## Off

### 1NC – T

#### Interpretation - the affirmative may not claim offense from anything other than the instrumental implementation of a policy stating that outer space appropriation by private entities is unjust.

#### “Resolved” means enactment of a law.

Words and Phrases 64 Words and Phrases Permanent Edition (Multi-volume set of judicial definitions). “Resolved”. 1964.

Definition of the word **“resolve,”** given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It **is** of **similar** force **to the word “enact,”** which is defined by Bouvier as **meaning “to establish by law”.**

#### Definition of “outer space”

**Vereshchetin 06** [Vladlen, former Member of the ICJ, Chairman of the International Law Commission, and Professor of International Law] “Outer Space,” Max Planck Encyclopedia of Public International Law, <https://spacelaw.univie.ac.at/fileadmin/user_upload/p_spacelaw/EPIL_Outer_Space.pdf>, 2006 RE

A. Definition of the Term ‘Outer Space’

1 The term ‘outer space’, like several other basic notions of space law (‘outer space activity’, ‘space flight’, ‘space object’), although frequently used in space agreements and other space law instruments, has never been defined by them. There are a number of reasons for this, not least the objective difficulty for the States concerned to agree on legal definitions in the context of rapidly developing technology and their apprehension that legally binding definitions might restrict their sphere of operation.

2 The absence of a formal definition of outer space does not mean that no general perception exists as to what is meant by outer space, even if the use of the term in natural sciences and in law may not always be exactly the same. It should be remembered that there is no definitive physical boundary between atmospheric space and extra-atmospheric space, the transition from one to the other being gradual. Although at 100 km the density of the air is but one millionth of what it is at sea level, for natural scientists these two regions of space, in some respects, may be perceived as one single whole. However, with the launching of the first satellite in 1957 the notion of outer space became inextricably linked with the exploration and uses of space by means of man-made spacecraft (→ Spacecraft, Satellites, and Space Objects). The physical and technical factors are directly relevant to the legal regulation of the region of space concerned. The atmospheric space of the earth and most of the activities in this space fall within the ambit of → Air Law. The space beyond the atmosphere is governed by space law. The ‘spatial’ element of each of the two above-mentioned branches of law is reflected in their denominations: the first being known as air (ie atmospheric) law, the second as space law, often referred to as outer space (ie extra-atmospheric) law.

3 The legal regimes governing → airspace and outer space are fundamentally different. Thus, logically and jurisprudentially it is necessary to know where air space ends and outer space begins. In theory, there must be no ‘outer’ boundary of application of space law, since outer space itself is limitless, but in practice space law, keeping pace with the development of space technology, does not purport to regulate space activity beyond the solar system (see Art. 1 Agreement Governing the Activities of State on the Moon and Other Celestial Bodies [(adopted 18 December 1979, entered into force 11 July 1984) 1363 UNTS 3]). At the same time, ‘celestial bodies’ of the solar system, other than the earth, but comprising the Moon, are included in the legal notion of outer space (→ Moon and Celestial Bodies). This follows from the title and text of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies ([signed 27 January 1967, entered into force 10 October 1967] 610 UNTS 205) (‘Outer Space Treaty’).

#### “Appropriation” refers to the taking of property for exclusive and permanent use

**Gorove 69** [Stephen, Chairman of the Graduate Program of the School of Law and Professor of Law, Ole Miss] “Interpreting Article II of the Outer Space Treaty”, Fordham Law Review, Vol. 37 Issue 3, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1966&context=flr>, 1969 RE

With respect to the concept of appropriation the basic question is what constitutes "appropriation," as used in the Treaty, especially in contradistinction to casual or temporary use. The term "appropriation" is used most frequently to denote the taking of property for one's own or exclusive use with a sense of permanence. Under such interpretation the establishment of a permanent settlement or the carrying out of commercial activities by nationals of a country on a celestial body may constitute national appropriation if the activities take place under the supreme authority (sovereignty) of the state. Short of this, if the state wields no exclusive authority or jurisdiction in relation to the area in question, the answer would seem to be in the negative, unless, the nationals also use their individual appropriations as cover-ups for their state's activities.5 In this connection, it should be emphasized that the word "appropriation" indicates a taking which involves something more than just a casual use. Thus a temporary occupation of a landing site or other area, just like the temporary or nonexclusive use of property, would not constitute appropriation. By the same token, any use involving consumption or taking with intention of keeping for one's own exclusive use would amount to appropriation.

