### I negate resolved: The appropriation of outer space by private entities is unjust.

### Framework

**I define a private entity is an entity that is non-governmental**

**Cornell Law School**, Dec. 18, 20**15**

https://www.law.cornell.edu/definitions/uscode.php?width=840&amp;height=800&amp;iframe=true&amp;def\_id=6-USC-625312480-168358316&amp;term\_occur=999&amp;term\_src=title:6:chapter:6:subchapter:I:section:1501#:~:text=(A)%20In%

20general%20Except%20as,%2C%20employee%2C%20or%20agent%20thereof.

In general Except as otherwise provided in this paragraph, the term “private entity”

means any person or private group, organization, proprietorship, partnership, trust,

cooperative, corporation, or other commercial or nonprofit entity, including an

officer, employee, or agent thereof.

#### I define justice as “the quality of being just, impartial, or fair.” The use of the word “unjust” in the resolution asks us to debate whether or not something is just. Hence, the value for this round is Justice.

#### VC: Maximizing Negative Utilitarianism

**Prefer this because:**

**1] Negative Util is how the world functions**

**Herran 19**[Manu Herran, programmer and associate at OPIS; <https://manuherran.com/thoughts-on-negative-utilitarianism/>] To me, negative utilitarianism is not just a normative ethical theory, but **a response to the world as it really is**. For example, [here](https://www.facebook.com/groups/OMfCT/permalink/2586304598351109/?comment_id=2586442025004033&reply_comment_id=2586483648333204) some wonder about how many ice creams are needed to equal the value of a life. But I do not think that people buy ice creams to enjoy, but they do (or they should) to prevent suffering, to be “above zero”. In my opinion, to be far above zero is just a precaution people take to prevent to be below zero. When someone is below zero in just one dimension (sex, money, frienship, health…) and above in the others, they will divert all necessary resources from the other positive indicators to the negative indicator, trying to be above zero in all of them. If they dont (if they keep trying to increase one positive indicator while others remain negative) it will end very very bad. Negative Utilitarianism works in just one individual (with the different indicators) as the normative moral theory of Negative Utilitarianism works with several individuals: the priority is to be above zero (or at least zero), in each possible dimension (if we speak of a single individual), or in each individual (if we speak of several individuals).

**2] Increasing happiness is not morally relevant - if one is already happy, increasing their pleasure matters much less than reducing the suffering of one who is not.**

**Contention 1 - Private entities are the only option for necessary space appropriation**

**Subpoint A. Space Appropriation is necessary and must be timely.**

**Space Colonization is essential for long term survival**

**Zarkadakis 19 states**[ George; PhD, Senior Fellow @ Atlantic Center; https://www.georgezarkadakis.com/abandoning-the-metropolis-space-colonisation-as-the-new-imperative/]

Space colonization is not only the subject of fiction but of serious science too. The late physicist Stephen Hawking argued that unless colonies were established in space the **human race would become extinct**. There are **several natural phenomena** beyond our control that could spell our obliteration. Over a long enough period of time our planet is vulnerable to catastrophic meteorite strikes, or getting exposed to the **deadly radiation** of a nearby supernova explosion. As our Sun burns its fuel it will start to expand and, in a few million years, will scorch Earth. We can also self-destruct by waging nuclear war, or by tilting our planet’s **climate** towards a runaway greenhouse effect. Space colonization is therefore the ultimate insurance policy of **long-term human survival**.

