# 1AC

## Aff Case

#### I affirm Resolved: The appropriation of outer space by private entities is unjust.

### Definitions

#### For the clarity of the debate, I provide the following definitions:

#### Appropriation is establishing property rights in something formerly un-owned

Dominiak 17

Łukasz Dominiak (Associate Professor at Nicolaus Copernicus University in Poland; he holds a PhD and habilitation in political philosophy and is a Fellow of the Mises Institute). “Libertarianism and Original Appropriation.” Historia i Polityka, 29/2017: 22. Pp. 43-56. JDN. <https://apcz.umk.pl/HiP/article/view/HiP.2017.026/13714>

Ownership1, or property, on the other hand is a normative concept. To own a thing is to have a right to possess it, i.e. to be in such a juridical position that one’s claim to deal with the thing at will is a justified claim whereas claims of other persons are unjustified or less justified than the owner’s. As Barnett puts it, “rights are those claims a person has to legal enforcement that are justified, on balance, by the full constellation of relevant reasons, whether or not they are actually recognized and enforced by a legal system” (2004). To recognise someone’s ownership is therefore to assert that his possession of a thing is just, rightful, lawful, licit or reasonable etc., is to conclude that he ought to possess the thing if such is his will, even if he actually does not possess it. As Kinsella writes, “ownership is the right to control, use, or possess, while possession is actual control” (2009). Thus, ownership is a threefold normative or juridical relation between the owner, the thing owned and the rest of mankind such as the owner may control the thing to the exclusion of others because he has the best title to do it. Hence, the distinction between possession and ownership is a distinction between factual and normative relation. Having drawn the above distinction between possession and ownership, we are ready to define original appropriation. Thus, original appropriation is acquiring ownership of unowned things. To originally appropriate is to establish property rights, i.e. justified claims to physical things that at the moment of acquisition are unowned. What is important to underline again, is that original appropriation is not about taking factual possession of things that are unpossessed or unowned – this process is called occupation and can be conceived as one of the possible investitive facts that can result in original appropriation but should not be confounded with the latter. Neither is it about acquiring ownership of things already owned. It is about instituting new property rights to unowned things. As Nozick puts it, the topic of “original acquisition of holdings, the appropriation of unheld things includes the issues of how unheld things may come to be held” (2014), i.e. come to be owned. Hence, original appropriation is about creating normative relations between persons and things.

#### “Justice” is specifically a question of fair distributions

Swain 20

Dan Swain (Assistant professor of philosophy and social sciences at the Czech University of Life Sciences in Prague; research fellow at the Institute of Philosophy of the Czech Academy of Sciences). “None so Fit to Break the Chains: Marx's Ethics of Self-Emancipation.” Haymarket Books (October 6, 2020). JDN.

It is worth noting that this entire controversy only makes sense if what is meant by justice is something more specific than simply questions of right or wrong. Indeed, one of the ways in which this debate gets distorted is the sense that justice, in this sense, exhausts normative political theory. There is a marked tendency in some writings to assume that any substantive social wrong must ultimately boil down to a question of (in)justice. Increasingly, it becomes taken for granted that to say something is unjust and to condemn it are synonymous. For example, Nielsen, in attacking Wood’s arguments that Marx rejects the language of justice, suggests that this debate might merely be a ‘trivial verbal one’.20 Since Wood accepts that Marx condemns capitalism as severely unequal and exploitative he ‘must agree … that capitalism is indeed, in the plain untechnical sense of the term, an unjust social system’.21 Perhaps it is a symptom of too much political philosophy, but it is entirely unclear to me what the ‘plain, untechnical sense’ of justice is. Of course, if justice is defined differently, either less narrowly concerned with distribution, or more specifically concerned with domination, democracy and power, capitalist exploitation may be more easily integrated into a justice account. Young herself, for example, wants to hold on to the word justice but stresses that domination and oppression should be the primary terms in which it is thought of.22 However, in the main discussions of justice remain dominated by distributive language, and in particular by Rawls and the various variations and developments of his core approach.23 In any case, there is a real difference between saying something is wrong because it is unjust and saying it is wrong because it denies freedom (or indeed because it is heretical, illiberal, evil, lacks solidarity or many other terms of condemnation).

### FW

#### My Value is Justice

#### My value criterion is John Rawls’s A Theory of Justice or that society can only be just when everyone's interests are taken equally into account meaning resources need to be divided equally

#### Prefer it for several reasons:

#### It allows for the long-term prosperity of a society because all citizens’ wellbeing is taken into account

#### It ensures that society comes to a compromise on what is best for everyone

#### On a moral level it prevents prioritization od socio-economic statuses, ethnic groups, gender or any other identity category

### Conflict

#### My First Contention is that the private appropriation of space will cause massive conflicts that undermine justice worldwide

#### Space colonization causes war---social identity theory verifies this argument

Martin Verloop 19, master of science at the University of Amsterdam, 6/19/19, “Space Colonization: The answer to everything?”, https://www.spiegeloog.amsterdam/space-colonization-the-answer-to-everything/

Thus, a compelling argument can be made for venturing into the skies. Several private corporations, such as SpaceX for example, are looking into setting up shop on Mars in the next few decades to ‘save humanity.’ Russia aims to establish a lunar outpost by 2030 (The Week, 2018). People like Elon Musk appear to be in a rush to colonize space and he is not alone in arguing that there is a real urgency to do so. It is striking, however, that we look for answers in the skies to save humanity instead of taking the time to self-reflect. In fact, Torres (2018a), a scholar specializing in existential risk, argues that the chances of our species’ survival will fall rather than rise if we colonize space.

According to Torres, we live in a Darwinian world in which ‘the mechanism of natural selection is constantly tweaking the genomes of organisms to ensure a satisfactorily good “fit” between the “features” of organisms and the “factors” of their environments’ (Torres, 2018b). Species that migrate to a new island will evolve into a novel species (Torres, 2018a). Inhabitable planets are essentially islands in the sky that could potentially result in the evolution of species different from the parent human species. Additionally, the possibilities that come with eventual future advances in bioengineering may speed up the evolution process. Different modifications may be made to our bodies and brains across planets depending on what enhancements are needed to adapt to the environment.

Although private corporations like SpaceX are already trying to establish human settlements on Mars, Cozmuta (2015) estimates that it will take two to three hundred years before we are able to set up fully fledged colonies outside the bounds of Earth. According to anthropologist Cameron Smith, it will take another two to three hundred years before we start to see ideological diversification (The Week, 2018). Due to isolation, space colonies may develop vastly different cultures and languages. Even digital communication would prove to be difficult with signals potentially taking years, if not decades, to arrive (Torres, 2018a). Thus, not only would colonizing space result in the diversification of our species, difficulties arising from problems in communication could lead to ideological diversification as well. Ideological diversification includes the emergence of ‘cultures, languages, governments, political institutions, religions, technologies, rituals, norms, worldviews’ that may be unique to certain space colonies (Torres, 2018a). Prior to that, however, it is also interesting to think that already, over the course of some generations, space colonies may want to sever their connections to Earth because they have different interests than Earth does. A potential conflict of interests could even concern relatively minor matters like disagreements on taxes. We’ve already seen a similar situation happen here on Earth when the United States, previously a colony of Great Britain, declared independence because they wanted more economic independence and rejected the idea of ‘taxation without representation’ (Phillips Erb, 2017).

Decolonization of space colonies could result in highly competitive interplanetary relations. It would be virtually impossible to set up an interplanetary agency like the United Federation of Planets in Star Trek. The enormity of space would make effective coordination of law enforcement activities incredibly hard (Torres, 2018a). It would also be difficult to establish law and order by adopting a mutually assured destruction policy. Such a policy might be successful if there were only a few colonized planets. Essentially, we’d be looking at an an interplanetary Cold War here, which is ironic if you consider the fact the Space Race started in an Earth-based Cold War. However, given the immensely high number of potential species, a mutually assured destruction policy may not work either, because it would be extremely hard to detect who instigated an attack.

Torres (2018a, 2018b) bases his argument on evolutionary biology and international relations theory, but another argument can potentially be drawn from psychological theory. Think of social identity theory, for example. According to this theory, in-group members often differentiate themselves by using relevant out-groups as a means for evaluating the in-group as positively different (Tajfel & Turner, 1979). It is interesting to speculate whether the theory would also generalize to interspecies relations. It is conceivable that it would. In the case of highly competitive intergroup relations, individuals are likely to devaluate the out-group. We might even see dehumanization, although that term specifically seems a bit odd to use in the case of the emergence of novel species. Potentially, the inability to understand the ‘Other’ due to species diversification may even amplify ‘dehumanization’ of the out-group. Then, what those who dared to dream have optimistically called the ‘final frontier,’ may just turn into another frontier for war.

#### Private appropriation of space makes competition and conflict more likely

Finkelstein and Nevitt 18

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A motive might be sought in the potentially profitable commercial ventures in outer space, such as asteroid mining, for which the president has voiced support. The president may imagine that a Space Force is the way to gain control over and protect the valuable assets involved. However, this way of thinking is risky.

Currently, outer space is “militarized” but not yet “weaponized.” Militaries around the globe make heavy use of satellite technology — such as surveillance and global positioning — but so far they have refrained from placing weapons on satellites in outer space or using them directly for warfighting. The administration’s ad hoc push for space dominance risks upsetting a delicate balance: space now hovers precariously at the brink of weaponization and it would take only one major country defecting from the current system of peaceful self-constraint to drive us into a major arms race in outer space.

