” population of humans on Mars to allow human civilization to reboot itself in the event of a catastrophe on Earth – an eggs-in-several-baskets approach which actually complements the arguments made by Bezos. And while both are valid reasons for pursuing colonization, there’s a stronger, overarching rationale that clinches it. I’ll assert that a fundamental truth – repeatedly borne out by history – is that expanding, outwardly-focused civilizations are far less likely to turn on themselves, and far more likely to expend their fecundity on growing habitations, conducting important research and creating wealth for their citizens. A civilization that turns away from discovery and growth stagnates – a point made by NASA’s Chief Historian Steven Dick as well as Mars exploration advocate Robert Zubrin. As a species, we have yet to resolve problems of extreme political polarization (both internal to nation states as well as among them), inequalities in wealth distribution, deficiencies in civil liberties, environmental depredations and war. Forgoing opportunities to expand our presence into the cosmos to achieve better outcomes here at home hasn’t eliminated these scourges. What’s more, the “cabin fever” often decried by opponents of colonization (when applied to small, isolated outposts far from Earth) turns out to be a potential problem for our own planet. Without a relief valve for ideological pilgrims or staunch individualists who might just prefer to be on their own despite the inevitable hardships, we may well run the risk of exacerbating the polarization and internecine strife we strive so hard to quell. Focusing humanity’s attention and imagination on a grand project may well give us the running room we need to address these problems. But the decision cannot be made by one country, or one company, or one segment of the human population. If we do this, it will of necessity be a truly international endeavor, a cross-sector endeavor (with all commercial, civil, and defense interests engaged and cooperating). The good news: Critical technologies such as propulsion and power generation systems will improve over time. Transit durations between celestial destinations will shorten (in the same way sailing vessels gave way to steam ships and then to airliners and perhaps, one day, to point-to-point ballistic reusable rockets). Methods for obtaining critical resources on other planets will be refined and enhanced. Genetic engineering may be used to better adapt humans, their crops and other biota to life in space or on other planetary surfaces – to withstand the effects of low or micro-gravity, radiation, and the psychological effects of long-duration spaceflight.

# Case

#### The Aff isn’t sufficient to solve ANYTHING—Even one collision could undo years of progress

Kurt 15 – JD-William & Mary

Joseph Kurt, JD- William & Mary School of Law, BA-Marquette University, NOTE: TRIUMPH OF THE SPACE COMMONS: ADDRESSING THE IMPENDING SPACE DEBRIS CRISIS WITHOUT AN INTERNATIONAL TREATY, 40 Wm. & Mary Envtl. L. & Pol'y Rev. 305 (2015)

With respect to some common resource problems, the prospect of continued cooperation may be enough to suggest a successful resolution to the issue. Say, for example, that the farmers from Hardin's pasture recognize the threat of overgrazing and, after some negotiation, agree to slow the introduction of new cattle to sustainable levels. This would seem to resolve the issue. As long as farmers abide by that agreement, they will avoid the tragedy of the commons.

Achieving a more or less permanent solution to the space debris problem is not as straightforward. The reason is that even as the space debris problem is being redressed, the risk of space objects colliding remains as long as there are uncontrolled objects whizzing around the Earth's atmosphere. 214Link to the text of the note With millions of such objects now in orbit, this will indeed be the case for a very long time. 215Link to the text of the note

Improved tracking capabilities, avoidance maneuvers, and (eventually) ADR technologies all work together to make such collisions less likely. However, no remediation can remove the risk of accidents altogether, and some collisions could have devastating effects: the destruction of even one large satellite could double the amount of space debris in orbit. 216Link to the text of the note Of course, any such increase in the amount of debris in orbit then renders other collisions more likely to occur. 217Link to the text of the note It is thus possible that after a number of years making progress towards reaching a sustainable level of debris, a stroke of bad luck could rapidly undo such progress and unleash the dreaded Kessler Syndrome. 218Link to the text of the note

#### Alt cause – broad space privatization and existing debris.

Muelhapt et al 19 [(Theodore J., Center for Orbital and Reentry Debris Studies, Center for Space Policy and Strategy, The Aerospace Corporation, 30 year Space Systems Analyst and Operator, Marlon E. Sorge, Jamie Morin, Robert S. Wilson), “Space traffic management in the new space era,” Journal of Space Safety Engineering, 6/18/19, https://doi.org/10.1016/j.jsse.2019.05.007] TDI

The last decade has seen rapid growth and change in the space industry, and an explosion of commercial and private activity. Terms like NewSpace or democratized space are often used to describe this global trend to develop faster and cheaper access to space, distinct from more traditional government-driven activities focused on security, political, or scientific activities. The easier access to space has opened participation to many more participants than was historically possible. This new activity could profoundly worsen the space debris environment, particularly in low Earth orbit (LEO), but there are also signs of progress and the outlook is encouraging. Many NewSpace operators are actively working to mitigate their impact. Nevertheless, NewSpace represents a significant break with past experience and business as usual will not work in this changed environment. New standards, space policy, and licensing approaches are powerful levers that can shape the future of operations and the debris environment.

