# 1AC

### Plan

#### I affirm: The appropriation of outer space by private entities via Large Satellite Constellations in Lower Earth Orbit is unjust.

Takaya et al 18 “The Principle of Non-Appropriation and the Exclusive Uses of LEO by Large Satellite Constellations” Yuri Takaya-Umehara [Visiting researcher at the University of Tokyo since April 2017. She was affiliated to the Kobe University to provide a course on space law to post-graduate students (2011-2017). She chairs a working group on the formulation of global norms in space law organized by the Keio University since 2018. She obtained her Ph.D. degree at the IDEST of Paris XI University in France, LL.M. at the Leiden University in the Netherlands.] Quentin Verspieren [Ph.D. in public policy @ The University of Tokyo, Assistant Professor of Space Policy @UTokyo, General Manager, Global Strategy @ArkEdge Space Inc., Associate Research Fellow @ESPI] Goutham Karthikeyan [The University of Tokyo & Institute of Space and Astronautical Science, Japan Aerospace Exploration Agency (ISAS-JAXA)] 2018 https://www.researchgate.net/publication/328094878\_The\_Principle\_of\_Non-Appropriation\_and\_the\_Exclusive\_Use\_of\_LEO\_by\_Large\_Satellite\_Constellations SM

* LSC = large satellite constellations
* Outlines “L”SC thresholds

By investigating expected large satellite constellation projects and by reviewing existing interpretations of international space law, this paper argues that the exclusive use of specific LEO orbits by a large constellation of satellite could constitute a violation of the non-appropriation principle by means of occupation and by means of use, drawing a parallel between orbits as resources and the exploitation of tangible mineral resources in space. Based on this, the important question to be raised is what constitutes an exclusive use of a specific orbit. In other words, an important hurdle in the concrete evaluation of whether a planned or established constellation potentially violates the non-appropriation principle through an exclusive use of LEO resides in the lack of clear definition on what can be considered an exclusive use. While the authors claim that legal issue can be clearly solved in abstracto, it naturally shifts towards a regulatory challenge.

This regulatory challenge consists in first defining qualitatively what is the exclusive use of an orbit before translating this definition into measurable, technical rules. In this paper, the authors define an exclusive use of an orbit by a state40 as any use that would prevent/hinder the usage of the same orbit by any other state. Translating this definition into an applicable regulation could consist in defining a threshold of orbital collision risk or a threshold of density of satellites along an orbit based on its altitude, shape, relative velocity of neighbouring objects, etc. It is however not the purpose of this space law paper. What is more appropriate here is to think about which organization or forum would be in charge of elaborating this technical definition. Serious candidates could be the ITU, with excellent track-record in dealing with the use of the GEO region but which would have to review its “first come, first served” principle, or the UNCOPUOS, aiming for the widespread adoption of a new piece of international law. Moreover, even if its rules suffer from a low implementation rates, the IADC would be an appropriate discussion platform thanks to its very deep technical focus.

6. Conclusion

The various announced projects of LSC, also called mega-constellations, push existing regulations and practices to their limit, forcing researchers and practitioners around the world to rethink the applicability of existing space law principles to this new trend. In this paper, the authors, after providing background information on current LSC plans as well as recalling the legal status of the LEO region, investigate whether the deployment of an LSC having an exclusive use of an orbit constitutes a violation of the nonappropriation principle as stated in OST Article II. This paper concludes that:

The exclusive use of an orbit by an LSC constitutes a violation of the non-appropriation principle by means of occupation due to the innate nature of orbit being a specific location in space that can be occupied, but most notably by means of use, considering orbits as “limited natural resources” and invoking parallels with the exploitation of natural resources in outer space;

ITU’s “first come, first served” principle is reaching its limits with current LSC projects and should be re-evaluated;

The main challenge ahead is not legal but technical and regulatory and consists in defining precisely what can constitute an exclusive use of an orbit and in translating such definition into a clear regulation or code of conduct.

#### Privatization is driving uncontrolled satellite internet constellations that profit at the expense of cooperation and sustainability – perpetuates internet inequality.

Song and Bloom 20 “Big Tech is leading the new space race. Here's why that's a problem” Steve Song is a Fellow with the Mozilla Foundation where he works to promote policy and regulation that will increase equitable and affordable access to communication in rural and underserved regions of the world. Peter Bloom is a community digital defense activist and the founder and General Coordinator of Rhizomatica, an international non-profit that helps communities build their own communications infrastructure. He is a former Shuttleworth Foundation fellow and was named an Innovator under 35 by MIT Technology Review and appeared on Foreign Policy's 100 Leading Global Thinkers list in 2015. November 14, 2020 <https://www.salon.com/2020/11/14/big-tech-is-leading-the-new-space-race-heres-why-thats-a-problem/> SM

Big Tech is leading the new space race. Here's why that's a problem

New satellite tech could bring billions more online. But will Big Tech bring their extractive ethos into space?

The coronavirus pandemic has made having a stable and reliable internet connection a matter of extreme urgency, as people all over the world struggle to work, access education, and participate in society while staying safe. Yet universal affordable access is far from being achieved; indeed, half of the world still lacks access to the Internet, despite sustained efforts from governments and corporations.

One popular proposal for ubiquitous connectivity comes from Low Earth Orbit (LEO) satellite constellations. LEO boosters claims that such satellites will have the ability to deliver high-speed broadband anywhere on the planet. These satellites provide internet access from space, and require placing thousands of satellites into orbit at a much closer proximity to Earth than traditional satellites.

The prospect of a globe-encircling mesh of broadband communication satellites has attracted the interest and investment of billionaires ranging from Bill Gates in the 1990s to Elon Musk and Jeff Bezos today. Currently there are at least four major LEO initiatives from the US and Europe, including Starlink (SpaceX), Project Kuiper (Amazon), OneWeb, and Telesat. China has announced at least three LEO constellations, and Russia one. The size and scope of these projects are massive. To put current LEO satellite ambitions in context: the current total number of satellites of any kind orbiting Earth is just over 2,500. Starlink, who already have nearly 900 satellites in orbit, recently petitioned the US communications regulator for permission to launch a total of 12,000 satellites. Not to be outdone, OneWeb recently applied for permission to launch 48,000 satellites.

So what's not to love?

While the goal of these companies to ensure broadband anywhere and everywhere is laudable, the technology and the approach to connectivity are not free from concerns. Recent history, especially the development of the Internet itself, has shown us that simply having the capability to build something doesn't necessarily make it a good idea. The Silicon Valley ethos of "move fast and break things," perhaps valid in developing small applications, becomes irresponsible when the consequences of failure may be catastrophic and irreversible. Criticism of LEO constellations to date have focused on practical concerns around a variety of issues, including: the economic viability of the constellations, the occlusion of the night sky from astronomers, wireless interference between different constellations, and the potential chain reaction of collisions from a single error in satellite trajectory, leaving near-space an inaccessible junkyard of debris.

Beyond that, LEO constellations have deeper and longer-term implications that have yet to find their way into mainstream public debate. For one, LEO constellations are part of a larger process in which space exploration is being redefined and reframed in military and commercial terms. Closer to Earth, LEO constellations raise important concerns around the potential for the further entrenchment of a global internet oligopoly that increases inequality and disempowers citizens.

The scramble for space

Over the past seven decades, as our ability to explore beyond our planet has evolved, national security interests in space have aligned with commercial ones to an extent that they are nearly indistinguishable today. In the United States, private space launch companies like SpaceX and United Launch Alliance are major recipients of government contracts and now provide the bulk of US launch capacity for both scientific and military missions. While close ties between the defense and aerospace industries is nothing new, we are in a decidedly new phase of this relationship due to technological advancement, new policy priorities and the rise of private actors.

As commercial launch capacity has increased and space exploration technologies have advanced, the decades-old agreements around how we treat space and recognize our solar system as a commons for the benefit of all humanity are beginning to unravel. One clear example of this is the White House's recent "Executive Order on Encouraging International Support for the Recovery and Use of Space Resources," which emphasizes that "the United States does not view outer space as a 'global commons'" and refers to the Moon Agreement as "a failed attempt at constraining free enterprise."

It is necessary to better understand the deep ties of LEO companies to the hegemonic designs of national governments on near space. Recently, in exchange for $28 million USD, Starlink provided the services of its satellites for live-fire demos with the US Air Force to test its Advanced Battle Management System and lay the groundwork for a military Internet of Things. Speaking after the latest live-fire demo, William Roper, Air Force acquisition chief, opined that "the military needs to be ready to play a strategic role because we need communications in many areas of the world that there are no commercial providers . . . we can be the stability case for companies like SpaceX and others who want to sell communications worldwide."

SpaceX's connections to the military-industrial complex were made clear in comments by SpaceX president Gwynne Shotwell in 2018, who stated that her company would be willing to launch a space weapon to protect the US, in contravention of established space norms. Only weeks ago, SpaceX signed a contract with the Pentagon to jointly develop a rocket that can deliver up to 80 tons of cargo and weaponry anywhere in the world in just one hour.

The Internet, too, from its very inception until today, has proven to be a useful tool for pursuing military and security objectives. Of these, surveillance remains at the heart of Silicon Valley's highly profitable business model of manipulating our attention and preferences for the sake of profit. This profit model facilitates the designs of space-obsessed billionaires like Jeff Bezos who make it no secret that their ultimate goal and passion is the human colonization of other planets in our solar system. In general terms, with material and economic support from taxpayers through defense spending, the profits from the colonization of our data-bodies are being invested in the militarization, privatization and colonization of space.

Telecommunications: driving inequality or empowering citizens?

