# 1AC Strake Round 6

## 1AC

### 1AC: Framework

#### Part 1: Ethical Decision Making

**Conflicting ethical viewpoints does not require the inevitable exclusion of one over another but rather the acceptance that both could be relevant and valuable ethical tool. Thus, the meta ethic should be moral pluralism. Prefer-**

#### 1] Empirics- Best studies prove pluralistic tendencies are inevitable

Polzler and Wright 19[Thomas Pölzler and Jennifer Cole Wright- “Empirical research on folk moral objectivism” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6686698/> NCBI. Published July 5th 2019] Dulles AS

Examining these studies' results more closely, however, makes it less clear whether this interpretation is appropriate (Pölzler, 2018b). Take again Goodwin and Darley's study. In this study, almost 30% of subjects' responses to the disagreement measure and almost 50% of their responses to the truth‐aptness measure fell on the option that the researchers took to be indicative of subjectivism (Goodwin & Darley, 2008, pp. 1347, 1351). Moreover, while some moral statements were dominantly classified as objective (e.g., the above statement about robbery), many others were dominantly classified as nonobjective (e.g., the stem cell research statement). This suggests that subjects in Goodwin and Darley's study may have actually favored what Wright, Grandjean, and McWhite (2013) called “metaethical pluralism,” i.e., they sometimes sided with objectivism and other times with nonobjectivism. More recent studies have by and large confirmed this hypothesis of folk metaethical pluralism. Wright et al. (2013) and Wright, McWhite, and Grandjean (2014), for example, replicated Goodwin and Darley's results, using the exact same measures, but letting subjects classify the presented statements as moral and nonmoral themselves. Objectivity ratings for statements that were dominantly self‐classified as moral varied between as little as 5% and as much as 85%. Research based on different measures yielded high proportions of intrapersonal variation as well (e.g., Beebe, 2014; Beebe, Qiaoan, Wysocki, & Endara, 2015; Beebe & Sackris, 2016; Fisher, Knobe, Strickland, & Keil, 2017; Goodwin & Darley, 2012; Heiphetz & Young, 2017; Wright, 2018; Zijlstra, forthcoming.

#### Ethical claims should be grounded in statistical or empirical proof- it’s the only way to verify the contextual value of any theory and is the basis for corroborating our argumentation.

#### 2] Resolvability- Thousands of years of metaethical debates have concluded in indecisiveness so a 45-minute debate would be unable to correctly resolve nebulous ethical disputes and identify the correct theory. Resolvability outweighs on jurisdiction since it’s a meta-constraint on the judge’s final jurisdiction.

#### Part 2: Pragmatic Reorientation

#### Meaning only makes sense within a frame of reference that isolates the practical difference that it makes in action. Pierce “How to Make Our Ideas Clear” Charles S. Peirce Popular Science Monthly 12 (January 1878), 286-302. Charles Sanders Peirce was an American philosopher, logician, mathematician, and scientist who is sometimes known as "the father of pragmatism” Dulles AS

Let us illustrate this rule by some examples; and, to begin with the simplest one possible, let us ask **what** we mean by calling a thing hard. Evidently thatitwillnotbe scratched by many other substances**.** The whole conceptionofthisquality, as of every other, liesinitsconceivedeffects**.** Thereisabsolutely nodifferencebetween a hard thing and a soft thing solongas they are not brought tothe test. Suppose**, then,** that **a** diamondcouldbecrystallizedin **the midst of a cushion of** softcotton**, and should remain there until it was finally burned up.** Woulditbefalsetosay **that** thatdiamondwassoft? This seems a foolish question, and would be so, in fact, except in the realm of logic. There such questions are often of the greatest utility as serving to bring logical principles into sharper relief than real discussions ever could. In studying logic we must not put them aside with hasty answers, but must consider them with attentive care, in order to make out the principles involved. We may, in the present case, modify our question, and ask what prevents us from saying that all hard bodies remain perfectly soft until they are touched, when their hardness increases with the pressure until they are scratched. Reflection will show that the reply is this: there would be no falsity in such modes of speech. They would involve a modification of our present usage of speech with regard to the words hard and soft, but not of their meanings. For they represent no fact to be different from what it is; only they involve arrangements of facts which would be exceedingly maladroit. This leads us to remark that the question of whatwouldoccurundercircumstanceswhichdo not actually ariseisnot a question offact**,** butonly of the most perspicuous arrangement of them. For example, the question of free-will and fate in its simplest form, stripped of verbiage, is something like this: I have done something of which I am ashamed; could I, by an effort of the will, have resisted the temptation, and done otherwise? The philosophical reply is, that this is not a question of fact, but only of the arrangement of facts. Arranging them so as to exhibit what is particularly pertinent to my question -- namely, that I ought to blame myself for having done wrong -- it is perfectly true to say that, if I had willed to do otherwise than I did, I should have done otherwise. On the other hand, arranging the facts so as to exhibit another important consideration, it is equally true that, when a temptation has once been allowed to work, it will, if it has a certain force, produce its effect, let me struggle how I may. There is no objection to a contradiction in what would result from a false supposition. The reductio ad absurdum consists in showing that contradictory results would follow from a hypothesis which is consequently judged to be false. Many questions are involved in the free-will discussion, and I am far from desiring to say that both sides are equally right. On the contrary, I am of opinion that one side denies important facts, and that the other does not. But what I do say is, that the above single question was the origin of the whole doubt; that, had it not been for this question, the controversy would never have arisen; and that this question is perfectly solved in the manner which I have indicated.