2. Characterizing NewSpace: a step change in the space environment

In just the last few years, commercial companies have proposed, funded, and in a few cases begun deployment of very large constellations of small to medium-sized satellites. These constellations will add much more complexity to space operations. Table 1 shows some of the constellations that have been announced for launch in the next decade. Two dozen companies, when taken together, have proposed placing well over ~~20,000~~ [twenty thousand] satellites in orbit in the next ~~10~~ [10]years. For perspective, fewer than ~~8100~~[eight thousand one hundred] payloads have been placed in Earth orbit in the entire history of the space age, only 4800 [1] remain in orbit and approximately 1950 [2] of those are still active. And it isn't simply numbers – the mass in orbit will increase substantially, and long-term debris generation is strongly correlated with mass.

[Table 1 Omitted]

This table is in constant flux. It is based largely on U.S. filings with the Federal Communications Commission (FCC) and various press releases, but many of the companies here have already altered or abandoned their original plans, and new systems are no doubt in work. Although many of these large constellations may never be launched as listed, the traffic created if just half are successful would be more than double the number of payloads launched in the last 60 years and more than 6 times the number of currently active satellites.

Current space safety, space surveillance, collision avoidance (COLA) and debris mitigation processes have been designed for and have evolved with the current population profile, launch rates and density of LEO space.

By almost any metric used to measure activity in space, whether it is payloads in orbit, the size of constellations, the rate of launches, the economic stakes, the potential for debris creation, the number of conjunctions, NewSpace represents a fundamental change.

3. Compounding effects of better SSA, more satellites, and new operational concepts

The changes in the space environment can be seen on this figurative map of low Earth orbit. Fig. 1 shows the LEO environment as a function of altitude. The number of objects found in each 10 km “bin” is plotted on the horizontal axis, while the altitude is plotted vertically. Objects in elliptical orbits are distributed between bins as partial objects proportional to the time spent in each bin. Some notable resident systems are indicated in blue text on the right to provide an altitude reference. The (dotted) red line shows the number of objects in the current catalog tracked by the U.S. Space Surveillance Network (SSN). All the COLA alerts and actions that must be taken by the residents are due to their neighbors in the nearby bins, so the currently visible risk is proportional to the red line.

The red line of the current catalog does not represent the complete risk; it indicates the risk we can track and perhaps avoid. A rule of thumb is that the current SSN LEO catalog contains objects about 10 cm or larger. It is generally accepted that an impact in LEO with an object 1 cm or larger will cause damage likely to be fatal to a satellite's mission. Therefore, there is a large latent risk from unobserved debris. While we cannot currently track and catalog much smaller than 10 cm, experiments have been performed to detect and sample much smaller objects and statistically model the population at this size [3]. The (solid) blue line represents the model of the 1 cm and larger debris that is likely mission-ending, usually called lethal but not trackable. If LEO operators avoid collisions with all the objects in the red line, they are nonetheless inherently accepting the risk from the blue line. This risk is already present.

The (dashed) orange line is an estimate of the population at 5 cm and larger and is thus an estimate of what the catalog might conservatively be a few years after the Space Fence, a new radar system being built by the Air Force, comes on line (currently planned for 2019) [4]. Commercial companies offering space surveillance services, such as LeoLabs, ExoAnalytics, Analytic Graphics Inc., Lockheed, and Boeing, might also add to the number of objects currently tracked. Space Policy Directive 3 (SPD-3) [13] specifically seeks to expand the use of commercial SSA services.

Existing operators can expect a sharp increase in the number of warnings and alerts they will receive because of the increase in the cataloged population. Almost all the increase will come from newly detected debris [5].

The pace of safety operations for each satellite on orbit will significantly change because of the increase in the catalog from the Space Fence. This effect is compounded because the NewSpace constellations described in Table 1 will drastically change the profile of satellites in LEO. The green bars in Fig. 1 represent the number of objects that will be added to the catalog (red or orange lines) from only the NewSpace large LEO constellations at their operational altitudes. This does not include the rocket stages that launch them, or satellites in the process of being phased into or removed from the operational orbits. Neighbors of one of these new constellations may face a radically different operations environment than their current practices were designed to address.

Satellites in these large LEO constellations typically have planned operational lifetimes of 5–10 years. Some companies have proposed to dispose of their satellites using low thrust electric propulsion systems, which would spiral satellites down over a period of months or years from operating altitudes as high as 1500 km through lower orbits where the Hubble Space Telescope, the International Space Station, and other critical LEO satellites operate [6]. Similar propulsive techniques would raise replacement satellites from lower launch injection orbits to higher operational orbits. These disposal and replenishment activities will add thousands of satellites each year transiting through lower altitudes and posing a risk to all resident satellites in those lower orbits. More importantly, failures will occur both among transiting satellites and operational constellations, potentially leaving hundreds more stranded along the transit path.