The current peaceful equipoise is largely because of the remarkable success of the 1967 Outer Space Treaty, an international agreement with which more than 100 signatory countries have been compliant. Under this treaty, space is considered a “province of mankind” that is not owned or controlled by any single nation. Article IV of the treaty provides that celestial bodies be used “for peaceful purposes only,” and objects in orbit carrying nuclear or weapons of mass destruction are strictly prohibited. Article II of the treaty makes clear that outer space “is not subject to national appropriation by claim of sovereignty.”

Seeking military dominance in space, coupled with encouraging appropriation of space for commercial purposes, puts us at loggerheads with our traditional allies, upsets stable and well-established treaty obligations, and moves the world closer to a highly dangerous arms race in outer space.

It is important to distinguish the idea of a Space Force from the pursuit of military and economic superiority in space. There may not be anything intrinsically wrong with the idea of a Space Force, or in somewhat more moderate form, a “Space Corps,” similar to the Marine Corps, or a “Space Command,” as Congress has called for in the 2019 National Defense Authorization Act, which President Trump signed into law last Monday. The merits of a stand-alone space unit depend on how its mission is conceived and how it fits into broader U.S. policy objectives in outer space, but a thoughtful, coherent and measured inter-agency space policy has yet to emerge. The danger comes from the aim of dominance, not the particular way in which dominance is sought. In addition to potentially touching off an arms race of planetary proportions, there could be an economic race over space resources, comparable to the emerging fight over the Arctic or over deep-sea fishing rights. The combination of space weaponization and space commercialization easily could thrust us into a new cold war (or worse). A hot war in outer space is unthinkable, and we cannot let it occur.

#### Conflict in space is a major threat with risks of escalation

Grego 15

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So says a very good New York Times editorial “Preventing a Space War” this week. Sounds right, if X-Wing fighters come to mind when you think space conflict. But in reality conflict in space is both more likely than one would think and less likely to be so photogenic. Space as a locus of conflict The Pentagon has known that space could be a flash point at least since the late 1990s when it began including satellites and space weapons in earnest as part of its wargames. The early games revealed some surprises. For example, attacking an adversary’s ground-based anti-satellite weapons before they were used could be the “trip wire” that starts a war: in the one of the first war games, an attack on an enemy’s ground-based lasers was meant to defuse a potential conflict and protect space assets, but instead was interpreted as an act of war and initiated hostilities. The games also revealed that disrupting space-based communication and information flow or “blinding” could rapidly escalate a war, eventually leading to nuclear weapon exchange. The war games have continued over the years with increased sophistication, but continue to find that conflicts can rapidly escalate and become global when space weapons are involved, and that even minor opponents can create big problems. The report back from the 2012 game, which included NATO partners, said these insights have become “virtually axiomatic.” Participants in the most recent Schriever war games found that when space weapons were introduced in a regional crisis, it escalated quickly and was difficult to stop from spreading. The compressed timelines, the global as well as dual-use nature of space assets, the difficulty of attribution and seeing what is happening, and the inherent vulnerability of satellites all contribute to this problem. Satellite vulnerability & solutions Satellites are valuable but, at least on an individual basis, physically vulnerable. Vulnerable in that they are relatively fragile, as launch mass is at a premium and so protective armor is too expensive, and a large number of low-earth-orbiting satellites are no farther from the earth’s surface than the distance from Boston to Washington, DC.

### Exploitation

#### My Second contention is that private appropriation will cause exploitation of workers and the general public in space causing structural violence

#### Space exploration is at present dominated by private capitalist interests

Marx 20

Paris Marx (socialist writer and host of the Tech Won't Save Us podcast). "Yes to Space Exploration. No to Space Capitalism." June 2020, jacobinmag.com/2020/06/spacex-elon-musk-jeff-bezos-capitalism.

The space billionaires — Musk and Amazon CEO Jeff Bezos foremost among them — have little stake in the well-being of the majority of the population. Their space visions are designed for wealthy people like themselves, with little mention of where the working class would fit in. They’ve built their wealth on exploitation, and their visions of the future are little more than an extension of their present actions.

A History of Violence

The business practices of Musk and Bezos are increasingly well known and have been on clear display during the pandemic. Musk tried to claim Tesla’s Fremont, California factory was “essential” until authorities forced him to close it; then he reopened it in defiance of health orders. As Tesla CEO, Musk has a long history of opposing the unionization of workers, presiding over a high rate of worker injuries (which the company tried to cover up), and even having a former worker hacked and harassed after he became a whistleblower.

Meanwhile, Bezos has a similar history of abusing Amazon workers. Amazon’s warehouses are known for having higher injury rates than the industry average, the company has fought unionization, and the stories of the terrible conditions experienced by workers are legendary. During the pandemic, that has continued, with the company failing to enforce social distancing or provide adequate protective equipment until workers began walking out, refusing to be open about infection information, and firing workers who dared criticize the company, all while Bezos’s wealth has increased by more than $30 billion.

But it goes beyond that, because the worldviews of these billionaires began to be formed long before they started the empires they currently lord over.

Musk did not have a regular childhood, but rather a wealthy upbringing in apartheid South Africa. His father was an engineer and owned part of an emerald mine in Zambia, telling Business Insider, “We were very wealthy. We had so much money at times we couldn’t even close our safe.” In Elon Musk: Tesla, SpaceX, and the Quest for a Fantastic Future, Ashlee Vance describes how Musk got money from his father when he was starting one of his original ventures. He also had a particular admiration for his grandfather, who moved to apartheid South Africa from Canada after rallying “against government interference in the lives of individuals.”

Bezos has a not dissimilar story. His father was a well-off oil engineer in Cuba while Fulgencio Batista was in power. In Bit Tyrants, Rob Larson explains that Bezos’s father left the island after the Cuban Revolution and passed his libertarian views down to his son. Bezos’s parents invested nearly $250,000 in Amazon in 1995 as it was getting started.

These space barons made their billions through the exploitation of their workers and came from well-off backgrounds made possible from resource extraction. When digging into their visions for a future in space, it’s clear that they seek to extend these conditions into the cosmos, not challenge them in favor of space exploration for the benefit of all.

The Future They Want

Musk and Bezos are the leading drivers of the modern push to privatize and colonize space through their respective companies, SpaceX and Blue Origin. Their visions differ slightly, with Musk preferring to colonize Mars, while Bezos has more interest in building space colonies in orbit.

In 2016, Musk claimed he would begin sending rockets to Mars in 2018. That never happened, but it hasn’t ended his obsession. Musk is determined to make humans a multi-planetary species, framing our choice as either space colonization or the risk of extinction. Bezos says that Earth is the best planet in our solar system, but if we don’t colonize space we doom ourselves to “stasis and rationing.”

These framings serve the interests of these billionaires, and make it seem like colonizing space is an obvious and necessary choice when it isn’t. It ignores their personal culpability and the role of the capitalist system they seek to reproduce in causing the problems they say we need to flee in the first place.

Billionaires have a much greater carbon footprint than ordinary people, with Musk flying his private jet all around the world as he claims to be an environmental champion. Amazon, meanwhile, is courting oil and gas companies with cloud services to make their business more efficient, and Tesla is selling a false vision of sustainability that purposely serves people like Musk, all while capitalism continues to drive the climate system toward the cliff edge. Colonizing space will not save us from billionaire-fueled climate dystopia.

But these billionaires do not hide who would be served by their futures. Musk has given many figures for the cost of a ticket to Mars, but they’re never cheap. He told Vance the tickets would cost $500,000 to $1 million, a price at which he thinks “it’s highly likely that there will be a self-sustaining Martian colony.” However, the workers for such a colony clearly won’t be able to buy their own way. Rather, Musk tweeted a plan for Martian indentured servitude where workers would take on loans to pay for their tickets and pay them off later because “There will be a lot of jobs on Mars!”

Bezos is even more open about how the workforce will have to expand to serve his vision, but has little to say about what they’ll be doing. His plan to maintain economic “growth and dynamism” requires the human population to grow to a trillion people. He claims this would create “a thousand Mozarts and a thousand Einsteins” who would live in space colonies that are supposed to house a million people each, with the surface of Earth being mainly for tourism. Meanwhile, industrial and mining work would move into orbit so as not to pollute the planet, and while he doesn’t explicitly acknowledge it, it’s likely that’s where you’ll find many of those trillion workers toiling for their space overlord and his descendants.

Space Shouldn’t Serve Capitalists

In 1978, Murray Bookchin skewered a certain brand of futurism that sought to “extend the present into the future” and desired “multinational corporations to become multi-cosmic corporations.” Much of this future thinking obsesses about possible changes to technology, but seeks to preserve the existing social and economic relations — “the present as it exists today, projected, one hundred years from now,” as Bookchin put it. That’s at the core of the space billionaires’ vision for the future.

Space has been used by past US presidents to bolster American power and influence, but it was largely accepted that capitalism ended at the edge of the atmosphere. That’s no longer the case, and just as past capitalist expansions have come at the expense of poor and working people to enrich a small elite, so too will this one. Bezos and Trump may have a public feud, but that doesn’t mean that their mutual interest isn’t served by a renewed US push into space that funnels massive public funds into private pockets and seeks to open celestial bodies to capitalist resource extraction.