**Next, space extraction is necessary to meet future needs, timeframe matters**

**Pelton 16 [Joseph Pelton, Director @ International Association for the Advancement of Space Safety, “Space Mining – The Reality of Tomorrow?” Room Space Journal of Asgardia,** [**https://room.eu.com/article/space-mining-the-reality-of-tomorrow**](https://room.eu.com/article/space-mining-the-reality-of-tomorrow)

Today, many would be startled to learn, there are four United States-based companies whose business plans involve ‘space mining’ for profit. These companies include Planetary Resources Inc, Deep Space Industries, Moon Express, and Shackleton Energy Corporation. There is a great abundance of wealth of natural resources on our six sextillion ton planet. But we **humans**.now numbering some 7.5 billion and **likely to grow as large as 12 billion by 2100, have a vast hunger for products and energy**. With our automated manufacturing machines we have developed to ability to manufacture a relentless army of goods and we consume more and more energy every year. If all of the natural resources on our planet are used wisely and in a sustainable fashion they can be recycled and used over and over again. **Modern civilization**, with its complex infrastructure, burgeoning population and surging urban complexes **will soon need to adjust to emerging 21st century realities. By the end of this century there may be perhaps a 100 megacities of more than 10 million people. Our world will be experiencing** significant elements of **climate change, major environmental shifts, and** growing natural resource needs. **The world as we know it today** will significantly change or, life as we know it today, **will no longer be sustainable**. In short big changes are coming. We will be forced to shift to sustainable and renewable energy sources. We will be forced to engage in more and more recycling. We will have to change our ways of life as our cities absorb more than 70 per cent of the world’s population. **We will**, despite all these shifts, still **need to reach out into space and start to evolve a space-based economy.** US Secretary of State John Hay once famously said: “The Mediterranean is the ocean of the past, the Atlantic is the ocean of the present, and the Pacific is the ocean of the future.” And over time the global economy has expanded to make this prediction a reality. Soon the economies of China, India, Indonesia and Japan - plus the smaller countries of Singapore, Taiwan, Republic of Korea, Thailand, etc - will outstrip those of the US and Europe. **As** these **developing economies get more prosperous and demand for natural resources continues to grow, the availability of natural resources will become a growing problem**. In considering the future, one might do well to consider Ray Kurzweil and his prediction about the coming ‘Singularity’ or those of Peter Diamandis in forecasting a future that is increasingly based on an extra-terrestrial and space-based economy. The value of platinum-rich asteroids have been estimated at levels ranging from US$200 billion up to even a trillion dollars. Of course the future of our energy needs rest with the Sun.

**Thus, space appropriation is a moral priority and must be done with the most just action.**

**Subpoint B. Private entities are preferable to long-term government actions for appropriating**

#### Government taxpayer money should not be spent on space exploration when people are suffering

**Adams 21** Ella Adams (she/her) is a sophomore anthropology major from Waxhaw, North Carolina.

[Opinion: Spending on space is wasteful. – The Appalachian (theappalachianonline.com)](https://theappalachianonline.com/opinion-spending-on-space-is-wasteful/)

[The U.S. is the richest country in the world](https://worldpopulationreview.com/countries/countries-by-gdp), but that’s not to say it doesn’t have problems. In 2020, more than [50 million Americans experienced food insecurity](https://www.feedingamerica.org/sites/default/files/2020-04/Brief_Impact%20of%20Covid%20on%20Food%20Insecurity%204.22%20%28002%29.pdf), which increased due to COVID-19. Closer to home, Watauga County experienced a food insecurity rate of [16.8% last year](https://www.feedingamericaaction.org/the-impact-of-coronavirus-on-food-insecurity/). The pandemic has been hard on Americans and food insecurity is just one example of how people are struggling. With people struggling to eat in the richest country in the world, is exploring space how our tax dollars should be spent? About [5.9%](https://www.nationalpriorities.org/budget-basics/federal-budget-101/spending/) of the federal budget is spent on Medicare and healthcare, 5.7% is spent on housing and community and 6.3% on education. Spending for these programs is in the single digits so where is all our money going? The military which receives over half of all discretionary spending. Of course, America’s outrageous military spending is a whole different issue. Only 0.5% of the federal budget goes to NASA but 0.5% of a $4.5 trillion budget is a lot of money, [$23.3 billion this year](https://www.planetary.org/space-policy/nasa-budget) to be exact. $23.3 billion is a lot of money for NASA, which has little to no direct impact on everyday Americans’ lives. Sure, space is cool to learn about and the advancement of science and technology is very important, but parents who can’t feed their children probably don’t care about some rocks on Mars. NASA should not be a priority when issues such as poverty, food insecurity and homelessness exist in America. Our tax dollars should be spent on us – improving our infrastructure, helping the poor, bettering education and solving climate change. To be clear, government funding for research is very important and NASA should not be abandoned. Knowledge should be accessible and space shouldn’t be treated like a personal playground for the ultra-rich. Right now we need to focus on fixing the problems here on Earth before we try to figure out the age-old mysteries of space.

