### Justice AC

#### I am resolved that the appropriation of outer space by private entities is unjust. I begin with definitions:

#### The Cambridge Dictionary defines appropriation as “the act of taking something for your own use, usually without permission”

#### The Collins Dictionary defines Outer Space as “the area outside the Earth's atmosphere where the other planets and stars are situated.”

#### My Framework for the round is Distributive Justice.

#### My value is Justice. John Rawls conceives of Justice as Fairness – that every individual should have equal access to the liberties and necessities of society, and that the first role of government was to ensure fairness. Prefer my value:

#### 1. It is specific to the resolution. The topic asks if privatizing space is Just – so the first priority must be justice.

#### 2. Justice is a precondition for all other values. Life or liberty are not valuable unless they are distributed fairly. Rights, unequally applied, devalue those rights by denying them to some people.

#### My Criteria is the Original Position. Rawls created this thought experiment to determine Justice – imagine yourself behind a veil of ignorance – you do not know where you will come out in the natural lottery – you could be rich or poor, white or black, American or Brazilian. If you do not know who you will be, you would want to establish a system that does not exclude anyone, otherwise you could be excluded. This is called the original position.

Freeman.—2008 - Professor at University of Pennsylvania [Sam The Original Position, Stanford Encyclopedia of Philosophy. https://stanford.library.sydney.edu.au/archives/sum2010/entries/original-position/]

The original position is a central feature of John Rawls's social contract account of justice, “justice as fairness,” set forth in A Theory of Justice (TJ). It is designed to be a fair and impartial point of view that is to be adopted in our reasoning about fundamental principles of justice. In taking up this point of view, we are to imagine ourselves in the position of free and equal persons who jointly agree upon and commit themselves to principles of social and political justice. The main distinguishing feature of the original position is “the veil of ignorance”: to insure impartiality of judgment, the parties are deprived of all knowledge of their personal characteristics and social and historical circumstances. They do know of certain fundamental interests they all have, plus general facts about psychology, economics, biology, and other social and natural sciences. The parties in the original position are presented with a list of the main conceptions of justice drawn from the tradition of social and political philosophy, and are assigned the task of choosing from among these alternatives the conception of justice that best advances their interests in establishing conditions that enable them to effectively pursue their final ends and fundamental interests. Rawls contends that the most rational choice for the parties in the original position are the two principles of justice. The first principle guarantees the equal basic rights and liberties needed to secure the fundamental interests of free and equal citizens and to pursue a wide range of conceptions of the good. The second principle provides fair equality of educational and employment opportunities enabling all to fairly compete for powers and prerogatives of office; and it secures for all a guaranteed minimum of the all-purpose means (including income and wealth) that individuals need to pursue their interests and to maintain their self-respect as free and equal persons.

#### I have two Observations:

#### Observation One – I do not have to have a plan. This isn’t “Whole Res” – this resolution is different. It is not asking what the government should do – there is no actor nor action in the resolution that the government “ought” to do. It only requires that I prove that private appropriation of space is unjust. I do not have to provide a Solution that “solves” justice.

#### Observation Two – The negative is limited to arguments that are Just. There is no “Ought” to imply morality. Even if good consequences are “Moral” from a utilitarian standpoint, that does Not make them “Just.” If they want to run impacts, they have to prove that utility is Just. Make them define “Justice” to include utilitarianism. Rawls specifically rejects this linkage.

Lyons, 1972 – Professor of Philosophy at Cornell [David “Rawls Versus Utilitarianism” The Journal of Philosophy , Oct. 5, https://www.jstor.org/stable/2025370]

Rawls claims that his principles take precedence over any others, and the result is a conception remarkably at variance with utilitarianism. Consider his Greatest Equal Liberty Principle. Rawls maintains that liberty may not be restricted save to secure the maxi- mum liberty possible under concrete circumstances. And he stresses that limitations on liberty and inequalities of freedom cannot be justified on the ground that they promote the general interest-by affording, say, a higher standard of living. In contrast, utilitarians are committed only to serving the general welfare, not to securing equal or maximum liberty. Accordingly, utilitarians could so justify restrictions on freedom. Thus Rawls's conception of justice stands in conflict with utilitarianism. It diverges significantly from utilitarianism even without his Greatest Equal Liberty Principle. The general interest (to which utilitarianism is committed) might require that the good of some persons be sacrificed in order to serve the greater good of others, but Rawls's Difference Principle would not permit this. According to Rawls, social inequalities are permissible only if everyone benefits from them: if a person is worse off than others are, justice is done only if he is nevertheless better off than he would be without the inequality.3

#### My contention is that Private Appropriation is Not equally Accessible to All

#### 1. According to the Original Position, appropriation of space would only be Just if it was accessible to all. This is not true – only private entities from the wealthy few nations would be able to appropriate space. By the time companies from other countries are able to access space, all of the “property” in outer space will have been claimed already, locking in inequality.

