# 1AC

### 1AC – Plan

#### Plan – The appropriation of outer space through the production of space debris by private entities is unjust.

#### Revising the Outer Space Treaty clarifies legal loopholes and ambiguities in space debris – scope of modification below.

* Private entities: Non-governmental
* Space debris: Non-functional Space Objects

Shah 20. Sachin Shah is a write for Cornell Undergraduate Law and Society Review. 8/30/20 [CORNELL UNDERGRADUATE LAW & SOCIETY REVIEW “The International Legal Regulation of Space Debris,” <https://www.culsr.org/articles/the-international-legal-regulation-of-space-debris>] Justin

While many scholars agree that the Outer Space Treaty provides rudimentary regulation of the problem of space debris, therein lies the problem: it is only rudimentary. One of the most often cited problems with the Outer Space Treaty is that it was signed in 1967 (53 years ago) and that the technological climate of the space travel industry was not as advanced as it is today, reflected in a marked lack of specificity in the writing of these laws. [7] This lack of specificity highlights another issue: the imprecise language of the Treaty leaves unclear the definition of space debris, which leaves the regulation open to interpretation. Rather than agree with most scholars that space debris constitute “space objects,” scholar Chelsea Muñoz-Patchen uses the UN Space Debris Mitigation Guidelines’ definition of space debris along with the fact that space debris is non-functional and its ownership often untraceable in order to argue that space debris should be classified as “abandoned property” instead. [8] Furthermore, non-governmental private enterprises may be inclined to legally define space debris as something other than “space objects” in order to avoid the Outer Space Treaty’s aforementioned financial penalties, as will be explained below. The Outer Space Treaty also does not account for the fact that the space debris problem, especially as of late, has been becoming worse over time. As collisions between debris and satellites continue to occur, more debris is strewn across Earth’s orbit, endangering future spacecraft from safely orbiting Earth, supporting the theory of the Kessler Syndrome. [9] Thus, the Outer Space Treaty is not a very effective legal instrument with regards to mitigating the amount of space debris in orbit around Earth.

Due to the Treaty’s weakness, many of the aforementioned scholars support revising the Outer Space Treaty by clearly defining space debris, increasing its technology-specific language to combat space debris issues, and outlining specific punishments to negate the complete lack of enforcement built into the current Treaty. While nations do recognize the danger that space debris pose to orbital operations, stronger laws must be enacted in order to de-escalate an imminent arms race and incentivize them to mitigate their debris. [10] Believing that one convention or treaty would be insufficient, N. Jasentuliyana recommends the creation of a regulatory regime to solve the growing problem of space debris. Such a regime would “effectively deal with these technical problems and establish international legal rules, standards and procedures on a continuing basis.” [11] Thus, one potential solution to the legal lack of space debris mitigation is establishing a lawmaking agency which specifically focuses on the issue of space debris. In addition to the creation of a legal agency which could hold actors accountable for the amount of space debris produced, international laws guiding the actions of private companies’ activities may also provide an answer, as will be discussed in greater detail below.

Although there do exist international laws and regulations governing the use of space for states and governmental entities (albeit weak ones), the private enterprises sending objects into space are subject to even less stringent regulations than states are. SpaceX, for example, to authorize their sending of 42,000 Starlink satellites into orbit, only had to submit paperwork to the U.S. Federal Communications Commission (FCC) and the International Telecommunication Union (ITU). [12] Paul Larsen posits that, in the face of less stringent regulations, nongovernmental satellite companies send many satellites into orbit in order to maximize their profit, which is their primary objective. Unlike the vagueness and lack of enforcement that came with written law (which is apparent in the Outer Space Treaty), the unwritten market-oriented incentives for profit by large-scale satellite providers and operators provide a reason for actors to mitigate space debris in orbit around Earth. Larsen states that “They have huge sums of money invested in each satellite, perhaps as much as a half-billion dollars, when all costs are included. Loss of one satellite is a major event. They want their assets to be safe.” [13] Thus, these satellite companies have a major stake in space traffic management and their market incentives do a better job of mitigating space debris than the existing legal regulation does. The company SpaceX, as mentioned above, plans to send 42,000 satellites into space. While doing so would likely result in significant profits for the company, many believe this will diminish astronomical visibility as well as increase the chance of collisions with space debris. [14] Due to these effects, scientists and space law experts alike have called for a legal delay to the ITU’s decision on whether or not to accept SpaceX’s proposal to launch more satellites. If these parties are successful, a precedent-setting legal case regarding space debris mitigation and satellite use in space may well provide a solution to the outdated Outer Space Treaty of 1967.

#### The aff interprets OST enforcement as an OUF (Orbital Use Fee). That incentivizes remediation, removal, and mitigation efforts without harming the space industry. Any other countermeasures aren’t the silver bullet and fail.

Runnels 22. Michael is a professor and writer for the American Bar Association. 1/13/22. [American Bar Association “On Clearing Earth’s Orbital Debris & Enforcing the Outer Space Treaty in the U.S.” <https://www.americanbar.org/groups/business_law/publications/blt/2022/01/orbital-debris/>] Justin **\*\*OUF: Proportional fee for amount of debris put into Space**

A number of technological and regulatory solutions, such as active debris removal[119] and voluntary orbital debris mitigation guidelines,[120] are currently being explored by regulatory authorities.[121] While these efforts are important in ensuring the sustainable use of LEO orbits, they do not address the underlying incentive problem for satellite operators. Namely, they are incentivized to view both their orbital debris and the costs that it imposes on others as externalities.[122] As such, without the internalization of these externalities, efforts to fully address the orbital debris problem will likely be ineffective.[123] Notably, a National Academy of Sciences study found that orbital debris removal may worsen the economic damages from congestion by increasing incentives to launch.[124] As satellite operators are prohibited from securing exclusive property rights to orbital shells under the OST,[125] and are unlikely to recover economic damages resulting from orbital debris collisions under the Liability Convention,[126] prospective operators “face a choice between launching profitable satellites, thereby imposing current and future collision risk on others, or not launching and leaving those profits to competitors.”[127] This dynamic represents a classic tragedy of the commons problem.[128] However, under Article VI of the OST,[129] this problem can be partially solved through an OUF[130] levied by the FCC. The monies received from this fee would then be used to fund private orbital debris clearing projects[131] and research related to orbital debris removal.

Though such an OUF may be seen as an unreasonable growth restraint on the nascent space industry,[132] a Pew study found that in the case of nearly a dozen industries, the costs of implementing new regulations were less than estimated while the economic benefits were greater than estimated.[133] Moreover, these regulations did not significantly impede the economic competitiveness of the industry.[134] An OUF consistent with what this article proposes would even the playing field for commercial-satellite operators in a manner consistent with OST principles[135] and, as OneWeb’s founder argued, while “thoughtful, common-sense rules” likely increase operating costs for commercial-satellite operators, they protect the environment and ensure that the U.S. commercial satellite industry continues to grow.[136] While the U.S. cannot address the issue of reducing orbital debris on its own, it can make a substantial contribution through demonstrating responsible orbital debris mitigation measures, such as those advocated in this article.