The telecommunications sector has always been a battleground for regulation. While the early days of the Internet seemingly teemed with competition and diversity, power and control has ultimately become concentrated with the growth of giant internet companies that now dominate our online life. The consequences of unregulated, technology-fueled expansion of globalization and inequality can now be seen in almost every aspect of life.

Digital technology plays a critical role in amplifying inequality, highlighting the need to reframe how we approach network technology development. Some governments and citizen groups understand the connection between economic mobility and tech skills development.

One great example of this comes from Broadband for the Rural North (B4RN), a cooperative in Northern England, that delivers 1 gigabit-per-second fiber-optic capacity to homes in a region deemed economically unviable by the incumbent telecommunications giant. B4RN's ability to build and sustain an affordable internet service at speeds many times that of commercial offerings is based upon the investment they make in both community engagement and the development of local capacity. Contrast this with the prospect of a broadband service from a LEO constellation, in which the role of the citizen is that of a consumer only. It is also worth noting that B4RN's profits are reinvested locally, while revenues from LEO constellations are beamed straight out of the country.

The failure to invest in alternatives that build local capacity replicates itself at the national level as well. LEO constellations have the potential to further abstract Internet service to a supra-national level in a manner that disempowers not just individuals but nation-states themselves in terms of domestic expertise and infrastructure. Investment and deployment costs for LEO constellations are so "astronomical," and in many cases so tied to national/military investment and subsidies, that only a small handful of corporations/countries will be capable of owning and managing their own constellation. This is likely to open up a new front in the ongoing wrangling by geo-political power blocs over the future of the Internet.

Furthermore, it is far from clear that LEO constellations have either the capacity or the economic model to deliver on their claims of providing affordable connectivity to the unserved in most parts of the world. Consider that the half of the world's population that remains unconnected to the Internet are the most economically disadvantaged. As such, most people will not be direct consumers of LEO services but will instead need to rely on a telco building infrastructure and using LEO as backhaul—a scenario which already exists with conventional satellite services. A further concern is that LEO constellations may ultimately create a disincentive to investment in rural connectivity, based on the assumption by service providers and governments that LEO constellations will address that gap.

It is troubling that companies like Amazon and Google (the third largest shareholder in SpaceX), which already wield tremendous power and influence over society, are vying to expand their dominance by becoming global internet service providers with support from taxpayers via subsidies and military spending. With their hands in essentially every layer of the communication stack, it will prove challenging to regulate or even know about the data they harvest and how those are used to competitive advantage in other areas of their businesses.

At the time of their emergence, both space exploration and the Internet served as beacons of hope and of potential transcendence for humanity—one of shared imagination and resources, and of cooperation in human development. In both cases, that hope has been dimmed in a quest for profit and geo-political power. If we want to recover a sense of shared purpose as a species, the question as to "who gets to put their satellites into low earth orbit?" is more important than we might think. Is space for everyone, or just a few huge corporations and global superpowers? This is the question we ask when we ask who gets to park their satellites in orbit.

There is an opportunity to return to the spirit of internationalism that infused the early days of space exploration in which space was held as a shared resource to be protected and guarded from exploitation. Similarly, here on Earth, we see successful efforts to manage Internet infrastructure as a commons in contrast to Silicon Valley's model of surveillance capitalism. Recognizing that individual and collective empowerment and agency are as important as the actual infrastructure itself is the key to a more egalitarian Internet. LEO satellite networks may deliver connectivity (although many doubts remain), but they are less likely to empower people and move us toward a more equitable world. The development of a healthy Internet that actually benefits humanity involves not just the end result of affordable access, but also the process through which people gain that access.

### Adv – Collisions

#### Satellite internet constellations accelerate collision risks – more close encounters and less transparency means bad decisions are inevitable.

Pultarova 21 “SpaceX Starlink satellites responsible for over half of close encounters in orbit, scientist says” Tereza Pultarova [Master's in Science from the International Space University, France, to her Bachelor's in Journalism and Master's in Cultural Anthropology from Prague's Charles University. She worked as a reporter at the Engineering and Technology magazine, freelanced for a range of publications including Live Science, Space.com, Professional Engineering, Via Satellite and Space News and served as a maternity cover science editor at the European Space Agency.], August 18, 2021 <https://www.space.com/spacex-starlink-satellite-collision-alerts-on-the-rise> SM

SpaceX Starlink satellites responsible for over half of close encounters in orbit, scientist says

Starlink satellites might soon be involved in 90% of close encounters between two spacecraft in low Earth orbit.

Operators of satellite constellations are constantly forced to move their satellites because of encounters with other spacecraft and pieces of space junk. And, thanks to SpaceX's Starlink satellites, the number of such dangerous approaches will continue to grow, according to estimates based on available data.

SpaceX's Starlink satellites alone are involved in about 1,600 close encounters between two spacecraft every week, that's about 50 % of all such incidents, according to Hugh Lewis, the head of the Astronautics Research Group at the University of Southampton, U.K. These encounters include situations when two spacecraft pass within a distance of 0.6 miles (1 kilometer) from each other.

Lewis, Europe's leading expert on space debris, makes regular estimates of the situation in orbit based on data from the Socrates (Satellite Orbital Conjunction Reports Assessing Threatening Encounters in Space ) database. This tool, managed by Celestrack, provides information about satellite orbits and models their trajectories into the future to assess collision risk.

Lewis publishes regular updates on Twitter and has seen a worrying trend in the data that reflects the fast deployment of the Starlink constellation.

"I have looked at the data going back to May 2019 when Starlink was first launched to understand the burden of these megaconstellations," Lewis told Space.com. "Since then, the number of encounters picked up by the Socrates database has more than doubled and now we are in a situation where Starlink accounts for half of all encounters."

The current 1,600 close passes include those between two Starlink satellites. Excluding these encounters, Starlink satellites approach other operators’ spacecraft 500 times every week.

In comparison, Starlink's competitor OneWeb, currently flying over 250 satellites, is involved in 80 close passes with other operators' satellites every week, according to Lewis' data.

And the situation is bound to get worse. Only 1,700 satellites of an expected constellation of tens of thousands have been placed into orbit so far. Once SpaceX launches all 12,000 satellites of its first generation constellation, Starlink satellites of all close approaches, Lewis’ calculations suggest.will be involved in 90%

**Chart, line chart

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A graph showing the number of close encounters between Starlink satellites and spacecraft of other operators plotted by Professor Hugh Lewis based on data from the Socrates database.A graph showing the number of close encounters between Starlink satellites and spacecraft of other operators plotted by Professor Hugh Lewis based on data from the Socrates database. (Image credit: Hugh Lewis)

The risk of collision

Siemak Hesar, CEO and co-founder of Boulder, Colorado, based Kayhan Space, confirms the trend. His company, which develops a commercial autonomous space traffic management system, estimates that on average, an operator managing about 50 satellites will receive up to 300 official conjunction alerts a week. These alerts include encounters with other satellites as well as pieces of debris. Out of these 300 alerts, up to ten might require operators to perform avoidance maneuvers, Hesar told Space.com.

Kayhan Space bases their estimates on data provided by the U.S. Space Surveillance Network. This network of radars and telescopes, managed by the U.S. Space Force, closely monitors about 30,000 live and defunct satellites and pieces of debris down to the size of 4 inches (10 centimeters) and provides the most accurate location data of the orbiting objects.

The size of this catalog is expected to increase ten times in the near future, Hesar added, partly due to the growth of megaconstellations, such as Starlink, and partly as sensors improve and enable detection of even smaller objects. The more objects in the catalog mean more dangerously close encounters.

"This problem is really getting out of control," Hesar said. "The processes that are currently in place are very manual, not scalable, and there is not enough information sharing between parties that might be affected if a collision happens."

Hesar compared the problem to driving on a highway and not knowing that there has been an accident a few miles ahead of you. If two spacecraft collide in orbit, the cloud of debris the crash generates would threaten other satellites travelling through the same area.

"You want to have that situational awareness for the other actors that are flying in the neighbourhood," Hesar said.

Bad decisions

Despite the concerns, only three confirmed orbital collisions have happened so far. Earlier this week, astrophysicist and satellite tracker Jonathan McDowell, who's based at the Harvard-Smithsonian Center for Astrophysics in Cambridge, Massachusetts, found evidence in Space-Track data that the Chinese meteorological satellite Yunhai 1-02, which disintegrated in March this year, was actually hit by a piece of space debris.

The worst known space collision in history took place in February 2009 when the U.S. telecommunication satellite Iridium 33 and Russia's defunct military satellite Kosmos-2251 crashed at the altitude of 490 miles (789 kilometres). The incident spawned over 1,000 pieces of debris larger than 4 inches (10 cm). Many of these fragments were then involved in further orbital incidents.

Lewis is concerned that with the number of close passes growing, the risk of operators at some point making a wrong decision will grow as well. Avoidance maneuvers cost fuel, time and effort. Operators, therefore, always carefully evaluate such risks. A decision not to make an avoidance maneuver following an alert, such as that made by Iridium in 2009, could, however, clutter the orbital environment for years and decades.

"In a situation when you are receiving alerts on a daily basis, you can't maneuver for everything," Lewis said. "The maneuvers use propellant, the satellite cannot provide service. So there must be some threshold. But that means you are accepting a certain amount of risk. The problem is that at some point, you are likely to make a wrong decision."

Hesar said that uncertainties in the positions of satellites and pieces of debris are still considerable. In case of operational satellites, the error could be up to 330 feet (100 meters) large. When it comes to a piece of debris, the uncertainty about its exact position might be in the order of a mile or more.