#### This commits us to practical deliberation as the method of moral inquiry Serra 1 Juan Pablo Serra. What Is and What Should Pragmatic Ethics Be? Some Remarks on Recent Scholarship*.* EUROPEAN JOURNAL OF PRAGMATISM AND AMERICAN PHILOSOPHY. 2009. Francisco de Vitoria College, Humanities Department, Faculty member. Dulles AS

This separation of theory and practice runs parallel to another split, namely, that of ethics and morals or, better put, of ethical theory and moral practice. Peirce denies that morality is subject to rationality and thinks that ethicsisvaluable as a science in a broad sense. But he also regards ethics as a science which bears on human conduct only indirectly, through the examinationofpastactionsand the self-correction of the self in view of future action. In addition, ethics would be a normative knowledge only in so far as it analyzes the adjustment of actions to ends and in so far as it studies the general way in which a good life can be lived. In morals Peirce appeals to instinct and sentiment, and in ethics he recommends the use of logical thinking —just as scientists do. However, even within the framework of his system, it’s not obvious that scientists may so easily set aside their instincts —in fact, instinct (or ‘rational instinct’ as he called it in 1908) plays a significant role in the economy of re- search. Moreover, the statement that in moral issues there may be no possibility of carrying out an inquiry that is truth-oriented is not an uncontroversial one. After all, moralinquiryisperformedin a deliberativeway**,** weighing up argumentations, beliefs andprinciples**,** andcomparingthem either with their probable or conceivable consequences or with lived as well as possible experiencesthatcan be forceful or impingeuponthe deliberative subject in such a way as to acquire the compulsory resistance due to reality. As Misak puts it succint- ly, “the practice of moral deliberation is responsive to experience, reason, argument, and thought experiments... Suchresponsivenessispartofwhatitistomakea moral decision and part of what it is to try to live a moral life” (2000: 52)3. Likewise, this same deliberativeactivityimpliesanefforttoacquirehabits**,** beliefs and principles thatcontributeto a truly freedeliberation which, in turn, can result in creative conclusions. For Peirce, as you get more habit-governed, you become more creative and free, and your selfhood acquires plas- ticity and receptiveness to experience4. Vincent Colapietro has referred to Peirce’s description of human reason in terms of a deliberative rationality (1999: 24). Also, in another place he has explained that deliberation for Peirce is a process of preparation for future action which has to do with the checking of previous acts, the rehearsal in imagination of different roads to be followed by possible conduct and the nurturing of ideals (Colapietro 1997: 270, 281). It is precisely this experi- ment carried out within imagination that generates habits, because, as Peirce says in “A Survey of Pragmaticism”, “it is not the muscular action but the accompanying inward ef- forts, the acts of imagination, that produce the habit” (CP 5.479, 1907). Habits are regular ways of thinking, perceiving and interpreting that generate actions. As such, habits have a huge influence on human behavior, manifest themselves in the con- crete things we do and, at the same time, are formed within those same activities. Even more, according to Peirce, theactivitytakes the formofexperimentation in the inner world; and the conclusion (if it comes to a definite conclusion), is that under given conditions, the interpreter will have formed the habit of acting in a given way whenever he may desire a given kind of result. The real and living logical conclusionisthat habit (CP 5.491, 1907). Much more evidence could be given to support the view that habits are virtually decided (CP 2.435, c.1893) and also that intelligence comprises inward or potential actions that in- fluence the formation of habits (CP 6.286, 1893). Suffice it to say that, according to Peirce, deliberation is a function of the imagination, and that imagination is in itself an experiment which may have unexpected consequences that impose themselves upon the deliberative subject.

#### Thus, the standard is promoting pragmatic deliberation. Prefer-

#### 1. Value Pluralism- Other ethical theories rely on minimalistic criteria as their foundation, our framework resolves this by using these criteria to better inform our judgments LaFollete 2K "Pragmatic Ethics" [Hugh LaFollette](http://www.hughlafollette.com/index.htm) In [Blackwell Guide to Ethical Theory](http://www.hughlafollette.com/papers/b-guide.htm) 2000. Hugh LaFollette is Marie E. and Leslie Cole Professor in Ethics at the University of South Florida St. Petersburg. He is editor-in-chief of The International Encyclopedia of Ethics. Dulles AS

