### Property Rights NC

#### I negate the resolution – I believe that the appropriation of outer space by private entities is just.

#### I will defend a Natural Rights framework in evaluating the resolution

#### My Value is Rationality - Human Rationality is the key to determining ethics because it is the sole unique human attribute. Rationality means the exercise of human reason.

Peikoff, 1984 – former prof of Philosophy at Hunter College [Leonard, Philosophy: Who Needs It? Introduction Google Books]

Reason, according to Objectivism, is not merely a distinguishing attribute of man; it is his fundamental attribute-his basic means of survival. Therefore, whatever reason requires in order to function is a necessity of human life. Reason functions by integrating perceptual data into concepts. This process, Ayn Rand holds, ultimately requires the widest integrations-those which give man knowledge of the universe in which he acts, of his means of knowledge, and of his proper values. Man, therefore, needs metaphysics, epistemology and ethics; i.e., he needs philosophy. He needs it by his essential nature and for a practical purpose: in order to be able to think, to act, to live. In today's world, this view of the role of philosophy is unique - just as. in today`s neo-mystic culture, Objectivism`s advocacy of reason is all but unique. To Ayn Rand, philosophy is not a senseless parade of abstractions created to till out the ritual at cocktail parties or in Sunday morning services. It is not a ponderous Continental wail of futility resonating with Oriental overtones. It is not a chess game divorced from reality designed by British professors for otherwise unemployable colleagues. To Ayn Rand. philosophy is the fundamental factor in human life; it is the basic force that shapes the mind and character of men and the destiny of nations. It shapes them for good or for evil, depending on the kind of philosophy men accept. A man’s choice, according to Ayn Rand\_ is not whether to have a philosophy, but only which philosophy to have. His choice is whether his philosophy will be conscious, explicit, logical, and therefore practical-or random, unidentified, contradictory, and therefore lethal. In these essays, Ayn Rand explains some of the steps necessary to achieve a conscious, rational philosophy. She teaches the reader how to identity, and then evaluate, the hidden premises at work in his own soul or nation. She makes clear the mechanism by which philosophy rules men and societies, the forms that abstract theory takes in daily life, and the profound existential consequences that flow from even the most abstruse ideas, ideas which may seem at first glance to be of merely academic concern. She shows that, when an idea is rational, its consequence, ultimately, is the preservation of man's life; and that when an idea is irrational, its consequence is the opposite.

#### Thus, values must be founded in human choice, because only autonomy is an exercise of rationality

#### My criteria is property rights – the right to property is an extension of the human ability to act autonomously – this cannot be achieved unless a human owns themselves, and thus the product of their labor.

Narveson, 2001 – professor of philosophy at the University of Waterloo [Jan, The Libertarian Idea, p. 66 Googlebooks]

In fact, however, the suggestion that there are “other sorts of rights” besides property rights is somewhat misleading, as we shall see. It is plausible to construe all rights as property rights. Whenever anyone has a right, Rx, to engage in any sort of actions x, we can find some thing or things y, such that the person must be understood to have, given that he has the right to engage in those actions, the right, Ry, to use that thing or those things: Rx entails Ry. At a minimum, y is some part of that person’s body or mind; the agent in question must employ his body and/or mind to do anything, and the liberty to do it will follow automatically from the liberty to use those pieces of human equipment as that person will. Thus it is plausible to suggest that Liberty is Property, and in particular that the libertarian thesis is really the thesis that a right to our persons as our property is the sole fundamental right that there is.

#### Thus property rights are rational because they are essential to give humans the option of survival through the appropriation of resources.

Smith, 2015 – former Senior Research Fellow for the Institute for Humane Studies [George Oct 19th, 2015 “In his first essay in a new series on John Locke, Smith explains some essential features of Locke’s case for private property.” https://www.libertarianism.org/columns/john-locke-justification-private-property]