"This object can be anywhere in this bubble of multiple kilometres," Hesar said. "At this point, and for the foreseeable future, avoidance is our best recourse. People that say 'I'm going to take the risk', in my humble opinion, that's an irresponsible thing to do."

Starlink monopoly

Lewis is concerned about the growing influence of a single actor — Starlink — on the safety of orbital operations. Especially, he says, as the spaceflight company has entered the satellite operations world only recently.

"We place trust in a single company, to do the right thing," Lewis said. "We are in a situation where most of the maneuvers we see will involve Starlink. They were a launch provider before, now they are the world's biggest satellite operator, but they have only been doing that for two years so there is a certain amount of inexperience."

SpaceX relies on an autonomous collision avoidance system to keep its fleet away from other spacecraft. That, however, could sometimes introduce further problems. The automatic orbital adjustments change the forecasted trajectory and therefore make collision predictions more complicated, according to Lewis.

"Starlink doesn't publicize all the maneuvers that they're making, but it is believed that they are making a lot of small corrections and adjustments all the time," Lewis said. "But that causes problems for everybody else because no one knows where the satellite is going to be and what it is going to do in the next few days."

#### LEO collisions due to constellations take out ISR and other military assets – debris cascades into different altitudes and triggers Kessler Syndrome.

Wong 19 “Congested Outer Space: Increased Deployment of Small Satellite Constellations Could Hamper Military Space Operations” 2019 Arthur Wong [Strategic Development of Forces Division, SHAPE. Prior to working at SHAPE he has worked at NATO HQ, within the Defence Investment Division on interoperability for NATO’s multinational battlegroups.] <https://www.japcc.org/congested-outer-space/> SM

Since the production of a large number of small satellites in a factory environment will lower the cost of the overall programme, companies such as SpaceX, Amazon and OneWeb have been creating a satellite constellation within the LEO and Medium Earth Orbit (MEO).8, 9 OneWeb is a new company which plans to create an initial constellation of 648 satellites to provide global satellite internet broadband services. Each satellite weighs approximately 150 kg and will be programmed to operate in 20 different orbital planes at an altitude of 1,200 km.10 Creating a large constellation within the LEO could mitigate transmission delays and latency due to their closer range to ground stations while allowing users to send and receive data in a timely manner. The first six of the 648 satellites were launched in early 2019 with more launches scheduled to occur throughout this year.

Both SpaceX and Amazon have also announced their intention of creating a separate constellation for internet communication systems. SpaceX satellite constellations, named Starlink, will be the largest constellation ever built when it is completed. The constellations consist of nearly 12,000 satellites in more than 20 different orbital planes.11 The altitude of Starlink will range between 550 km to 1,150 km. SpaceX aims to have a minimum of 2,200 satellites in the next five years and achieve initial commercial operation by 2020.12 Amazon’s version of constellation, named Kuiper, has also been seeking approval from the Federal Communications Commission (FCC) to launch more than 3,200 satellites between 590 km to 630 km in the LEO.13

Space Debris Threat Increases in the LEO

The usage of cube satellite has provided positive impacts in various fields, ranging from environmental studies to offering worldwide internet access in rural areas through communication constellations. However, the current space environment is becoming congested. Hundreds of satellites have already been scheduled to launch each year before the construction of the constellation programme by OneWeb, SpaceX and Amazon. To further worsen the space debris situation in the LEO, direct-ascent Anti-Satellite Testing (ASAT) was conducted in recent years and more debris will be created through such testing. During the Chinese ASAT in 2007, some debris from the collision was blasted outward away from the Earth, causing a potential threat to satellites above the altitude where the ASAT testing occurred.14 Nine years after the incident happened, there are still more than 3,000 traceable pieces in orbit.

In 2009, two satellites collided at a speed of 10 km/s at an altitude of 800 km. This was the first time a collision had happened between two satellites. The incident created more than 1,000 pieces of debris larger than 10 cm. Such activity could initiate a chain reaction, creating more collisions from the initial impact. This phenomenon is known as the Kessler Syndrome.15

From early 2019, there were approximately 34,000 pieces of debris larger than 10 cm (similar to the size of a cube satellite) and more than 900,000 pieces of debris ranging from one cm to 10 cm in size. Objects that are smaller than one cm in size are expected to be more than 100 million within the LEO.16 Despite the small size of the space debris, they are travelling at a speed of more than seven km/s. At this speed, tiny objects could harm any large satellite orbiting in the LEO. While satellites can increase their physical hardening to protect the on-board instruments from impact, some satellites cannot be hardened due to the size and dimensional constraints. Furthermore, hardened materials would also increase the overall cost of the satellite.

Constellation in the Making Could Impact Space-Based Military Assets

The previous examples revealed the congestion of the LEO. With companies continuing to launch thousands of small satellites, the chances of a collision in space will continue to increase. This will hinder space-based Intelligence, Surveillance and Reconnaissance (ISR) support to provide valuable information to military operations. A majority of the ISR assets are orbiting in the LEO. NATO relies on space-based assets to assist its operations. Increasing the number of spacecraft in the LEO could raise problems and threats to military assets as well as access to space assets to support operations. If the orbital path of these smaller objects were not tracked by the Space Operation Centre regularly, larger satellites or manned-space stations could be penetrated by the non-propulsion satellites, making them a potential kinetic kill vehicle.

Most satellites within the 600 km region of the LEO are affected by the atmospheric drag, which is helping to bring down some of the obsolete satellites. However, satellites orbiting above 800 km are less likely to be affected by the atmospheric drag, making cube satellites or small satellites without propulsion systems difficult to deorbit once they have reached the EOL.17, 18 The altitude for some of the OneWeb, Starlink and Kuiper constellations is planned to be above the atmospheric drag region. Despite this, Starlink satellites will have propulsion system for orbital manoeuvre and EOL deorbiting, tracking the full constellation with 12,000 satellites could be challenging for the company and the Combined Space Operations Center (CSpOC).19 Additionally, there is the possibility of losing contact with satellites before they reach their EOL. Envisat, an 8,210 kg satellite that is currently drifting at an altitude of 785 km, poses a collision threat with other satellites. Envisat was expected to decommission in 2014 but the European Space Agency (ESA) lost contact with the satellite in 2012.20 If no interaction will be made with the Envisat, it is expected to stay in orbit for the next 150 years.21

#### Collisions with early warning satellites causes miscalc and goes nuclear – magnified by the Kessler effect

Blatt 20 [Talia, joint concentration in Social Studies and Integrative Biology at Harvard, specialization in East Asian geopolitics and security issues] “Anti-Satellite Weapons and the Emerging Space Arms Race,” Harvard International Review, May 26, 2020, <https://hir.harvard.edu/anti-satellite-weapons-and-the-emerging-space-arms-race/> TG

Despite their deterrent functions, ASATs are more likely to provoke or exacerbate conflicts than dampen them, especially given the risk they [pose](https://thebulletin.org/2019/06/arms-control-in-outer-space-the-russian-angle-and-a-possible-way-forward/) to early warning satellites. These satellites are a crucial element of US ballistic missile defense, capable of [detecting missiles](https://www.globalsecurity.org/space/world/japan/warning.htm) immediately after launch and tracking their paths.

Suppose a US early warning satellite goes dark, or is shut down. Going dark could signal a glitch, but in a world in which other countries have ASATs, it could also signal the beginning of an attack. Without early warning satellites, the United States is much more susceptible to nuclear missiles. Given the strategy of counterforcing—[targeting](https://www.belfercenter.org/sites/default/files/files/publication/isec_a_00273_LieberPress.pdf) nuclear silos rather than populous cities to prevent a nuclear counterattack—the Americans might believe their nuclear weapons are imminently at risk. It could be [twelve hours](https://books.google.com/books?id=ET8lDwAAQBAJ&pg=PA1&lpg=PA1&dq=%22Protecting+Space+Assets%22+johnson-freese&source=bl&ots=6Oq0IdeBjw&sig=ACfU3U1G6Hj8QdP4JlCRNxA6i5XplZwHyg&hl=en&sa=X&ved=2ahUKEwj1n-jT2YzpAhUugnIEHUuMCu4Q6AEwA3oECAkQAQ#v=onepage&q=%22Protecting%20Space%20Assets%22%20johnson-freese&f=false) before the United States regains satellite function, which is too long to wait to put together a nuclear counterattack. The United States, therefore, might move to mobilize a nuclear attack against Russia or China over what might just be a piece of debris shutting off a satellite.

Additionally, accidental warfare, or strategic miscalculation, is uniquely likely in space. It is [much easier](https://books.google.com/books?id=VyXTDwAAQBAJ&pg=PA339&lpg=PA339&dq=space+offense+dominant&source=bl&ots=Mw0bgJ51qf&sig=ACfU3U3DeZiEHpr9nfszlCbJZIoyyssIpg&hl=en&sa=X&ved=2ahUKEwjrs-WD3IzpAhVulHIEHbL0AE4Q6AEwCXoECAoQAQ#v=onepage&q=space%20offense%20dominant&f=false) to hold an adversary’s space systems in jeopardy with destructive ASATs than it is to [sustainably defend](https://www.cnas.org/publications/commentary/the-us-military-should-not-be-doubling-down-on-space) a system, which is expensive and in some cases not technologically feasible because of limitations on satellite movement. Space is therefore [considered](https://books.google.com/books?id=VyXTDwAAQBAJ&pg=PA339&lpg=PA339&dq=space+offense+dominant&source=bl&ots=Mw0bgJ51qf&sig=ACfU3U3DeZiEHpr9nfszlCbJZIoyyssIpg&hl=en&sa=X&ved=2ahUKEwjrs-WD3IzpAhVulHIEHbL0AE4Q6AEwCXoECAoQAQ#v=onepage&q=space%20offense%20dominant&f=false) offense-dominant; offensive tactics like weapons development are prioritized over defensive measures, such as [improving GPS](https://www.politico.com/story/2018/04/06/outer-space-war-defense-russia-china-463067) or making satellites more resistant to jamming.