Pragmatic ethics takes a more aggressive approach, insisting that mankind is responsible for determining the best ethical system possible, which will be refined as new discoveries are made. Put simply; truth does not exist in some abstract realm of thought independent of social relationship or actions; instead, the truth is a function of an active … Pragmatism, according to William James, is derived from the Greek word pragma, which means action and serves as the basis of our English words practical and practice. Pragmatism originated in the United States around 1870, and now presents a growing third alternative to both analytic and Continental philosophical traditions worldwide. 1 - Acceptance . Ethics is a branch of philosophy that is responsible for studying the principles that govern the conduct of an individual. Employs criteria, but is not criterial The previous discussions enable us to say more precisely why pragmatists reject a criterial view of morality. Pragmatism's core contention that practiceis primary in philosophy rulesoutthe hope of logically prior criteria. Any meaningful criteria evolve from our attempt to live morally – in deciding what is the best action in the circumstances. Criteriaare not discovered by pure reason, and they arenotfixed. As ends of action, they are always revisable. Asweobtainnewevidenceabout ourselves and our world, and as our worlds changes, wefindthat whatwasappropriatefor the old environment maynotbeconduciveto survival in thenew one. A style of teaching that might have been ideal for one kind institution (a progressive liberal arts college) at one time (the 60s) may be wholly ineffective in another institution (a regional state university) at another time (the 80s). But that is exactly what we would expect of an evolutionary ethic. Neither could criteria be complete. Themoralworldiscomplexandchangeable**.** No set of criteriacouldgiveusunivocalanswersabouthowwe should behave in all circumstances**.** If we cannot develop an algorithm for winning at chess, where there are only eighteen first moves, there is no way to develop an algorithm for living, which has a finitely large number of "first moves." Moreover, while the chess environment (the rules) stays constant, our natural and moral environments do not. We must adapt or fail. While there is always one end of chess -- the game ends when one player wins – the ends of life change as we grow, and asour environmentschange. Finally, we cannot resolve practical moral questions simply by applying criteria. We do not make personal or profession decisions by applying fixed, complete criteria. Why should we assume we should make moral decisions that way? Appropriates insights from other ethical theories Nonetheless, there is a perfectly good sense in which a pragmatic ethic employs what we might call criteria, but their nature and role dramatically differ from that in a criterial morality (Dewey 1985/1932) . Pragmaticcriteriaare not external rules we apply, but aretoolsweuseinmakinginformedjudgements. They embody learning from previous action, they express our tentative efforts to isolate morally relevant features of those actions. These emergentcriteriacanbecomeintegratedinto our habits**,** thereby informingthe waysthat wereactto, think about, and imagine ourworldsand our relations to others. This explains why pragmatists think other theories can provide guidance on how to live morally. Standard moral theories err not because they offer silly moral advice, but because they misunderstand that advice. Othermoral theoriescan help us isolate(and habitually focus on) morallyrelevantfeaturesof action. And pragmatists take help wherever they can get it. Utilitarianism does not provide an algorithm for deciding how to act, but it shapes habits to help us "naturally" attend to the ways that our actions impact others. Deontology does not provide a list of general rules to follow, but it sensitizes us to ways our actions might promote or undermine respect for others. Contractarianism does not resolve all moral issues, but it sensitizes us to the need for broad consensus. That is why it is mistaken to suppose that the pragmatist makes specific moral judgements oblivious to rules, principles, virtues, and the collective wisdom of human experience. Thepragmatistabsorbstheseinsightsinto her habits, andthereby shapeshowshehabituallyresponds**,** and how she habitually deliberates when deliberation is required. This also explains why criterial moralities tend to be minimalistic. They specify minimal sets of rules to follow in order to be moral. Pragmatism, on the other hand, like virtue theories, is more concerned to emphasize exemplary behavior – to use morally relevant features of action to determine the best way to behave, not the minimally tolerable way

#### 2. Materiality- Our framework moves away from abstraction and understands knowledge as changing in order to base social change and revision of ideas. Glaude 7’ Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (5-7). Dulles AS