This is not to say that we need to halt space exploration. The collective interest of humanity is served by learning more about the solar system and the universe beyond, but the goal of such missions must be driven by gaining scientific knowledge and enhancing global cooperation, not nationalism and profit-making.

Yet that’s exactly what the space billionaires and American authoritarians have found common cause in, with Trump declaring that “a new age of American ambition has now begun” at a NASA press briefing just hours before cities across the country were placed under curfew last week. Before space can be explored in a way that benefits all of humankind, existing social relations must be transformed, not extended into the stars as part of a new colonial project.

#### Expansion of capitalism to outer space will cause exploitation on a massive scale

Pearson 18

Jordan Pearson, Motherboard senior editor, 5-10-2018, "American Capitalism Is Suffocating the Endless Possibilities of Space," Vice, https://www.vice.com/en\_us/article/59qmva/jeff-bezos-space-capitalism-outer-space-treaty. [QC]

The possibilities of world-building in space are what the Outer Space Treaty of 1967 represented when it was signed by over 90 countries during the first international space race. The international agreement, which is still in force today, states that space exploration “shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind." It also states that signatories including the US shall be guided by the “principle of cooperation and mutual assistance.” This treaty, clearly open to interpretation, was a springboard for efforts by developing nations to forge a new society free of Earth’s gravitational pull, and potentially free of American-led capitalism—as it turns out, both are hard to escape. A 1970s push to clarify the treaty's terms and make outer space and its resources “the common heritage of mankind” was seen in the US as an attempt to bring socialist principles into space (it was) and it was crushed. The lesson: world-building outside of the realm of science fiction is corralled—often terminally—by powerful interests. Now, whatever possibility the Outer Space Treaty once represented for new ways of life to emerge on other planets is fading away. In late April, as The Outline noted, the US House of Representatives passed the American Space Commerce Free Enterprise Act. The Act states that its purpose is to “ensure that the United States remains the world leader in commercial space activities” and says that the US government will interpret its international obligations “in a manner that minimizes regulations and limitations” on private space companies. Moreover, it states that the government “shall not presume” that the Outer Space Treaty applies to private companies, allowing even more wiggle room. And if there were any lingering doubt about the Act’s intent, it further states: “Outer space shall not be considered a global commons." This declaration is a powerful form of world-building—the same kind of world-building that Cecil Rhodes, the British imperialist who founded Rhodesia and one of history’s most twisted grotesques, was doing when he sighed, “I would annex the planets if I could.” Rhodes sought to remake a whole people in the image of the white industrialist, and so it was only natural that he do the same with the heavens—if he could. Star Trek’s collectivist Federation, sparkling and joyous Afrofuturist visions, the anarchism of Ursula K. Le Guin’s The Dispossessed—all of these possibilities seem to buckle under the weight of unshackled industry forging a society for itself and its class interests with the help of the government. If you listen to the people who stand to benefit most from the American Space Commerce Free Enterprise Act, like Amazon and Blue Origin founder Jeff Bezos, American capitalism in space will have its own benefits. In a recent interview with Business Insider, Bezos imagined a “trillion humans” living in the solar system with “a thousand Einsteins and a thousand Mozarts.” In short, a new kind of intellectual and cultural renaissance will ring across the solar system, led by the US greenback. It sounds utopian in its own way—a thousand Mozarts?—but it belies a cruel calculus. As Buzzfeed recently pointed out, Bezos’s world-building doesn’t say that everyone will have the opportunity and ability in space to decide their own destiny, but seems to imply instead that a trillion people can prop up a cultural, intellectual, and undoubtedly economic upper class. One thousand gray planets, a universe of misery Bezos also said that humanity will have “unlimited, for all practical purposes, resources and solar power and so on.” This doesn't mean that everyone will have equal access to these resources, like those gleaned from asteroid mining, or that they are really unlimited. Oil is also often said by those with vested interests to be a practically unlimited resource—last month President Donald Trump tweeted that there are “record amounts of oil all over the place.” And yet untold human suffering and deprivation stems from the extraction, production, and consumption of oil and oil products, and the distribution of profits from these activities. And there is no equal access; everybody knows only those at the top can afford to use as much gas as they please on their boats, planes, and so on. And what will life look like for the trillion humans living in the solar system, many (if not most) under the yoke of American capitalism? It will look a lot like it does now, which is to say it will be a life of work while wealth flows up to an interstellar elite. And if this vision expands beyond our solar system? Trillions of humans; one thousand gray planets, one thousand petty plutocracies, a universe of misery.

### CHP

#### My Third Contention is that private appropriation of space violates the common heritage principal which is key to ensuring justice in space

#### The common heritage principle describes property that is jointly owned by all people and not subject to appropriation

Arnold 75

Rudolph Preston Arnold (President, International Law Society). “The Common Heritage of Mankind as a Legal Concept.” 9 Int'l L. 153 (1975). JDN. https://heinonline.org/HOL/LandingPage?handle=hein.journals/intlyr9&div=15&id=&page=

At the outset, it is necessary to give the phrase, common heritage of mankind, a specific literal meaning. The word common suggests a thing shared in respect to title, use or enjoyment, without apportionment or division into individual parts. The word heritage suggests property or interests which are reserved to a person by reason of birth, something handed down from one's ancestors or the past. In defining mankind, it is necessary to make a distinction between mankind and man. Mankind refers to the collective group, whereas man refers to individual men and women. Thus, human rights are those which individuals are entitled to by virtue of their membership in the human race, whereas the rights of mankind relate to the collective entity. Mankind is not yet unified under one world government, therefore the collective entity of mankind is represented by the various nations of the world. Thus the exercise of rights to the common heritage of mankind appertains to nations, representing mankind, and not individuals. The use of the phrase common heritage of mankind implies or prescribes worldwide common ownership of the seabed and its resources beyond the limits of national jurisdiction. The Legal Rule Roman law held that certain objects were res communes, the property of all, such that these things could not be the object of private rights. These objects generally consisted of: the air, rainwater, water of rivers, the sea and its shores.6 In current international law, res communes generally refers to the high seas, outer space, and celestial bodies, all of which have the characteristic that they may not be subject to the sovereignty of any state, and states are bound to refrain from taking acts which might adversely affect their use by other states.7 The expression in the declaration, that the seabed shall be the common heritage of mankind and not subject to state appropriation conforms to the Roman and modern legal concept of res communes. Since the seabed and its resources can be considered a res communes humanitates, the property of all mankind, for a disposition of such property consent ought to be obtained from all mankind as expressed through the states as representative of mankind. Viewed from this perspective, the phrase common heritage of mankind could be said to create a legal rule of joint property in the seabed and its resources, which would require that without the prior agreement of all joint owners, the states of the world, no individual state could exercise its individual right to the property held jointly with the other states of the world.

#### Private appropriation directly contradicts the basis of the common heritage principle

Oduntan 5

Gbenga Oduntan (Lecturer in Law, Canterbury Christ Church University College, England; Legal Adviser to the Nigerian Government and Member, United Nations Nigerian/Cameroon Mixed Sub-Commission on the Demarcation of the Boundary between Nigeria and Cameroon) Imagine There Are No Possessions: Legal and Moral Basis Of The Common Heritage Principle In Space Law. Manchester Journal of International Economic Law, 2 (1). pp. 30-59. ISSN 1742-3945. 2005. JDN. https://kar.kent.ac.uk/1767/1/Imagine%2520There%2520are%2520No%2520Possessions.pdf

Such arguments as raised in the seven points delineated above may appear to be formidable and are indeed quite capable of attracting scholarly sympathy but again the correct view is that they are nonetheless insufficient. The arguments certainly do not justify any legal reasoning that limits the operation of the CHM principle in outer space in such a manner as to permit national or private appropriation and to recognise extensive property rights in space. Suggestions that sovereignty be introduced into outer space through a loose interpretation of the CHM principle or in any other form whatsoever is a form of legal heresy and should be dismissed for the following reasons. In the first place it is merely mischievous to overstate the obscurity of meaning shrouding the term CHM. Doing so is clearly an undisguised attempt to avoid the legal validity of the CHM principle. Indeed it may be said with a lot of credence that specific semantic certainty has been afforded to this term in the works of many authors. R.P. Arnold impressively achieves this when he stated as follows: “The word heritage suggests property or interests which are reserved to a person by reason of birth, something handed down from one's ancestors or the past. In defining mankind, it is necessary to make a distinction between mankind and man. Mankind refers to the collective group, whereas man refers to individual men and women…Mankind is not yet unified under one government, therefore the collective entity of mankind is represented by the various nations of the world. Thus the exercise of rights to the common heritage of mankind appertains to nations, representing mankind, and not individuals. The use of the phrase common heritage of mankind implies or prescribes worldwide ownership...46” Furthermore, due to the fact that the primary subjects of international law are independent states, it is logical that they should decide together and as a singular community, inclusive of all, fundamental matters that concern all. This is, therefore, what is legalistically referred to as mankind.47 It has, therefore, become possible to identify some basic elements of the CHM principle: (a) That the areas constituting a CHM cannot be subject to appropriation. (b) That the use of such area and the resources thereof shall be subject to a common management system. (c) That the concept in question implies an active sharing of the benefits derived from the exploration and exploitation of those areas; (d) That the area be used exclusively for peaceful purposes; (e) That the area be preserved for future generations in perpetual succession.48 In the light of these definitions and assertions **it is highly unlikely that any possible interpretation of the CHM principle allows for property rights in space.** The allegation that the existing space treaties recognise exploitation of outer space through the provisions permitting space exploration is yet another unsuccessful attempt to befuddle issues. The answer to this is that there is a clear separation in space law between the issue of the use of outer space resources in outer space for scientific experimentation on the one hand and that of exploitation or mining of outer space based resources with a view to repatriating the resources to earth for economic and monetary gain, on the other hand. Regarding the utilisation of space based resources in outer space itself there is little room for controversy. The reasonable use doctrine has been established in Space Law. The Moon Agreement in Article 6 (2) for instance, permits the usage of minerals and other substances of the Moon in quantities appropriate for the support of their missions. This very much falls short of permitting mining for purely monetary gains. Furthermore as will be later elaborated upon, the right to collect and remove substances and minerals from the moon is limited to "... scientific investigations and in furtherance of the provisions of the agreement" (Article 6 (2) Moon Agreement 1979). The phrase "in furtherance of the provisions of this agreement" covers many things. This includes of course the obligation to have due regard to interests of present and future generations as well as the need to promote higher standards of living and conditions of economic and social progress and development in accordance with the Charter of the United Nations (Article 4, Moon Agreement (1979).