As a result, countries are left with poorly defended space systems and rely on offensive posturing, which increases the risk that their actions are perceived as aggressive and incentivizes rapid, risky counterattacks because militaries cannot rely on their spaced-based systems after first strikes.

There are several hotspots in which ASATs and offensive-dominant systems are particularly relevant. Early warning satellites [play](https://www.politico.com/story/2018/04/06/outer-space-war-defense-russia-china-463067) a central role in US readiness in the event of a conflict involving North Korea. News of North Korean missile launches comes from these satellites. Given North Korea’s [history](https://www.bbc.com/news/world-asia-pacific-11813699) of nuclear provocations, unflinchingly hostile rhetoric towards the United States and South Korea, and diplomatic opacity, North Korea is always a threatening, unknowable adversary, but recent developments have magnified the risk. With the health of Kim Jong-un [potentially in jeopardy](https://apnews.com/f5d302ae65b03838173e40848223b771), a succession battle or even civil war on the peninsula [raises the chances](https://www.express.co.uk/news/world/1273890/Kim-Jong-un-dead-North-Korea-nuclear-weapon-news-latest-death-US) of loose nukes. If the regime is terminal, traditional MAD risk calculus will become moot; with nothing to lose, North Korea would have no reason to hold back its nuclear arsenal. Or China [might decide](https://foreignpolicy.com/2020/04/28/kim-jong-un-china-north-korea/) to seize military assets and infrastructure of the regime. If the US does not have its early warning satellites because they have been taken out in an ASAT attack, the US, South Korea, and Japan are all in imminent nuclear peril, while China could be in a position to fundamentally reshape East Asian geopolitics.

The South China Sea is another hotspot in which ASATs could risk escalation. China [is developing](https://missiledefenseadvocacy.org/missile-threat-and-proliferation/todays-missile-threat/china-anti-access-area-denial-coming-soon/) Anti-Access Area Denial (A2/AD) in the South China Sea, a combination of long range radar with air and maritime defense meant to deny US freedom of navigation in the region. Given the disputed nature of territory in the South China Sea, the United States and its allies do not want China to successfully close off the region.

#### Independently causes cyberwar and satellite hacking which escalates. Empirics prove it’s possible and likely by state and nonstate actors – especially true given private sector cost cutting.

Akoto 20 “Hackers could shut down satellites -- or turn them into weapons” February 13, 2020 William Akoto [a postdoctoral research fellow at the University of Denver.] <https://www.upi.com/Top_News/Voices/2020/02/13/Hackers-could-shut-down-satellites-or-turn-them-into-weapons/4091581597502/> SM

Feb. 13 (UPI) -- Last month, SpaceX became the operator of the world's largest active satellite constellation. As of the end of January, the company had 242 satellites orbiting the planet with plans to launch 42,000 over the next decade. This is part of its ambitious project to provide Internet access across the globe. The race to put satellites in space is on, with Amazon, U.K.-based OneWeb and other companies chomping at the bit to place thousands of satellites in orbit in the coming months.

These new satellites have the potential to revolutionize many aspects of everyday life -- from bringing Internet access to remote corners of the globe to monitoring the environment and improving global navigation systems. Amid all the fanfare, a critical danger has flown under the radar: the lack of cybersecurity standards and regulations for commercial satellites, in the United States and internationally. As a scholar who studies cyber conflict, I'm keenly aware that this, coupled with satellites' complex supply chains and layers of stakeholders, leaves them highly vulnerable to cyberattacks.

If hackers were to take control of these satellites, the consequences could be dire. On the mundane end of scale, hackers could simply shut down satellites, denying access to their services. Hackers could also jam or spoof the signals from satellites, creating havoc for critical infrastructure. This includes electric grids, water networks and transportation systems.

Some of these new satellites have thrusters that allow them to speed up, slow down and change direction in space. If hackers took control of these steerable satellites, the consequences could be catastrophic. Hackers could alter the satellites' orbits and crash them into other satellites or even the International Space Station.

Commodity parts

Makers of these satellites, particularly small CubeSats, use off-the-shelf technology to keep costs low. The wide availability of these components means hackers can analyze them for vulnerabilities. In addition, many of the components draw on open-source technology. The danger here is that hackers could insert back doors and other vulnerabilities into satellites' software.

The highly technical nature of these satellites also means multiple manufacturers are involved in building the various components. The process of getting these satellites into space is also complicated, involving multiple companies. Even once they are in space, the organizations that own the satellites often outsource their day-to-day management to other companies. With each additional vendor, the vulnerabilities increase as hackers have multiple opportunities to infiltrate the system.

Hacking some of these CubeSats may be as simple as waiting for one of them to pass overhead and then sending malicious commands using specialized ground antennas. Hacking more sophisticated satellites might not be that hard either.

Satellites are typically controlled from ground stations. These stations run computers with software vulnerabilities that can be exploited by hackers. If hackers were to infiltrate these computers, they could send malicious commands to the satellites.

History of hacks

This scenario played out in 1998 when hackers took control of the U.S.-German ROSAT X-Ray satellite. They did it by hacking into computers at the Goddard Space Flight Center in Maryland. The hackers then instructed the satellite to aim its solar panels directly at the sun. This effectively fried its batteries and rendered the satellite useless. The defunct satellite eventually crashed back to Earth in 2011. Hackers could also hold satellites for ransom, as happened in 1999 when hackers took control of the U.K.'s SkyNet satellites.

Over the years, the threat of cyberattacks on satellites has gotten more dire. In 2008, hackers, possibly from China, reportedly took full control of two NASA satellites, one for about two minutes and the other for about nine minutes. In 2018, another group of Chinese state-backed hackers reportedly launched a sophisticated hacking campaign aimed at satellite operators and defense contractors. Iranian hacking groups have also attempted similar attacks.

Although the U.S. Department of Defense and National Security Agency have made some efforts to address space cybersecurity, the pace has been slow. There are no cybersecurity standards for satellites and no governing body to regulate and ensure their cybersecurity. Even if common standards could be developed, there are no mechanisms in place to enforce them. This means responsibility for satellite cybersecurity falls to the individual companies that build and operate them.

As they compete to be the dominant satellite operator, SpaceX and rival companies are under increasing pressure to cut costs. There is also pressure to speed up development and production. This makes it tempting for the companies to cut corners in areas like cybersecurity that are secondary to actually getting these satellites in space.

#### Nuke war causes extinction – Ice Age, famines, and war won’t stay limited

Edwards 17 [Paul N. Edwards, CISAC’s William J. Perry Fellow in International Security at Stanford’s Freeman Spogli Institute for International Studies. Being interviewed by EarthSky. How nuclear war would affect Earth’s climate. September 8, 2017. earthsky.org/human-world/how-nuclear-war-would-affect-earths-climate] Note, we are only reading parts of the interview that are directly from Paul Edwards -- MMG

In the nuclear conversation, what are we not talking about that we should be?

We are not talking enough about the climatic effects of nuclear war. The “nuclear winter” theory of the mid-1980s played a significant role in the arms reductions of that period. But with the collapse of the Soviet Union and the reduction of U.S. and Russian nuclear arsenals, this aspect of nuclear war has faded from view. That’s not good. In the mid-2000s, climate scientists such as Alan Robock (Rutgers) took another look at nuclear winter theory. This time around, they used much-improved and much more detailed climate models than those available 20 years earlier. They also tested the potential effects of smaller nuclear exchanges. The result: an exchange involving just 50 nuclear weapons — the kind of thing we might see in an India-Pakistan war, for example — could loft 5 billion kilograms of smoke, soot and dust high into the stratosphere. That’s enough to cool the entire planet by about 2 degrees Fahrenheit (1.25 degrees Celsius) — about where we were during the Little Ice Age of the 17th century. Growing seasons could be shortened enough to create really significant food shortages. So the climatic effects of even a relatively small nuclear war would be planet-wide. What about a larger-scale conflict? A U.S.-Russia war currently seems unlikely, but if it were to occur, hundreds or even thousands of nuclear weapons might be launched. The climatic consequences would be catastrophic: global average temperatures would drop as much as 12 degrees Fahrenheit (7 degrees Celsius) for up to several years — temperatures last seen during the great ice ages. Meanwhile, smoke and dust circulating in the stratosphere would darken the atmosphere enough to inhibit photosynthesis, causing disastrous crop failures, widespread famine and massive ecological disruption. The effect would be similar to that of the giant meteor believed to be responsible for the extinction of the dinosaurs. This time, we would be the dinosaurs. Many people are concerned about North Korea’s advancing missile capabilities. Is nuclear war likely in your opinion? At this writing, I think we are closer to a nuclear war than we have been since the early 1960s. In the North Korea case, both Kim Jong-un and President Trump are bullies inclined to escalate confrontations. President Trump lacks impulse control, and there are precious few checks on his ability to initiate a nuclear strike. We have to hope that our generals, both inside and outside the White House, can rein him in. North Korea would most certainly “lose” a nuclear war with the United States. But many millions would die, including hundreds of thousands of Americans currently living in South Korea and Japan (probable North Korean targets). Such vast damage would be wrought in Korea, Japan and Pacific island territories (such as Guam) that any “victory” wouldn’t deserve the name. Not only would that region be left with horrible suffering amongst the survivors; it would also immediately face famine and rampant disease. Radioactive fallout from such a war would spread around the world, including to the U.S. It has been more than 70 years since the last time a nuclear bomb was used in warfare. What would be the effects on the environment and on human health today? To my knowledge, most of the changes in nuclear weapons technology since the 1950s have focused on making them smaller and lighter, and making delivery systems more accurate, rather than on changing their effects on the environment or on human health. So-called “battlefield” weapons with lower explosive yields are part of some arsenals now — but it’s quite unlikely that any exchange between two nuclear powers would stay limited to these smaller, less destructive bombs.