My last essay discussed John Locke’s theory of a negative commons. This was the moral status of natural resources prior to the emergence of private property, a situation in which every person had an equal right to use unowned land and other natural goods. I included this topic in my lengthy series on “Freethought and Freedom” because it was germane to understanding how natural‐​law philosophers during the seventeenth century moved from the traditional Christian doctrine of private property to a more secular approach. But it would be an unwarranted stretch to include additional essays on Locke within my series on freethought, so I hereby begin a new series devoted to Locke’s ideas. This series will discuss not only Locke’s theory of property in more detail but also other features of his political theory, such as his theory of government and his defense of the rights of resistance and revolution against established governments. The most important source for understanding Locke’s justification of private property is the celebrated chapter “Of Property,” which comprises Chapter V of The Second Treatise of Government. But we also find significant remarks about property in Chapter IV (“Of Adam’s Title to Sovereignty by Donation”) of the First Treatise. Although most of my discussion is based on Locke’s treatment in the Second Treatise, I may occasionally draw upon his comments in the First Treatise. According to Locke, in the “natural state”—that original condition in which every person had an equal right to use natural resources provided by the “spontaneous hand of Nature”—no one had “a private Dominion, exclusive of the rest of Mankind,” over those resources. But such resources would have been useless for human survival and well‐​being unless they could be appropriated by individuals for their personal use. So how can a transition from unowned resources to private ownership be morally justified? How can one person legitimately claim an exclusive right to use a resource that, in its natural state, could be used by anyone? Locke’s treatment of this problem remains highly controversial among scholars. His theory has been used to justify everything from laissez‐​faire to the welfare state to full‐​blown socialism. Which of these conflicting interpretations should be covered in my survey of Locke’s political ideas is a judgment call, and I frankly remain uncertain about my final decision. I fear that many of my readers will have little if any interest in the fine points of Lockean scholarship, however much those points may interest specialists. Fortunately perhaps, I can delay my decision until a later time. Before we can appreciate the ambiguity in some of Locke’s statements about property, we must first understand his overall approach. Hence the purpose of this essay (and probably the next installment as well) is to provide a barebones account of how John Locke justified private property, while postponing a consideration of the more controversial features until a later time. There is another reason why an overview is desirable before I delve into more technical matters. Only a relative handful of my readers are likely to have actually read Locke’s Two Treatises of Government. The status of John Locke in the modern libertarian movement is rather like that of Adam Smith. Both figures are widely known to nonacademic libertarians, as are their leading ideas, but it is a safe guess that the major works of these philosophers remain largely unread. This is understandable. The workaday libertarian is more interested in ideas that he can use in the struggle to establish a free society than he is in arcane historical theories and controversies. And if this libertarian believes that he can find adequate justifications of private property in the writings of modern libertarian philosophers, such as Rothbard, Hayek, and Rand, then why should he spend his time reading earlier and quite possibly less satisfactory accounts? As I have attempted to demonstrate throughout my many Lib​er​tar​i​an​ism​.org essays, the issues discussed by early classical liberals are essential to understanding the origin and evolution of modern libertarian ideas. In addition, many of the internecine controversies among early classical liberals may be found, alive and kicking, in the modern libertarian movement. The fundamental problems attending an adequate defense of individual freedom are perennial; they arise again and again from one generation of libertarians to the next, however much the particular contexts may differ. There is much to be learned from reading the books of John Locke, Adam Smith, and other intellectual giants in the history of freedom—knowledge that is directly relevant to the problems confronted by modern libertarians. Having presented my preliminary case for the relevance of John Locke, I shall now explain the basic principles that underlay his case for private property. The key to Locke’s moral transition from common dominion to private ownership was his conception of self‐​ownership, or property in one’s person. As Locke put it in what was destined to become one of the most influential passages in the history of political thought: Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joined to it something that is his own, and thereby makes it his Property. It being by him removed from the common state nature placed it, it hath by his labour something annexed to it, that excludes the common right of other Men. For this Labour being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others. Locke continued: He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but the nourishment is his. I ask then, When did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? Locke answered these questions by selecting the last of these options. The acorns became the private property of the owner when he picked them up, for it was in the gathering that labor was first expended. “That labour put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done, and so they became his private right.” But this raises a crucial question: “Was it a Robbery thus to assume to himself what belonged to all in Common?” Locke replied that to require universal consent would lead to universal starvation. More is involved here than the practical problem of obtaining the permission of every person on earth. Morally speaking, such consent is not required because, according to both reason and revelation, humans “have a right to their Preservation.” Thus if even the right to eat acorns and other natural goods could not be morally justified without first obtaining the consent of every commoner, “Man had starved, notwithstanding the Plenty God had given him.” (It should be noted that self‐​preservation had long been defended as a fundamental right—indeed, as a duty—by natural‐​law philosophers. In the thirteenth century, for example, Thomas Aquinas maintained that “whatever is a means of preserving human life belongs to the natural law, and whatever impedes it is contrary to it.”)

