## 1

### Theory

**Interp: Debaters must disclose tournaments on the 2021-2022 NDCA LD wiki under the actual name of the tournament on tabroom for every round at said tournament.**

**Violation: The name of this tournament is on tab – its Barkley Forum – they said Emory – doc below:**

https://www.tabroom.com/index/tourn/index.mhtml?tourn\_id=20621

**Table

Description automatically generated**

**1 – inclusion - they make debate inaccessible to novices or small schools who compete on the circuit but don’t have access to resources or have knowledge of debate lingo to know the shorthand nicknames for tournaments.**

**Two internal links to accessibility - A) lets debaters see if you won or lost on tab going for specific strategies or hitting specific strategies, letting debaters adapt around that and B) lets debaters see what speaks judges gave to help them see how good you were at going for x argument.**

**2 – reciprocity – if I disclosed one way and you didnt’ you had the advantage in this round.**

**Outweighs - none of their standards matter if debaters can’t access them and means reasonability is uniquely wrong since even a 1% risk of exclusion is bad, you obviously don’t say some level of exclusion is justif****ied.**

## 2

### Theory

#### Interpretation – Affirmatives must define *private entities* in a delineated card in the 1AC.

UpCounsel ND – “Private Entity: Everything You Need to Know”. UpCounsel (interactive online service that makes it faster and easier for businesses to find and hire legal help). No Date. Accessed 12/17/21. <https://www.upcounsel.com/private-entity> //Xu

A private entity can be a partnership, corporation, individual, nonprofit organization, company, or any other organized group that is not government-affiliated. Indian tribes and foreign public entities are not considered private entities.

Unlike publicly traded companies, private companies do not have public stock offerings on Nasdaq, American Stock Exchange, or the New York Stock Exchange. Instead, they offer shares privately to interested investors, who may trade among themselves.

Private Company vs. Private Entity

The Companies Act of 2013 governs the registration of private companies.

This type of company is formed by following the steps laid out by this law.

Private entities are determined not by this law but by ownership and holding. For example, sole proprietorships and partnerships are designed as private entities.

A private entity is not necessarily a private company, but all private companies are private entities.

How Private Entities Work

Although private companies can be of any size, they often include a small group of chosen investors who may include employees, colleagues, friends and family, and other interested parties. If this type of company needs funding to grow, it may seek it from venture capital firms or from large institutional investors. Some private companies eventually decide to go public with an initial public offering (IPO) of stock shares on a public exchange. Sometimes, public companies go private when a large investor buys a bulk of the outstanding stock shares and plans to remove them from public exchanges.

How FOIA Affects Private Entities

The Freedom of Information Act (FOIA) is a federal law that requires certain agencies to provide certain types of records to any person who asks. Major government bodies such as federal courts and Congress are exempt from FOIA. Some state agencies are also exempt depending on state laws governing public records. In general, FOIA applies to:

Federal, state, and local government agencies, such as the Federal Communications Commission.

Certain state legislatures depending on the laws in those states.

Most private entities are not bound by federal FOIA laws. However, these laws may apply to private entities involved in government business. This situation occurred in Colorado in 2000, when a nonprofit corporation was required by the state's Court of Appeals to share documents related to a project it was working on with the city of Denver.

**Prefer:**

#### 1 – Stable Advocacy – they can redefine in the 1AR to wriggle out of DAs which kills high-quality engagement. We lose access to Tech Race DAs, Asteroid DAs, case turns, and core Process CPs that have varying definitions – outweighs on reversibility since the 2NR can’t compensate after absurd 1AR shifts.

#### CX can’t resolve this because (A) Not flowed so it’s non-verifiable (B) Skews 6 min of prep during the AC which is irreciprocal (C) They can lie and no way to check (D) Debaters are trained by coaches to be shifty.

#### 2 – Real World – Policy makers must specify the entity that they are recognizing. It also means zero solvency – absent spec, private entities can circumvent since there is no delineated way to enforce the aff and means their solvency can’t actualize.

#### 3 – Resolvability – Constantly morphing advocacies makes debate impossible because the judge doesn’t know what you defend or if a DA even links – comes first because the judge has to pick a winner and loser.

#### Independently, P-Spec isn’t regressive since (1) Determines the scope of the AFF which is core topic lit (2) Novices specify details about the plan which proves it’s grounded in LD norms. Also, infinite regress tailors optimal norms which outweighs on duration.