In support of the aforementioned OST language,[137] this article’s second proposed amendment to Title 51 of United States Code would read:

Title 51, of the United States Code, is further amended by adding at the end the following:

CHAPTER 802—ADMINISTRATIVE PROVISIONS RELATED TO CERTIFICATION AND PERMITTING

§ 802XX. Orbital use fee purpose

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to fund orbital debris removal projects, technologies, and research that will enable the Administration to decrease the risks associated with orbital debris.

§ 802XX. Administrative authority

In order to carry out the responsibilities specified in this subtitle, the Secretary may impose an orbital use fee for the placement of objects in low Earth orbits on a nongovernmental entity holder of, or applicant for:

(1) a certification under chapter 801; or

(2) a permit under chapter 802.

V. Conclusion

The OST establishes space as the “province of all mankind”[138] and promotes its peaceful use and exploration for the “benefit and in the interests of all mankind.”[139] The OST further requires that “Parties to the Treaty … bear international responsibility for national activities in outer space … whether such activities are carried on by governmental agencies or by non-governmental entities,”[140] and requires that each “Party to the treaty … [be] internationally liable” for damages caused by an object launched into outer space.[141] Finally, the OST prohibits claims of “national appropriation” of both outer space and celestial bodies “by claim of sovereignty, by means of use or occupation, or by other means.”[142] The Space Act “facilitate[s] commercial exploration for and commercial recovery of space resources by [U.S.] citizens … ”[143] and exempts companies from regulatory oversight until 2023.[144] However, the FCC’s laissez-faire enforcement of satellite mega-constellation projects is arguably in violation of the OST[145] due to the saturation of these mega-constellations in LEO and their likely resulting orbital debris.[146]

#### Proportional fees solve industry startup problems and avoids the tragedy of the commons.

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"That's not the same as a launch fee," Rao says, "Launch fees by themselves can't induce operators to deorbit their satellites when necessary, and it's not the launch but the orbiting satellite that causes the damage." The orbital-use fee would function like a carbon tax or fisheries management fees, with all countries launching and operating satellites needing to participate and charge the same fee per unit of collision risk for the scheme to work. It could function as a one-off payment or tradable permits, with the fee calculated to correlate with the cost to the industry of another satellite entering orbit, which demands more resources to reduce the collision risk. The fee could also be determined by the orbit the operator wishes to use, with different orbits carrying different risks of collision. "In our model, what matters is that satellite operators are paying the cost of the collision risk imposed on other operators," says Daniel Kaffine, professor of economics at the University of Colorado Boulder and co-author on the paper. As part of their study, the researchers also projected how the introduction of an orbital-use fee would impact the value of the satellite industry as a whole. Due to the reduction in collisions and associated costs, like replacing damaged satellites, for example, the team estimates the value of the industry would increase from US$600 billion to around $3 trillion. In line with this and the rising value of cleaner orbits, the fee would also increase. The team found the optimal rate of rise to be 14 percent per year, meaning the fee would equate to around $235,000 per satellite, per year, by 2040. "In other sectors, addressing the Tragedy of the Commons has often been a game of catch-up with substantial social costs,” says co-author Matthew Burgess from the University of Colorado Boulder. “But the relatively young space industry can avoid these costs before they escalate.”

### 1AC – Adv – Debris

#### The advantage is debris:

#### Massive satellite development incoming and cascades debris – lack of regulations raises the risk and turns any reason satellites are good.

Hattenbach 19. Jan Hattenbach sat down with Stijn Lemmens, Senior Space Debris Mitigation Analyst at the European Space Agency (ESA) in Darmstadt, Germany, to talk about how Starlink plays into the space junk problem. 6/3/19. [Sky Telescope, “DOES STARLINK POSE A SPACE DEBRIS THREAT? AN EXPERT ANSWERS,” <https://skyandtelescope.org/astronomy-news/starlink-space-debris/>] Justin

Jan Hattenbach: The recent launch of the first 60 “Starlink” satellites has sparked outrage on social media. Some critics claim the “mega-constellation” of satellites by the U.S. company SpaceX will increase the risk of creating more space junk, even calling it a threat to space flight itself. What is your opinion — is this criticism justified or exaggerated?

Web around the worldWhen up and running Starlink will provide internet access to locations across the planet. SpaceX

Stijn Lemmens: We're talking about a constellation that — if it ever comes to full fruition — would include up to 12,000 members. Several nations have launched almost 9,000 satellites over the past six decades. Of these, about 5,000 are still in orbit. So we are talking about doubling the amount of traffic in space over a couple of years, or over a decade at most, compared to the last 60 years.

However, the space debris issue is mostly caused by the fact that we leave objects behind in orbit, which are then a target for collisions either with fragments of a previous collision event or with big, intact objects. Currently, most space debris comes from explosive break-up events; in the future, we predict collisions will be the driver. It's like a cascade event: Once you have one collision, other satellites are at risk for further collisions.

Over the past two decades, there has been a lot of effort to establish guidelines and codes of conduct. For low-Earth orbit (LEO), there is a well-known guideline to take out your spacecraft, satellite, or launch vehicle upper stage, within 25 years after the end of mission.

To have a reasonable shot at having a stable space environment, the goal is to have at least 90% of the satellites and launch-vehicle upper stages with lifetimes longer than 25 years take themselves out of orbit, or put themselves into orbits with lifetimes less than 25 years.

However, we are not really good at doing this at the moment. We’re talking about success rates of 5% to 15% for satellites (launch vehicle orbital stages do notably better, with success rates of 40-70% in low-Earth orbit). Already with current traffic, we have reasonable concerns that we're creating a real debris issue out there.

If we're now thinking about putting another couple of thousands of satellites up there, with levels of compliance similar to what we've been doing so far, then we're talking about a possible catastrophe.

Operators of any type of large satellite constellation would have to behave far better than most current actors in spaceflight have been doing. And this is the concern: Before you launch, operators can of course say and demonstrate that they are going to comply with all international norms and guidelines. But it's only after launch that we know how responsible their behavior actually was.

JH: Do you have the impression that SpaceX is aware of their responsibility?

SL: They are certainly aware of the problem. For example, to get a license to launch in the U.S. with a mission like theirs, where they are exchanging data between the mainland, space, and other operators, you need to request a license, in this case from the Federal Communications Commission (FCC). To obtain this license, they must demonstrate what they will do with respect to space debris mitigation. So they needed to demonstrate a certain adherence to the norms.

But the real question is whether the current norms are actually sufficient for large constellations, or if we are putting the bar too low with respect to future sustainability. We are talking about thousands of new satellites — the risk is that the cumulative effect is not captured in the current level of guidelines. So SpaceX would have to voluntarily demonstrate higher levels of commitment.

JH: When asked about these issues, SpaceX responded that they believe they have the “most advanced system” for space debris mitigation, e.g. that the Starlink satellites are “designed to be capable of fully autonomous collision avoidance – meaning zero humans in the loop.” Are you confident that such a system will work, especially considering the numbers?