Dallas, 2019 - Australian Centre for Space Engineering Research [Dallas, J.A. November 2, 2019, "Mining beyond earth for sustainable development: Will humanity benefit from resource extraction in outer space?," Acta Astronautica, https://www.sciencedirect.com/science/article/abs/pii/S0094576519313839]

The socioeconomic benefits experienced by spacefaring nations as a result of their participation in the space industry are numerous. In a report prepared for NASA in 2013 on the socioeconomic benefits created by the space agency; it was noted that NASA enhances the competitiveness of a number of industries including technology and manufacturing, spurs innovation and growth, promotes international collaboration, contributes to global emerging technologies, expands the scientific knowledge base, and creates employment (Tauri Group, 2013). Similarly, as noted by the European Space Agency (ESA), citizens of Europe reap the benefits brought about by the space industry daily, including technological advancements, employment opportunities, economic growth and enhanced competitiveness of European corporations in the global economy (ESA, 2018). A number of important technologies including communications systems, internet, satellite weather forecasts and GPS are reliant on space technology, resulting in unequal access to these technologies between spacefaring states and non-spacefaring states that cannot afford access. Many lower income nations are also nonspacefaring states that miss out on the socio-economic benefits of the space industry, along with access to important space technology, while spacefaring nations are reaping the many benefits of their participation in the space industry. This is known as the “Space Gap”. The exploitation of space resources is one of the next logical steps in humankind’s development. However, if only high-income, spacefaring nations participate in off-Earth mining and therefore profit from space resources, the space gap, i.e., economic inequality between states, is likely to widen. This is contrary to the United Nations 2030 Agenda for Sustainable Development, which sets out reduced inequalities as one of its 17 Sustainable Development Goals (United Nations, 2015). At a UN general assembly meeting in 2014, it was determined that the those living in poverty must benefit from the progress made in space science and technology, noting that space benefits should not be a cause of increasing economic and social inequality between nations (United Nations Press Release, 2014). Off-Earth mining may not only provide a lucrative resource stream to countries with spacefaring capabilities, but also reduce high-income countries reliance on importing certain minerals from middle or low-income countries. The International Council on Mining and Metals has identified 25 mineral economies—countries where mineral exports comprised 20% or more of total merchandise exports or over 10% of GDP between the years 1995 and 2015 (ICMM, 2018). Given their dependence on mineral exports, mining resources in space and returning them to Earth has potentially serious economic and social implications for these mineral economies. Of the 25 countries with mineral economies identified by ICMM, only four have high income or upper-middle income economies, while 9 have lower-middle income economies, and the 12 remaining nations have low income economies (ICMM, 2018). This means that the majority of countries that have mineral economies are classified by the World Bank as middle-low to low income countries, while the majority of spacefaring nations are high-income countries (World Bank, 2018), (Figure 1). A reduction in mineral exports is likely to have serious economic and social implications for mineral economies. For example, South Africa supplies the majority of the world’s PGMs (Jones, 2005), and if importing nations begin to extract PGMs from metal rich asteroids and return them to Earth, this is likely to have significant economic consequences for South Africa on both the national and community levels. Reduced income from mineral exports will have knock-on effects for the economy, and at the local level a reduction in mining operations could result in unemployment and a reduction in services within mining communities, such as health care and education.

#### 2. Advocates of the private appropriation of space see inequality as a Value worth expanding into space. Inequality is at the heart of materialism and consumption.

Billings, 2006 – National Institute of Aerospace [Linda “ To the Moon, Mars, and Beyond: Culture, Law, and Ethics in Space-Faring Societies” Space Policy November <https://www.researchgate.net/publication/248494321_How_shall_we_live_in_space_Culture_law_>and\_ethics\_in\_spacefaring\_society]