**Fairness is a voter – Debate is a competitive activity that requires fairness for objective evaluation.**

#### Reject the team – (1) No argument to drop and (2) Strongest internal link to better norms through deterrence.

**No RVIs – (1) Going all in on theory kills substance education which outweighs on timeframe (2) Discourages checking real abuse which outweighs on norm-setting (3) Encourages theory baiting – outweighs because if the shell is frivolous, they can beat it quickly (4) Its illogical for you to win for proving you were fair – outweighs since logic is a litmus test for other arguments (5) Kills norm setting since debaters can never admit they’re wrong – outweighs since norm setting is the constitutive purpose of theory (6) They are the logic of criminalization that over-punish people-of-color for trying to create productive discourse.**

#### Competing interpretations – (1) Reasonability is arbitrary – impossible to know what is reasonable until you establish a brightline (2) Bites judge intervention – they have to gut check what they think is good (3) Collapses – you use offense/defense to evaluate offense under the brightline (4) Norms – you can sidestep norms by selectively choosing a different brightline you meet every round.

**1NC theory first – (1) If I was abusive, it was because the 1AC was (2) You have persuasive advantages in the 2AR on top of infinite prep time.**

## 3

### T

#### Interpretation – affirmatives must defend the resolution as a general principle. This requires that you defend that the plan is a good idea in the abstract and don’t defend implementation.

#### Violation – they defend implementation.

#### 1 – Jurisdiction – it’s NSDA rules.

**NSDA 21** – 2021-22 Lincoln-Douglas Ballot, https://www.speechanddebate.org/wp-content/uploads/Sample-Lincoln-Douglas-Debate-Ballot-Blank.pdf // JB

Each **debater** has the burden to **prove** their **side** of the resolution **more valid** as a **general principle**. It is **unrealistic** to expect a debater to prove **complete validity or invalidity** of the resolution. The **better debater** is the one who, on the whole, proves their side of the resolution **more valid** as a general principle.

#### Outweighs – It’s on the LD ballot which means whenever a judge submits the ballot it’s what they contractually abide by – operating outside of the rules would forfeit the judge’s ability to submit a decision.

#### 2 – Precision:

#### Resolved in LD is a statement of values.

**UPitt ND** – University Of Pittsburgh Communications Services Webteam, copyright 2015-21, "Basic Definitions," Department of Communication , <https://www.comm.pitt.edu/basic-definitions> CHO

Affirmative/Pro. The side that “affirms” the resolution (is “pro” the issue). For example, the affirmative side in a debate using the resolution of policy, Resolved: The United States federal government should implement a poverty reduction program for its citizens, would advocate for federal government implementation of a poverty reduction program. Argument. A statement, or claim, followed by a justification, or warrant. Justifications are responses to challenges, often linked by the word “because.” Example: The sun helps people, because the sun activates photosynthesis in plants, which produce oxygen so people can breathe. Constructive Speech. The first speeches in a debate, where the debaters “construct” their cases by presenting initial positions and arguments. Cross-examination. Question and answer sessions between debaters. Debate. A deliberative exercise characterized by formal procedures of argumentation, involving a set resolution to be debated, distinct times for debaters to speak, and a regulated order of speeches given. Evidence. Supporting materials for arguments. Standards for evidence are field-specific. Evidence can range from personal testimony, statistical evidence, research findings, to other published sources. Quotations drawn from journals, books, newspapers, and other audio-visuals sources are rather common. Negative/Con. The side that “negates” the resolution (is “con” the issue). For example, the negative side in a debate using the resolution of fact, Resolved: Global warming threatens agricultural production, would argue that global warming does not threaten agricultural production. Preparation Time. Debates often necessitate time between speeches for students to gather their thoughts and consider their opponent's arguments. This preparation is generally a set period of time and can be used at any time by either side at the conclusion of a speech. Rebuttal Speech. The last speeches in a debate, where debaters summarize arguments and draw conclusions about the debate. Resolution. A specific statement or question up for debate. Resolutions usually appear as statements of policy, fact or value. Statement of policy. Involves an actor (local, national, or global) with power to decide a course of action. For example, Resolved: The United States federal government should implement a poverty reduction program for its citizens. Statement of fact. Involves a dispute about empirical phenomenon. For example, Resolved: Global warming threatens agricultural production. Statement of value. Involves conflicting moral dilemmas. For example, Resolved: The death penalty is a justified method of punishment. Topic. A general issue to debate. Topics could be “The Civil War,” “genetic engineering,” or “Great Books.”