**Probability – 0.1% chance of a collision.**

**Salter 16** [(Alexander William, Economics Professor at Texas Tech) “SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS” 19 STAN. TECH. L. REV. 221 \*numbers replaced with English words] TDI

The probability of a collision is currently low. Bradley and Wein estimate that the maximum probability in LEO of a collision over the lifetime of a spacecraft remains below one in one thousand, conditional on continued compliance with NASA’s deorbiting guidelines.3 However, the possibility of a future “snowballing” effect, whereby debris collides with other objects, further congesting orbit space, remains a significant concern.4 Levin and Carroll estimate the average immediate destruction of wealth created by a collision to be approximately $30 million, with an additional $200 million in damages to all currently existing space assets from the debris created by the initial collision.5 The expected value of destroyed wealth because of collisions, currently small because of the low probability of a collision, can quickly become significant if future collisions result in runaway debris growth.

#### Off Climate –

Climate change is inevitable

CP solves]

#### OFF C2:

#### Private entities are bound by the Outer Space Treaty, which bans appropriation of the MOON.

Van Eijk 20 Cristian Van Eijk, BA cum laude in International Justice and an LLM in Public International Law from Leiden University, “Sorry, Elon: Mars is not a legal vacuum – and it’s not yours, either,” 11 May 2020, Völkerrechtsblog, accessed 27 December 2021, Pg. 1, [https://voelkerrechtsblog.org/sorry-elon-mars-is-not-a-legal-vacuum-and-its-not-yours-either](https://voelkerrechtsblog.org/sorry-elon-mars-is-not-a-legal-vacuum-and-its-not-yours-either%20) TDI recut

OST article II: “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.”

OST article III: “States… shall carry on activities in the exploration and use of outer space, including (…) celestial bodies, in accordance with international law”.

SpaceX is a private entity, and is not bound by the Outer Space Treaty – but that does not mean it can opt out. Its actions in space could have consequences for the United States in three ways. First, the US, as SpaceX’s launch state, bears fault-based liability for injury or damage SpaceX’s space objects cause to other states’ persons or property (OST article VII, Liability Convention articles I, III). Second, the US, as SpaceX’s state of registry, is the sole state that retains jurisdiction and control over SpaceX objects (OST article VIII, Registration Convention article II). Both refer to objects in space and are irrelevant.

According to article VI OST, States “bear international responsibility for national activities in outer space”, including Mars, including those by “non-governmental entities”. The US, as SpaceX’s state of incorporation, must authorise and continuously supervise SpaceX’s actions in space to ensure compliance with the OST (OST article VI) and international law (OST article III). In practice, this task is done by the US Federal Communications Commission, which licenses and regulates SpaceX.

Article VI OST sets a specific rule of attribution, supplementing the customary rules of state responsibility (Stubbe 2017, pp. 85-104). SpaceX acts with US authorisation, and its conduct in space within and beyond that authorisation is attributable to the US (ARSIWA articles 5, 7). In the absence of circumstances precluding wrongfulness, the result is straightforward. If SpaceX breaches a US obligation under international law, the US bears responsibility for an internationally wrongful act.

The principle of non-appropriation

SpaceX risks breaching OST article II, the “cardinal rule” of space law (Tronchetti, 2007). This principle is a jus cogens norm (Hobe et al. 2009, pp. 255-6) establishing Mars as res communis, rather than terra nullius. I must acknowledge, with tongue firmly in cheek, that SpaceX is partly correct – states have no sovereignty on Mars. But that does not leave Mars a “free planet” up for grabs – SpaceX has no sovereignty either.

On plain reading, article II OST lacks clarity on two key points: i) whose claims are prohibited, and ii) what exactly constitutes a ‘claim of sovereignty’. The first has been answered; per the then-customary interpretative rules and travaux préparatoires, there is quite broad academic consensus (Hobe, et al. 2017; Tronchetti, 2007; Pershing, 2019; Cheney, 2009) that sovereign claims include those by private entities. This is consistent with OST article VI; private entities act in space with state authorisation, and thus state authority. It also accords with the law of state responsibility, wherein conduct of entities exercising state authority is attributable to the state, even if ultra vires (ARSIWA articles 5, 7).

The second issue is more complex. Much has been written on whether claims to space resources or space property (Nemitz v United States) are sovereign. In this case, the territorial claim is less clear; is establishing a jurisdiction a sovereign claim “by other means”? SpaceX purports not to create law horizontally via contract, but to establish the only law on Mars – a vertical structure endemic to sovereign legal orders. International caselaw on territorial acquisition agrees; sovereign acts include “legislative, administrative and quasi-judicial acts” (Case concerning sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v. Malaysia), para 148; Decision regarding delimitation of the border between Eritrea and Ethiopia, para. 3.29) with the exercise of jurisdiction and local administration having “particular, probative value” (Minquiers and Ecrehos (France v. UK), p. 22). Also relevant are attempts to exclude other states’ jurisdiction (Island of Palmas (USA v. Netherlands), pp. 838-9). An attempt by SpaceX to prescribe its own jurisdiction on Mars would constitute a sovereign claim in breach of OST article II, and entail US responsibility for an internationally wrongful act.

#### Private entities wouldn’t do this – it’s improbable they would still do this knowing it causes nuke war.