SL: I have no technical visibility on how they implement their system, so I cannot make a judgment if it will work with their satellites or not. What I can say is that it will require a certain improvement on the current state-of-the-art. On the other hand, if a pair of Starlink satellites does collide within the operation orbit, SpaceX will be the first one who will be badly affected by the fragmentation cloud the collision generates. It's in their own best interest to make sure their system works.

JH: You mentioned the launch license issued by the FCC, which is a federal commission of the United States. However, space is not the property of the U.S. or any other country. Is there an international body that has a say in these matters?

SL: Five outer space treaties, established in the 1960s, 70s and 80s, do not mention space debris. Instead, there is a lot of coordination, first of all on the agency level. The Inter-agency Space Debris Coordination Committee coordinates 13 of the world's space agencies, including the ESA, NASA, the China National Space Administration, and Russia’s Roscosmos,to come up with debris mitigation guidelines, share best practices, and try to address the problem in a way that makes sense to everyone. The United Nations Committee on the Peaceful Uses of Outer Space has taken on these guidelines . This committee includes politicians from many countries, including those not currently flying in space. Industries in many countries likewise discuss these issues within the International Organization for Standardization.

So there is a lot of coordination internationally to make sure that we play by the same rules and implement the same set of standards. But right now there is no way to directly interface with any nation's sovereignty over what it launches — the outer space treaties make nation states responsible for the behavior of their individuals or private companies.

#### Democratization of technology spurs rapid development – feedback loops ensures debris cascades

BERNAT 20. Pawel @ Military University of Aviation. 11/4/20. [SAFETY ENGINEERING OF ANTHROPOGENIC OBJECTS, “ORBITAL SATELLITE CONSTELLATIONS AND THE GROWING THREAT OF KESSLER SYNDROME IN THE LOWER EARTH ORBIT,” Volume 4, PDF] Justin

The second decade of the 21st century has brought a dynamic and somewhat surprising development of the space industry. Since 1972 – the Apollo 17 crew mission to the Moon, the humankind has not left the safe environment of Earth’s orbit, and for years the global space sector has been progressing in slow but steady pace run by a few largest space agencies like American NASA, European ESA, Japanese JAXA, and Chinese CNSA. The most significant achievement of the “old ways” of managing outer space exploration is the International Space Stations (ISS) that has facilitated more than 20 years of continuous crewed operations.

The situation started to change at the turn of the century when new generations of private entrepreneurs began to invest in and develop space technologies like rocket boosters, spaceships, and what most important for the subject of the paper – satellites and their constellations. This new shift is known among the space industry as “Space 2.0”, and its emergence is dated around 2000-2002 when the companies like SpaceX, Blue Origin, and Virgin Galactic were established. (Pyle, 2019). The real change, however, came in 2012 when the first SpaceX commercial mission was successfully launched to the ISS (NASA, 2012).

Since then, the participation of the private sector in the space industry has skyrocketed, especially in the United States. Today, SpaceX is the only entity that provides reusable rockets (first stage and fairings) that is capable of vertical launch and landing. Their current flagship rocket – Falcon 9 has carried out 23 successful missions in 2020 (SpaceX, 2020) and another four are planned for December of that year (Weitering, 2020). Moreover, thanks to Crew Dragon spaceship developed by the company, Americans have regained this year the capacity of sending astronauts from their own soil after nine years of buying the seats on Russian Soyuz capsule. SpaceX is now in the process of building a communication satellites constellation that will be addressed and analyzed in the paper.

Nowadays, in the space industry, we witness a very productive cybernetic feedback look between the development of space technologies, the democratization of those technologies, and a substantial reduction of prices. The latter is even more significant if we compare the cost of launching cargo into orbit now and 20 years ago – Falcon 9 is over ten times cheaper than Space Shuttle (Jones, 2018). This, of course, directly translates into the mass and number of objects that we are able to put in the orbit viably. Once the constellations consisting of thousands of satellites were unthinkable, but in the current environment, they become a reality.

Space 2.0 also has brought new threats and challenges in the sphere of national and international security. The increase in launch capacity, among other factors, has led to progressive militarization and weaponization of space and new arms race (Bernat, 2019), which has also contributed to the growing numbers of orbiting objects.

The goal of the paper is to present the argumentation that the threat posed by the cascading collisions in the Earth’s orbit (Kessler syndrome) is becoming more severe due to the construction of orbital satellite constellations; the threat that presents a real danger for people during their EVAs and orbital infrastructure, which may bare immediate consequences for safety and security systems on Earth. In order to provide the theoretical context for the above claim, the following issues will be presented and discussed: (1) space debris, (2) the Kessler syndrome, (3) orbital debris models, (4) the legal issues related to space debris and mitigation actions against their proliferation, and (5) the planned and being currently developed orbital satellite constellations and how they contribute to the growing threat of the Kessler syndrome.

#### Privatization drive rivalries and exponentially increases debris – lack of regulations spikes it.

BERNAT 20. Pawel @ Military University of Aviation. 11/4/20. [SAFETY ENGINEERING OF ANTHROPOGENIC OBJECTS, “ORBITAL SATELLITE CONSTELLATIONS AND THE GROWING THREAT OF KESSLER SYNDROME IN THE LOWER EARTH ORBIT,” Volume 4, PDF] Justin

5. Orbital satellite constellations and the growing threat of the Kessler syndrome

Space 2.0 – the new era of space exploration that we witness now in the 21st century means, in words of Buzz Aldrin, “moving human enterprise into space” (Pyle, 2019, p. xiv). The process of commercialization of outer space has already begun and is not limited to private companies providing technologies and services for national or international space agencies, as it was in the past. On the contrary, private companies from the space sector have now matured to carry out their own independent projects.

As for 2020, SpaceX is a company that serves as the best example – it launches satellites to the orbit, both for state and private contractors, it successfully realized two crew missions to the International Space Station, and is in the process of constructing Starlink satellite constellation that will provide high-speed internet access across the planet.

Each satellite weighs around 260 kg, is equipped with an ion propulsion system, autonomous collision avoidance system, and orbits Earth at approximately 540-560 km altitude (Starlink, 2020). At the beginning of November 2020, more than 860 Starlink satellites were orbiting the Earth (Jewett, 2020). Immediate plans include launching 12,000 satellites, but they assume a potential later extension to 42,000 (Henry, 2019a). Of course, SpaceX has employed, at least declaratively, all necessary measures to keep the space clean – the satellites are equipped with the deorbiting system, and in the event of inoperability of the propulsion system (Starlink, 2020). The orbital collisions are, however, inevitable. As it was shown before, the possibility of collisions grows with the number of orbital objects. Bastida Virgili with the team compared (2016, p. 154-155) orbital debris environment development without and with a large hypothetical constellation consisting of merely 1080 satellites, distributed across 20 orbital planes at 1,100 km altitude (Fig. 5).