#### Is means is Definition of is (Entry 1 of 4) present tense third-person singular of BE dialectal present tense first-person and third-person singular of BE dialectal present tense plural of BE

Webster ND Definition of IS," Merriam Webster, <https://www.merriam-webster.com/dictionary/is> IS

#### That requires logical coherence and implies no implementation.

Your Dictionary ND – "Dialectical Meaning," No Publication, <https://www.yourdictionary.com/dialectical> Cho

The definition of dialectical is a discussion that includes logical reasoning and dialogue, or something having the sounds, vocabulary and grammar of a specific way of speaking. An example of something dialectical is a Lincoln Douglass style of debate, where both parties argue a point in a logical order. Of, or pertaining to dialectic; logically reasoned through the exchange of opposing ideas.

#### Be is a linking verb, not an action verb so implementation is incoherent.

Grammar Monster ND – "Linking Verbs," Grammar Monster, <https://www.grammar-monster.com/glossary/linking_verbs.htm> CHO

What Are Linking Verbs? (with Examples) A linking verb is used to re-identify or to describe its subject. A linking verb is called a linking verb because it links the subject to a subject complement (see graphic below). Infographic Explaining Linking Verb A linking verb tells us what the subject is, not what the subject is doing. Easy Examples of Linking Verbs In each example, the linking verb is highlighted and the subject is bold. Alan is a vampire. (Here, the subject is re-identified as a vampire.) Alan is thirsty. (Here, the subject is described as thirsty.)



#### Outweighs: (A) They can arbitrarily jettison words which decks ground and preparation because there is no stasis point (B) Jurisdiction – the judge doesn’t have the authority to vote aff if it wasn’t legitimate.

#### 3 – Fairness – it prevents abusive PICs out of certain parts of the plan that steal aff ground by isolating a hyper-specific DA to the plan – solves topic education to read it as a DA and promotes critical thinking because you need to win the DA actually outweighs the plan.

#### 4 – Phil education – it encourages philosophical analysis and prevents messy enforcement and process debates where you just focus on the post-fiat implications. We’ll impact-turn policy debate: (A) It’s nonunique through forums of CX and PF (B) Philosophical policy is better because you can find the best possible idea, not the most common (C) Phil education is unique to LD and controls the internal link since the only way to determine the validity of voters is through philosophical justification.

#### 5 – Topic Ed – Consequential ethics that rely on implemented action fail under conditions of space expansion.

**Diakovska 1** – consequentialism and commercial space exploration. (n.d.). Retrieved December 6, 2021, from <https://www.researchgate.net/publication/338707972_Consequentialism_and_Commercial_Space_Exploration>, Agastya