#### Violation – they defend

#### At best they’re Extra-T, which is a voter for Limits since they can add any amount of infinite planks to the aff to solve for all neg arguments, or Effects-T which is worse, since any small aff can spill up to the res.

#### Topical version of the aff: defend a ban of outer space appropriation by private entities using a framework of limiting antiblack expansion into space. by Disads to the TVA just prove there is neg ground and that it’s a contestable stasis

**Vote Neg – The resolution is the only common stasis point that anchors negative preparation. Allowing any aff deviation from the resolution is a moral hazard which justifies an infinite number of unpredictable arguments with thin ties to the resolution. Because debate is a competitive game, their interpretation incentivizes affirmatives to run further towards fringes and revert to truisms which are exceedingly difficult to negate**

#### Fairness is necessary for useful debates—it lets the aff train with the heavy bats of prepared negative strategies which internal link turns their ability to advocate change outside of debate. It enables both teams to more effectively challenge injustice and support movements for change. If debate is key to their movement, their aff has to be debateable. Only we have advanced criteria about how you can weigh between relative proposals and determine debatability in the first place.

#### SSD solves their offense - playing devils advocate and researching and debating both sides encourages debaters to modify and adapt their own positions on critical issue which encourages better affs in the future

#### T should be evaluated through competing interps – reasonability invites judge intervention

#### No impact turns and RVIs – presumes that your args are evaluated fairly + we don’t force a norm but just say that a certain interpretation is good since it’s a question of models of debate

### 1NC – K

#### The AC centers the “Atlantic” slave trade reproducing the hegemony of western history- we need de-Atlanticized models of slavery

Zeleza, PhD, 10

(Paul Tiyambe , the dean of the Bellarmine College of Liberal Arts and Presidential Professor of African American Studies and History at Loyola Marymount University African Studies Review Volume 53, Number 1, April 2010 pp. 1-19 | 10.1353/arw.0.0274)

It has become increasingly clear to me that as the field grows, the need to clarify the terms of discourse and analysis is **more imperative than ever**. The first issue concerns **hegemonies** in African diaspora studies: the where, when, what, why, and who is privileged in the field. The second involves the need to clarify the key concepts we use in structuring our methodological and theoretical frameworks. Conceptual clarification entails specifying our intellectual and ideological interests, identifying disciplinary and interdisciplinary influences, and problematizing our analytical metaphors and interpretive analogies. Among scholars of African diasporas in Asia and Europe, common critiques are heard against the domination of the **Afro-Atlantic model and the African Americanization of Afro-Europe and Afro-Asia**. There is no question that **the Atlantic model dominates African diaspora studies**, which focus on movements from western Africa to the Americas through the forced migrations of the **Atlantic slave trade** and are **preoccupied with the construction of "black" identities**. But African American hegemony in diaspora studies both in the Americas and in its export to other world regions is not simply a question of what could be called, to paraphrase Gordon Lewis's (1999) term, epistemological bad faith. The hegemony or universalizing ambitions of the Atlantic model are based partly on the sheer size of the Afro-Atlantic diasporas in the Americas, which currently number more than 160 million people (more than 100 million in South America, 40 million in North American, and 22 million in the Caribbean). They are also embedded in the very cultural and economic hegemony of the United States. This has become a **heated issue** at international diaspora conferences, as Darlene Clark Hine et al. (2009) and Carole Boyce Davies (2008) note in their recent publications, Black Europe and the African Diaspora and the three-volume Encyclopedia of the African Diaspora, respectively. This was also evident at the First International Conference on the African Diaspora in Asia held in Goa, India, in January 2006 (Prasad & Angenot 2008). During my travels, I often had to fend off suspicions that I had come to propagate exclusively American conceptions of African diasporas, and I agree with both Hine et al. and Davies that such critiques and suspicions cannot be wished away. We need to confront the **asymmetries in knowledge** [End Page 4] **production about African diasporas in different world regions**, desist from imposing models derived from specific African American experiences, and understand how much there is to gain from **truly comparative perspectives and historiographies**. This is the source of my argument that **we need to de-Atlanticize and de-Americanize the histories of African diasporas**. In order for the field to grow, it is critical that the Afro-Atlantic and U.S. African American models of African diaspora studies be **provincialized rather than universalized**, as is the tendency among many of us in the U.S. and Anglophone academies for whom the world beyond our borders can **only be simulated copies of our own** and for those elsewhere who are anxious to signal their cosmopolitan familiarity with the intellectual products of the world's largest academic system by producing mimic histories.