In a Shade of Blue is my contribution to the tradition I have just sketched. My aim is to think through some of the more pressing conceptual problems confronting African American political life, and I do so as a Deweyan prag-matist. I should say a bit about what I mean by this self-description. John Dewey thought of philosophy as a form of cultural and social criticism. He held the view that philosophy, properly understood as a mode of wis-dom, ought to aid us in our efforts to overcome problematic situations and worrisome circumstances. The principal charge of the philosopher, then, is to deal with the problems of human beings, not simply with the problems of philosophers. For Dewey, over the course of his long career, this involved bridging the divide between science, broadly understood, and morals—a divide he traced to a conception of experience that has led philosophers over the centuries to tilt after windmills. Dewey declared, “The problem of restoring integration and co-operation between man’s beliefs about the world in which he lives and his beliefs about values and purposes that should direct his conduct is the deepest problem of any philosophy that is not isolated from life.”9Dewey bases this conclusion on several features of his philosophy: (1) anti foundationalism, (2) experimentalism, (3) contextualism, and (4) soli-darity.10 Antifoundationalism, of course, is the rejection of foundations of knowledge that are beyond question. Dewey, by contrast, understands knowledge to be thefruitof our undertakingsas we seek “the enrichment of our immediate experience through **the** control over action it exercises.”11He insists that we turn our attention from supposed givens to actual consequences, pursuinga future fundamentally grounded in values shaped by experience and realized in our actions. This view makes clear the experimental function of knowledge. Dewey emphasized that knowledge entails efforts to control and select future experience and that we are always con-fronted with the possibility of error when we act. We experiment or tinker**,** withthe understanding that all facts are fallible and, as such, occasionally afford us the opportunity for revision.12Contextualism refers to an understanding of beliefs, choices, and actions as historically conditioned. Dewey held the view that inquiry, or the pursuit of knowledge, is value-laden, in the sense that we come to problems with interests and habits that orient us one way or another, and that such pursuits are also situational, in the sense that “knowledge is pursued and produced somewhere, some when, and by someone.”13Finally, solidaritycaptures the associational and cooperative dimensions of Dewey’s thinking. Dewey conceives of his pragmatism as “an instrument of social improvement” aimed principally at expanding democratic **life** andbroadeningtheground of individual self-development**.**14Democracy, for him, constitutes more than a body of formal procedures; it is a form of life that requires constant attention if we are to secure the ideals that purportedly animate it. Individuality is understood as developing one’s unique capacities within the context of one’s social relations and one’s community. The formation of the democratic character so important to our form of associated living involves, then, a caring disposition toward the plight of our fellows and a watchful concern for the well-being of our democratic life.

#### Part 3: Impact Calc:

#### 1. Deliberation is procedural not substantive, which means that we are first concerned with the decision-making procedure of deliberation and then evaluation of what impacts matter most. To clarify, consequences are a sequencing question. Serra 2

BY WAY OF CONCLUSION: As LaFollette presents it, the key to understanding pragmatist ethics is that it is not an ethical theory per se, but rather it is an anthropology, a way of understanding the human being and his moral action. Therefore, pragmatist ethics in reality does not propose a new ethical theory, but rather “reconstructs” through a new prism the basic intuitions of the best ethical theories. The fundamental element on which the attention of pragmatist ethics centers is deliberation. Deliberationisnotdirectlyresponsible for directing action,butonly doessoindirectly**,** bymeans of a critique of past actions, theefforttocorrect or reinforce certain habits and mental experiments that each actor performs in order to determine his own future conduct, and even to determine in a general manner the way in which one wishes to live one’s life (or, what amounts to the same thing, the type of person one wishes to be). Thetaskofapragmatistethics, therefore**,** isnottoprovidefinalsolutions**,** butrather to indicate that it is onlyvia thetestingandcommunicationofexperiencesthatthe superiorityof onemoral ideaover another can be demonstrated. In this sense, one of the principal missions of any given version of pragmatist ethics is to indicate some general manner in which habits can be acquired which, later, will facilitate personal deliberation – both internal and external – in the broad variety of circumstances which make up the moral life.

#### 2. Frameworks all share equal value. Weighing between them becomes infinitely regressive as it presupposes there is a higher metric to determine who has the better justifications. That means contestation is vacuous which means a locus of moral duty is sufficient since it has an uncontested obligatory power.

#### 3. Interpretation: The negative must concede the affirmative framework if the advocacy is topical and disclosed

#### Violation: they didn’t

#### Prefer-

#### 1] Time skew- Winning the negative framework moots 6 minutes of 1AC offense – that outweighs on quantifiability and reversibility – I can’t get back time lost and it’s the only way to measure abuse

#### 2] Topic Ed- Every debate would just be a framework debate which means we never get access to core topic lit – that outweighs on time frame – we only have 2 months

### 1AC: Contention

#### 1] The appropriation of space by private entities isn’t value neutral but is sutured in a discourse of the cosmic elite and unequal IR.

Stockwell 20 [Samuel Stockwell (Research Project Manager, the Annenberg Institute at Brown University). “Legal ‘Black Holes’ in Outer Space: The Regulation of Private Space Companies”. E-International Relations. Jul 20 2020. Accessed 12/7/21. <https://www.e-ir.info/2020/07/20/legal-black-holes-in-outer-space-the-regulation-of-private-space-companies/> //Xu]

The US government’s support for private space companies is also likely to lead to the reinforcement of Earth-bound wealth inequalities in space. Many NewSpace actors frame their long-term ambitions in space with strong anthropogenic undertones, by offering the salvation of the human race from impending extinction through off-world colonial developments (Kearnes & Dooren: 2017: 182). Yet, this type of discourse disguises the highly exclusive nature of these missions. Whilst they seem to suggest that there is a stake for ordinary citizens in the vast space frontier, the reality is that these self-described space pioneers are a member of a narrow ‘cosmic elite’ – “founders of Amazon.com, Microsoft, Pay Pal… and a smattering of games designers and hotel magnates” (Parker, 2009: 91). Indeed, private space enterprises have themselves suggested that they have no obligation to share mineral resources extracted in space with the global community (Klinger, 2017: 208). This is reflected in the speeches of individuals such as Nathan Ingraham, a senior editor at the tech site EngadAsteroid mining, who claimed that asteroid mining was “how [America is] going to move into space and develop the next Vegas Strip” (Shaer, 2016: 50). Such comments highlight a form of what Beery (2016) defines as ‘scalar politics’. In similar ways to the ‘scaling’ of unequal international relations that has constituted our relationship with outer space under the guise of the ‘global commons’ (Beery, 2016: 99), private companies – through their anthropogenic discourse – are scaling existing Earth-bound wealth inequalities and social relations into space by siphoning off extra-terrestrial resources. By constructing their endeavours in ways that appeal to the common good, NewSpace actors are therefore concealing the reality of how commercial resource extraction serves the exclusive interests of their private shareholders at the expense of the vast majority of the global population.