Chart, line chart

Description automatically generated

Figure 5. Comparison of long term evolution of the number of objects in LEO with and without the constellation (Virgili et al., 2016, p. 155)

It has to be noted that although SpaceX’s Starlink is the only constellation that is being built in orbit, it is not the only one planned. There are at least a few initiatives aiming at the same goal – to construct internet infrastructure at the Earth’s orbit. The planned Kuiper Systems LLC, which is a subsidiary of Amazon and intends to place 3,236 broadband satellites in the LEO, is one of Starlink’s biggest competitors (Henry, 2019b). Now, there is even a rivalry between the two companies because Kuiper’s lowest orbital shell is planned to be 590 km, with a tolerance of 9 km either above or below (Cao, 2020), which is the altitude of Starlink satellites. Moreover, the race for space in orbit is now at the beginning.

The outer space is vast. It increasingly becomes more cluttered with both operational satellites and space debris. The threat of collisions increases and no institution or body has enough power to license, coordinate and regulate what is sent to the orbit. The UNOOSA has not such power. National states decide what the companies from the space industry can launch to space. In the United States, which is most advanced in the area of private constellations, it is the Federal Aviation Administration (FAA) that issues the appropriate approvals. The race to put broadband internet satellites bears similarities to the gold rush – there are no rules, at the global level, apart from first-come, first-served.

#### Models are rigorous—inserted below.

Virgili et al. 16. Bastida, J.C. Dolado, H.G. Lewis, J. Radtke, H. Krag, B. Revelin, C. Cazaux b , C. Colombo, R. Crowther, M. Metz. 4/26/16. [Act Astranautica “Risk to space sustainability from large constellations of satellites,” <https://sci-hub.se/10.1016/j.actaastro.2016.03.034>.] Justin

1.3. Simulation approach and result analysis A Monte Carlo (MC) approach was used to simulate the evolution of the object population over a period of 200 years under different post-mission disposal requirements, with four different tools (MEDEE – Modelling the Evolution of Debris on Earth's Environment [9], LUCA – Long Term Utility for Collision Analysis [10], DAMAGE – Debris Analysis and Monitoring Architecture to the Geosynchronous Environment [11] and DELTA – Debris Environment Long Term Analysis [12]). For analysis purposes, the effective number of objects was used where the contribution to the population by each object was weighted by the proportion of the orbital period spent in LEO. In a first step, four different evolutionary models performed an analysis of two reference scenarios. One scenario considered only the evolution of the background population and non-constellation traffic. The second scenario augmented the first with the addition of the representative constellation, with the requirement that 90% of the constellation satellites achieved post-mission disposal to orbits with remaining lifetimes of 25 years. The manoeuvres performed at the mission end to meet the disposal requirement are assumed to be impulsive (i.e. instantaneous) and result in an eccentric orbit with the apogee near the original (constellation) altitude and the perigee at an altitude such that the effects of atmospheric drag would cause the orbit to decay within 25 years. Two of the models considered an apogee remaining at the operational constellation altitude, while the other two reduced the apogee by 50 km. The purpose of these scenarios is to provide a cross-comparison of the models in terms of their predictions of the total object population, which take into account the effects of the constellation. As the distribution of the MC results for the models is of the same nature and the results are independent, a bootstrapping [20] approach is used to derive the mean, the standard deviation and the confidence levels at 95% of the combined results of all the MC runs from the four models (cf. Fig. 1), although not all the models performed the same number of MC runs (see Table 1). The main source of variation inside a particular model's MC runs included the randomness in collision activity, while the different models used their own solar activity forecast.

#### Conflicts of orbits turns good usages of satellites—responsible behavior is key to satellite effectiveness.

Hattenbach 19. Jan Hattenbach sat down with Stijn Lemmens, Senior Space Debris Mitigation Analyst at the European Space Agency (ESA) in Darmstadt, Germany, to talk about how Starlink plays into the space junk problem. 6/3/19. [Sky Telescope, “DOES STARLINK POSE A SPACE DEBRIS THREAT? AN EXPERT ANSWERS,” <https://skyandtelescope.org/astronomy-news/starlink-space-debris/>] Justin

JH: What about competitors like OneWeb or Amazon, who want to set up a similar system as Starlink? Who “owns” the orbits – whoever comes first?

SL: According to the Outer Space Treaty there is no appropriation of space. But of course if you put a large constellation into a certain orbit, it means that a lot of coordination is required with anybody else who wants to operate near that constellation or even has to pass through those orbital regions. You can take this even further: If an object of a constellation fragments for whatever reason, these fragments will not remain limited to the region of the constellation itself. It will affect operators below and above. So from this perspective, putting a large number of satellites in orbit does influence the other activities that can take place.

JH: Politics and law aside, is there a physical limit of how many constellations of thousands of satellites can operate at the same time. How much space is there in space?

SL: If we don't keep the current guidelines mentioned above, we will run into the so-called “Kessler syndrome,” which is the name of this cascading effect. And at that point, there would indeed be regions that even without large constellations would become so packed with debris that it would become impractical to put your satellites there. This is why we actively promote a notion that space is a shared resource, and it's a limited resource. It is not infinite when we think about it in terms of how many objects we can put there. Exactly where this threshold is is in certain cases computable, but it depends on the behavior of operators. So you cannot say a priori that several thousand satellites are too much. That amount might be feasible, but it would need to come with stringent requirements for responsible behavior, which have yet to be demonstrated.

#### That drives a space arms race which enhances the risk of debris cascades, closes off space exploration, and causes conflict.

Shah 20. Sachin Shah is a write for Cornell Undergraduate Law and Society Review. 8/30/20 [CORNELL UNDERGRADUATE LAW & SOCIETY REVIEW “The International Legal Regulation of Space Debris,” <https://www.culsr.org/articles/the-international-legal-regulation-of-space-debris>] Justin

The body of legal regulations regarding the use of space (space being defined as the area above the jurisdiction of air law) by public and private entities is referred to as space law. Currently, there are only about five such regulations of space, the most significant of those being the United Nations’ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (hereinafter referred to as the Outer Space Treaty) of 1967. In this article, I would like to specifically describe and analyze the laws and regulations’ handling of the increasingly prevalent issue of space debris in orbit around Earth. The National Aeronautics and Space Administration (NASA) defines space debris as “any man-made object in orbit about the Earth which no longer serves a useful function.” [1] However, a major point of confusion discussed below is that the Outer Space Treaty does not explicitly define what it refers to as “space objects,” nor does it mention whether space debris are space objects. An excessive clustering of space debris is a problem for a few reasons. It may result in a phenomenon known as the Kessler Syndrome, in which there is a “cascade created when debris hits a space object, creating new debris and setting off a chain reaction of collisions that eventually closes off entire orbits.” [2] This endangerment of Earth’s future ability to explore extraterrestrial planets and life must be avoided at all costs. Furthermore, space debris in orbit around Earth limits the amount of available space for satellites to orbit, which may result in the Tragedy of the Commons: multiple actors will aggressively vie, in an arms race, for their right to space as it is a limited resource. [3] Space debris is thus a potentially pressing issue in our increasingly technological world. In this essay, I will analyze the existing regulation of space debris as outlined in the Outer Space Treaty, point out the issues with these regulations of space debris and discuss potential solutions, and, finally, discuss legal considerations for private enterprises as well.