#### The common heritage principle protects developing states against exploitation

Noyes 11

John E. Noyes (the Roger J. Traynor Professor of Law, California Western School of Law). “The Common Heritage of Mankind: Past, Present, and Future.” 40 Denv. J. Int'l L. & Pol'y 447 (2011). JDN. https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1156&context=djilp

The indeterminacy surrounding the CH principle relates to the political context of 1960s and 1970s. Debates over the CH principle reflected deep-seated political tensions between Western developed states and the Third World. In particular, developed and developing states disagreed about whether rights to common space resources should vest in all of humankind (rather than in whoever captured the resource) and about whether benefits should be equitably distributed, taking particular account of the needs developing states. 5 ' Formulations of the CH principle that strongly emphasized the vesting of rights in all of humankind and the distribution of benefits to developing states were linked to the New International Economic Order ("NIEO") movement. In line with that movement, many developing states criticized what they saw as Western economic exploitation.55 For those states, the traditional law of the sea, based on high seas freedoms, embodied such exploitation. Only developed states had the economic wherewithal to send factory ships to fish freely off the coasts of developing states, depleting coastal fisheries. Only maritime powers had navies that could sail near the shores of developing states or through their straits, posing security and environmental risks. The CH principle as applied to deep seabed minerals - a principle incorporating shared access to those common space resources, common management responsibilities, and equitable distribution of benefits - was an antidote to developed state privileges under the traditional law of the sea. In Pardo's words: We wanted dignity for poor countries and an end to humiliating financial hand-outs, by giving even the poorest members of the international community the opportunity to obtain access to marine technology at a tolerable cost and to participate on a basis of equality in the management and development of very significant resources. Finally, we wanted radically to change the traditional law of the sea which, we believed, reflected the interests of only a few members of the international community. It certainly was not in harmony with the ever more urgent need of cooperation in addressing world problems, and for environmental sensitivity and sustainable cooperative development of world resources. In short, we wanted the common heritage principle to replace freedom of the seas as the foundation of international law of the sea. 56

#### Only the common heritage principle ensures just equality among all states

Oduntan 5

Gbenga Oduntan (Lecturer in Law, Canterbury Christ Church University College, England; Legal Adviser to the Nigerian Government and Member, United Nations Nigerian/Cameroon Mixed Sub-Commission on the Demarcation of the Boundary between Nigeria and Cameroon) Imagine There Are No Possessions: Legal and Moral Basis Of The Common Heritage Principle In Space Law. Manchester Journal of International Economic Law, 2 (1). pp. 30-59. ISSN 1742-3945. 2005. JDN. https://kar.kent.ac.uk/1767/1/Imagine%2520There%2520are%2520No%2520Possessions.pdf

To start with it may be necessary to recall the principle of the equality of states. Just as in the municipal setting justice connotes the legal equality of all persons so also among nations, equality of states reign supreme. One of the most opportune areas to test the doctrine of state equality and the obligation to take into consideration the interests of other states in resource management is found in relation to the special problem of the geostationary orbit.59 Note that it has been concluded that there is no basis for excluding the legal nature of that orbit from the legal nature of outer space in general at least for the purposes of application of the CHM principle. The unfortunate situation has arisen in which the geostationary orbit is being clogged up by satellites that belong to a few states. Since the geostationary orbit is a finite resource, the de facto commandeering of slots must not be allowed to impede distribution and access to it by a few active states. It is clear that the present position with respect to geostationary orbit use, whereby the orbit is occupied principally by a few countries, accompanied by prompt replacement of spent satellites with newer satellites is unacceptable. Surely if it continues it may mean that other states may not in the future have orbital positions and related frequencies available.60

Significantly the CHM principle in at least this instance also works against the selfish instincts informing the usual positions taken by both developed and developing states. On the one hand, it renders untenable the central thesis of the Bogota Declaration (1976) in that no equatorial state can validly claim sovereignty over the orbit since it is the property of all. On the other hand in line with the corrective aspects of justice the 1985 Report of the Legal Committee on the Peaceful uses of Outer Space (UNCOPUOS) recognises that by reason of their geographical position the equatorial countries should be considered as having special rights to segments of the geostationary orbit superjacent to their territories.61 Yet there is the likelihood in this century that an equatorial state may wish to launch its own satellite or group of satellites and would be told it cannot do so by the International Telecommunications Union (ITU) because there are no available positions or frequencies for it. The ITU under its present rules may be justified in placing precedence to those states which have already launched satellites in accordance with its 'first come first served' policies. But then, it may well be argued that it would be completely inequitable to expect an equatorial state to accept such a scheme as just. By virtue of geophysical realities there can be no equality of circumstances at least in a factual sense between it and the non-equatorial states, which monopolise the orbit.

A simple way of providing for the interests of these states is to make special slots available for them now and reserve them in perpetuity even if they do not yet have the technological capabilities to exploit the geostationary orbit. This it must be emphasised does not create ownership or sovereignty over the orbit as it is recognised for the airspace. It merely creates a licence to operate geostationary satellites and recognises the importance of justly sharing the finite resource that the geostationary orbit constitutes.

# 1NC

### Advocacy

#### I Negate: Resolved: The Appropriation of Outer Space by Private Entities is Unjust.

### Value/Criterion

#### The value is life – I’ll defend it as the biological state of being alive – prefer it

#### It’s intrinsic good – other values are subjective, being alive is objectively preferable

#### It’s a precondition to other values – we can’t have equality, justice, value to life, etc. if we are already dead

#### It’s quantifiable – we can measure whether someone is alive or not, but moral values are invisible and subjective

#### The value criterion is reverse utilitarianism – I’ll defend it as achieving the minimum amount of suffering – prefer it

#### It’s measurable – we can objectively compare body counts – that’s important for debates with a forced decision at the end, anything else necessitates judge intervention

#### It supercharges reversibility – I’ll isolate impacts of extinction, which is the ultimate irreversible impact. If we go extinct, that’s it forever

#### Combined, my value and value criterion means you’ll evaluate the round based on who can avoid the most death

### Contention 1

#### The aff forces public space initiatives that trades off other projects like earth science

Jones 19—(Research Analyst, Strategy & Insights at Brandwatch and Writer for Court House News). Alexandra Jones. 19, 5-30-2019. "Watchdog Finds NASA Projects Costly and Behind Schedule". <https://www.courthousenews.com/watchdog-finds-nasa-projects-costly-and-behind-schedule/>

A government watchdog group reported Thursday that NASA’s major space projects are over budget and falling behind schedule. The report from the U.S. Government Accountability Office found that, NASA’s top undertakings are exceeding their baseline costs by more than 27% and launches are being delayed on average by 13 months, the longest scheduling setback seen in the decade the watchdog has been assessing the projects. “NASA hasn’t been able to meet its cost and schedule goals on some of its costliest programs, like the James Webb Space Telescope and human spaceflight efforts,” according to a summary of the report. “Now these programs are staying in the portfolio longer than planned as NASA is starting new efforts, such as going back to the Moon.” This will place a strain on NASA’s budget going forward, the GAO said. “NASA will have to either increase its annual funding request or make tradeoffs between projects,” the report summary states. A predecessor to the Hubble Space Telescope, the James Webb Space Telescope project is costing NASA an estimated $9.6 billion, according to the GAO. First predicted to launch in 2007, its initial estimates were as low as $1 billion. The amount of required funds for NASA’s Space Launch System have also increased and senior NASA officials told the GAO that “it is unlikely these programs will meet the launch date of June 2020” – a date that has already been pushed back by 19 months. But the trend is nothing new for NASA. In its annual report released last year, the GAO found that nine out of 17 NASA projects were requiring more money and time than initially anticipated.