#### 2] Appropriation intrinsically guts deliberative procedures since it denies the owner’s permission for property rights, blocking one possible experience/form of communication from other groups since it guts communal approaches

Oxford. Lexico. Appropriation. https://www.lexico.com/en/definition/appropriation

the action of taking something for one's own use, typically without the owner's permission.

### 1AC: Plan

#### Plan – States ought to expand the Public Trust Doctrine to reduce private actor appropriation of Outer Space.

#### Implementing Public Trust Doctrines in Outer Space limits Appropriation and ensures Outer Space Development is sustainable.

Babcock 19 (, H., 2019. THE PUBLIC TRUST DOCTRINE, OUTER SPACE, AND THE GLOBAL COMMONS: TIME TO CALL HOME ET. [online] Lawreview.syr.edu. Available at: <https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf#page=67> [Accessed 15 December 2021] Professor Babcock served as general counsel to the National Audubon Society from 1987-91 and as deputy general counsel and Director of Audubon’s Public Lands and Water Program from 1981-87. Previously, she was a partner with Blum, Nash & Railsback, where she focused on energy and environmental issues, and an associate at LeBoeuf, Lamb, Leiby & MacRae where she represented utilities in the nuclear licensing process. From 1977-79, she served as a Deputy Assistant Secretary of Energy and Minerals in the U.S. Department of the Interior. Professor Babcock has taught environmental and natural resources law as a visiting professor at Pace University Law School and as an adjunct at the University of Pennsylvania, Yale, Catholic University, and Antioch law schools. Professor Babcock was a member of the Standing Committee on Environmental Law of the American Bar Association, and served on the Clinton-Gore Transition Team.)-rahulpenu

INTRODUCTION Space exploration is heating up. Governments and private interests are on a fast track to develop technologies to send people and equipment to celestial bodies, like the moon and asteroids, to extract their untapped resources.1 Near-space is rapidly filling up with public and private satellites, causing electromagnetic interference problems and dangerous space debris from collisions and earlier launches.2 The absence of a global management system for the private commercial development of outer space resources will allow these near space problems to be exported further into the galaxy.3 Moreover, without a governing authority or rules controlling entry or limiting despoliation, outer space could turn into the “Wild West” of the twenty-first century.4 Space treaties executed in the last century espoused the principle that space should be developed for the benefit of all mankind and banned both private ownership and militarization of space resources.5 But, they left development of a system for managing non-military activities in outer space to another day.6 Private commercial interests, which would be absorbing the risks and paying the high costs of space development, oppose any management scenario premised on that principle, as it would enable less developed countries to free ride on their investments.7 These interests, unsurprisingly, support privatizing outer space.8 But acceding to their wishes by establishing a system of property-based rules would transport Earth’s current division between haves and have-nots into outer space, and could lead to destabilizing hostilities—the exact consequences that the early treaty drafters hoped to avoid.9 To date, most scholars in this area have focused on developing management systems premised on private ownership or possession of the surface of some celestial body.10 This Article explores an alternative concept, the commons, in which no individual owns the property in question or can exclude others from it. Viewing property as a commons is closer to the principles set out in the various space treaties than implementation of a private property regime, and also offers a workable property regime. This Article demonstrates these conclusions by showing similarities between a large, Earth-bound commons, like the ocean and outer space, and how various commons management scenarios allow equitable use of resources, while preventing their despoliation and devolution into hostile disputes over entitlements to them. However, each of these commons management scenarios is flawed in some way and runs a similar risk to management approaches for private property of allowing the resource to be over-used or inequitably distributed. The public trust doctrine (**PTD**), an ancient doctrine that governments and individuals have used effectively for centuries to protect the public’s interests in terrestrial common pool resources (CPR) **and** to **fill** regulatory **gaps**, can be helpful in both respects.11 An examination of the doctrine identifies **commonalities** **between** outer **space** **and** **terrestrial** public trust **resources**.12 The **ease** and **low** **cost** of its implementation and enforcement, as well as its infinite malleability, are additional reasons to select it as a stopgap measure with some modification.13 This Article’s structure is straight forward. Part I acquaints the reader with the problem. It explains why the need to develop a management regime for space is becoming increasingly critical as advancing technology is allowing more and more private commercial interests to play at the edge of outer space with attendant negative externalities. 14 Soon these technological advances will allow private commercial interests to invade outer space with the potential for similar adverse impacts.15 Part II examines the international legal framework governing those activities and finds it lacks any capacity to regulate activities in outer space, in part because it is riddled with ambiguities and contradictions when it comes to ownership of outer space and its resources. Part III turns to that problem by discussing two types of property: private property and property owned in common with others. It examines the key features of each as well as their positive and negative attributes, how each might function in outer space, and what the consequences might be if one or the other prevailed. Because any property arrangement that results in its appropriation by the owner and the exclusion of others violates international space law, Part III also identifies various less-thanfull fee property arrangement, like leases and easements, to see if these problems can be avoided and concludes they cannot.16 It then examines property held in common to determine its viability under international space law and finds it consistent. Part IV investigates various approaches to managing property in outer space, be it held in private ownership or in common. Different approaches for managing private property in space are explored, including the right of first possession, tradable property claims, and establishing an exclusive economic zone, as well for managing an open access commons, such as the application of stewardship principles, norms, and the PTD. Each approach is evaluated in terms of its consistency with international law; its ability to promote and protect a sustainable, equitable, non-monopolistic, non-hostile environment in outer space; its efficiency; and its cost effectiveness. Only the PTD, which has been used for centuries to protect the public’s interests in CPRs and has demonstrated its ability to adapt to new circumstances, may be able to meet these goals.17 This Article finds commonalities between outer space and Earth-bound public trust resources, like the oceans. Additionally, the doctrine’s open access purpose resonates with language found in international treaties governing activities in outer space.18 This Article concludes that using the PTD will lead to a durable, equitable management regime in a commons where the wealthy are neither able to accumulate and control the resources that outer space has to offer nor over-exploit and deplete them. However, neither the doctrine nor ownership in common supplies any incentives for development, which may lead private enterprises to question whether development of outer space resources is worth the risks and costs.19 But, limited use of private property management approaches, like lotteries and tradable development claims—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property—may fill this gap.20 This Article’s contribution to the literature on managing outer space resources and commons theory is using the PTD to bridge the gap between them and to suggest a hybrid management approach that melds commons theory with private property incentives.