#### Space exploration solves a laundry list of threats.

GREEN 21. Brian Patrick Green, director of technology ethics @ Markkula Center for Applied Ethics, Santa Clara University, “Space Ethics,” 2021, Rowman, pp. 5

Gaining access to new critical resources may be another reason to go into space. Earth is a finite planet, and certain elements on Earth are very rare in the planetary crust, particularly platinum group metals that are very dense and siderophilic (iron-loving) and so have tended to sink toward the core over the natural history of the planet. However, asteroids and other objects in space (for example, planets, comets, and moons) can sometimes have these elements in abundance and in more available locations, making them potentially excellent sources for these valuable materials. Now-defunct asteroid-mining startup Planetary Resources once estimated that one “platinum-rich 500 meter wide asteroid contains . . . 1.5 times the known world-reserves of platinum group metals (ruthenium, rhodium, palladium, osmium, iridium, and platinum).” 7 In addition to returning elements to a resource-hungry Earth, further exploration and development of space will require access to resources that are not purely sourced from Earth. In particular, it will be necessary to gain access to water, which is relatively rare in the inner solar system and which would be far too costly to transport in any significant amounts from the Earth’s surface.

Another reason that humans may want to explore space would be to create a “backup Earth” to hedge against global catastrophic and existential risks (risks that may cause widespread disaster or human extinction, respectively) on our home planet. 8 Earth has always been a dangerous place for humans, with asteroid impacts, supervolcanic eruptions, pandemic disease, and other natural hazards threatening civilization. Now, in addition to these natural threats, human-made hazards such as nuclear weapons, climate change, biotechnology, nanotechnology, and artificial intelligence may threaten not only the viability of technological civilization but perhaps the survival of human life itself. A serious global-scale catastrophe could set back civilization many decades or centuries, and the worst disasters could cause human extinction. In one scenario, in which 100 percent of humanity dies, all of human effort for all of history would be for nothing. However, were the same global catastrophe to happen to Earth, yet humans were a multiplanetary species with just one self-sustaining settlement off-Earth, it would not result in the end of human civilization or human extinction. Instead while the same unimaginable fate would befall the Earth (certainly no mere triviality, with perhaps the deaths of 99.999 percent of all humans and possibly the destruction of the ecosphere and everything in it), at least all of human and planetory history would not be for nothing. Human life and culture would go on elsewhere, as well as other Earth species. This is a dire fate, but less terrible than the first.

#### Immeasurable value outweighs.

Baum 16 [Seth D. Baum, Executive Director of the Global Catastrophic Risk Institute, “The Ethics of Outer Space: A Consequentialist Perspective,” 2016, Springer, pp. 115-116, EA]

Space colonization is notable because it may be able to bring utterly immense increases in intrinsic value. Early colonies might start small, given that other planets and moons have inhospitable environments. However, it may be possible to build large indoor colonies or create more hospitable outdoor environments (i.e., terraforming). Even just on other planets and moons in the Solar System, space colonies could multiply the total area available for human habitation. And there are many more planets around other stars, as ongoing research on exoplanets is now learning. One recent study estimates 22 % of Sun-like stars have Earth-like exoplanets (Petigura et al. 2013), implying billions to tens of billions of potentially habitable planets across the galaxy.

Opportunities at any given star may also be quite a bit greater than those available only on planets. Earth only receives about one two-billionth of the Sun’s radiation. To collect all the Sun’s radiation, humanity would need a Dyson swarm (named after Dyson 1960), which is a series of structures that surrounds a star, collecting its radiation to power a civilization. A Dyson swarm around the Sun could potentially enable a civilization a billion times larger than is possible on Earth. Likewise, Dyson swarms around one billion stars would bring humanity approximately 1018 (one billion–billion) times more energy per unit time.

Space colonies could also increase the amount of time available for human civilization. Earth will remain habitable for a few billion more years (O’Malley-James et al. 2014). Stars will continue shining for about 1014 more years (Adams 2008). That gives us an additional 105 times more energy, for a total of 1023 times more energy than is available on Earth. After the stars fade, other energy sources may be available. And even if our current universe eventually becomes uninhabitable, it may be possible to move to other universes (Kaku 2005). The physics here is speculative, but it cannot be ruled out, and hence there is a nonzero chance of a literally infinite opportunity for space colonization (Baum 2010a).

Whether the opportunity is infinite or merely, say, 1023 times larger than what can be done on Earth, the opportunity is clearly immense. As long as space colonization is an improvement (Sect. 8.3.1), then it would seem that the consequentialist should prioritize space colonization. The sooner space colonization begins, the more of its immense opportunity can be gained. Indeed, Ćirković (2002) estimates 5 × 1046 human lifetimes are lost for every century in which space colonization is delayed.

There can also be large value for space colonization under ecocentric intrinsic value. It is sometimes argued that Earth would be better off without humans. For example, the Voluntary Human Extinction Movement states that “Phasing out the human race by voluntarily ceasing to breed will allow Earth’s biosphere to return to good health” (http://vhemt.org, accessed 25 October 2015). However, this makes sense only if extraterrestrial locations are not intrinsically valued. Otherwise, exterminating humanity ruins the opportunity for humans to bring flourishing ecosystems into outer space. Terraforming other planets or bringing ecosystems into Dyson swarms could bring immense amounts of ecosystem flourishing.

#### Debris triggers miscalculated war.

Acton and McDonald 21. James M. Acton is co-director of the Nuclear Policy Program and holds the Jessica T. Mathews Chair at the Carnegie Endowment for International Peace. Thomas D. MacDonald is a fellow in the Nuclear Policy Program. 12/10/21. [Defense One, “Nuclear Command-and-Control Satellites Should Be Off Limits,” <https://www.defenseone.com/ideas/2021/12/nuclear-command-and-control-satellites-should-be-limits/187472/>] Justin

When Russia blew up an old satellite with a new missile on November 15, it created an expanding cloud of debris that will menace the outer space environment for years to come.

Hypersonic fragments from the collision with Moscow’s ground-launched, anti-satellite weapon risk destroying other satellites used for communications, meteorology, and agriculture. They even pose a danger to China’s Tiangong Space Station and the International Space Station, where personnel—including Russia’s own cosmonauts—were forced to don spacesuits and flee into their escape capsules ahead of approaching debris.

But the greatest danger that this careless stunt highlighted is to a different potential target: high-altitude satellites used for nuclear command and control. Those critical satellites face the threat of being attacked by co-orbital anti-satellite weapons, that is, other spacecraft with offensive capabilities. Destroying a nuclear command-and-control satellite, even unintentionally, could lead a conventional conflict to escalate into a nuclear war. As such, the United States, China, and Russia have a shared interest in ensuring the security of each other’s high-altitude satellites.

Satellites are integral to the United States’ nuclear command-and-control system. They would be the preferred means to transmit a presidential order to use nuclear weapons and would provide the first warning of an incoming nuclear attack. Russia uses satellites for similar purposes, even if it appears not to rely on them quite as much as the United States. While little is publicly known about China’s nuclear command-and-control system, the U.S. Department of Defense has assessed that China is in the process of developing a space-based early-warning system.