### Adv – Space Militarization

#### Desire to protect profitable LEO constellations leads states to militarize outer space—specifically with ASATs.

Bernat 19 “The Inevitability of Militarization of Outer Space” Pawel Bernat [Assistant Professor, Polish Air Force University] Safety & Defense 5(1) (2019) 49–54 <https://philarchive.org/archive/BERTIO-52> SM

Currently, the dominant interpretations of this article argue that the placement of conventional weapons, including systems with nuclear drives, in orbit does not violate the provisions of the Treaty (Bourbonniere & Lee, 2008). The Treaty, according to these elucidations, does not also prohibit nuclear weapons or weapons of mass destruction on trajectory passing through space, as it is the case with the Russian ballistic missile RS-28 Sarmat. However, it prohibits placing and keeping biological, bacteriological, chemical, and nuclear weapons in orbit (Boothby, 2017).

Of course, there are also other interpretations, according to which the Treaty has been infringed more than once. They are based on the quite right belief that in the case of modern weapons, one should talk about systems rather than a single ballistic missile. After all, the satellite navigation system was created as part of a ballistic missile guidance system with thermonuclear warheads (LaGrone, 2014). Therefore, we are dealing here with a very important philosophical and legal question whether the satellite being a part of such a system is a weapon and hence prohibited by the Treaty. This brings us back to the difficulty of clear and sound definition of the term “space weapon” addressed before. Does the fact that a civil communication satellite can be used (and often is) for military purposes make it a part of a weapon system? If so, what would be the consequences, especially if we took into consideration the fact that approximately 95% of satellites could be used that way? These questions, although theoretical in nature, bear significant consequences for the binding power of the Treaty, and therefore the whole outer space legal framework.

So far, however, the Treaty has been fulfilling its task quite well, and its provisions have been relatively seldom broken or violated. On the other hand, we are currently witnessing an undoubted renaissance of the space sector, which also applies to offensive and defensive military technologies and programs. The structure of the sector has changed as well – the twentieth-century traditional bipolar competition between the United States and the Soviet Union is long gone. New entities have appeared in the game, both, private companies, such as SpaceX, Blue Origin, Virgin Galactic and Virgin Orbit, Bigelow Aerospace, Rocket Lab, and national agencies – Indian ISRO (Indian Space Research Organization) or Chinese CNSA (China National Space Administration), which joined the key global actors like American NASA, Russian Roscosmos, European ESA, or Japanese JAXA. The record of orbital launches – 139, was set in 1967 (Kyle, 2019a). It may seem surprising that humanity has not been able to break this record for over 50 years. However, since the middle of the first decade of the 21st century, we have been observing a steady increase in the number of orbital launches (52 in 2005, 70 in 2010, 114 in 2018), and it seems that this record will be broken in 2019 because 173 starts are planned (Kyle, 2019b). The space sector is also growing as a market. It is estimated that it is currently worth about USD 350 billion, and according to various consulting companies, it should reach a value of between USD 1 and 2.7 trillion in 2040 (Foust, 2018).

The change in the sector means that the existing solutions, including the Space Treaty, are losing their significance (e.g., space mining cannot be reconciled with Article II of the Treaty), and the current geopolitical situation seems to exclude new, more adequate agreement that would be adapted to modern technologies. This situation, in turn, translates into more and more bolder violations of the existing laws, e.g., the already mentioned SPACE Act of 2015 or increasingly explicit orbital or suborbital weapons systems, which are clearly not developed “in the interest of maintaining international peace and security and promoting international co-operation and understanding” as it is stated in the Art. III of the Outer Space Treaty (UNOSA, 1967), as, e.g., the programs of Prompt Global Strike (CRS, 2019).

3. Outer Space as a Theatre for Potential Conflict

The progressive development of the space sector brings forth, as a natural consequence, the growth of its strategic importance. Every year we launch more and more satellites into the orbit. They are part of communication, navigation, reconnaissance, or security systems, which are used more and more and play an increasingly important role in the economy and security. Among many examples, one may point to the already mentioned Prompt Global Strike guidance system, the European Galileo navigation system, or Starlink - a constellation of satellites, which is expected to provide broadband internet for the entire globe and consist of approximately 42,000 satellites (SpaceX has already obtained a permission to launch 12,000 satellites, and in October 2019 the company asked the International Telecommunication Union to arrange spectrum for 30,000 new ones) (Henry, 2019).

On the other hand, there is a growing threat of the democratization of weapons capable of destroying satellite systems. According to the 2018 Worldwide Threat Assessment of the US Intelligence Community describes the space threat as one of the most significant ones (Coats, 2018, p. 13). ASAT The anti-satellite weapons (ASAT) are currently in possession of four countries – the United States, Russia, China, and, more recently, India. However, it is reported that other nation-states have the potential to develop direct-ascent (DA) ASAT systems on the basis of their ballistic missiles, e.g., Iran and North Korea (Weeden, Samson, 2019, pp. 4.1-2, 5.1-2), and some believe that Israel’s Arrow 3 missile has been developed to gain such a capability (Opall-Rome, 2009). There are many indications that this technology will eventually also be available to traditionally weak actors who will acquire it through purchase or by developing their own systems. As it was already mentioned, the space sector is growing by leaps and bounds. National-states and private entities that did not invest much or at all in the space industry before are now developing launching technologies (e.g., New Zealand, Norway, Poland), what, as a consequence, must lead to the democratization of the technology. What is more, in addition to traditional groundspace or air-space ASAT missiles, new types of that kind of weapon can be developed (potentially it could also become available for traditionally weak actors), such as small kamikaze satellites1 , cyber-hacking involving redirecting the object to a cloud of cosmic debris leading to its destruction or a weapon system that would be capable of “blinding” the satellite or destroy its sensors without physically destroying the object.

Considering the above facts, it should not come as a surprise that in order to ensure the operability of increasingly important, also for national security, satellite systems, there are programs being implemented to create offensive and defensive systems for objects in orbit. And that, in turn, has generated the construction of countermeasures – weapons that would be able to neutralize the new systems – by the potential adversaries. As a consequence, we are witnessing an expansion of the potential conflict arena where outer space becomes a possible theatre for military operations. This process is still in its early stages, but there should be no doubts that it is taking place already. Countries with sufficient technological potential caring for their current and future interests have been developing and will continue working on defensive systems (also aimed at eliminating the threat from traditionally weak actors) and offensive systems (ensuring military superiority and deterrence factor). Space corps are established and developed for exactly these purposes.

There is no indication that this process will stop. On the contrary, it seems that due to the progressive development of space technologies and the privatization of the sector, as well as substantial potential revenues from space mining or the global satellite broadband internet system, it will accelerate. As it was demonstrated in the section dedicated to the legal framework of operating in outer space, the current laws and treaties have lost their significance, and they are not taken into account while planning future operations. The United Nations and its Office for Outer Space Affairs (UNOOSA) are structurally and legally too weak to inflict punishment or sanction for breaking the rules. One may then risk the claim that further militarization of space is inevitable. It will undoubtedly further affect the validity of the Outer Space Treaty, which, over time, will not be respected at all. That, in turn, will open the door to the development of various kinds of space offensive weapon systems.

4. Militarization of Outer Space Is Imminent

The main argument of the paper provides the information why there will be a progressive increase of weapon systems placed in orbit, and various types of space corps will be further developed by national-states.

As was demonstrated above, we, as humankind, rely more and more on orbital communication, navigation, and security systems. Global and regional navigation satellite systems are continually developed and perfected by a progressive number of entities, mainly national states. Examples of GNSS include Europe’s Galileo, the US’s NAVSTAR Global Positioning System (GPS), Russia’s Global’naya Navigatsionnaya Sputnikovaya Sistema (GLONASS) and China’s BeiDou Navigation Satellite System. There are, however, another two regional systems under development, i.e., Indian Regional Navigation Satellite System (IRNSS) and Japanese Quasi-Zenith Satellite System (QZSS). All of those satellites, apart from securing civil safety (e.g., in transportation, logistics, communication), play a crucial role in national security.

Another example is the mentioned already Starlink system that will provide broadband internet for the Northern US and parts of Canada already in 2020, and the plan is to create the global system before 2027 (Mosher, 2019). Again, the system, although designed for civil purposes, will be used by the military – the US Air Force is testing SpaceX’s Starlink technology in military aircraft to deliver high bandwidth into the cockpit of Air Force planes under a program called Global Lightning (Malik, 2019). The facts are straightforward – there are more and more satellite systems that play an essential role in countries’ security and are part of critical infrastructure, so in order to secure their interests and protect that infrastructure, these national states keep developing both defensive and offensive means. The Worldwide Threat Assessment of the US Intelligence Community is very clear in its predictions in this regard:

We assess that, if a future conflict were to occur involving Russia or China, either country would justify attacks against US and allied satellites as necessary to offset any perceived US military advantage derived from military, civil, or commercial space systems (Coats, 2018).