**Thus, this means governments must spend their taxpayer money on real world answers. Instead of knowledge and random rocks on Mars, governments must focus on real-life harms. However, private space companies will have a clear focus on space appropriation and do not have an obligation to solve all issues in space, so thus it is just.**

**Next, Long-term government space programs are rife with waste and inefficiencies.**

**Earle ’21**, states Peter C. Earle (is an economist and writer who joined AIER in 2018 and prior to that spent over 20 years as a trader and analyst in global financial markets on Wall Street), “Three – No, Four – Cheers for Space-Travelling Billionaires,” Capitalism Magazine, August 3, 2021, https://www.capitalismmagazine.com/2021/08/three-no-four-cheers-for-space-travelling- billionaires/

Government space programs don’t leave much for admonishers to point to. As Federal debt levels have soared, increased scrutiny of US agencies and programs has revealed that the National Aeronautics and Space Administration (NASA) is as subject to the same spendthrift tendencies as every other tax-supported state enterprise. As a Purdue University study (one of many) summarizes, An outgrowth of [the general tendency toward] fiscal profligacy is the presence of wasteful and duplicative programs within NASA that prevent this agency from achieving its space science and human spaceflight objectives. These programs occur due to mismanagement of these programs by NASA and from creation of these programs by the US Congress and congressional committees. This occurs because congressional appropriators tend to be more concerned with economically enhancing their states and districts and promoting their reelections instead of providing effectively targeted funding and oversight of their programs to ensure they meet national space policy goals and provide tangible value for taxpayers. The report goes on to cite “multifaceted waste and duplication,” “unused and ineffectively used facilities” and specific programs including the Constellation/Multi-Purpose Crew Vehicle (MPCV), the James Webb Space Telescope, as emblematic of the squandering. Space agencies losing taxpayer support and being taken up by private sources is a step in the right direction. Perhaps the visceral disdain for the recent feats of Blue Origin, Virgin Galactic, and SpaceX stems from the unwelcome acknowledgment that at a fraction of the expense and waste of bureaucratic state agencies, billionaires are pushing the human race a step closer to a stellar future. Inequality dogma has increasing numbers of Americans in its grasp, and busybodies eager to dictate how strangers should spend their money are rarely in short supply. Expecting public magnanimity was probably foolish.

**Subpoint C. Private entities solve for efficiency and timing**

**Private entities are more efficient than government operations**

**Follett 21** [Andrew Follett, Andrew Follett previously worked as a space and science reporter for the Daily Caller News Foundation. He has also done research for the Congressional Committee on Science, Space and Technology, the National Aeronautics and Space Administration, the Cato Institute, and the Competitive Enterprise Institute. He currently conducts research analysis for a nonprofit in the Washington, D.C., area., “Private Firms Are the Key to Space Exploration”, 08/21/2021, The National Review,<https://www.nationalreview.com/2021/08/private-firms-are-the-key-to-space-exploration/>] /Triumph Debate