The most important nuclear command-and-control satellites—those for communications and early warning—are located in high-altitude orbits. Fortunately, most are strung out about 22,500 miles above the equator—far above the debris from Russia’s ground-launched anti-satellite weapon test. These satellites, however, are growing more vulnerable, particularly to co-orbital anti-satellite weapons.

Nuclear command-and-control satellites might be attacked deliberately, as the prelude to a nuclear war. In a conventional conflict, if China, Russia, or the United States decided to use nuclear weapons first—or believed that its opponent was about to do so—it might try to degrade the adversary’s nuclear command-and-control system preemptively. China, for example, might attack U.S. early-warning satellites to weaken the United States’ homeland missile defenses. Conversely, the United States might target Chinese communication satellites to interfere with Beijing’s ability to wield its nuclear forces.

In a conventional war, however, nuclear command-and-control satellites might be attacked and threatened for altogether different reasons—creating the risk that nuclear war might be triggered inadvertently.

The United States, in particular, is deeply reliant on satellites to enable conventional operations. Moreover, most, if not all, nuclear command-and-control satellites also support nonnuclear missions—making them tempting targets even in a purely conventional conflict. For example, some U.S. satellites transmit orders to both U.S. conventional and nuclear forces. Russia might attack these satellites to try to undermine the United States’ ability to prosecute a conventional war, but with the added and unintended effect of degrading the U.S. nuclear command-and-control system.

Washington would be hard pressed to determine the intent behind such attacks. It could easily misinterpret them as preparations for a nuclear war and respond accordingly. It might threaten to use nuclear weapons unless its adversary backed off. In fact, the Trump administration’s nuclear policy explicitly threatened the use of nuclear weapons in precisely this circumstance. The Biden administration can and should remove this threat as part of its ongoing Nuclear Posture Review.

To make matters worse, it might not take actual attacks against nuclear command-and-control satellites to spark this kind of escalation. Satellites in high-altitude orbits are periodically moved to different positions to optimize their performance. Especially in a conventional conflict, a repositioning operation that led one spacecraft to approach a nuclear command-and-control satellite might appear to the latter’s owner as the beginning of an attack against its nuclear command-and-control system. Once again, the potential consequences could be catastrophic.

#### Any nuclear war causes extinction – ice age and famine.

Steven Starr 15 [Director of the University of Missouri’s Clinical Laboratory Science Program, as well as a senior scientist at the [Physicians for Social Responsibility](http://www.psr.org/). He has worked with the Swiss, Chilean, and Swedish governments in support of their efforts at the United Nations to eliminate thousands of high-alert, launch-ready U.S. and Russian nuclear weapons. “Nuclear War: An Unrecognized Mass Extinction Event Waiting To Happen.” Ratical. March 2015. <https://ratical.org/radiation/NuclearExtinction/StevenStarr022815.html>] TG

A war fought with 21st century strategic nuclear weapons would be more than just a great catastrophe in human history. If we allow it to happen, such a war would be a mass extinction event that [ends human history](https://ratical.org/radiation/NuclearExtinction/StarrNuclearWinterOct09.pdf). There is a profound difference between extinction and “an unprecedented disaster,” or even “the end of civilization,” because even after such an immense catastrophe, human life would go on.

But extinction, by definition, is an event of utter finality, and a nuclear war that could cause human extinction should really be considered as the ultimate criminal act. It certainly would be the crime to end all crimes.

The world’s leading climatologists now tell us that nuclear war threatens our continued existence as a species. Their studies predict that a large nuclear war, especially one fought with strategic nuclear weapons, would create [a post-war environment in which for many years it would be too cold and dark to even grow food](http://climate.envsci.rutgers.edu/pdf/RobockToonSAD.pdf). Their findings make it clear that not only humans, but most large animals and many other forms of complex life would likely vanish forever in a nuclear darkness of our own making.

The environmental consequences of nuclear war would attack the ecological support systems of life at every level. Radioactive fallout, produced not only by nuclear bombs, but also by the destruction of nuclear power plants and their spent fuel pools, would poison the biosphere. Millions of tons of smoke would act to [destroy Earth’s protective ozone layer](https://www2.ucar.edu/atmosnews/just-published/3995/nuclear-war-and-ultraviolet-radiation) and block most sunlight from reaching Earth’s surface, creating Ice Age weather conditions that would last for decades.

Yet the political and military leaders who control nuclear weapons strictly avoid any direct public discussion of the consequences of nuclear war. They do so by arguing that nuclear weapons are not intended to be used, but only to deter.

Remarkably, the leaders of the Nuclear Weapon States have chosen to ignore the authoritative, long-standing scientific research done by the climatologists, research that predicts virtually any nuclear war, fought with even a fraction of the operational and deployed nuclear arsenals, will leave the Earth essentially uninhabitable.

### Framing

#### Reject non-naturalist ethics –

#### Only moral naturalism can explain the influence of moral facts on the physical world – ethics must be understood a posteriori.

Papineau David [Professor of Philosophy King's College London], First published Thu Feb 22, 2007; substantive revision Tue Mar 31, 2020 https://plato.stanford.edu/entries/naturalism/#MorFac

Moore took this argument to show that moral facts constitute 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 physically-grounded 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 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 it is hard to see how we can have any knowledge of them. The traditional non-naturalist answer to this problem is to posit a non-natural faculty of “moral intuition” that gives us some kind of direct access to the moral realm (as explained in Ridge 2014: Section 3). However, causal closure once more makes it difficult to make good sense of this suggestion. Presumably at some point the posited intuitive faculty will need to make a causal difference in the physical world (by affecting what people say and do, for example). And at this point the causal closure argument will bite once more, to show that a non-natural intuitive faculty would implausibly imply that some of our actions are strongly overdetermined by two metaphysically independent antecedents. Moral non-naturalism has had something of a revival in recent years, with defenders including Russ Shaffer-Landau (2003), Ralph Wedgwood (2007), Derek Parfit (2011) and David Enoch (2011). Still, the challenge of accounting for our access to non-natural moral facts remains, and it is debatable whether any of these writers has found a satisfactory alternative to a causally problematic faculty of intuition. Perhaps the most developed suggestion is Enoch’s (2011) appeal to the indispensability of non-natural moral facts to moral reasoning, a line of argument that is analogous to Hilary Putnam’s case for non-natural mathematical objects, to be discussed in the next section below. But Enoch’s appeal arguably faces many of the same general objections as Putnam’s argument, as well as objections specific to the moral realm (see Leng 2016). In light of the difficulties facing moral non-naturalism, most contemporary moral philosophers opt instead for some species of naturalist view. We can divide the naturalist options here into two broad categories: irrealist and realist. Irrealist moral naturalists aim to account for moral discourse by offering naturalist accounts of the social and linguistic and practices that govern it, but without supposing that moral utterances report on moral facts with a substantial independent existence (Joyce 2015). By contrast, naturalist moral realists agree with moral non-naturalists that substantial moral facts exist, but seek to locate them in the natural realm rather than in some sui generis non-natural realm (Lenman 2014). Both these broad categories have further sub-divisions. Among the irrealists, we can distinguish explicitly non-cognitivist views like emotivism and prescriptivism which deny that moral judgements express beliefs (Hare 1952, Blackburn 1993, Gibbard 2003) from cognitivist views that accept that moral judgements do express beliefs but deny a substantial reality to the putative facts to which they answer; and among the latter cognitivist views we can distinguish error-theoretic fictionalist options which view moral judgements as simply false (Mackie 1977, Kalderon 2005) from projectivist options which hold that moral discourse is sufficiently disciplined for its judgements to qualify for a species of truth even though they do not report on independently existing causally significant facts (Wright 1992, Price 2011). Naturalist moral realism also comes in different varieties. In recent debates two versions have figured prominently; “Cornell realism”, which includes moral facts among the causally significant facts but resists their type-reducibility to non-moral facts (Sturgeon 1985, Boyd 1988), and “moral functionalism” which is happy to equate moral facts with straightforwardly descriptive facts (Jackson 1998). Any kind of moral naturalist realist needs to reject Moore’s open question argument. There are two alternatives here. One is to insist that Moore’s posited openness is relatively superficial, and that there is no principled barrier to inferring moral facts a priori from the non-moral natural facts, even if such inferences will sometimes require a significant amount of information and reflection. The other is to argue that the constitution of moral facts by non-moral natural facts is an a posteriori matter, akin to the relation between water and H2O, and that therefore Moore’s openness only points to a conceptual gap, not a metaphysical one (Ridge 2014: Section 2).