#### Exemptions devastate Regulation Credibility – OST proves.

Hickman and Dolman 2 John Hickman and Everett Dolman Volume 21 Number 1 2002 “Resurrecting the Space Age: A State–Centered Commentary on the Outer Space Regime” (associate professor in the Department of Government and International Studies at Berry College in Mt. Berry)//Elmer

Thus a state party need merely announce its intention to withdraw and then wait one year. Withdrawal of a single state party to the treaty, however, would not necessarily terminate the treaty between the other state parties. Yet, the decision of an important state not to be bound by a regime–creating treaty obviously endangers the entire treaty. The decision of the United States or China to withdraw from the OST would have far greater implications for the survival of the international space regime than the same decision by Bangladesh, Burkina Faso, or Papua New Guinea—the equality of states under international law remains nothing more than a useful fiction. For the OST to remain good international law, it must be accepted as such by the major space faring states of the 21st Century: the United States, Russia, the European Union, Japan, and China. One defection from the regime by a member of this group would no doubt lead to its effective collapse, as the remaining space faring states are unlikely to use the kind of coercion necessary to enforce the regime. A more likely response to such a defection is a scramble to make similar claims to sovereignty, based on historical precedent and effective occupation. Similar rushes to stake claims for territory sovereignty in other celestial bodies might follow.

### 1AC: Space War

#### The advantage is space war:

#### Unchecked commercial exploration causes space wars – specifically goes nuclear.

Perez 21 Veronica Delgado-Perez. 12/14/21. Argument | The Commercialization of Space Risks Launching a Militarized Space Race. <https://www.theintlscholar.com/periodical/12/14/2020/analysis-commercialization-space-risk-international-law-military-space-race> [Veronica Delgado-Perez is a Staff Writer at The International Scholar.] // CVHS SR