#### NASA earth science key to prevent climate change---extinction

Lori Garver 19, chief executive at Earthrise Alliance and was deputy NASA administrator from 2009 to 2013, “Forget new crewed missions in space. NASA should focus on saving Earth.”, https://www.washingtonpost.com/opinions/forget-new-manned-missions-in-space-nasa-should-focus-on-saving-earth/2019/07/18/79e55eb8-a995-11e9-9214-246e594de5d5\_story.html

NASA was not created to do something again. It was created to push the limits of human understanding — to help the nation solve big, impossible problems that require advances in science and technology. Fifty years ago, the impossible problem was putting a human on the moon to win the space race, and all of humanity has benefited from the accomplishment. The impossible problem today is not the moon. And it’s not Mars. It’s our home planet, and NASA can once again be of service for the betterment of all. Let’s remember our history. We went to the moon 50 years ago in response to the Soviet Union’s perceived domination of spaceflight. The 12 Americans who walked on the moon brought back 842 pounds of lunar material (rocks and dust), learned about our closest planetary body’s geology and gave us a view of the Earth that changed our perspective. But that’s not what drove NASA spending to 4 percent of the federal budget in 1965. We were willing to stake so much on the moon landing — only because there was so much at stake. After accomplishing this amazing feat, the aerospace community has again and again sought presidential proclamations to go further. President Trump is the fifth president to proclaim we will send humans to the moon and/or Mars within a specific time frame, a decree without a value proposition that has never inspired broad public support nor come close to coming true. NASA remains one the most revered and valuable brands in the world, and the agency is at its best when given a purpose. But the public doesn’t understand the purpose of spending massive amounts of money to send a few astronauts to the moon or Mars. Are we in another race, and if so, is this the most valuable display of our scientific and technological leadership? If science is the rationale, we can send robots for pennies on the dollar. In a July Pew Research Center study, 63 percent of respondents said monitoring key parts of Earth’s climate system should be the highest priority for the United States’ space agency — sending astronauts to the moon was their lowest priority, at 13 percent ; 18 percent favor Mars. The public is right about this. Climate change — not Russia, much less China — is today’s existential threat. Data from NASA satellites show that future generations here on Earth will suffer from food and water shortages, increased disease and conflict over diminished resources. In 2018, the National Academy of Sciences released its decadal survey for Earth science and declared that NASA should prioritize the study of the global hydrological cycle; distribution and movement of mass between oceans, ice sheets, ground water and atmosphere; and changes in surface biology and geology. Immediately developing these sensors and satellites while extending existing missions would increase the cadence of new, more precise measurements and contribute to critical, higher-fidelity climate models. NASA could also move beyond measurement and into action — focusing on solutions for communities at the front lines of drought, flooding and heat extremes. It could develop and disseminate standardized applications that provide actionable information to populations that are the most vulnerable. NASA could create a Climate Corps — modeled after the Peace Corps — in which scientists and engineers spend two years in local communities understanding the unique challenges they face, training local populations and connecting them with the data and science needed to support smart, local decision-making.

### Contention 2

#### Innovation high now but aff trades off

Raghavan 21[Seetha Raghavan, Seetha Raghavan is a professor in UCF’s Department of Mechanical and Aerospace Engineering. 8-4-2021, "The Impact of Innovation in the New Era of Space Exploration," University of Central Florida News | UCF Today, https://www.ucf.edu/news/the-impact-of-innovation-in-the-new-era-of-space-exploration/]/ISEE

Every once in a while, a confluence of discoveries, events and initiatives results in a breakthrough so significant that it propels the entire world to a higher level, redefining what is possible in so many different fields. This breakthrough is taking centerstage now, as the new era of space exploration — catalyzed by increasing launch access — dawns upon us. The surge of innovation that comes with this will create new opportunities and inspire the next generation of doers. When this happens, boundaries between scientific and social impact are blurred. Innovation leading to scientific discovery can benefit society in the same way that social innovation can diversify and support scientific innovators, who can contribute to global progress. To ride this wave of progress, we must all participate and innovate in the new era of space exploration. The intersection of space exploration, innovation and impact isn’t a new phenomenon. In the past, technology developments and spin-offs from space research have consistently found their way into communities worldwide sometimes with lifesaving benefits. The International Space Station supports experiments that have led to discoveries and inventions in communication, water purification, and remote guidance for health procedures and robotic surgeries. Satellite-enabled Earth observation capabilities that monitor natural disasters, climate and crops often support early warnings for threats and mitigation strategies. Space exploration has always been relevant to everyone no matter the discipline or interest. Commercialization of space has been key in many ways to the current boost in “firsts” over the last few years. It has spurred innovation in launch vehicles and related technologies that led to firsts in vertical-takeoff-vertical landing rocket technology, reusability of rocket boosters and privately developed crewed missions to orbit. Concurrently, NASA has continued to captivate our imagination with the first flight of a helicopter in another world, a mission to return an asteroid sample to Earth and sending a probe to make the closest ever approach to the sun. While we celebrate the scientific progress, there is a vastly important question that we all need to focus on: How can we drive the surge in innovation offered by increased access to space, to benefit humankind? Access to low-Earth orbit, and eventually human exploration of space, is a portal to achieve many impactful outcomes. The numbers and completion rate of microgravity experiments conducted by scientists will be greatly increased as a range of offerings in suborbital flights provide more opportunities to advance critical research in health, agriculture, energy, and more. Lunar, planetary, and even asteroid exploration may lead to discoveries of new materials — busting the limitations now imposed on capabilities for energy, transportation, and infrastructure or creating new sensors and devices that enhance safety on Earth. Space tourism —one can hope — has the power to potentially create an awareness of our oneness that may lead to social change.

#### Commercial space innovation stops extinction

Charles Beames 18, Chairman of the SmallSat Alliance, Executive Chairman of York Space Systems, former Principal Director of Space and Intelligence in the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)), Col. (ret.) in the USAF where he served 23 years in space & intelligence leadership positions around the world, 8/8/18, “Op-ed | SmallSat Alliance is on a path toward a new space horizon,” <https://spacenews.com/op-ed-smallsat-alliance-is-on-a-path-toward-a-new-space-horizon/>

We find ourselves still at the dawn of a new space century, mindful of the victories and setbacks of our past, eager to pass the torch to the next generation of space visionaries, scientists, engineers, and enthusiasts. We look to the future not just to see how much bigger, faster, or higher we can reach, but also how the United States, and specifically the U.S. space community, can again inspire the nations of the world to align with us, as it did in the 20th century. The SmallSat Alliance is an alliance of companies developing, producing, and operating in all segments of the ‘next generation’ space economy; championing renewed U.S. leadership in the burgeoning commercial space economy, and advocating for the transformation of government-led space capabilities. We are experienced space professionals who have chosen to join with others leveraging our decades of hard-won experience, to develop smarter ways to explore space in the 21st century. A wonderful outgrowth of the legacy space program is the commercial, entrepreneurial, and job-creating commercial space business that it bequeathed. These next-generation enterprises range from multi-million-dollar startups providing rideshare opportunities or components for small satellites to multi-billion-dollar space data-analytic platforms reinventing urban car service and agricultural production. The early returns of this economic revolution are already on our doorstep: space data capabilities are exponentially growing elements of the 21st century world economy. Beginning with the dreams and funding by successful tech entrepreneurs, enormous venture investments are already delivering wondrous benefits to the world. Commercial Space – Profit and Non-Profit There are really two major categories in the commercial sector, the profit driven and the non-profit. The classic for-profit companies include not only those designing, building, launching, and operating satellites but also the tech sector that is turning that raw space data into gold through machine-learning analytics. Since for-profit companies are no longer dependent upon the revenues generated by the Cold War space race culture of a bygone era, this new generation of space companies is able to more efficiently capitalize on Moore’s Law, the nonstop exponential growth in chip density, and the associated networking technology co-evolving with it. This new generation is building profitable businesses helping to clean up our oceans of garbage and debris with satellite surveillance, reconnoitering to assist in enforcing laws that protect our oceans from illegal, unregulated, unlicensed fishing, something that is rapidly depleting the world’s most valuable and essential lifeforms. It’s leading in the innovative use of low-cost satellite constellations to produce ubiquitous remote-sensing data, enabling small business owners to be more profitable and less wasteful. For example, precise timing signals from space are already optimizing transportation of people, goods, and services, with even further gains anticipated with the introduction of artificial intelligence to assist drivers, perhaps even someday replacing them entirely. The non-profit sector is the other side of commercial space, concerned more for the general welfare of society, but every bit as integral to this new space enterprise. Much like every century before it in human history, ours is not without its unique challenges, some of which have been a consequence of the last, and all of which the space data domain can be leveraged to help solve. Examples are endless, but one challenge that this new space community is uniquely well-adapted for is to further inform worldwide resource allocation for the 21st century and beyond. These two primary resources are sustainable water and the materials needed for adequate housing for an ever-increasing human population. As cities and urbanization continue to expand, governmental planning challenges such as transportation design optimization for goods and services are only the beginning. Additionally, through using inexpensive remote sensing technologies, some members are designing space data analytics to mitigate human suffering from plagues, contain outbreaks, and combating illegal poaching. Some are connecting with other non-profits to curtail human trafficking for the sex trade or forced labor for migrant debt repayment. Still others are helping non-governmental organizations in their work to expose the use of children as soldiers. Addressing these challenges has little to do with resuscitating dreams conceived by long deceased science-fiction writers and much more to do with turning “swords back into plowshares” to solve real threats to humanity. Other non-profit initiatives include pursuing an even more foundational understanding of who we are and how to be the best custodians of our environment. Much as exploring and monitoring the world’s oceans has advanced civilization through a better understanding of human life and the planet, so too does exploring and monitoring from space. Low Earth orbit (LEO) provides a unique vantage point to look back on the planet and understand what is happening, anticipate what might happen and prepare for the future. In addition to better understanding Earth, responsible and rapid exploitation of the low Earth orbit domain will enhance the understanding of the solar system and the rest of the universe. Small satellites already offer low-cost platforms to study and explore what lies beyond the Earth. Other members are pioneering the use of zero-carbon, hydrogen-based reusable propulsion systems to ensure we don’t worsen our atmosphere using kerosene-fueled rockets for the coming tsunami of satellite launches. Finally, a mission ensuring the general welfare and planet survival for the next thousand years is finally confronting the existential threat that asteroids and comets pose to humanity. These extra-terrestrial, deep-space threats are passing dangerously close to our planet, and today we have no solar map of them and no defense.