#### The standard is maximizing expected well being. [To clarify, hedonistic act util]. Prefer –

#### 1] Only pleasure and pain are intrinsically valuable – all other frameworks collapse.

Moen 16 [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281]

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### 2] Extinction mathematically outweighs.

MacAskill 14 [William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014]

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be 2×10^14. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

#### Comes before value-to-life.

Tännsjö 11 (Torbjörn, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” <http://people.su.se/~jolso/HS-texter/shaltthou.pdf>) //BS 1-27-2018

\*\*Bracketed to avoid triggers

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all [die] commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not [die] commit suicide. The explanation is simple. If I [die] kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

### Method

#### Rational realism is the best way to understand state behavior---anarchy drives states to compete.

Charles Glaser 18. Professor of Political Science and International Affairs, George Washington. “A Realist Perspective on the Constructivist Project” in Mariano E. Bertucci, Jarrod Hayes, and Patrick James eds. *Constructivism Reconsidered*. University Michigan Press. 181-196.

Realism: Partial, Yet Powerful

In light of the partial nature of the rational realist theory, one might wonder whether the rational theory is fully useful on its own and why realist theories continue to have so much influence within IR. In fact, the rational realist theory exists ~~stands~~ well on its own for a variety of reasons. First, and most important in this context, the inputs to the rational theory are often known sufficiently well that effective analysis is possible without a more complete theory. Values of the independent variables are often knowable, and known, without a theory that fully explains them. For example, we can measure a state’s power without a full theory of the state that explains its productive potential and its ability to extract resources for national purposes. At the very least, basic material traits can be used to estimate power, with a well-established literature on that subject in place. Similarly, we can often be confident of the causal logics a state will employ to evaluate the impact of available strategies without having theories that explain the origins of the ideas and why one set of arguments was adopted instead of others. In other words, a theory of the inputs to the rational theory is not required to for the rational theory to support productive analysis Second, the rationalist theory is well matched to analyzing many of the key questions that the field of IR is most interested in. These include such questions as: What factors influence the probability of war and, closely related, when is war more or less likely? Are cooperative or competitive strategies best matched to achieving a state’s security, economic, and other goals? When and why do states form alliances, engage in arms races, make territorial concessions, and join international institutions? Are states able to communicate information about their motives and intentions, and under what conditions is this possible? My point here is not that rational realist theories are the only theories capable of shedding light on these questions, as this would clearly undervalue other approaches. But the extensive realist literature that has productively tackled these questions, and many other related questions, should leave little doubt about the analytic value of the theories. This should not be a surprise, because the rationalist approach captures much of what is central to understanding the issues that drive these questions. And, of course, this is not an accident. Quite the opposite; this is why many analysts have chosen this approach to explore these questions. Third, and closely related to the preceding discussion, the importance of these questions to real-world debates and states’ most important security and foreign policy choices virtually guarantees that realist analyses will continue to have a prominent role within IR. More specifically, theories of foreign and security policy that are built on rational realist foundations focus on the strategies that states can choose from—including investing in economic growth, allying, arming, bargaining, fighting, etc.—and therefore have great potential to contribute to policy debates. Competition Origins of the Competition Given the extensive complementarity between the constructivist and realist theories, why have these approaches been cast as competitors in IR theory? Many factors have contributed. Part of the answer undoubtedly lies in the professional inclination within IR theory to generate new arguments that can replace those that preceded them. Some of the answer may lie in the dominance of realist theory during the Cold War and arguably since then, which has made it a target for all other types of explanations. Part of the answer may lie in an underappreciation of realism, especially structural realism, as a partial theory, which meant that complementarity was not possible. In addition to these more generic reasons, some of the competition likely reflects the order in which certain key arguments have been established, which in turn left them vulnerable to critiques from alternative approaches. Specifically, Waltz’s seminal statement of structural realism made two arguments that were flawed or overstated, which left structural realism overly vulnerable: first, the theory was formulated and characterized as a purely material theory; and second, Waltz’s central conclusion was that the anarchic nature of the international system generated a strong tendency toward competition, rendering cooperation both rare and limited.14 As my sketch of structural realism explains, neither of these claims was sustainable, and strands of realism have been developed that correct these shortcomings. Waltz’s formulation therefore left the door open for constructivists (as well as realists and others) to offer as competitors the ideational arguments and the cooperation-under-anarchy arguments that were missing. Wendt’s structural constructivism, which takes Waltz’s structural realism as its central point of departure, develops many of these opposing arguments from a constructivist perspective.15 If the rational realist theory had been more fully developed and appreciated before Wendt tackled these arguments, the debate might have proceeded rather differently. Instead of arguing that structural constructivism could explain and predict interaction and cooperation that were beyond the reach of Waltz’s realism, Wendt would have had to argue that his approach produced similar results from an alternative perspective. Instead, the approaches ended up at least partly talking past each other and appearing to clash even more than they actually do. There is, however, some real competition between the rational realist theory and Wendt’s structural constructivist theory. Substance of the Competition To appreciate how both competition and complementarity between realism and constructivism are possible, it is useful to distinguish different types of constructivism. Some constructivist work has focused on states and individuals, exploring the sources of beliefs, identifies, and norms. Other constructivist research has focused on the international system, exploring how structure influences states’ choices; Wendt’s is the defining work in the structural constructivist field.16 The complementary nature of constructivist arguments that focus on states and individuals is clear; as explained above, these theories explain inputs to the rational theory. In contrast, structural constructivism emphasizes the role of the international system on states’ actions and, therefore, runs largely parallel to structural realism, even though it defines the international system differently. This similarity and, closely related, the similarity in the questions the two approaches set out to answer makes them competitors. Wendt argues that the key to understanding the possibility of multiple “logics” of anarchy is “conceptualizing structure in social rather than material terms.” The sole variable in Waltz’s international structure is the distribution of capabilities. Consequently, Waltz’s theory is characterized as purely material.17 Waltz concludes that international anarchy requires states to pursue competitive policies; in Wendt’s terminology, this means that Waltz finds that anarchy has a single logic. Wendt argues instead that anarchy can take three principal forms, which vary in their tendencies to generate competition and cooperation. He defines the different anarchies in terms of the states’ roles, specifically their orientation toward each other—enemy, rival, and friend—which reflect the rules that states expect others to observe. Working with these structural roles, Wendt explains how cooperation and even deep peace are possible within international anarchy. Enemies generate a Hobbesian anarchy that is highly competitive; although similar in some ways to the anarchy explained by Waltz’s neorealism, the Hobbesian anarchy is more competitive and states are more insecure. Rivals generate a Lockean anarchy that is less competitive and that, Wendt argues, is in certain respects closer to Waltz’s anarchy. Friends are concerned not only about their own security, but also other states’ security, and their interaction generates a Kantian anarchy in which states do not fear that others will use force against them and in which confidence in a long-lasting peace is possible.18 Wendt’s effort to explore the possibility that international anarchy can produce a much wider range of outcomes than is suggested by Waltz is a productive move. Whether extensive security cooperation is possible under anarchy is the central question posed by structural IR theories. Moreover, a variety of historical examples that run counter to Waltz’s claim about the persistent presence of competition—including restraint and cooperation between powerful states, and substantial military capabilities that do not generate substantial insecurity—indicate the need for a more encompassing theory. Wendt’s focus on social variables, however, masks the potential of structural realist and rational theories to explain variation in states’ policies under anarchy and thereby incorrectly suggests that realist theories are incapable of explaining broad and basic variation in states’ strategies in the face of anarchy. In fact, Wendt is explicit on this critical issue: The real question is whether the fact of anarchy creates a tendency for all such interactions to realize a single logic at the macro-level. In the Neorealist view they do: anarchies are inherently self-help systems that tend to produce military competition, balances of power, and war. Against this I argue that anarchy can have at least three kinds of structure at the macro-level, based on what kind of roles—enemy, rival, and friend—dominate the system.19 To appreciate why structural realism can explain and predict cooperation but that this possibility is overlooked by Waltz, we need to return to his core argument. It turns out that the logic of Waltz’s arguments requires the introduction of another variable: a state’s information about the opposing state’s motives. Waltz holds that although states may have motives beyond security, their international behavior can be understood largely by assuming that they are seeking only security. If, however, all states knew that all the other states were security seekers (and if all states knew that this is what the others knew), then the international system should not generate competition. This uncertainty about the opposing state’s type lies at the core of the security dilemma, and, closely related, the security dilemma lies at the center of structural realism’s ability to explain competition.20 If states did not face a security dilemma, security seekers could always achieve their core objective while adopting policies that avoided generating competition. Once the importance of uncertainty about motives is made explicit, including it as a variable is the natural next step for the rational theory. A key point for our discussion here is that structural realism, or at the least the more general rational theory that logically flows from it, is no longer a purely material theory. This matters because it means that distinguishing realist and constructivist theories in terms of material versus ideational arguments—a broad category that is typically understood to include information, norms, and causal ideas—no longer creates a sharp divide. The implications reach beyond mere characterizations and definitions, however. Including information about motives as a key variable in a rational realist theory opens the door to arguments that address much of the terrain also covered by Wendt’s structural constructivism. More specifically, the rational realist theory (1) explores the nature of interactions that can enable states to revise their assessments of the opposing state’s type and thereby generate more cooperative or more competitive policies, providing a more straightforward explanation than Wendt’s changes in interests, (2) explains international cooperation under anarchy as a result of information in combination with material factors instead of Wendt’s focus on identities