#### This is a question of methodology- their middle passage model reinscribes a Eurocentric “tyranny of the atlantic”

Allen, PhD, 14

(Richard B., History@Farmingham State, Slaves, Convicts, Abolitionism and the Global Origins of the Post-Emancipation Indentured Labor System, Slavery & Abolition, 2014 Vol. 35, No. 2, 328–348, http://dx.doi.org/10.1080/0144039X.2013.870789 http://piketty.pse.ens.fr/files/Allen2014.pdf)

The historiography of the free and forced labor trades that supplied European plantation colonies with millions of African, Indian, East Asian and other non-western workers between the seventeenth and early twentieth centuries is a case study in geographical, chronological and topical compartmentalization. Histories of European slave trading, the attendant African diaspora to the Americas and European abolitionism remain subject to what Edward Alpers aptly characterized more than 15 years ago as **the ‘tyranny of the Atlantic’ in slavery studies**.1 As their preoccupation with developments in Britain and the Caribbean attest, studies of the ‘great’ or ‘mighty experiment’ with the use of indentured labor following slave emancipation in the British Empire likewise tend to **focus on the Atlantic world** despite a long-standing awareness that the Indian Ocean island of Mauritius was the site of the **crucial test case** for the use of free agricultural laborers working under long-term written contracts and a wealth of demographic data which highlight the **Indian Ocean’s importance** in the history of a system that scattered more than 2.2 million workers throughout and beyond the colonial plantation world between the 1830s and 1920s.2 More indentured laborers landed in Mauritius than in any other colony while the total number of such workers who reached European colonies in the Indian Ocean basin surpassed those who arrived in the Caribbean by some 259,000.3 The Indian Ocean’s significance in this global labor migration becomes even more pronounced if the 1.5 million or more individuals who emigrated from southern India to plantations in Ceylon (Sri Lanka) and Malaya to work under short-term, often verbal, contracts between the 1840s and the early twentieth century, and the 700,000–750,000 Indian migrants who labored on Assamese plantations between 1870 and 1900 are included in this labor diaspora.4 This historiographical tendency to privilege one oceanic world is matched by a propensity to draw a sharp dividing line between the pre- and post-emancipation eras despite widespread acceptance of the argument that the years after 1834 witnessed the creation and institutionalization of a ‘new system of slavery’ in the colonial plantation world.5 Histories of British colonies in the Caribbean and elsewhere usually end with the abolition of slavery in 1834 or occasionally with the termination of the ‘apprenticeship’ system in 1838, while studies of indentured laborers in these same colonies frequently pay little attention to the slave regimes that preceded them. Debates about conceptualizing and interpreting the indentured experience likewise reflect this tendency to view the colonial plantation world in terms of sharply demarcated pre- and post-1834 eras.6 The consequences of this chronological apartheid include an implicit, if not explicit, tendency to view the post-emancipation indentured labor system as a phenomenon separate and distinct unto itself, a notion which is reinforced by the historiographical emphasis on reconstructing the experience of indentured Indians to the exclusion of the hundreds of thousands of African, East Asian, Melanesian and other workers who also migrated throughout and beyond the colonial plantation world during the nineteenth and early twentieth centuries.7 This Indo-centrism is compounded in turn by a continuing penchant to focus on reconstructing limited aspects of indentured workers’ lives, doing so within tightly circumscribed social, economic, political and cultural contexts, and failing to compare local developments with those of indentured workers elsewhere in the colonial plantation world.8 These conceptual problems are similar to the pitfalls, especially **methodological** nationalism and **Euro-centrism**, identified by those working in the emerging field of global labor history as characteristic features of traditional theories about and interpretations of transnational labor migration.9 Recent research on labor migration in the Indian Ocean underscores the fact that a fuller understanding of the labor trades which supplied European colonies with millions of free and forced laborers is contingent upon **transcending this preoccupation with the particular**. Clare Anderson’s perceptive examination of the similar ways in which British officials thought about and processed Indian convicts and indentured laborers during the early nineteenth century, for example, demonstrates that these two labor trades can **no longer be viewed in isolation** from one another.10 Other work has established the increasing interconnectednessof the slave, convict and indentured labor trades in the Indian Ocean during the late eighteenth and early nineteenth centuries.11 In so doing, this research reveals that the post-emancipation indentured labor system originated some 25 years earlier than previously believed, that it took shape on a global stage that stretched from the Caribbean and the banks of the Thames to an obscure island in the South Atlantic and thence across the Indian Ocean to the Malay peninsula and finally to China, and that the British East India Company corporate-state played a **significant** and hitherto unappreciated role in this global migrant labor system’s early development.