But NASA’s troubles, depressingly, are likely to get even worse. In November the James Webb Space Telescope (JWST) will finally launch, after taxpayers have forked over $9.7 billion. It was originally supposed to launch in 2007 on a budget of $500 million. That means the project is over a decade behind schedule and costing almost 20 times its initial budget. Perhaps the telescope, meant to locate potentially habitable planets around other stars and perhaps even extraterrestrial life, could instead search for a calendar . . . or fiscal sanity . . . in the stars? JWST isn’t the first NASA space telescope to suffer cost overruns and setbacks. The Hubble Space Telescope (HST) was originally intended to launch in 1983, but technical issues delayed the launch until 1990 because the main mirror was incorrectly manufactured. JWST is very likely to fail because it is supposed to unfold itself “origami style” in space in an extremely technically complicated process. If difficulties arise, JWST lacks HST’s generous margin for error because of its location far beyond earth’s orbit at the Sun-Earth L2 LaGrange point. NASA currently lacks the capability to send a team of astronauts out that far to fix any problems. Even if NASA could get out to JWST, the telescope doesn’t have a grappling ring for an astronaut to grab onto and thus could potentially kill astronauts attempting to fix it. It is hard to imagine a[n] better example of the private sector’s amazing ability to outcompete government[?] bureaucracy and mismanagement thanNASA’s planned Shuttle replacement, the Space Launch System. It is estimated to cost more than $2 billion per flight. That’s on top of the $20 billion and nine years the agency has already spent developing the vehicle. Contrast that with the comparatively inexpensive $300 million spent by SpaceX to develop the Falcon 9 in a little over four years, and the fact that each Falcon 9 costs around $62 million. One SLS launch could pay for over 32 SpaceX launches. Private ventures such as SpaceX are more efficient because they have a lot more incentive to avoid excessive costs and focus on solutions: **Their own money is at stake,** and people spend their own money more carefully than they spend taxpayer dollars collected from others. Multiple private American space firms are currently pursuing accomplish[ing]**ments** beyond those of NASA, and they are more advanced and ambitious than the entire government space programs of China and the European Union combined. So one possible solution to NASA’s woes would be to greatly increase its reliance on commercial launch providers. And one way to do that would be to return to the system that made civil aviation great: prizes to reward private-sector innovation. Charles Lindbergh flew across the Atlantic Ocean in pursuit of the privately funded Orteig prize, valued at almost $395,000 in today’s money. Another famous example was the X Prize, which rewarded Burt Rutan’s company Scaled Composites with over $14 million in today’s money for becoming the first nongovernmental organization to launch a reusable and manned space vehicle, SpaceShipOne. The X Prize succeeded in creating over $100 million in investment by private corporations and individuals. Aerospace experts expect that establishing a $10 billion prize for successfully landing a crew on Mars and returning it safely to earth could very well lead to a successful landing. That’s a bargain compared with the $500 billion cost estimates NASA puts out for the same objective. And of course in the worst-case failure scenario for a prize program, taxpayers would pay nothing until the mission was complete. A system based on private enterprise incentivized by a fixed prize would end government cost overruns and waste. The cause of space exploration is simply too important to leave to the public sector.

**Space appropriation is essential since we only have until 2100 to solve for the impacts of devastating climate change. Thus, we have the moral obligation to choose the best actor. The action of privatization must be just, since it is the only way to ensure future human survival. Private entities can ensure actual harms being solved, efficiently appropriate when governments cannot, and do not have to risk taxpayer dollars. Hence, I negate.**

#### Scholarly discourse and engagement with politics is key to effective structural reform - critique is insufficient.

**Purdy ’20 -** Jedediah S. Britton-Purdy et al, 20 - ("Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis by Jedediah S. Britton-Purdy, David Singh Grewal, Amy Kapczynski, K. Sabeel Rahman :: SSRN," 3-2-2020, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3547312)//ey/>