### Contention 3

#### The affirmative offers a solution: implement [views of justice] to secure [war, exploitation, and inequality]. This is the wrong approach—we exist within a “control society,” where power is exercised not through repression, but continuous control-- frame this round as an interrogation of productivity and desire.

Deleuze 92[Gilles Deleuze was a French philosopher who, from the early 1950s until his death in 1995, wrote on philosophy, literature, film, and fine art. His most popular works were the two volumes of Capitalism and Schizophrenia: Anti-Oedipus and A Thousand Plateaus, both co-written with psychoanalyst Félix Guattari, Postscript on the Societies of Control on JSTOR, Winter 1992,The MIT press,https://www.jstor.org/stable/778828?seq=1, 12-11-2021 amrita]

The different internments or spaces of enclosure through which the individual passes are independent variables: each time one is supposed to start from zero, and although a common language for all these places exists, it is analogical. On the other hand, **the different control mechanisms are inseparable variations, forming a system of variable geometry the language of which is numerical** (which doesn’t necessarily mean binary). Enclosures are molds, distinct castings, but controls are a modulation, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point. This is obvious in the matter of salaries: the factory was a body that contained its internal forces at a level of equilibrium, the highest possible in terms of production, the lowest possible in terms of wages; but **in a society of control, the corporation has replaced the factory, and** the corporation is a spirit, a gas. Of course the factory was already familiar with the system of bonuses, but **the corporation works more deeply to impose a modulation of each salary, in states of perpetual metastability** that operate through challenges, contests, and highly comic group sessions. If the most idiotic television game shows are so successful, it’s because they express the corporate situation with great precision. The factory constituted individuals as a single body to the double advantage of the boss who surveyed each element within the mass and the unions who mobilized a mass resistance; but **the corporation constantly presents the brashest rivalry as a healthy form of emulation, an excellent motivational force that opposes individuals** against one another and runs through each, dividing each within. The modulating principle of “salary according to merit**” has not failed to tempt national education itself**. Indeed, just as the corporation replaces the factory, **perpetual training tends to replace the school, and continuous control to replace the examination, which is the surest way of delivering the school over to the corporation**. In the disciplinary societies one was always starting again (from school to the barracks, from the barracks to the factory), while in the societies of control one is never finished with anything—the corporation, the educational system, the armed services being metastable states coexisting in one and the same modulation, like a universal system of deformation. In The Trial, Kafka, who had already placed himself at the pivotal point between two types of social formation, described the most fearsome of juridical forms. The apparent acquittal of the disciplinary societies (between two incarcerations); and the limitless postponements of the societies of control (in continuous variation) are two very different modes of juridical life, and if our law is hesitant, itself in crisis, it’s because we are leaving one in order to enter into the other. **The disciplinary societies have two poles: the signature that designates the individual, and the number or administrative numeration that indicates his or her position within a mass**. This is because the disciplines never saw any incompatibility between these two, and because at the same time power individualizes and masses together, that is, constitutes those over whom it exercises power into a body and molds the individuality of each member of that body. (Foucault saw the origin of this double charge in the pastoral power of the priest—the flock and each of its animals—but civil power moves in turn and by other means to make itself lay “priest.”) **In the societies of control, on the other hand, what is important** is no **longer either a signature or a number, but a code:** the code is a password, while on the other hand the disciplinary societies are regulated by watchwords (as much from the point of view of integration as from that of resistance). The numerical language of control is made of codes that mark access to information, or reject it. **We no longer find ourselves dealing with the mass/individual pair.** Individuals have become “dividuals,” and masses, samples, data, markets, or “banks.” Perhaps it is money that expresses the distinction between the two societies best, since discipline always referred back to minted money that locks gold in as numerical standard, while control relates to floating rates of exchange, modulated according to a rate established by a set of standard currencies. The old monetary mole is the animal of the spaces of enclosure, but the serpent is that of the societies of control. We have passed from one animal to the other, from the mole to the serpent, in the system under which we live, but also in our manner of living and in our relations with others. The disciplinary man was a discontinuous producer of energy, but the man of control is undulatory, in orbit, in a continuous network. Everywhere surfing has already replaced the older sports. Types of machines are easily matched with each type of society—not that machines are determining, but because they express those social forms capable of generating them and using them. The old societies of sovereignty made use of simple machines—levers, pulleys, clocks; but the recent disciplinary societies equipped themselves with machines involving energy, with the passive danger of entropy and the active danger of sabotage; the societies of control operate with machines of a third type, computers, whose passive danger is jamming and whose active one is piracy and the introduction of viruses. This technological evolution must be, even more profoundly, a mutation of capitalism, an already well-known or familiar mutation that can be summed up as follows: nineteenth-century capitalism is a capitalism of concentration, for production and for property. **It therefore erects the factory as a space of enclosure, the capitalist being the owner of the means of production but also, progressively, the owner of other spaces conceived through analogy** (the worker’s familial house, the school). As for markets, they are conquered sometimes by specialization, sometimes by colonization, sometimes by lowering the costs of production. But**, in the present situation, capitalism is no longer involved in production, which it often relegates to the Third World, even for the complex forms of textiles, metallurgy, or oil production. It’s a capitalism of higher-order production.** It no longer buys raw materials and no longer sells the finished products: it buys the finished products or assembles parts. What it wants to sell is services and what it wants to buy is stocks. **This is no longer a capitalism for production but for the product, which is to say, for being sold or marketed. Thus it is essentially dispersive, and the factory has given way to the corporation.** The family, the school, the army, the factory are **no longer the distinct analogical spaces that converge towards an owner—state or private power—but coded figures—deformable and transformable—of a single corporation that now has only stockholders**. Even art has left the spaces of enclosure in order to enter into the open circuits of the bank. The conquests of the market are made by grabbing control and no longer by disciplinary training, by fixing the exchange rate much more than by lowering costs, by transformation of the product more than by specialization of production. Corruption thereby gains a new power. Marketing has become the center or the “soul” of the corporation. We are taught that corporations have a soul, which is the most terrifying news in the world. The operation of markets is now the instrument of social control and forms the impudent breed of our masters. Control is short-term and of rapid rates of turnover, but also continuous and without limit, while discipline was of long duration, infinite and discontinuous. Man is no longer man enclosed, but man in debt. It is true that capitalism has retained as a constant the extreme poverty of three-quarters of humanity, too poor for debt, too numerous for confinement: control will not only have to deal with erosions of frontiers but with the explosions within shanty towns or ghettos.

#### Distinctions between the private and public sphere do not exist-- the affirmative’s theorization of such is the latest tactic of control society to modulate the enunciation of behavior and subjectivity through fascist mechanisms.

Hardt 98 [Michael Hardt is an American political philosopher and literary theorist. Hardt is best known for his book Empire, which was co-written with Antonio Negri. It has been praised by Slavoj Žižek as the "Communist Manifesto of the 21st Century". He is currently a professor of literature at Duke University, The Global Society of Control on JSTOR, Fall 1998, Discourse Vol. 20, No. 3, Gilles Deleuze: A Reason to Believe in this World, https://www.jstor.org/stable/41389503, 12-14-2021 amrita]