Fundamentals of the Final Frontier It is a geopolitical imperative to determine what, if any, commercial activities and use of extraterrestrial resources are permitted within the confines of international law. Without clear-cut agreements on what activity is recognized by international law, the world will undoubtedly see states push the boundaries ever further in an attempt to gain the edge over geopolitical competitors — even more-so in an era of renewed great power competition. Yet to date, there exists no comprehensive treaty or legal reference to commercial activity in space. However, this should come as no surprise. It has only been since the turn of the century that technology and markets have progressed to the point where commercial space exploration and exploitation has become possible. Only recently have experts and analysts of geopolitics and international law begun to seriously examine questions surrounding the legal framework that would govern extraterrestrial resource-mining and other commercial activities. In the last decade, the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) dealt with commercial aspects in outer space. In one of their last reports, the Committee expressed that the era of the commercial utilization of outer space’s resources is intrinsically linked to the escalation of international competition over resources, which could threaten international peace and security. By encouraging the international community to engage in outer space’s activities for the benefit of humankind as a whole, “some delegations” have expressed that states should avoid the promotion of laws and regulations related to the commercialization of outer space, arguing that it should be considered the heritage of all humanity. In that regard, states must then ensure that domestic law on the use of outer space complies with international space law, which means that states should respect the principles outlined in the Outer Space Treaty and ensure that national regulations do not contravene international provisions. Even though the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (which entered into force in 1967), refers to the exploration and use of outer space, it does not address questions of a commercial nature, which compromises the ability of states and international actors to address new challenges to extraterrestrial activities. In several provisions, the treaty highlights that these activities may be carried out for peaceful purposes and the benefit of all people, reaffirming that outer space is not subject to national appropriation. Were outer space not considered a global commons, that would imply that the resources and results of commercial exploration may fall within the jurisdiction of a country. It is thus incumbent upon Washington — and its commercial enterprises — to demonstrate how American commercial exploration of space benefits other countries and complies with international space law, or otherwise to adhere to the spirit of past treaties which emphasize the impartiality of outer space until such time as the law is clarified. International Law is Adrift in Space The potential benefits of commercial space exploration cannot be ignored. From an economic standpoint, the space industry would generate a significant economic boon for both states and private companies, due to the abundance and variety of resources — particularly scarce minerals that are difficult to extract on Earth. As one example of the vastness of resources held in outer space, one asteroid has the potential to contain more than the total supply of platinum extracted throughout the history of mankind. It may very well open the door to an advanced era of space navigation, building extraterrestrial infrastructure that facilitates the exploration and use of space’s resources, and extra-planetary human habitation. Inevitably, there are significant drawbacks to the commercialization of space exploration. These can vary, for instance, from the commercial dominance of space’s natural resources only by those states with the technical and financial capital to support space missions, to geopolitical competition over extraterrestrial resources that threatens world peace and security, to the potential for the monopolization of extraterrestrial resources by states and private companies. As was the case during the Cold War, the Soviet Union and the United States began a Space Race in which they struggled to achieve supremacy in space exploration and domination of science. Today, the number of space powers has increased thanks to continual advancements in flight, combustion, and fueling technologies. In the three decades since the end of the Cold War, technologically advanced countries like China, Japan, and France which previously had no space program have successfully navigated to the top tier of space-faring agencies and programs. In 2018, the U.S. allocated $41 billion to space programs, followed by China at $5.8 billion, and Russia at $3.1 billion. Collectively, the three major space powers control almost 65% of the global industry, showing space powers are monopolizing space and reinforcing the inequality gap between states that do not have sufficient economic and technological capacity to invest. With new actors on the game stage, conflicts of interest may arise. There is a risk that each actor adopts a kind of short-term Realist approach to space policy — one which is driven by self-interest in reaping the greatest benefits of extraterrestrial exploration and commercialization while controlling access to others. If unmitigated, states may choose to militarize outer space to gain a strategic edge over competitors and adversaries. This process has already begun. Under the Trump administration, the Pentagon established the U.S. Space Force as a new branch of the Armed Forces to protect the country and allied interests in space. Already, Delta 4 — one of the U.S. Space Force’s missions — conducts strategic and theater missile warnings, manages weapon systems, and provides information to missile defense forces. The measure shows that for the U.S., outer space is not only a domain of scientific exploration but has the potential to become increasingly securitized. With the impending expiration of the Strategic Arms Reduction Treaty (START) between the U.S. and Russia on February 5, 2021, a number of security dilemmas could arise. If the world’s two largest nuclear powers do not edge toward extending the treaty, Washington and Moscow risk returning to the era of unrestricted expansion of launch platforms and strategically-deployed nuclear warheads — potentially with the aid of military infrastructure in space. Although President-elect Biden has expressed his interest in negotiating an extension of New START, how Moscow and Washington might proceed remains an open question. Bilateral progress towards a new arms-control regime would require establishing limits on the number and range of long- and mid-range missiles, establishing measures to limit the expansion of traditional missile deployment to space, and banning the deployment of nuclear weapons and weapons of mass destruction in outer space. More than the risk of the securitization of space, state, and private actors could begin to claim exclusive legal rights over the resources they discover. Indeed, the U.S. Commercial Space Launch Competitiveness Act, which came into force in 2015, expressly recognizes the right of U.S. Citizens to possess, own, transport, use, and sell space resources. By this means, domestic law already acknowledges the legal claim to property by individuals, which is prohibited by international law. Under the Outer Space Treaty, states renounced any traditional form of acquisition of territories and agreed not to foray unilaterally into space to extend their national policies on Earth or to exercise any kind of sovereignty over celestial bodies or resources. The absence of a modern international treaty that addresses these issues should be received with grave concern, as there is significant potential for risk to become reality. Existing UN treaties lack the technological context and foresight to address legal questions regarding the potential for commercial exploration and exploitation of outer space or its resources. During the sixties and seventies, when international instruments like the Outer Space treaty were conceived, the principal aim of states was to support and expand the scale of the state’s national capacity for operation in space and the development of legal instruments to guide state’s international cooperation in the peaceful exploration of outer space. These instruments were never designed to respond to commercial questions over mining or tourism in space, private investment in space activities, or the emergence of non-state private enterprises operating in space. As a result, private enterprises operating in the vacuum of space also float in an unstable legal vacuum which threatens to implode in geopolitical competition. Beyond Stars and States In an increasingly commercial outer space in which there are no set limits to the exploitation of resources or claim to property, states and private companies will inevitably pursue the development of new extraterrestrial industries to suit their geoeconomic interests. If unchecked, the legal protection of outer space as a domain of exploration for the benefit of all humanity would functionally fail. To protect investments and profit from national space industries, states would likely **resort to military force** to protect and secure private assets. Over time, space would ultimately become a fourth border domain over which states claim, exercise, and defend sovereignty — including through the use of force. The challenge is thus to prevent the circumstances that could lead to space-borne conflict before it is made possible. Notwithstanding, commercial exploration and the use of natural resources need not lead to predation among actors involved in space. The potential rewards — both technological and environmental — that could come from investment in the harvesting of resources in space are immense. International law cannot afford to wait for the security dilemma posed by commercial activity in space to manifest before addressing it but must anticipate and proactively adopt measures to address future issues that govern extraterrestrial human activity. The only remedy for the lack of legal governance over commercial activity in space is the creation of new international laws through a comprehensive international treaty on commercial operations in space. The new treaty must expressly regulate commercial activities by states and private companies, enshrine an international liability and compensation regime covering damages caused with workable sanction provisions, and reinforce norms that restrict any militarization of outer space. The international community should focus its efforts on establishing a legal regime, with mandatory provisions (rather than non-binding resolutions, observations, commentaries, and conclusions) which generate both international responsibility and provide enforceable sanctions in the event of violations. The effort should be borne out by expanding the scope and strengthening the oversight powers of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), rather than creating a new organ with redundant bureaucracy. Beyond the tasks of encouraging space research programs, studying space activities, and addressing legal questions, COPUOS should be granted the necessary powers to perform control and oversight monitoring functions. Experience has taught the international community that cooperative arrangements between states and international organizations can prevent competition for resources from escalating to kinetic conflict. Through cooperation, there is a chance to preserve extraterrestrial resources for future generations, secure an equitable allocation of resources and benefits with a mind to each country’s specific needs, and prevent the expansion of geopolitical conflict to the domain of space. Space powers must recognize the value in partnering with other states to advance the development of space programs more efficiently. It should be clear now that all nations could reap the benefits of collective action, exploration, and commercialization of resources from beyond Earth’s atmosphere while preventing a drawn-out international conflict to the final frontier. The will of states not to jeopardize the fundamental basis of international law must be reflected in coordination and surveillance efforts to ensure that the advantages derived from space exploration allow humanity to continue evolving.