#### Thus the side that maximizes property rights best upholds human autonomy and thus rationality.

#### Contention One – The criteria for property rights. We must discuss how and when property rights are recognized. Natural rights theory establishes two criteria:

#### First – The Labor Theory – when a person uses labor to improve the value of an object, it becomes the product of their labor. This is true of materials as well as spaces. This justifies recognizing property rights because it upholds a person’s being, which includes the products of their labor.

Blodger, 2016 - JD Candidate at Minnesota [Ian Minnesota Journal of Law, Science & Technology Volume 17 Issue 1 Article 7 2-2016 “Reclassifying Geostationary Earth Orbit as Private Property: Why Natural Law and Utilitarian Theories of Property Demand Privatization” https://scholarship.law.umn.edu/mjlst/vol17/iss1/7]

D. COMPETING THEORIES ABOUT THE NATURE OF PROPERTY 1. Natural Law Theories of Property In determining whether newly discovered property should be private or communal, the two relevant theories rest on natural law and economics of law.50 Natural law is based on the fundamental principle that there is a readily discernable truth that governs relationships among people.51 John Locke argues that the inherent equality of man implies that nature is not initially under the exclusive control of any one person.52 Rather than suggesting that this leaves everything in communal ownership, Locke argues that, in the state of nature, things are simply not owned at the outset.53 However, once an individual controls something such that he makes use of it, benefitting from it, the property becomes his; this is the labor theory of value.54 Locke expands on this, concluding with the suggestion that an investment of labor will confer a property right over that which is removed from the state of nature.55 Locke identifies the initial input of labor as the bright-line at which a property is conferred.56 These same principles apply to land as they do to objects in the world.57 It should be noted that Locke’s theory of natural law, as outlined by Locke, is deontological in nature, meaning that the conferral of a property right is not determined by who can best utilize the space, but by the simple test of which person first invested labor.58 This deontological approach is based on considerations of justice that require a recognition of a person’s labor so long as that labor does not unjustly deprive another of their pursuits.59 One issue with Locke’s approach to property is determining how much labor is enough to confer a right of ownership.60 Some theories of Locke’s definition of labor claim that improvement of the object is a necessary condition for ownership, though these readings often do not take into account key passages of Locke’s work that suggest otherwise.61 John Sanders ‘ article on the justness of Locke’s theory outlines the most consistent approach to the definition of labor in Locke’s theory of property acquisition, claiming that an investment of labor indicates an intent to do something or produce something that is important to the laborer, and that considerations of justice preclude others from preventing a pursuit of the laborers end.62 Under Sanders’ interpretation of Locke’s theory, not only must a laborer actually invest some kind of effort into a thing, but they must do so with an intent of doing something important as opposed to simply converting the thing into property.63 Locke’s theory places one limitation on the initial acquisition of property: a person may convert as much from the state of nature to his own property as possible, ‘at least where there is enough, and as good left in common for others.’64 Locke derives this limitation from his foundation that the purpose of private property is the public welfare, concluding that the acquisition of private property should not be used in opposition to this end.65 While Locke discusses this limitation on the acquisition of property, he also concludes that the exchange of goods will suffice to see the excess used such that its taking will not violate the limitation.66 Essentially, Locke argues that surplus creates the need for money, which will be used to ensure an efficient use of resources.67 Thus, so long as there is the property interest created in GEO is freely alienable, it will not fall into unnecessary disuse and the proviso is satisfied.68 While this specific restriction on Locke’s theory may not apply, other natural rights theorists have argued there are restrictions on the initial acquisition of property in certain contexts. Such a theory underlies the law of the sea, which, in turn, serves as a foundation for the current space law regime.69 The law of the sea was initially recognized by Hugo Grotius on natural law principles, which held, ‘[e]very nation is free to travel to every other nation, and to trade with it.’70 Grotius further argues that if the use of a thing implies the exclusion of others uses, then that thing can be privately owned.71 Building from these premises, Grotius argues that occupation and exclusion are necessary conditions for the creation of property rights.72 This explanation may suggest a difference between Locke’s and Grotius’ basic theories of property, however the fundamental underpinning of their theories is the same: the right to exclude others is necessary for property rights.73 Locke’s theory of labor closely matches Grotius’ theory because, for Locke, labor itself implies exclusion of others.74 However, there is a tension on this point because Grotius does not argue that labor is enough to confer a property right, and his conclusion essentially contradicts Locke’s bright-line claim.75 Applying these fundamental principles to the law of the sea, Grotius argues, ‘all that which has been so constituted by nature that although serving some one person it still suffices for the common use of all other persons, is today and ought in perpetuity to remain in the same condition as when it was first created by nature.’76 Grotius recognizes one exception to this statement: that if a person does come to occupy something generally used in common, then that person gains an exclusive right to use that area for as long as the area remains occupied.77 Grotius finds that all men hold the sea in common because it typically cannot be enclosed, and its use by one person does not foreclose its use to others.78 These qualities require the sea to be considered common property and not privatized.79 This does not preclude the extension of a country’s legal jurisdiction into the sea, but only precludes the state and private individuals from exercising an ownership interest in the sea.80 This limitation is expressed in the Outer Space Treaty.81 The non-appropriation principles of the treaty are based on the theory that space, like the sea, is a potential medium of transport, and that the occupation of one small part of the area will not foreclose another’s use of the remaining portions of space.82 The current GEO regulation regime also follows the exception proposed by Grotius, that a person may use a common area he occupies for as long as the occupation lasts, as shown by the fact that the ITU only grants temporary, forfeitable licenses to use areas of GEO.83 While these licenses do not confer a property right, they do purport to confer a right to use an area of space; and, even though the ITU likely has no authority to exclude others from operating in the same space, the mere presence of the satellite would deter and likely prevent others from attempting to occupy the same location.84 Thus, the Outer Space Treaty not only relies on Grotius’ theory as an initial basis for preventing private ownership, but also employs the exceptions Grotius identifies.