There Is No More Outside The passage from disciplinary society to **the society of control is characterized** first of all **by the collapse of** the walls **that defined** the **institutions. There is progressively less distinction,** in other words, between inside and outside. This is really part of a general change in the way that power marks space in the passage from modernity to postmodernity. Modern sovereignty has always been conceived in terms of a (real or imagined) territory and the relation of that territory to its outside. Early modern social theorists, for example,from Hobbes to Rousseau, understood the civil order as a limited and interior space that is opposed or contrasted to the external order of nature. The bounded space of civil order, its place, is defined by its separation from the external spaces of nature. In an analogous fashion, the theorists of modern psychology understood drives, passions, instincts, and the unconscious metaphorically in spatial terms as an outside within the human mind, a continuation of nature deep within us. Here the sovereignty of the Self rests on a dialectical relation between the natural order of drives and the civil order of reason or consciousness. Finally, modern anthropology's various discourses on primitive societies often function as the outside that defines the bounds of the civil world. **The process of modernization**, then, in all these varied contexts, **is the internalization of the outside,** that is, the civilization of nature. In the postmodern world, **however, this dialectic** between inside and outside, between the civil order and the natural order, **has come to an end**. This is one precise sense in which the contemporary world is postmodern. "Postmodernism," Fredric Jameson tells us, "is what **you have when the modernization process is complete and nature is gone for good**."3 Certainly we continue to have forests and crickets and thunderstorms in our world, and we continue to understand our psyches as driven by natural instincts and passions, but we have no nature in the sense that these forces and phenomena are no longer understood as outside, that is, they are not seen as original and independent of the artifice of the civil order. In a postmodern world all phenomena and forces are artificial, or as some might say, part of history. The modern dialectic of inside and outside **has been replaced by a play of degrees** and intensities, of hybridity **and** artificiality. Secondly, the outside **has also declined in terms of** a rather different modern **dialectic that defined the relation between public and private in liberal political theory**. The **public spaces** of modern society, **which constitute the place of liberal politics, tend to disappear** in the postmodern world. According to the liberal tradition, the modern individual, at home in its private spaces, regards the public as its outside. The outside is the place proper to politics, where the action of the individual is exposed in the presence of others and there seeks recognition. In the process of postmodernization, however, **such public spaces are increasingly becoming privatized**. The urban landscape is shifting from the modern focus on the common square and the public encounter to the closed spaces of malls, freeways, and gated communities. The architecture and urban planning of megalopolises such as Los Angeles and Sao Paulo have tended to limit public access and interaction as well as limited chance encounters of different social subjects, creating rather a series of protected interior and isolated spaces. Alternatively, consider how the banlieu of Paris has become a series of amorphous and indefinite spaces that promote isolation rather than any interaction or communication. **Public space has been privatized to such an extent** that **it no longer makes sense to understand social organization in terms of a dialectic between private and public spaces**, between inside and outside. The **place of modern liberal politics has disappeared** **and thus from this optic our postmodern and imperial society** **is characterized by a deficit of the political**. In effect, the place of politics has been deactualized. In this regard, Guy Debord's analysis of the society of the spectacle, thirty years after its composition, seems ever more apt and urgent.4 In postmodern society the spectacle is a virtual place, or more accurately, a non-place of politics. The **spectacle is at once unified** and diffuse in such a way that **it is impossible to distinguish** any inside from outside - the natural from the social, **the private from the public**. The **liberal notion of the public**, the place outside where we act in the presence of others, **has been** both **universalized** (because we are always now under the gaze of others, monitored by safety cameras) **and sublimated** or de-actualized in the virtual spaces of the spectacle. The end of the outside is the end of liberal politics. Finally, from the perspective of Empire, or rather from that of the contemporary world order, there is no longer an outside **also in a** third sense, a properly **military sense**. When Francis Fukuyama claims that the contemporary historical passage is defined by the end of history, he means that the era of major conflicts has come to an end: in other words, sovereign power will no longer confront its Other, it will no longer face its outside, but rather progressively expand its boundaries to envelop the entire globe as its proper domain.5 The history of imperialist, inter-imperialist, and anti-imperialist wars is over. The end of that history has ushered in the reign of peace. Or really, we have entered the era of minor and internal conflicts. Every imperial war is a civil war, a police action- from Los Angeles and Granada to Mogadishu and Sarajevo. **In fact, the separation of tasks between the external and internal arms of power (between the army and the police, the CIA and the FBI) is increasingly vague and indeterminate.** In our terms the end of history that Fukuyama refers to is the end of the crisis at the center of modernity, the coherent and defining conflict that was the foundation and raison d'etre for modern sovereignty. History has ended precisely and only to the extent that it is conceived in Hegelian terms- as the movement of a dialectic of contradictions, a play of absolute negations and subsumption. The binaries that defined modern conflict have become blurred. The Other that might delimit a sovereign Self has become fractured and indistinct, and there is no longer an outside that can bound the place of sovereignty. At one point in the Cold War, in an exaggerated version of the crisis of modernity, every enemy imaginable (from women's garden clubs and Hollywood films to national liberation movements) could be identified as communist, that is, part of the unified enemy. The outside is what gave the crisis of the modern and imperialist world its coherence. **Today it is increasingly difficult for the ideologues of the United States to name the enemy, or rather there seem to be minor and elusive enemies everywhere.6 The end of the crisis of modernity has given rise to a proliferation of minor and indefinite crises in the imperial society of control, or as we prefer, to an omni-crisis.** It is useful to remember here that the capitalist market is one machine that has always run counter to any division between inside and outside. The capitalist market is thwarted by exclusions and it **thrives by including always increasing numbers within its sphere**. Profit can only be generated through contact, engagement, interchange, and commerce. The realization of the world market would constitute the point of arrival of this tendency. In its ideal form there is no outside to the world market: the entire globe is its domain.7 We might use the form of the world market as a model for understanding the form of imperial sovereignty in its entirety. Perhaps, just as Foucault recognized the panopticon as the diagram of modern power and disciplinary society, the world market might serve adequately (even though it is not an architecture; it is really an anti-architecture) as the diagram of imperial power and the society of control.8 The striated space of modernity constructs places that are continually engaged in and founded on a dialectical play with their outsides**. The space of imperial sovereignty, in contrast, is smooth. It might appear that it is free of the binary divisions of modern boundaries, or striation, but really it is criss-crossed by so many fault lines that it only appears as a continuous, uniform space. In** this sense, the clearly defined crisis of modernity gives way to an omnicrisis in the imperial framework. In this smooth space of empire, there is no place of power- it is both everywhere and nowhere. The empire is an u-topos , or rather a non-place.

#### This may seem innocuous, but it creates a war on difference, a new totalitarian model that is premised upon reactive orientations to desire, leaving only a simulation of political participation creating fascism-- that turns case.

Karatzogianni and Robinson 13. [Athina Karatzogianni is a Senior Lecturer in Media and Communication at the University of Leicester (UK), Andrew Robinson is an independent researcher and writer, “Schizorevolutions vs. Microfascisms: A Deleuzo-Nietzschean Perspective on State, Security, and Active/Reactive Networks,” Selected Works, July 2013, http://works.bepress.com/athina\_ karatzogianni, 8-17-2019, amrita]