However, we must not forget about the democratization of the weapon systems that may pose a serious and real threat to satellite systems. Currently, there are four countries in possession of the ASAT weapons that could destroy a satellite in orbit. However, more and more entities, both national states and private companies have been working on their launch technologies, like New Zeeland, Norway, Poland, just to name a few. Moreover, it should be remembered that not only ASAT missile systems may be used to attack and destroy satellites – one may use small kamikaze satellites to crash into the target, cyber-hacking to direct the object into the cloud of space debris, “blinding” the satellites with ground-based lasers (Mizokami, 2019). These technologies are much more reachable. Therefore, in time, we should expect that traditionally weak actors, like rogue states or terrorist organizations, will gain have access to them (Bernat, Posluszna, 2018).

#### China, Russia, and the US are developing dual use co-orbital ASATs that can stalk and attack other satellites using rendezvous and proximity operations – they make miscalculation highly likely

Chow ’17 - independent policy analyst with over 25 years as a senior physical scientist specializing in space and national security. He holds a PhD in physics from Case Western Reserve University and an MBA with distinction and PhD in finance from the University of Michigan. Brian G Chow, “Stalkers in Space:  Defeating the Threat,” Strategic Studies Quarterly 11, no. 2 (Summer 2017): 82-116, <https://www.airuniversity.af.edu/Portals/10/SSQ/documents/Volume-11_Issue-2/Chow.pdf>.

Abstract

Since 2008, China has been developing a new co-orbital antisatellite weapon (ASAT). These “space stalkers” could be placed on orbit in peacetime and maneuvered to tailgate US satellites during a crisis. At a moment’s notice, they could simultaneously attack multiple critical satellites from such close proximity that the United States would not have time to prevent damage. Current national security space strategy, existing and developing space defense capabilities, and current proposals for dealing with weapons in space cannot counter this new threat. Since space stalkers cannot be reliably distinguished from ordinary satellites, these ASATs cannot be banned outright. Instead, this article proposes to ban threatening positioning of space objects, whether satellites or space stalkers. As these positions can be observed by multiple countries, the United States should declare and work with the international community to agree that any country configuring and readying space stalkers for attack demonstrates hostile intent, which justifies preemptive self-defense as the last resort. In the case of space stalkers, self-defense is a justified action rather than a pretext for aggression. The proposed scheme would be effective in deterring and defending against space stalkers.

The United States has 554 operational satellites, the largest number of satellites among all countries and organizations in the world (see table 1).1 While these space capabilities offer great advantages for the US military, they simultaneously create great vulnerabilities. The Department of Defense (DOD) is increasingly concerned, particularly about the space threat from China. In its annual reports to Congress, Military and Security Developments Involving the People’s Republic of China for 2013,2 2014,3 2015,4 and 2016,5 the DOD has warned repeatedly: “PLA [People’s Liberation Army] writings emphasize the necessity of ‘destroying, damaging, and interfering with the enemy’s reconnaissance . . . and communications satellites,’ suggesting that such systems, as well as navigation and early warning satellites, could be among the targets of attacks designed to ‘blind and deafen the enemy.’ ” Gen John Hyten, the former head of Air Force Space Command, said without space assets, the United States would be forced to revert to industrial age warfare: “It’s Vietnam, Korea and World War II”—no more precision missiles and smart bombs.6 Hyten was also quoted as saying that “China will soon be able to threaten US satellites in every orbital regime, from low Earth orbit a few hundred miles above the Earth, to geosynchronous orbit more than 20,000 miles up—where some of the military’s most important satellites circle the Earth. . . . Now we have to figure out how to defend those satellites.”7

As threats from ground-based ASATs (such as traditional threats from ballistic missiles, lasers, and jammers and the newer cyber attacks8 ) grow, it is easy to continue focusing on these much more well-known ASATs and ignore China’s developing co-orbital ASAT—hereafter what this article refers to as space stalkers. In November 2015, the U.S.-China Economic and Security Review Commission released its annual report to Congress stating that “since 2008, China has tested increasingly complex space proximity capabilities.”9 It confirmed what it and others have been suggesting, that “China’s recent space activities indicate it is developing co-orbital antisatellite systems to target US space assets. These systems consist of a satellite armed with a weapon such as an explosive charge, fragmentation device, kinetic energy weapon, laser, radio frequency weapon, jammer, or robotic arm.”10 Space objects capable of rendezvous proximity operations and particularly equipped with a robotic arm could pose a game-changing threat as these objects could be placed in orbit during peacetime. During a crisis, such as China seizing Taiwan or territorial disputes in the South China Sea, these space objects could be maneuvered to tailgate US satellites and become space stalkers. They could simultaneously attack multiple critical satellites from such a close proximity that the United States would not have time to react. The space stalkers could destroy enough critical satellites to force the United States back toward General Hyten’s warning of fighting primitive “industrial age warfare” with greatly increased collateral damage. On 29 November 2016, CNN broadcast the documentary “War in Space: The Next Battlefield,” based on interviews of more than 10 high-ranking military personnel of the entire chain of command for space warfare. These interviews described the concerns of senior space officials about the threat from “kamikaze and kidnapper satellites launched by Russia and China.”11

Geosynchronous satellites have long been considered safe from attacks, especially simultaneous attacks, since direct-ascent ASAT ballistic missiles would typically take about four hours to reach geosynchronous satellites.12 However, these satellites could soon be under serious threat. Setting up the space stalkers to be co-orbital with, and in close proximity to, their prey is the easiest way to coordinate simultaneous attacks. If China could place these highly maneuverable space stalkers in close proximity to multiple US critical satellites, simultaneous attacks would be possible with little advance warning, leaving the United States inadequate time to save the targeted satellites.

The space-stalking threat is unique and cannot be mitigated by focusing on and responding to traditional satellite threats. Even if the United States could perfectly deter and defend against all the traditional ASAT threats and the newer cyber attacks, adversaries could still use multiple stalkers to mount a devastating first strike against critical US satellites. Thus, the United States must specifically deal with the emerging spacestalker threat. This article provides analysis and recommendations on how to develop an overarching strategy to deter and defend against space stalkers without ignoring other threats and while gaining international support for the new strategy.

One must first understand Chinese counterspace strategy to prescribe an effective US strategy and policy. The United States must also refocus its traditional space policies to address the emerging space-stalking threat— something neglected today. Additionally, the National Security Space Strategy must be updated to include a strategy to defend against and to deter space stalkers, including justified preemption as the last resort. Diplomacy alone with potential adversaries to lessen the space-stalking threat is important but not sufficient. Therefore, the new US strategy should include developing new international agreements on weapons in space and in particular space stalkers.

The space-stalker threat does not come from China alone. Russia has also been improving its close proximity operation capability, which is dual-use for non-ASAT and ASAT purposes. Its potential space-stalking capability would be more advanced than China’s.13 However, this article uses only Chinese scenarios since concerns about the threat and suggested measures for US response are essentially the same for both China and Russia.

#### Unknown legal thresholds for escalation make inadvertent escalation highly likely

MacDonald ’18 – senior director of the Nonproliferation and Arms Control Project with the Center for Conflict Analysis and Prevention, Adjunct Lecturer at Johns Hopkins School of Advanced International Studies. Bruce MacDonald, “Chapter 2. Space and Escalation” in *Outer Space; Earthly Escalation? Chinese Perspectives on Space Operations and Escalation*, A Strategic Multilayer Assessment (SMA) Periodic Publication, August 2018, <https://nsiteam.com/social/wp-content/uploads/2018/08/SMA-White-Paper_Chinese-Persepectives-on-Space_-Aug-2018.pdf>

Another dimension of the problem is the issue of the scale of the attack, both qualitatively and quantitatively. While jamming one or two satellites in isolation appears unlikely to quickly escalate into all-out space war (given the longstanding role of electronic warfare in past conflicts), attacking multiple intelligence-gathering satellites would carry a far higher risk of escalation. Somewhere between these two extremes, however, is an uncertain and unknowable boundary that divides offensive space actions that modestly threaten stability from those that are clearly destabilizing and escalatory. In this unpredictable environment, a country with no desire to spark an all-out space war may still prompt rapid escalation with modest offensive actions that inadvertently cross an unknown threshold. In addition, for technological, commercial, and other reasons the space and cyber domains are evolving far more rapidly than the conventional and nuclear domains, potentially rendering space and cyber strategies ineffective or irrelevant within a few years. In both space and cyberspace, we may learn firsthand how much escalation is too much only after it is too late to stop. Evolving space dynamics could undermine whatever current understanding we may have of crisis and strategic stability in space, and this imperfect grasp of general principles can only add to our uncertainty about the space and cyber offensive capabilities of particular adversaries. Therefore, uncertainty, bluffs, and worst-case thinking are bound to remain prominent forces in the strategic landscape of space. For example, rendezvous and proximity operations on satellites will become more common in the years to come, but they could easily be viewed in a crisis as potentially hostile acts—or in fact be used to commit hostile acts.