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

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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.

### 1AC: Underview

#### 1] Permissibility and presumption affirm.

**A] Freeze- otherwise we would not be able to justify morally neutral actions since there isn’t a prohibition and we would have to prove an obligation.**

**B] Trivialism- statements are true until proven false, if I told you my name you’d believe me.**

#### C] Negation Theory- Negating requires a complete absence of an existing obligation

Negate: to deny the existence of

That’s Dictionary.com- “Negate” https://www.dictionary.com/browse/negate.

#### D] The Law of Excluded Middles- if something is not false, it must be true, which means that if something is not prohibited, it must be obligatory, and permissibility is the same as obligatory.

#### 2] Pluralism is good.

**Bleiker 14** – (6/17, Roland, Professor of International Relations at the University of Queensland, “International Theory Between Reification and Self-Reflective Critique,” International Studies Review, Volume 16, Issue 2, pages 325–327)

Methodological pluralism lies at the heart of Levine's sustainable critique. He borrows from what Adorno calls a “constellation”: an attempt to juxtapose, rather than integrate, different perspectives. It is in this spirit that Levine advocates multiple methods to understand the same event or phenomena. He writes of the need to validate “multiple and mutually incompatible ways of seeing” (p. 63, see also pp. 101–102). In this model, a scholar oscillates back and forth between different methods and paradigms, trying to understand the event in question from multiple perspectives. No single method can ever adequately represent the event or should gain the upper hand. But each should, in a way, recognize and capture details or perspectives that the others cannot (p. 102). In practical terms, this means combining a range of methods even when—or, rather, precisely when—they are deemed incompatible. They can range from poststructual deconstruction to the tools pioneered and championed by positivist social sciences. The benefit of such a methodological polyphony is not just the opportunity to bring out nuances and new perspectives. Once the false hope of a smooth synthesis has been abandoned, the very incompatibility of the respective perspectives can then be used to identify the reifying tendencies in each of them. For Levine, this is how reification may be “checked at the source” and this is how a “critically reflexive moment might thus be rendered sustainable” (p. 103). It is in this sense that Levine's approach is not really post-foundational but, rather, an attempt to “balance foundationalisms against one another” (p. 14). There are strong parallels here with arguments advanced by assemblage thinking and complexity theory—links that could have been explored in more detail.