Thesis 2: The threatened state transmutes into the terror state. The return of state violence from the kernel of state exceptionalism is a growing problem. It is grounded on a reaction of the terrified state by conceiving the entire situation as it is formerly conceived specific sites of exception and emergency (c.f. Agamben, 1998, 2005). New forms of social control directed against minor deviance or uncontrolled flows are expanding into a war against difference and a systematic denial of the ‘right to have rights’ (Robinson, 2007). The project is not simply an extension of liberal-democratic models of social control, but breaks with such models in directly criminalizing nonconformity from a prescribed way of life and attempting to extensively regulate everyday life through repression. This new repressive model, expressing a kind of neo-totalitarianism, should be taken to include such measures and structures as the rise of gated communities, CCTV, RFID, ID cards, ASBOs, dispersal zones, paramilitary policing methods, the ‘social cleansing’ of groups such as homeless people and street drinkers from public spaces, increasing restrictions on protests and attacks on ‘extremist’ groups, the use of extreme sentencing against minor deviance, and of course the swathe of “anti-terrorism” laws which provide a pretext for expanded repression. This increasingly vicious state response leads to extremely intrusive state measures. The magazine Datacide analyses the wave of repression as ‘the real subsumption of every singularity in the domain of the State. From now on if your attributes don't quite extend to crime, a judge's word suffices to ensure that crime will reach out and embrace your attributes’ (Hyland n.d.). To decompose networks, the state seeks to shadow them ever more closely. The closure of space is an inherent aspect of this project of control. While open space is a necessary enabling good from the standpoint of active desire, it is perceived as a threat by the terrified state, because it is space in which demonised Others can gather and recompose networks outside state control. Hence, for the threatened state, open space is space for the enemy, space of risk. Given that open space is in contrast necessary for difference to function (since otherwise it is excluded as unrepresentable or excessive), the attempts to render all space closed and governable involve a constant war on difference which expands ever more deeply into everyday life. As Guattari aptly argues, neoliberal capitalism tends to construe difference as unwanted ‘noise’ (1996: 137). Society thus becomes a hothouse of constant crackdowns and surveillance, which at best simulates, and at worst creates, a situation where horizontal connections either cannot emerge or are constantly persecuted. Theories such as those of Agamben and Kropotkin show the predisposition of the state to pursue total control. But why is the state pursuing this project now? To understand this, one must recognise the multiple ways in which capitalism can handle difference. Hence, there are two poles the state can pursue, social-democratic (adding axioms) or totalitarian (subtracting axioms), which have the same function in relation to capitalism, but are quite different in other regards. State terror involves the replacement of addition of axioms (inclusion through representation) with subtraction of axioms (repression of difference). This parallels the distinction between ‘hard’ and ‘soft’ power in international relations. Crucially, ‘hard’ power is deflationary (Mann 2005: 83-4). While ideological integration can be increased by intensified command, ‘soft’ power over anyone who remains outside the dominant frame is dissipated. Everyday deviance becomes resistance because of the project of control which attacks it. It also becomes necessarily more insurrectionary, in direct response to the cumulative attempts to stamp it out through micro-regulation. What the state gains in coercive power, it loses in its ability to influence or engage with its other. But the state, operating under intense uncertainty and fear, is giving up trying to seem legitimate across a field of difference. A recent example of this concerns the treatment of whistleblowers: Bradley [Chelsea] Manning and by extent the publisher Julian Assange in the WikiLeaks case (for a discussion of affect see Karatzogianni, 2012) and Edward Snowden in relation to the recent revelations about NSA surveillance program PRISM (Poitras and Greenwald’s video Interview with Edward Snowden, 9 June 2013). This is not to say that it dispenses with articulation. It simply restricts it tautologically to its own ideological space (Negri 2003: 27). Legitimation is replaced by information, technocracy and a simulation of participation (Negri 2003: 90, 111.). There is a peculiarly close relationship between the state logic of command and the field of what is variously termed ‘ideology’ (in Althusser), ‘mythology’ (in Barthes) and ‘fantasy’ (in Lacan): second- order significations embedded in everyday representations, through which a simulated lifeworld is created, in which people live in passivity, creating their real performative connection to their conditions of existence and bringing them into psychological complicity in their own repression. Such phenomena are crucial to the construction of demonised Others which provides the discursive basis for projects of state control. ‘[Conflict is] deflected... through the automatic micro-functioning of ideology through information systems. This is the normal, ‘everyday’ fascism, whose most noticeable feature is how unnoticeable it is’ (Negri 1998a: 190). In denial of generalisable rights, the in-group defines social space for itself and itself alone. The result is a denial of basic dignity and rights to those who fall outside "society", who, in line with their metaphysical status, are to be cast out, locked away, or put beyond a society defined as being for "us and us only" (the mythical division between social and anti-social). The neo-totalitarian state resurrects the tendency to build a state ideology, but this ideology is now disguised as a shared referent of polyarchic parties and nominally free media. Failing to think in statist terms is no longer any different from criminal intent. Romantically crossing an airport barrier for a goodbye kiss is taken as a major crime, for the state, being terrified, responds disproportionately; the romantic is blamed for producing this response (Baker and Robins, 2010). He should have thought like the state to begin with, and not corrupted its functioning with trivialities such as love. Such is the core of the terror-state: constant exertion of energy to ward off constant anxiety, at the cost of a war on difference. Networks under Threat - Network Terror Thesis 3: Networked movements escape the state-form. Thesis 4: State terror targets and terrifies movements. Thesis 5: Movement terror is an outcome of state terror against movements. At the intersection of the threatened state and the sources of its anxiety lies the collapse of marginal integration and ‘addition of axioms’ in neoliberalism. Capitalism has been clenching its fists on the world for some time, and many spaces and people are falling through its fingers. The formal sector of the economy is shrinking, leaving behind it swathes of social life marginalized from capitalist inclusion. Much of the global periphery is in effect being forcibly ‘delinked’ from the world economy as inclusion through patronage is scaled down due to neoliberalism. For instance, ‘Sub-Saharan Africa has almost dropped out of the formal international economy’ (Mann, 2005: 55-6). Religious, militia and informal economic organisations have replaced the state on the ground across swathes of Africa, and ‘whole regions have now become virtually independent, probably for the foreseeable future, of all central control’ (Bayart, Ellis and Hibou, 1999: 19-20). These spaces are the locus of the state’s fear of ‘black holes’ where state power breaks down and insurgents can flourish (Korteweg, 2008; Innes, 2008). On a human scale, exclusion, or ‘forced escape’, is even more noticeable. Arif Dirlik argues that capitalism controls enough resources that it no longer needs to control the majority of people; it can simply ignore and exclude four-fifths of the world (1994: 54-5). William Robinson refers to a new stratum of ‘supernumeraries’ in countries like Haiti, who are completely marginalised from production, useless to capitalism and prone to revolt (1996: 342, 378). This became even more evident with the extreme recent seismic event in January 2010 a paradigmatic failure to save lives. This stratum is another locus of the state’s fears. Such people are in Žižek’s terms the ‘social symptom’ of the current world order, ‘the part which, although inherent to the existing universal order, has no ‘proper place’ within it’ (Žižek, 1999, p. 224). Hence, as Caffentzis puts it, ‘Once again, as at the dawn of capitalism, the physiognomy of the world proletariat is that of the pauper, the vagabond, the criminal, the panhandler, the refugee sweatshop worker, the mercenary, the rioter’ (1992: 321). Viewed in affirmative terms, these excluded sites and peoples are associated with the network form. The last few decades have seen a proliferation of network-based movements -- some emancipatory, others less so -- drawing their membership from marginalised groups and creating autonomous zones in marginal spaces. In the South, such movements often grow out of the everyday networks of survival which ‘provide an infrastructure for the community and a measure of functional autonomy’ (Hecht and Simone, 1994: 14-15; c.f. Lomnitz, 1977; Chatterjee 1993). The discontented excluded lie at the heart of today’s asymmetrical wars. For instance, Giustozzi has investigated the origins of the Pakistani Taleban, revealing that it flourishes mainly among young people who do not receive ‘peace, income, a sense of purpose, a social network’ from the established structure of tribal power (Giustozzi 2007: 39), while Watts (2007) has referred to what is known locally as the ‘restive youth problem’ as central to the conflict in the Niger Delta. One can also refer here to mass protest revolts such as those in Greece and the French banlieues, and spectacular revolts against state power in which police stations and state symbols are attacked, such as the Boko Haram revolt in Nigeria and the uprising of Primero Comando da Capital (PCC) in Sao Paolo. Ignoring for the moment the distinctions among such movements, their vitality can clearly be traced to their networked and marginal loci. Resisting or eluding the terror-state’s grab for space, horizontal networks flow around the state’s restrictions, moving into residual unregulated spaces, gaps in the state’s capacity to repress, across national borders, or into the virtual. Repression drives dissent from open to clandestine forms, creating a field of diffuse resistance and deviance, which ‘returns’ as intractable social problems and inert effects**.**

#### Endorse community-based radical organizing built around collective solidarity—the aff is doomed to failure if it is tied to discussions of how space is bad. Space has the radical potential to be different and you should affirm a subversion of their politic

Battaglia 12 [Debbora Battaglia is a professor at Mount Holyoke College. “Arresting hospitality: the case of the 'handshake in space,” The Journal of the Royal Anthropological Institute, Vol. 18, <https://www.jstor.org/stable/41506671>., 12-14-2021 amrita]

Towards an extra-territorial ethics of hospitality While acknowledging that anthropologists of play and ludic limits could have a field day with some of this paper's ethnographic material,26 I have tried to do something more far-reaching here – seeking in the complex exchanges of various natural, techno- cultural, and social force-fields the features of an extra-territorial ethics of hospitality, for shaping possible nature-culture futures on the ground. Circling by degrees around 'handshake' scenarios that are basically all about social relations crafted in small actions of non-sovereignty, I seek to posit the diplomatic strategy of suspending welcome as an emblematic action of denying power claimed in the name of territory (Boden)27: Apollo and Soyuz may have sourced to state structures and geopolitical security concerns, but the project could go beyond these. Denying rights to hosting, authoring, or authorizing hospitality other than mutually (as we saw in the hard fact of androgynous technology and manoeuvres for mutual rescue), astronauts and cosmonauts replaced sovereign claims to space with their own relational code — one in which 'the welcomed guest is treated as a friend or ally, as opposed to the stranger treated as an enemy (friend/enemy, hospitality/hostility)' (Derrida 2000: 4). But the ethnography exceeds Derrida's anthropocentrism. Because both spacecraft and humans are as much of space as in it, we are moved to appreciate the value of cutting 'guest' and 'host' free to engage nature-culture relations. To take up sidelong the point that Agamben (2005) carries forward from Carl Schmitt for defining sovereignty, space-as-itself is here the only possible sovereign power: that to which exceptions to human laws source. It is in this sense that the cosmonauts and astronauts of Apollo-Soyuz were acting both humbly and boldly as 'little gods' who would deny a politics of territory a place of privilege in space or on Earth, even as the nations to which they owed their allegiance committed to this value officially in rhetorics of colonization and/or conquest. It is thus that space creates space for a God concept in the company of which both religious orthodoxies and orthodox science can only be uncomfortable (cf. Derrida 2002). It follows that forms of civility become visible in this instance as protentive actions for laws not only in suspension but in submission to space-as-itself — the extreme testing-ground of laws beyond arbitrage, by which the values of the nominal are not only appreciated but strongly felt, as fieldworking astronauts' and cosmonauts' first-person narratives show. Long-duration space station missions enabled by the techno-logical advances of ASTP will in future lend their micro-spaces more readily to narratives and images of sovereignty, including the sovereignty of property. But not in the spacetime of the welcome withheld. It is because purposeful ruptures of nominal conduct interfere with nature-culture business-as-usual that hospitality can abide there, as it were in the aporia. Beyond being merely tolerated, gifts of disruption within insider space communities seized the moment for ‘worlding’ differently than by fixed rules of engagement. Bruno Latour writes in War of the worlds: what about peace?, ‘Modernism distinguishes itself from its successor—what should it be called? "Second modernity"? ... — in this one small respect: from now on the battle is about the making of the common world and the outcome is uncertain. That's all. And that's enough to change everything’ (2002: 33, emphasis added). Derrida takes this anthropological turn when he speaks of hospitality arising not from 'the love of man as a sentimental motive' — it is not about philanthropy — but (quoting Kant) from 'the right of a stranger not to be treated with hostility when he arrives on someone else's territory'. Hospitality is to be thought of as a universal ‘obligation, a right, and a duty all regulated by law’ (2000: 4).28 And this is more or less precisely stated by the USSR Command Centre spokesperson in a post-flight statement to the world press: The flight was conducted in accordance with an agreement between the Union of Soviet Socialist Republics and the United States of America. This document foresaw the execution of projects for the creation of joint means of motion and docking of the Soviet and American manned spacecraft and stations, with the purpose of increasing the safety of spaceflights and securing the possibility of realizing in the future joint scientific experiments.29