#### Alternatives not concrete fail – devolves into ideology instead of action

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Second, reducing conversation on race matters to an ideological contest allows opponents to elide inquiry into whether the results of a particular preference policy are desirable. Policy positions masquerading as principled ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle. Thus, the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities in health, wealth, and society. But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment.

#### Youth participatory action research enables *transformative resistance* and is crucial to make activism work

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In the Matrix, Morpheus, played by Laurence Fishburne, places Keanu Reeves’ character Neo in a chair to tell him face to face about the real truth of his experience. Morpheus shows Neo a red pill in one hand and a blue one in the other, describing that the red pill will lead him “down the rabbit hole” to the truth while the blue pill will make him forget about their conversation and return everything back to “normal.” Neo looks confused and worried, hesitates for a moment, and then reaches to grab and then swallow the red pill. " e “blue and red pill” scene in ! e Matrix serves as an excellent metaphor for the relationships some educators/activists have with their students, and the kinds of choices we ask them to make. The critical educational experience offered might lead the student “down the rabbit hole” past the layers of lies to the truths of systematic exploitation and oppression as well as possibilities for resistance. A$ er he ingests the red pill, Neo ends up in the place of truth, awakening to the reality that his entire world is a lie constructed to make him believe that he lives a “normal” life, when in reality he is fully exploited day in and day out. What is “normal” is really a mirage, and what is true is the complete structural domination of people, all people. " is book, Revolutionizing Education, literally connects to the metaphorical play on chimera and veracity forwarded by the narrative in ! e Matrix. Examples are presented throughout in which young people resist the 1 normalization of systematic oppression by undertaking their own engaged praxis—critical and collective inquiry, re% ection and action focused on “reading” and speaking back to the reality of the world, their world (Freire, 1993). The praxis highlighted in the book—youth participatory action research (YPAR)—provides young people with opportunities to study social problems affecting their lives and then determine actions to rectify these problems. YPAR, and thus Revolutionizing Education, may extend the kinds of questions posed by critical youth studies (Bourgois, 1995; Fine and Weis, 1998; Giroux, 1983; Kelley, 1994; Macleod, 1987; McRobbie, 1991; Oakes et al., 2006; Rasmussen et al., 2004; Sullivan, 1989; Willis, 1977). How do youth learn the skills of critical inquiry and resistances within formal youth development, research collectives, and/or educational settings? How is it possible for their critical inquiries to evolve into formalized challenges to the “normal” practices of systematic oppression? Under what conditions can critical research be a tool of youth development and social justice work? The Matrix infers revolution by showing how Neo learns to see the reality of his experiences while understanding his capabilities for resistance. " e YPAR cases presented in this book also follow a similar pattern: young people learn through research about complex power relations,histories of struggle, and the consequences of oppression. They begin to re- vision and denaturalize the realities of their social worlds and then undertake forms of collective challenge based on the knowledge garnered through their critical inquiries. As you will read in this volume, the youth, with adult allies, have written policy briefs, engaged sticker campaigns, performed critical productions, coordinated public testimonials—all dedicated to speaking back and challenging conditions of injustice