Consequentialism about the moral rightness of acts states the following. “Whether an act is morally right depends only on the consequences of that act or of something related to that act, such as the motive behind the act or a general rule requiring acts of the same kind.” Or otherwise, “What is best or right is whatever makes the world best in the future, because we cannot change the past, so worrying about the past is no more useful than crying over spilled milk” (Sinnott-Armstrong, 2019). Consider two examples. Elon Musk in his article “Making Humans a Multi-Planetary Species” expressed his vision of the future of humanity. According to Musk, human civilization should “become a spacebearing civilization and a multi-planetary species” (Musk, 2017). Russian astronaut and explorer Sergey Krichevsky views terrestrial civilization as cosmic humanity. He argues that the evolution of human civilization will lead to the creation of cosmic humanity (Krichevsky, 2017). Oleg Bazaluk states that the appearance of humanity is a natural phenomenon, which is conditioned by the philosophy of the Cosmos (Bazaluk & Kharchenko, 2018). Thus, human expansion of space is regarded not only as an obvious phenomenon, but also as a natural process of human evolution. Colonization of space objects is expected to become a common practice in the short term. We are currently observing the formation of a sequence of actions that, at the first stage, will lead to the colonization of Mars. The first colony on Mars is expected to be built by 2030 (Musk, 2017). Consider to what extent the cosmic expansion and colonization of space objects are consistent with the moral rightness of acts. Consequentialism about the moral rightness of acts has been established and operates on a planetary scale. “Best or right is whatever makes the world best in the future” implies, above all, human activities on Earth as a space object. The thesis “makes the world best” is an exclusively human vision of the world, limited by its current level of development. In addition, we do not have a unified and well-established basis for planetary worldview in the scale of terrestrial civilization. It is pluralistic. Earth-scale consequentialism is effective because Earth as a cosmic object is the medium of birth and Consequentialism and Commercial Space Exploration by Halyna Diakovska and Olga Aliieva Philosophy and Cosmology. Volume 24, 2020 11 development of human civilization. Human has the right to regard the environment of their birth and existence as “Homo Nooeconomicus” as a Human Image for the Noospheric Epoch” (Smirnov & Odintsova, 2019). However, how ethical is the expansion of consequentialism theory to spaces that are not the birthplace and formation of human civilization? Does consequentialism apply to space objects that do not have a history of human presence? Musk, Krichevsky, Bazaluk, and many other researchers regard space expansion as a natural process for the evolution of human civilization. However, is this not equivalent to acknowledging that aggression is an ontological characteristic of humans? After all, expansion is primarily aggression. On the scale of Earth, expansion is associated primarily with the terms “war”, “violence”, “coercion”, “restriction of rights and freedoms”, etc. What will change when we consider the ethics of “space expansion”? We have every right to compare commercial space exploration with the discovery and development of America by Christopher Columbus and the Europeans. The consequences of colonization of America for its indigenous peoples are well known. The exploration of Mars that Elon Musk is so eager for is tantamount to “conquering America” by terrestrial civilization. Currently, the fact of the presence of complex biological organisms on Mars is not reliably established. However, scientists are inclined to believe that Mars has the simplest biological organisms. In 2018, Princeton University Press published the book Life on Mars: What to Know before We Go by David A. Weintraub. David A. Weintraub is Professor of Astronomy at Vanderbilt University. His research essentially precedes the maxim “The end justifies the means.” An ethical problem arises: how far is humanity willing to go to satisfy their desire to colonize Mars? If biological life is indeed to be found on Mars, then colonization of Mars will, at best, lead to its transformation and, at worst, to death. There are a sufficient number of examples like this in world history. It is possible to extend the consideration of the problem of “Mars exploration”. For example, we can assume the existence of civilizations that are beyond earthly civilization in terms of development. Such a conclusion follows, for example, from the new paradigm of the Universe proposed by Bernardo Kastrup (Kastrup, 2018). Suppose these highly developed civilizations would be the observers of the “colonization” of Mars by modern man. What conclusions can they come to when observing the devastating effects of Mars colonization by man? How will the ethics of a human colonizer correspond to the ethics of the behavior of highly developed space civilizations? Space expansion formulates a problem that has not previously been faced by humans. Suppose, in 2030, the first colony will be really built on Mars. Will consequentialism remain relevant to it? The first colonizers will face at least the following problems: 1. Moral rightness and wrongness of actions is determined by the history of human development on Earth. To what extent can the history of human development on Earth and the consequences of consequentialism, formed on its basis, be projected on the ethics of Mars colonizers? 