#### The alternative is a global systems paradigm instead of an Atlantic-centric slavery paradigm. The AC imposes rigid, analytical blinders that prevent generating a fuller understanding of African diaspora

Allen, PhD, 14

(Richard B., History@Farmingham State, Slaves, Convicts, Abolitionism and the Global Origins of the Post-Emancipation Indentured Labor System, Slavery & Abolition, 2014 Vol. 35, No. 2, 328–348, http://dx.doi.org/10.1080/0144039X.2013.870789 http://piketty.pse.ens.fr/files/Allen2014.pdf)

In his excellent survey of indentured labor in the age of imperialism, David Northrup emphasized the need to view the movement of millions of indentured workers throughout and beyond the colonial plantation world not only in the context of its times, but **also as a global system** that invites comparison with the great European migrations of the day and age.93 Even a cursory survey of published scholarship since the appearance of Northrup’s book almost 20 years ago reveals, however, that indentured labor studies remain hobbled by a **failure** to examine the indentured experience in well-developed local, regional, global and comparative contexts. This historiographical inertia may be traced to various factors: the continuing dominance of the Tinkerian ‘new system of **slavery’ paradigm** in both **scholarly and public discourse** about indentured labor; a corresponding propensity to view this system’s origins largely, if not exclusively, through the prism of an **Atlantic-centric** abolitionism in which the 1834 emancipation of slaves in the British Empire has acquired iconic status; and an Indo-centrism that distracts attention from or obscures work on other indentured populations. Northrup’s comments about the origins of the indentured labor trade echo these historiographical preoccupations: Despite the existence of a few earlier experiments, it is fair to say that the new **indentured labor trade arose** in direct response to the abolition of slavery in the colonies of Great Britain in the 1830s and to its subsequent abolition or decline in French, Dutch, and Spanish colonies.94 Recent research on free and forced labor migration in the Indian Ocean reveals that the early experiments to which Northrup referred were, however, neither few in number nor marginally important to understanding the indentured labor system’s origins and subsequent development. This research highlights, moreover, that these experiments occurred in a truly **global setting** that stretched from the Caribbean to the South Atlantic and across the Indian Ocean to Southeast Asia and China. That this was so should come as no surprise given recent scholarship on the trans-imperial movement of ideas, personnel and news with the British Empire, especially during the late eighteenth and nineteenth centuries.95 As P.J. Marshall has trenchantly observed, if there were significant differences between the British experience in the Atlantic and Indian Ocean worlds, there were also significant similarities between these two components of a single imperial entity.96 Compelling work on the impact that public knowledge about and perceptions of empire had on British politics and identity underscores this point.97 So do astute assessments of the limitations inherent in oceanic basin approaches to studying labor migration and maritime history.98 Insights provided by the emerging field of global labor history, including case studies such as Jan Lucassen’s examination of the VOC’s role in the emergence of an international labor market which connected Europe with southern Africa and South and Southeast Asia, further illustrate the need for indentured labor historians to transcend the conceptual parochialism that inhibits the development of a **much fuller understanding of this** post-emancipation **labor system in all of its complexity**.99 The challenge before us is, accordingly, to **probe much more deeply and perceptively** into the ways in which the complex dialog within and between these oceanic worlds shaped the nature and dynamics of a global migrant labor system, the legacy of which continues to resonate in our own day and age.

### 1NC – CP

CP: With the exception of asteroid mining, the appropriation of outer space by private entities is unjust by the hold.

#### Hold them to their deliberate choice to defend the resolution – anything else is severance, which makes clash and being neg impossible, preventing education and fairness.