#### Second – The Exclusion Theory – when evaluating a commons, the question is whether the appropriation of property requires the exclusion of others from that property. If it does, then recognizing property rights is justified to achieve the self-interest of the property holder.

Christmas, 2019 - Lecturer in Political Theory at King's College London [Billy “Hugo Grotius and private property” Raisons Politiques Volume 73, Issue 1, https://www.cairn-int.info/journal-raisons-politiques-2019-1-page-21.htm#:~:text=Grotius%20believed%20that%20the%20universal,physically%20detached%20oneself%20from%20it.]]

Hugo Grotius famously argued that a system of private property could only justly emerge by the agreement of those living within it. He took this view because he could not see how the supposedly primitive rights to use natural resources that each person has in a state of nature could, on their own, justify fully fledged private ownership. More specifically, the broad right to exclude others from one’s own property that he considered to be essential to private property could not be justified with the set of original rights he ascribed to persons in a state of nature. Many natural rights theorists have followed Grotius in this error. The need for communal agreement can be avoided, however, when one recognises that any use-right necessarily includes some right to exclude others. Moreover, the extensive right of exclusion that is characteristic of full liberal ownership can, in certain cases, come attached to use-rights where those uses are themselves extensive. Private property can therefore emerge through unilateral use, without recourse to communal agreement. Grotius’s account of natural rights, then, ought not be used to support social contract theoretic approaches to property and justice.

#### Contention Two – Outer Space meets both of the Criteria to justify Private Appropriation. Placing satellites in outer space is labor to improve the space, and can only be achieved by the exclusion of other entities from those orbits. Thus, private appropriation ought be a property right because it is an expression of human rationality.

Blodger, 2016 - JD Candidate at Minnesota [Ian Minnesota Journal of Law, Science & Technology Volume 17 Issue 1 Article 7 2-2016 “Reclassifying Geostationary Earth Orbit as Private Property: Why Natural Law and Utilitarian Theories of Property Demand Privatization” https://scholarship.law.umn.edu/mjlst/vol17/iss1/7]