While the social, political, economic and cultural context for the U.S. civil space program has changed radically since the 1960s, the rhetoric, and, arguably, the substance, of space policy making has not. The program and many of its advocates appear to be stuck in the 20th century in some important respects. In the 21st century, politicians and other advocates have been promoting “the Moon- Mars thing” as exploration for the sake of exploring and also as a means of opening up the solar system to private property claims, resource exploitation, and commercial development. In the words of one space advocate, “The solar system is like a giant grocery store. It has everything we could possibly want.” 12 This analogy has its weaknesses: for example, in a grocery store one must, of course, pay for what one wants. And in this “vision,” those with the means to get to the store first get all the goods; those who get there late may get nothing – a system more in the spirit of imperialism than of the 1967 Outer Space Treaty. The rhetoric of space advocacy highlighted herein reflects an assumption that the values of materialism, consumerism, and hyper-consumption prevalent today are values worth extending into the solar system. The conception of outer space advanced by these advocates embodies the idea of a solar system (and beyond) of wide-open spaces and limitless resources – a space frontier. This frontier rhetoric, with its images of pioneering, homesteading, claim-staking, and conquest, has been persistent in American history, and the frontier metaphor has been, and still is, a dominant metaphor in rhetoric about space exploration (see, for example, National Commission, 1986). “Space frontier” means different things to different people, and it is worth thinking about the range of meanings invoked by the metaphor in considering what values are, could be, or should be embodied in the human endeavor of space exploration.

#### 3. The Outer Space Treaty defines outer space as the common heritage of humanity – a “Global Commons.” This means that the appropriation of space must be for the benefit of All humanity, because it belongs to all humanity. Appropriation by private entities violates the Global Commons because it denies the benefits of appropriation of space resources to all. Upholding the Global Commons is the only Just way to distribute space resources.

Garcia, 2021 - Toda Peace Institute [Denise Policy Brief No. 113 August “Protecting the Planet’s Commons: Global Commons Law” https://toda.org/assets/files/resources/policy-briefs/t-pb-113\_denise-garcia\_global-commons-law.pdf]

How is this humanity-centred turn applicable to the Global Commons? These resource domains bestow global collective goods that affect every human being, regardless of nationality. The international instruments found in this part of the law are based upon ideas of common custodianship in a communality of interests, and regard developed and developing nations, as well as peoples, as the guardians for future generations. The role of states as custodians instead of merely users and beneficiaries is what is singular, along with the vesting of rights to humanity as a whole.23 I propose that four foundational principles underpin the legal scope of global commons law: common heritage of humankind, common concern of humankind, intergenerational equity, and precautionary action. The values and meanings of each of these principles have found expression in different international treaties, which I will discuss one by one. The controversial intellectual history of ‘common heritage of humankind’ (CHH) indicates that for some it has the status of an essential established custom, while for others it is a mere ideal, and some question its contribution as uncertain.24 Therefore, I suggest that the connections between these principles in conjunction with their applicability should provide a more robust platform to strengthen existing treaties and actions to protect the Commons. 25 International Court of Justice Judge, A.A.C. Trindade, propounds that Common Heritage of Humankind originated a new paradigm in international law in which ‘humankind’ acquires a legal personality and is therefore entitled to protections resulting from international distributive justice.26 Such a new paradigm considers the rights of those countries that are not rich nor technologically endowed. The intellectual history of these principles started to emerge in the late 1960s, despite great distrust among nations and could guide them again in the current moment of growing geopolitical tensions. Combined, the four principles represent a valid signpost to shape global governance because they have been enshrined in the treaties and ground-breaking conceptual ideals that benefit all humanity on a more equitable basis.27 Even in the most contentious area of the Global Commons—the high seas and deep-sea mining—peace still prevails. These are areas where the technologically advanced countries vie for the riches that only they can explore. The United Nations Convention on the Law of the Sea (UNCLOS), now nearly universal, despite its amendment that for many meant a dilution of the CHH because of the pressure from the United States, has reinforced the elements of CHH by the prohibition on sovereign claims, equitable sharing of benefits, the peaceful purposes provision, and the requirement to protect the marine environment. Moreover, the work of the International Seabed Authority reinforces CHH and continues to elevate the needs and rights of developing countries, and continues to work towards the peaceful settlement of disputes.28 Kemal Baslar’s seminal book posits that Common Heritage of Humankind is one of the most remarkable developments in international law and a radical concept that is inherently about justice and taking precautions. 29 It was first proposed by Argentina in 1966, then codified in the 1979 Moon Agreement, and preceded with a broader expression of “common province of mankind” in the 1967 Outer Space Treaty. 30 In its purest form, Common Heritage of Humankind is composed of the following precepts: 1. No one can claim jurisdiction; 2. All states are expected to support efforts towards common governance that include developing states’ interests; 3. The resource domains are ascribed to humanity in the form of benefit sharing to benefit all under a common authority which is tasked with equitable distribution and acting as a forum for peaceful settlement of disputes; 4. Uses are exclusively for peaceful purposes that confer human rights. These areas are not to be weaponised and, as a result, weapons cannot be placed or tested in these domains; 5. Cooperative scientific research should be conducted in a transparent manner that does not harm the environment and the findings are to be shared to benefit all humanity.31