#### Asteroid mining is affordable, cheap, and coming soon

Hlimi 14 [Tina Hlimi, Canadian lawyer with a Bachelors and Masters Degrees in Environmental Sciences from McGill University, 2014, “THE NEXT FRONTIER: AN OVERVIEW OF THE LEGAL AND ENVIRONMENTAL IMPLICATIONS OF NEAR-EARTH ASTEROID MINING,” ANNALS OF AIR AND SPACE LAW, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2546924]/Kankee

II. NEAR EARTH ASTEROID: DESCRIPTION AND BENEFITS OF MINING A Near-Earth Asteroid (NEA), oftentimes mistaken for a meteoroid (e.g. a shooting star), a meteorite (e.g. meteoroid which enters Earth's atmosphere and lands on the surface) or a comet (e.g. a small object with ice which vaporizes creating a tail of dust and gas)14 is a rock formation, smaller than a planet. Accordingly, asteroids are occasionally considered minor planets, planetoids or space debris. They are often called the latter, as it is thought they are remnant fragments of the Solar System. It is alleged that the majority of asteroids are composed of "material which never accreted to form planets". 15 Hence, asteroids are ancient rock formations (up to 4.6 billion years in age), akin to ancient fossil fuels reserves on Earth, 16 and it is the antiquity of NEAs which heightens their mineral composition and economic value. Perhaps the most significant benefit of NEAs is the financial returns which commercial entities anticipate upon harvesting. For instance, fragments of the Chelyabinsk, Russia asteroid-meteorite, which entered the atmosphere on February 2013 at an astounding 66,000 km/hour and exploded over Russia's Ural region, have been sold to American laboratories17 for prices upwards of US $10,000.18 Around the same time, another asteroid, 2012 DA14, worth a staggering USD $195 billion came very close to the Earth's orbit. If such asteroids are harvested, the returns could be significant for commercial entities, notwithstanding the logistical costs of exploring and extracting the minerals. NEAs are also extremely sought after by commercial entities as they are closer to the Earth than other celestial bodies, including the Moon. Planetary Resources, one of the leading NEA exploration and mining entities asserts that "[s]ome near-Earth objects are the most accessible destinations in the Solar System". In addition to their prime location, NEAs often have minute gravitational fields, when compared to other celestial bodies. Thus, modest propulsion (e.g. as opposed to the Moon) is required to deploy and return mining spacecraft to and from NEAs, minimising costs for corporations looking to protect their bottom-line.19 Propulsion may also be circumvented; in the 1980s researchers developed a "mass driver" magnetic catapult which could launch recovered natural resources into the Earth's orbit from either the Moon or another celestial body (e.g. a NEA), thus making it a "[c]heap and efficient means of transporting mined resources". 20 Other benefits of NEA mining include accessibility to superior water resources and mineral ore as well as advancing and enhanced scientific knowledge and familiarity with asteroid composition. NEA exploitation will also inevitably spur economic development through job creation and business growth (e.g. terrestrial/extraterrestrial refineries, spacecraft construction, engineers, operators etc.) if and when legal ambiguities are settled.21At present, the technologies for NEA exploitation are also becoming economical and will continue to depreciate in time.22 The sole noteworthy repercussion of NEA mining emanates from environmental pollution and degradation as discussed in greater detail in the following sections. III. TECHNOLOGICAL AND ECONOMIC PROGRESS SPURRING THE NEW SPACE RACE The present world is driven predominantly by commercial interests, which are in turn driven by the demands of a global market economy. Accordingly, it is clear that sufficient developments in spacecraft design, propulsion systems and robotic mining systems [...] already exist to enable some form of robotic prospecting and mining of asteroids.23 Since the start of the Cold War era and the space rivalry between the Soviet Union and the United States,24 the world has entered the space age. Noteworthy developments have included: the launch of Sputnik-1 by the Soviet Union and the first artificial satellite, the enactment of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (OST), 25 the US moon landing, the 1979 adoption of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Agreement), 26 the launch and inhabitation of the International Space Station, the use of unmanned devices to explore planets like Mars, space tourism for ordinary civilians, 27 and the recent exploration and imminent exploitation of NEAs for mineral and hydrologic resources.28 Space-faring activities were first tweaked in the 1970s and 1980s with the emergence of intergovernmental players in the sphere of telecommunications, 29 thus shifting the playing field from State monopolised space exploits to intergovernmental organisations.30 Indeed, in the last 20 years, state-funded programmes like NASA have dramatically declined, and NASA is currently managing its lowest federal budget since the 1960s.31The private sector has accordingly assumed the lead in research and technology, with the objective of reaping profitable returns in the realm of NEA harvesting. NEA mining is an attractive opportunity for private sector commercial entities as terrestrial resources may only be reused a number of times due to purity loss, even with the most advanced recovery mechanisms. In 1955, Dr. Edward Price argued: [t]he thermodynamic law of entropy indicates that unavailability is the ultimate tendency of recurring mineral usage as they eventually become too dispersed or impure during each use to be recoverable. 32 Similar to reuse, recycling also results in lost purity and is also an energyintensive process utilizing fossil fuels.33 For this reason, there has been a surge of extraterrestrial technological advances to inhibit resource declination, thus stimulating a new space race amongst private entities; in contrast to the conventional and once dominant States. Jakhu and Buzdugan premise that NEA harvesting is economically feasible as some large-scale terrestrial projects (e.g. hydroelectricity and rare-Earth mineral mining) are more costly to operate or comparable in cost to launching a NEA spacecraft into space. The authors believe that NEA harvesting will occur if there is a market for the mineral and hydrologic resources (which is now emerging), practical payback times (e.g. usually less than five years in order to attract and sustain investors), controllable risks (e.g. environmental and legal) and the legal protection of property rights for commercial claims.34 In addition to the economic prerequisites, varying technological advances will permit NEA mining, including the simple identification and characterisation of viable NEAs and the anticipated use of powerful and enduring cosmic rays to fuel spacecraft and overcome propulsion and gravitational concerns. The private entity NEA contenders currently include US incorporated Deep Space Industries and Planetary Resources. Deep Space Industries' vision statement asserts that the corporation: [b]elieves the human race is ready to begin harvesting the resources of space both for their use in space and to increase the wealth and prosperity of the people of planet Earth. The rival start-up, Planetary Resources, has greater media presence due to its backing by Google Inc. founders Larry Page and Eric Schmidt and director James Cameron. 35 In June 2013, Planetary Resources managed to raise US $1 million through an online crowd funding campaign. The funds are to be allocated towards the construction of their ARKYD space telescope.36 The telescope will permit Planetary Resources to monitor and identify NEAs for future mining, in addition to developing the robotic spacecraft required to seize and return asteroids to Earth. 37 Hence, Deep Space Industries and Planetary Resources comprise the next generation of non-State entrepreneurs, which will soon compete for celestial resources, while swimming through pages of legal and regulatory requirements relating to property rights, liability and environmental law. IV. THE GENERAL LEGAL ATMOSPHERE AND NEA MINING