### Framing

#### 1] Non-natural moral facts are epistemically inaccessible

Papinau ’07 (David [David Papineau is an academic philosopher. He works as Professor of Philosophy of Science at King's College London, having previously taught for several years at Cambridge University and been a fellow of Robinson College, Cambridge], “Naturalism”. [http://plato.stanford.edu/entries/naturalism/](http://plato.stanford.edu/entries/naturalism/)) 2007)

Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If **all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world** (Harman, 1986). At first sight **this** may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it **has** **very awkward epistemological consequences.** For beings like us, **knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems. If moral facts cannot influence the physical world, then [we can’t] it is hard to see how we can have any knowledge of them.**

#### 2] Evolution – only a naturalistic understanding of the world explains it.

**Lutz and Lenman 18.** Lutz, Matthew and Lenman, James, "Moral Naturalism", The Stanford Encyclopedia of Philosophy (Fall 2018 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2018/entries/naturalism-moral/>. //Massa

The second argument against moral non-naturalism concerns moral epistemology. **According to**evolutionary debunking arguments**, our moral beliefs are products of evolution**, and this evolutionary etiology of our moral beliefs serves to undermine them. Exactly why evolution debunks our moral beliefs is a matter of substantial controversy, and the debunking argument has been interpreted in a number of different ways (Vavova 2015). Sharon Street, whose statement of the evolutionary debunking argument has been highly influential, holds that debunking arguments make a problem for all versions of moral realism—her paper is entitled “A Darwinian Dilemma for Realist Theories of Value.” But according to another popular line of argument, these debunking arguments are only problems for moral non-naturalism. **The fundamental worry is that our moral beliefs are the product of evolutionary facts rather than moral facts**. If this is so, **this would serve to debunk our moral beliefs, either because it is a necessary condition on justified belief that you take your beliefs to be explained by the facts in question** (Joyce 2006, Ch. 6; Bedke 2009; Lutz forthcoming) **or else because the non-naturalist is left with no way to explain the reliability of our moral beliefs** (Enoch 2009, Schechter 2017).

**But if moral naturalism is true, the realist needn’t grant the skeptic’s premise** that our moral beliefs are the product of evolutionary facts rather than moral facts. **If moral facts are natural, then we needn’t see moral facts as being contrary to natural, evolutionary facts.** The **moral facts might be among these evolutionary facts that explain our moral beliefs.** If, for instance, **to be good** just **is** to be **conducive to social cooperation, then an evolutionary** account that says that we judge things to be good only when they are conducive to social cooperation **would not debunk any of our beliefs about goodness. This** account **would**, instead, **provide a deep vindication of those beliefs** (Copp 2008).

#### Thus, the standard is consistency with hedonic act utilitarianism.

#### 1] The connection between pain and pleasure and phenomenal conceptions of intrinsic value and disvalue is irrefutable – everything else regresses – robust neuroscience proves.

Blum et al. 18 Kenneth Blum, 1Department of Psychiatry, Boonshoft School of Medicine, Dayton VA Medical Center, Wright State University, Dayton, OH, USA 2Department of Psychiatry, McKnight Brain Institute, University of Florida College of Medicine, Gainesville, FL, USA 3Department of Psychiatry and Behavioral Sciences, Keck Medicine University of Southern California, Los Angeles, CA, USA 4Division of Applied Clinical Research & Education, Dominion Diagnostics, LLC, North Kingstown, RI, USA 5Department of Precision Medicine, Geneus Health LLC, San Antonio, TX, USA 6Department of Addiction Research & Therapy, Nupathways Inc., Innsbrook, MO, USA 7Department of Clinical Neurology, Path Foundation, New York, NY, USA 8Division of Neuroscience-Based Addiction Therapy, The Shores Treatment & Recovery Center, Port Saint Lucie, FL, USA 9Institute of Psychology, Eötvös Loránd University, Budapest, Hungary 10Division of Addiction Research, Dominion Diagnostics, LLC. North Kingston, RI, USA 11Victory Nutrition International, Lederach, PA., USA 12National Human Genome Center at Howard University, Washington, DC., USA, Marjorie Gondré-Lewis, 12National Human Genome Center at Howard University, Washington, DC., USA 13Departments of Anatomy and Psychiatry, Howard University College of Medicine, Washington, DC US, Bruce Steinberg, 4Division of Applied Clinical Research & Education, Dominion Diagnostics, LLC, North Kingstown, RI, USA, Igor Elman, 15Department Psychiatry, Cooper University School of Medicine, Camden, NJ, USA, David Baron, 3Department of Psychiatry and Behavioral Sciences, Keck Medicine University of Southern California, Los Angeles, CA, USA, Edward J Modestino, 14Department of Psychology, Curry College, Milton, MA, USA, Rajendra D Badgaiyan, 15Department Psychiatry, Cooper University School of Medicine, Camden, NJ, USA, Mark S Gold 16Department of Psychiatry, Washington University, St. Louis, MO, USA, “Our evolved unique pleasure circuit makes humans different from apes: Reconsideration of data derived from animal studies”, U.S. Department of Veterans Affairs, 28 February 2018, accessed: 19 August 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6446569/>, R.S.

**Pleasure** is not only one of the three primary reward functions but it also **defines reward.** As homeostasis explains the functions of only a limited number of rewards, the principal reason why particular stimuli, objects, events, situations, and activities are rewarding may be due to pleasure. This applies first of all to sex and to the primary homeostatic rewards of food and liquid and extends to money, taste, beauty, social encounters and nonmaterial, internally set, and intrinsic rewards. Pleasure, as the primary effect of rewards, drives the prime reward functions of learning, approach behavior, and decision making and provides the **basis for hedonic theories** of reward function. We are attracted by most rewards and exert intense efforts to obtain them, just because they are enjoyable [10].

Pleasure is a passive reaction that derives from the experience or prediction of reward and may lead to a long-lasting state of happiness. The word happiness is difficult to define. In fact, just obtaining physical pleasure may not be enough. One key to happiness involves a network of good friends. However, it is not obvious how the higher forms of satisfaction and pleasure are related to an ice cream cone, or to your team winning a sporting event. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure [14].

Pleasure as a hallmark of reward is sufficient for defining a reward, but it may not be necessary. A reward may generate positive learning and approach behavior simply because it contains substances that are essential for body function. When we are hungry, we may eat bad and unpleasant meals. A monkey who receives hundreds of small drops of water every morning in the laboratory is unlikely to feel a rush of pleasure every time it gets the 0.1 ml. Nevertheless, with these precautions in mind, we may define any stimulus, object, event, activity, or situation that has the potential to produce pleasure as a reward. In the context of reward deficiency or for disorders of addiction, homeostasis pursues pharmacological treatments: drugs to treat drug addiction, obesity, and other compulsive behaviors. The theory of allostasis suggests broader approaches - such as re-expanding the range of possible pleasures and providing opportunities to expend effort in their pursuit. [15]. It is noteworthy, the first animal studies eliciting approach behavior by electrical brain stimulation interpreted their findings as a discovery of the brain’s pleasure centers [16] which were later partly associated with midbrain dopamine neurons [17–19] despite the notorious difficulties of identifying emotions in animals.

Evolutionary theories of pleasure: The love connection BO:D

Charles Darwin and other biological scientists that have examined the biological evolution and its basic principles found various mechanisms that steer behavior and biological development. Besides their theory on natural selection, it was particularly the sexual selection process that gained significance in the latter context over the last century, especially when it comes to the question of what makes us “what we are,” i.e., human. However, the capacity to sexually select and evolve is not at all a human accomplishment alone or a sign of our uniqueness; yet, we humans, as it seems, are ingenious in fooling ourselves and others–when we are in love or desperately search for it.

It is well established that modern biological theory conjectures that **organisms are** the **result of evolutionary competition.** In fact, Richard Dawkins stresses gene survival and propagation as the basic mechanism of life [20]. Only genes that lead to the fittest phenotype will make it. It is noteworthy that the phenotype is selected based on behavior that maximizes gene propagation. To do so, the phenotype must survive and generate offspring, and be better at it than its competitors. Thus, the ultimate, distal function of rewards is to increase evolutionary fitness by ensuring the survival of the organism and reproduction. It is agreed that learning, approach, economic decisions, and positive emotions are the proximal functions through which phenotypes obtain other necessary nutrients for survival, mating, and care for offspring.

Behavioral reward functions have evolved to help individuals to survive and propagate their genes. Apparently, people need to live well and long enough to reproduce. Most would agree that homo-sapiens do so by ingesting the substances that make their bodies function properly. For this reason, foods and drinks are rewards. Additional rewards, including those used for economic exchanges, ensure sufficient palatable food and drink supply. Mating and gene propagation is supported by powerful sexual attraction. Additional properties, like body form, augment the chance to mate and nourish and defend offspring and are therefore also rewards. Care for offspring until they can reproduce themselves helps gene propagation and is rewarding; otherwise, many believe mating is useless. According to David E Comings, as any small edge will ultimately result in evolutionary advantage [21], additional reward mechanisms like novelty seeking and exploration widen the spectrum of available rewards and thus enhance the chance for survival, reproduction, and ultimate gene propagation. These functions may help us to obtain the benefits of distant rewards that are determined by our own interests and not immediately available in the environment. Thus the distal reward function in gene propagation and evolutionary fitness defines the proximal reward functions that we see in everyday behavior. That is why foods, drinks, mates, and offspring are rewarding.

There have been theories linking pleasure as a required component of health benefits salutogenesis, (salugenesis). In essence, under these terms, pleasure is described as a state or feeling of happiness and satisfaction resulting from an experience that one enjoys. Regarding pleasure, it is a double-edged sword, on the one hand, it promotes positive feelings (like mindfulness) and even better cognition, possibly through the release of dopamine [22]. But on the other hand, pleasure simultaneously encourages addiction and other negative behaviors, i.e., motivational toxicity. It is a complex neurobiological phenomenon, relying on reward circuitry or limbic activity. It is important to realize that through the “Brain Reward Cascade” (BRC) endorphin and endogenous morphinergic mechanisms may play a role [23]. While natural rewards are essential for survival and appetitive motivation leading to beneficial biological behaviors like eating, sex, and reproduction, crucial social interactions seem to further facilitate the positive effects exerted by pleasurable experiences. Indeed, experimentation with addictive drugs is capable of directly acting on reward pathways and causing deterioration of these systems promoting hypodopaminergia [24]. Most would agree that pleasurable activities can stimulate personal growth and may help to induce healthy behavioral changes, including stress management [25]. The work of Esch and Stefano [26] concerning the link between compassion and love implicate the brain reward system, and pleasure induction suggests that social contact in general, i.e., love, attachment, and compassion, can be highly effective in stress reduction, survival, and overall health.