To embrace the possibility of democratic renewal requires rejecting the terms of the Twentieth-Century Synthesis. We believe that the legal realists—and thinkers in a much longer history of political thought—were right in believing that "the economy" is neither self-defining nor self-justifying. The emphasis in these traditions has been the right one: on power, distribution, and the need for legitimacy as the central themes in the organization of economic life. Moreover, precisely because economic ordering is a political and legal artifact, the idea of an "autonomous" economic domain has always been obscurantist and ideological, even when accepted in good faith.' Law does not and never could simply defer to such a realm. Rather, **law is perennially involved in creating and enforcing the terms of economic ordering,** most particularly through the creation and maintenance of markets. One of its most important roles, indeed, is determining who is subject to market ordering and on what terms, and who is exempted in favor of other kinds of protection or provision.' Thus the program of law, politics, and institution building often called "neoliberalism" is, and can only be, a specific theory of how to use state power, to what ends, and for whose benefit.'The ideological work of the Twentieth-Century Synthesis has been to naturalize and embed in legal institutions from the Supreme Court to the Antitrust Office andWorld Trade Organization a specific disposition of power. This power represents a deployment of market ordering that produces intense and cross-cutting forms of inequality and democratic erosion. However, Twentieth-Century Synthesis theorists tend not to see this, precisely because the Synthesis makes it so hard to see (or at least so easy to overlook). If it is to succeed, law and political economy will also require something beyond **mere** critique. It will require **a positive agenda.** Many **new** and energized **voices**, from the legal academy to political candidates to movement activists, are already building in this direction,' calling for and giving shape to **programs for** more genuine democracy that also takes seriously questions of economic power and racial subordination;171 more equal distribution of resources and life chances;172 more public and shared resources and infrastructues;173 the displacement of concentrated corporate power and rooting of new forms of worker power;174 the end of mass incarceration and broader contestation of the long history of the criminalization andcontrol of poor people and people of color in building capitalism;175 the recognition of finance and money as public infrastructures;176 the challenges posed by emerging forms of power and control arising from new technologies;177 and the need for a radical new emphasis on ecology.178 These are the materials from which a positive agenda, over time, will be built. Political fights interact **generatively** with scholarly and policy debates in pointing the waytoward a more democratic political economy. The emergence of new grassroots movements, campaigns, and proposals seeking to deepen our democracy is no guarantee of success. But their prevalence and influence make clear the dangers and opportunities of this moment of upheaval—and highlight the stakes of building a new legal imaginary. 179 Neoliberal political economy, with its underlying commitments to efficiency, neutrality, and anti-politics, helped animate, shape, and legitimate a twentieth-century consensus that erased power, encased the market, and reinscribed racialized, economic, and gendered inequities. By contrast, a legal imaginary of democratic political economy, that takes seriously underlying concepts of power, equality, and democracy, can inform a wave of legal thought whose critique and policy imagination can amplify and accelerate these movements for structural reform and, if we are lucky, help remake our polity in more deeply democratic ways.

**The Outer Space Treaty does not prohibit private sector appropriation of space.**

**Gorove**, Stephen. “Interpreting Article II Of The Outer Space Treaty.” Fordham Law Review 37:3. 19**69.**. <<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1966&context=flr>>./AC

II. NATIONAL APPROPRIATION Turning to the second question which involves the meaning of “national” appropriation, it has been suggested that only the United Nations acting on behalf of the world community as a whole, should be entitled to appropriate.3 While further developments in space law, by international custom or treaty, may eventually prohibit spatial appropriations by an individual or a chartered company or the European communities,the Treaty in its present form appears tocontain no prohibition regarding individual appropriation or acquisition by a private association or an international organization, even if other than the United Nations. Thus,at present, an individual acting on his own behalf or on behalf ofanother individual or a private association or an international organization could lawfully appropriate any part of outer space, including the moon and other celestial bodies**.** Whether or not an ad hoc international organization could be created for the exclusive purpose of enabling it to appropriate outer space is a delicate question. The answer may have to depend on the good faith of the parties. A further question in relation to “national” appropriation is whether or not political subdivisions of a state, such as the states of a federal state, cities or municipalities may appropriate? Under a strict interpretation, the answers to these questions would likely be in the negative even though an occasional court decision in other areas of the law may support an affirmative position.4