2. What can the colonizers of Mars mean by the phrase “makes the world best in the future”? Primarily, the first colonizers of Mars will be aware of the degree of risk of their presence on a new planet and the inability to return to Earth. Will this not cause the extension of consequentialism? Secondly, few of the colonizers of Mars will consider their future on Mars. For most of them, the experience of colonization will be a bright but short-lived event of their lives. Again, will this initial setting not change the foundations of consequentialism? Finally, thirdly, man will colonize a planet that lacks complex biological organisms. The present planetary thinking does Section One. Inert Matter 12 Philosophy and Cosmology. Volume 24, 2020 not imply the ethics of the attitude towards the simplest ones. Something, which man cannot visually perceive, is mostly beyond their thinking. This means that, in essence, the colonization of Mars does not imply the ethics of attitude toward the indigenous Martian life. A priori, man will act on Mars as an aggressor. 3. How can you understand the phrase “makes the world best” when you live in a colony surrounded by life-threatening space? What does “the world” mean? Is it the colony or the surface of Mars? How ethical is the assumption that an alien from another planet — a colonizer — can make Mars better? At its best, they can make their stay on Mars better. However, this “better” for Martian evolution will be comparable to the “better” for the indigenous people of America after its colonization by Europeans. Consider the second example. Commercial Space Exploration is not only the development of the space tourism and space travel market. This is, first and foremost, the use of mineral resources that are part of the structure of space objects. When we consider the use of mineral resources on a planetary scale, we are guided by consequentialism. The moral rightness and wrongness of actions is determined by the stereotypes existing on the Earth’s scale about what “makes the world the best in the future” (O’Connor, 2016). Current ethics laws strike a balance between utilitarian views on the use of planet resources and awareness of the effects of environmental disasters on human life. Moreover, this equilibrium is not stable. It is constantly regulated under the influence of continuous rethinking of the connections between the tangible, living and rational matter, which results in the human understanding of the philosophy of the Cosmos (Bazaluk & Kharchenko, 2018). The basis of this understanding is formed by the experience of human activities on a planetary scale. Commercial space exploration updates the problem of transferring the ethics of extraction and use of mineral resources in Earth conditions to other space objects. The question is how effective is consequentialism in organizing the extraction of mineral resources on Mars? If consequentialism on Earth establishes specific boundaries that limit human intervention in the ecosystem of the planet, are there such boundaries on Mars? Is there a need to create such boundaries on a planet that lacks reasonable matter? Extraction of minerals on space objects of various forms actualizes another problem. The fact of the absence or presence of biological life at this site is significant, but not determining. Man is far from understanding the cosmic processes. Suppose cosmic expansion opens up the possibility for man to extract mineral resources on the planet, which is guaranteed to have no biological evolution. It is basically impossible there. However, the extraction of mineral resources is always an interference with the geological evolution of a space object. Human intervention in its geological evolution raises a problem of danger for the space object. Moreover, it is followed by another problem. If human intervention in the geological evolution of a space object leads to its collapse, how much will the destruction of the cosmic object affect the cosmic processes? Man does not know the answer to the question: how much can geological evolution change the evolution of the Universe? The examples we considered, allow us to formulate the ultimate question of our study. How applicable are the maxim “The end justifies the means” and consequentialism itself in commercial space exploration? Overall, the present study will at least result in the revision of consequentialism in commercial space exploration. The history of culture, that laid the foundations for it, limits its influence solely to the scale of Earth. This means that under conditions of space expansion, consequentialism loses its cogency and cannot be used as an effective theory. Space expansion Consequentialism and Commercial Space Exploration by Halyna Diakovska and Olga Aliieva Philosophy and Cosmology. Volume 24, 2020 13 and colonization of space objects present completely new history of terrestrial civilization that may lay entirely new groundwork for the moral rightness of acts.