Understanding the role of neurotransmission and pleasurable states both positive and negative have been adequately studied over many decades [26–37], but comparative anatomical and neurobiological function between animals and homo sapiens appear to be required and seem to be in an infancy stage.

Finding happiness is different between apes and humans

As stated earlier in this expert opinion one key to happiness involves a network of good friends [38]. However, it is not entirely clear exactly how the higher forms of satisfaction and pleasure are related to a sugar rush, winning a sports event or even sky diving, all of which augment dopamine release at the reward brain site. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure.

Remarkably, there are pathways for ordinary liking and pleasure, which are limited in scope as described above in this commentary. However, there are **many brain regions**, often termed hot and cold spots, that significantly **modulate** (increase or decrease) our **pleasure or** even produce **the opposite** of pleasure— that is disgust and fear [39]. One specific region of the nucleus accumbens is organized like a computer keyboard, with particular stimulus triggers in rows— producing an increase and decrease of pleasure and disgust. Moreover, the cortex has unique roles in the cognitive evaluation of our feelings of pleasure [40]. Importantly, the interplay of these multiple triggers and the higher brain centers in the prefrontal cortex are very intricate and are just being uncovered.

Desire and reward centers

It is surprising that many different sources of pleasure activate the same circuits between the mesocorticolimbic regions (Figure 1). Reward and desire are two aspects pleasure induction and have a very widespread, large circuit. Some part of this circuit distinguishes between desire and dread. The so-called pleasure circuitry called “REWARD” involves a well-known dopamine pathway in the mesolimbic system that can influence both pleasure and motivation.

In simplest terms, the well-established mesolimbic system is a dopamine circuit for reward. It starts in the ventral tegmental area (VTA) of the midbrain and travels to the nucleus accumbens (Figure 2). It is the cornerstone target to all addictions. The VTA is encompassed with neurons using glutamate, GABA, and dopamine. The nucleus accumbens (NAc) is located within the ventral striatum and is divided into two sub-regions—the motor and limbic regions associated with its core and shell, respectively. The NAc has spiny neurons that receive dopamine from the VTA and glutamate (a dopamine driver) from the hippocampus, amygdala and medial prefrontal cortex. Subsequently, the NAc projects GABA signals to an area termed the ventral pallidum (VP). The region is a relay station in the limbic loop of the basal ganglia, critical for motivation, behavior, emotions and the “Feel Good” response. This defined system of the brain is involved in all addictions –substance, and non –substance related. In 1995, our laboratory coined the term “Reward Deficiency Syndrome” (RDS) to describe genetic and epigenetic induced hypodopaminergia in the “Brain Reward Cascade” that contribute to addiction and compulsive behaviors [3,6,41].

Furthermore, ordinary “liking” of something, or pure pleasure, is represented by small regions mainly in the limbic system (old reptilian part of the brain). These may be part of larger neural circuits. In Latin, hedus is the term for “sweet”; and in Greek, hodone is the term for “pleasure.” Thus, the word Hedonic is now referring to various subcomponents of pleasure: some associated with purely sensory and others with more complex emotions involving morals, aesthetics, and social interactions. The capacity to have pleasure is part of being healthy and may even extend life, especially if linked to optimism as a dopaminergic response [42].

Psychiatric illness often includes symptoms of an abnormal inability to experience pleasure, referred to as anhedonia. A negative feeling state is called dysphoria, which can consist of many emotions such as pain, depression, anxiety, fear, and disgust. Previously many scientists used animal research to uncover the complex mechanisms of pleasure, liking, motivation and even emotions like panic and fear, as discussed above [43]. However, as a significant amount of related research about the specific brain regions of pleasure/reward circuitry has been derived from invasive studies of animals, these cannot be directly compared with subjective states experienced by humans.

In an attempt to resolve the controversy regarding the causal contributions of mesolimbic dopamine systems to reward, we have previously evaluated the three-main competing explanatory categories: “liking,” “learning,” and “wanting” [3]. That is, dopamine may mediate (a) liking: the hedonic impact of reward, (b) learning: learned predictions about rewarding effects, or (c) wanting: the pursuit of rewards by attributing incentive salience to reward-related stimuli [44]. We have evaluated these hypotheses, especially as they relate to the RDS, and we find that the incentive salience or “wanting” hypothesis of dopaminergic functioning is supported by a majority of the scientific evidence. Various neuroimaging studies have shown that anticipated behaviors such as sex and gaming, delicious foods and drugs of abuse all affect brain regions associated with reward networks, and may not be unidirectional. Drugs of abuse enhance dopamine signaling which sensitizes mesolimbic brain mechanisms that apparently evolved explicitly to attribute incentive salience to various rewards [45].

Addictive substances are voluntarily self-administered, and they enhance (directly or indirectly) dopaminergic synaptic function in the NAc. This activation of the brain reward networks (producing the ecstatic “high” that users seek). Although these circuits were initially thought to encode a set point of hedonic tone, it is now being considered to be far more complicated in function, also encoding attention, reward expectancy, disconfirmation of reward expectancy, and incentive motivation [46]. The argument about addiction as a disease may be confused with a predisposition to substance and nonsubstance rewards relative to the extreme effect of drugs of abuse on brain neurochemistry. The former sets up an individual to be at high risk through both genetic polymorphisms in reward genes as well as harmful epigenetic insult. Some Psychologists, even with all the data, still infer that addiction is not a disease [47]. Elevated stress levels, together with polymorphisms (genetic variations) of various dopaminergic genes and the genes related to other neurotransmitters (and their genetic variants), and may have an additive effect on vulnerability to various addictions [48]. In this regard, Vanyukov, et al. [48] suggested based on review that whereas the gateway hypothesis does not specify mechanistic connections between “stages,” and does not extend to the risks for addictions the concept of common liability to addictions may be more parsimonious. The latter theory is grounded in genetic theory and supported by data identifying common sources of variation in the risk for specific addictions (e.g., RDS). This commonality has identifiable neurobiological substrate and plausible evolutionary explanations.

Over many years the controversy of dopamine involvement in especially “pleasure” has led to confusion concerning separating motivation from actual pleasure (wanting versus liking) [49]. We take the position that animal studies cannot provide real clinical information as described by self-reports in humans. As mentioned earlier and in the abstract, on November 23rd, 2017, evidence for our concerns was discovered [50]

In essence, although nonhuman primate brains are similar to our own, the disparity between other primates and those of human cognitive abilities tells us that surface similarity is not the whole story. Sousa et al. [50] small case found various differentially expressed genes, to associate with pleasure related systems. Furthermore, the dopaminergic interneurons located in the human neocortex were absent from the neocortex of nonhuman African apes. Such differences in neuronal transcriptional programs may underlie a variety of neurodevelopmental disorders.

In simpler terms, the system controls the production of dopamine, a chemical messenger that plays a significant role in pleasure and rewards. The senior author, Dr. Nenad Sestan from Yale, stated: “Humans have evolved a dopamine system that is different than the one in chimpanzees.” This may explain why the behavior of humans is so unique from that of non-human primates, even though our brains are so surprisingly similar, Sestan said: “It might also shed light on why people are vulnerable to mental disorders such as autism (possibly even addiction).” Remarkably, this research finding emerged from an extensive, multicenter collaboration to compare the brains across several species. These researchers examined 247 specimens of neural tissue from six humans, five chimpanzees, and five macaque monkeys. Moreover, these investigators analyzed which genes were turned on or off in 16 regions of the brain. While the differences among species were subtle, **there was** a **remarkable contrast in** the **neocortices**, specifically in an area of the brain that is much more developed in humans than in chimpanzees. In fact, these researchers found that a gene called tyrosine hydroxylase (TH) for the enzyme, responsible for the production of dopamine, was expressed in the neocortex of humans, but not chimpanzees. As discussed earlier, dopamine is best known for its essential role within the brain’s reward system; the very system that responds to everything from sex, to gambling, to food, and to addictive drugs. However, dopamine also assists in regulating emotional responses, memory, and movement. Notably, abnormal dopamine levels have been linked to disorders including Parkinson’s, schizophrenia and spectrum disorders such as autism and addiction or RDS.

Nora Volkow, the director of NIDA, pointed out that one alluring possibility is that the neurotransmitter dopamine plays a substantial role in humans’ ability to pursue various rewards that are perhaps months or even years away in the future. This same idea has been suggested by Dr. Robert Sapolsky, a professor of biology and neurology at Stanford University. Dr. Sapolsky cited evidence that dopamine levels rise dramatically in humans when we anticipate potential rewards that are uncertain and even far off in our futures, such as retirement or even the possible alterlife. This may explain what often motivates people to work for things that have no apparent short-term benefit [51]. In similar work, Volkow and Bale [52] proposed a model in which dopamine can favor NOW processes through phasic signaling in reward circuits or LATER processes through tonic signaling in control circuits. Specifically, they suggest that through its modulation of the orbitofrontal cortex, which processes salience attribution, dopamine also enables shilting from NOW to LATER, while its modulation of the insula, which processes interoceptive information, influences the probability of selecting NOW versus LATER actions based on an individual’s physiological state. This hypothesis further supports the concept that disruptions along these circuits contribute to diverse pathologies, including obesity and addiction or RDS.

#### 2] Actor specificity – every policy benefits some and harms others, the only way to resolve tradeoffs is to value everyone equally and calculate net good