A. LOCKE’S THEORY SUGGESTS INDIVIDUALS SHOULD BE ABLE TO CONVERT GEO INTO PRIVATE PROPERTY Analyzing the situation first from a Lockean perspective, GEO should be open to private ownership when individuals have invested their labor in the space.93 Companies that currently have satellites in orbit have invested time and resources sufficient to attain a property right in the orbital zone.94 Looking to the theories of Locke’s work, which argue that an increase in value is a necessary condition for labor, satellites in GEO clearly meet the standard.95 Since space is essentially void,96 a satellite’s presence will increase the value of the space by generating industry and allowing for communications and other activities, which were not possible because that space was empty to begin with.97 One argument against this theory is that the space is at its highest value as void, since the voided area itself allows for travel through that point on future space missions.98 However, this argument would overstate the need for a spacecraft to cross the very narrow belt of satellites in GEO.99 It is also possible to argue that the satellite would produce higher values elsewhere, suggesting an opportunity cost and thus a net loss compared to the current location.100 However, this argument relies on the fluctuating value of the satellite and not the value of the GEO. Since the party launching the satellite already owns it, the question of its value has no bearing on whether they have improved the GEO area for purposes of Locke’s theory.101 Thus, under this interpretation of Locke’s labor requirement, the space is sufficiently increased in value so that it can be considered property. The same conclusion results under different interpretations of Locke’s theory of property. The more general interpretation of Locke’s theory is that any time someone interacts with something with the purpose of bringing about a better result, then that interaction constitutes labor and confers a property right in the object.102 The satellites themselves currently occupy a physical location, which does not change relative to Earth’s position.103 This position prevents other satellites from entering a wide area around the existing satellite, and prevents other satellites from transmitting on frequencies, which are already in use.104 These qualities denote at least a transitive interaction between the person and the GEO area through the satellite, since it was the individual’s purpose to place the satellite in that location. Locke’s example of tilling the land suggests that transitive relationships between a person and the object of his action are sufficient to confer a property interest.105 Thus, tilling and planting do not necessarily require the actor to physically touch the soil with his body, but rather allow him to do so through the use of tools.106 In the context of a satellite as well, the person who sends the satellite into orbit has a connection with his property and that of the orbital zone.107 This makes sense on the metaphysical level. For Locke, the reason a person’s labor converts common areas into private zones is because each person owns his body.108 Here, ownership over the body is converted into ownership over a satellite, and that satellite is used in an exertion of great labor to settle a voided location in space.109 Since a person owns the fruits of his labor, a satellite owner gains a property interest in the GEO occupied by his satellite.110 Therefore under this reading of Locke’s theory, anyone who places a satellite in geostationary orbit should be conferred a property right in that space. The labor need not alter the orbit itself, since the orbit is simply a scientific property of a location in space allowing the satellite to remain in a fixed point relative to the earth.111 In this way, the satellite is no different from a house built on Earth since both are bound to a fixed point, and improve the area generally.112 It could be argued that the house inherently alters the ground beneath it by laying foundations and is therefore distinct from a satellite that simply occupies a position. However, pouring concrete in an Earth bound location is the same kind of action taken by placing a satellite in a location bound to Earth, just farther away. Placing a satellite in orbit is similar to transporting materials from one area and erecting them in another location which does confer a property right under Locke’s theory (just as a farmer might harvest trees and transport them to his plot to build a house, so the scientist combines electronic components and shoots them off to GEO to make a functioning satellite).113 Space’s lack of matter makes little difference to the question of whether the actor invested labor in a specific location.114 B. GROTIUS’ NATURAL LAW APPROACH TO PROPERTY LIKEWISE LEADS TO THE CONCLUSION THAT GEOSTATIONARY ORBIT SHOULD ALLOW FOR PRIVATIZATION While there are many similarities between Locke’s approach to property and Grotius’ theory, minor differences in their views on occupation require separate analyses. Grotius’ theory, while more difficult to satisfy, also supports an argument for privatizing GEO. Under Grotius’ theory, private property rights should be assigned to persons occupying an area if that area is not for the common use and is typically capable of being occupied.115 In the case of GEO, a satellite physically occupies the location.116 The satellite occupies the location because it manifests the same qualities as other forms of occupation, including the exclusion of others from use.117 Grotius provides a clear test for determining whether an individual has met the burdens of occupation: if the sought after object is movable, then it must be permanently seized, but if the object is immovable, then the erection of boundaries or the erection of a building will suffice for the purposes of occupation.118 Geostationary orbits have more in common with immovable things than with movable objects, because geostationary orbits are immovable since they simply denote a location in space relative to Earth.119 While the area of space that allows for geostationary orbits is far from Earth’s surface, that distance does not transmute the space into something other than a location.120 While it is difficult to place a satellite in GEO, the same could be said of building a home in many locations on Earth, but this difficulty does not deprive the location from being occupiable for Grotius.121 This means that satellites in GEO satisfy the threshold inquiry of Grotius’ theory, namely whether there is an occupation.