## 4

### Framework

#### Objective morality is epistemically inaccessible: (A) Rule-Following Paradox – there is nothing inherent in a rule that mandates following a specific interpretation. They are always subject to interpretation by the observer, which means an objective moral rule would get interpreted differently by different agents. (B) History proves – no moral or epistemological theory has received a majority support among philosophers, despite thousands of years of debate – means that even if there is a universal theory – it’s not binding as proven by ever past act of immorality. (C) Epistemic Bias – private entities are skewed by power relationships, so enforcing a universal moral theory would inevitably fail to encompass the views of their employees.

#### This requires a state that preserves people’s freedom to pursue their conception of truth.

**Mack 18** – Eric Mack, June 15, 2018, “Robert Nozick’s Political Philosophy” <https://plato.stanford.edu/entries/nozick-political/#FraDisPro>

The official purpose of Part III of ASU, “Utopia”, is to show that **the minimal state is** not merely legitimate and just; it is also **inspiring**. This purpose is advanced by sketching a framework for utopia that is inspiring and noting that this framework is highly akin to—Nozick actually says “equivalent to” (333)—the minimal state. Yet Nozick also says that the framework might not have any “central authority” (329). Still, the framework is akin to the minimal state because it is an institutional structure that enforces peaceful co-existence among voluntarily formed communities. **It protects the independence of such communities and their freedom to recruit members and also protects the liberty of individuals to enter and exit communities as they respectively choose**. Although Nozick is not explicit about this, we have to presume that the framework enforces the same norms of personal freedom, property, and contractual compliance that the minimal state enforces except insofar as individuals voluntarily relinquish such rights within the communities they enter. The framework is inspiring **because of the way it contributes to persons’ identification of and participation in communities** (and other networks of relationships) **through which they will find meaning and well-being**. It is inspiring to **anyone** **who appreciates how little each of us knows about what sorts of communities best suit** **human** beings in all their depth and diversity and how much the operation of **the framework assists individuals in their discovery of and engagement in communities that enhance their respective well-being.** Moreover, many persons may value the framework not merely for the way it enhances their own good but, also, for the ways in which it allows them to participate vicariously in others’ achievement of their different modes of flourishing (Lomasky 2002). 5.1 The Framework as Discovery Procedure The framework is—or, more precisely, sustains—a discovery procedure. Under the protective umbrella of the framework, individuals are presented with and can try out diverse communities while communities themselves arise and modify themselves in their competitive search to sustain, improve, or increase their membership. A wide range of communities will continually arise out of and in response to the evolving perceptions that diverse individuals will have about what modes of sociality will best suit them and will best attract welcome partners. Communities will survive and perhaps expand or be imitated insofar as they actually embody modes of relationship that serve well their actual or prospective membership or insofar as they successfully refine their offerings in the market place of communities. **The framework also insures that those who are already confident that they know what sort of community is best for them will be free to form those communities by voluntary subscription and, thereby, to manifest their actual value** (or disvalue) to themselves and to other seekers of well-being. Part of Nozick’s sub-text here is **a message to socialist utopians that nothing in the framework (or the minimal state) precludes their non-coercive pursuit of their ideal communities.** How, therefore, can socialists object to the framework (or the minimal state)? This generalizes Nozick’s earlier claims in ASU that that advocates of meaningful work and workers’ control of productive enterprises ought not to be hostile to the minimal state since the minimal state is fully tolerant of non-coercive endeavors to establish such conditions (246–253). In a short essay in Reason magazine published four years after ASU, Nozick asked, “Who Would Choose Socialism?” (Nozick 1978). More precisely, his question was: What percent of the adult population would choose “to participate in socialist interpersonal relations of equality and community” were they in position to choose between “a reasonably attractive socialist option and also a reasonably attractive non-socialist one?” (Nozick 1978: 277). Nozick takes the choice available to Israelis between membership and non-membership in kibbutzim to be a good instance of a choice between such options and notes that around six percent of the adult population of Israel in the 1970s had chosen the socialist option. He speculates that socialists are at least “tempted” to be imperialists precisely because they sense that there will be too few volunteers (Nozick 1978: 279). The discovery procedure that the framework sustains is a version of Millian experiments in living—albeit it is a version that places much more emphasis on the role of a marketplace of communities in providing individuals with experimental options. This discovery procedure (like Millian experiments in living) is, of course, a Hayekian invisible hand process. Given the enormous diversity among individuals, we do not know what one form of community would be best. The idea that there is one best composite answer to all of these questions [about what features utopia has], one best society for everyone to live in, seems to me to be an incredible one. (And the idea that, if there is one, we now know enough to describe it is even more incredible.) (311) Nor do we know what distinct modes of community would be best for distinct types of persons. Thus, we cannot design an inclusive utopia; nor can we design an array of mini-utopia such that some significantly fulfilling community will be available to everyone—or even to most. It is helpful to imagine cavemen sitting together to think up what, for all time, will be the best possible society and then setting out to institute it. Do none of the reasons that make you smile at this apply to us? (313–314) Given our ignorance, the best way to realize utopia—almost certainly many distinct utopia—is through the discovery procedure that the framework sustains. (We should note, however, an implicit, somewhat puzzling, and wholly unnecessary presupposition of Nozick’s discussion, viz, that individuals with utopian aspirations will generally seek out communities that are made up of other individuals like themselves. The suggestion is that chosen communities will be internally homogeneous with heterogeneity existing only across these communities.)

#### Thus, the standard is consistency with libertarianism – the NC evaluates intent-states, not end consequences. Prefer – argumentation presupposes freedom to prove claims as valid – responses to the NC rely on an external framework to prove it false which concedes to its authority.

### Contention

#### 1 – Our model mandates a market-oriented approach to space – that negates.

Broker 20 – Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system.

In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today.

For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears.

Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being.

Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize[d] as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

#### 2 – Private entities dedicate resources to appropriate space – prohibition inhibits their ability to use property to set ends in space and their freedom to explore unknown horizons.