#### Non appropriation regulations wreck legal certainty required for investor confidence in asteroid mining

Campo 21 [Jose A. Martin del Campo, J.D. Candidate at Texas A&M University School of Law, 3-23-2021, “Finders K Finders Keepers: Who Has Say Over Private Property in Space,” Texas A&M Journal of Property Law, https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1155&context=journal-of-property-law]/Kankee

I. INTRODUCTION On October 4, 1957, the Space Age officially began when the Soviet Union launched Sputnik into orbit, the first successful, human-made satellite.1 A little more than a decade later, on July 20, 1969, American astronauts Neil Armstrong and Edwin “Buzz” Aldrin became the first humans to land and step foot on the moon.2 Neil Armstrong marked the completion of John F. Kenney’s national goal of landing an astronaut on the moon when he radioed back to Earth “[t]hat’s one small step for man, one giant leap for mankind.”3 The launch of Sputnik, the moon landing, and other endeavors achieved by the scientific community, kick-started a chain of events leading to the current ambition of exploring outer space and mining resources throughout the solar system. The push for unlocking low-cost space travel and space industrialization by entrepreneurs, like Elon Musk and Jeff Bezos, propels the search for extraterrestrial materials such as water and minerals.4 According to NASA, minerals found in the asteroid belt between Mars and Jupiter contain an estimated value of approximately $100 billion for every person on Earth.5 However, uncertainty lingers because private entities are unsure that they will possess property rights to their payload or the mined celestial body.6 Celestial bodies refer to naturally occurring objects in space. The United States Commercial Space Transportation Advisory Committee (“COMSTAC”), an advisory body to the Federal Aviation Administration’s (“FAA”) Office of Commercial Space Transportation (“FAA-AST”), has undertaken review regarding the granting of private property licenses.7 COMSTAC expressed a desire to confirm that private entity resource extractions may be owned and utilized as it deems appropriate.8 The current framework of space law is a combination of agreements with the foundation of space law consisting of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (“Outer Space Treaty”).9 At the time of signing, the Outer Space Treaty hoped to foster cooperative and peaceful exploration of outer space without discrimination of any kind.10 However, Article II of the Outer Space Treaty contains the bane of private property rights in outer space, which forbids the national appropriation of the moon and other celestial bodies.11 While the Outer Space Treaty explicitly mentions the prohibition of public entities claiming celestial bodies, private enterprises risk failing to have their interest in property rights recognized by the global community. Private entities and investors grapple with the issues pertaining to their rights to mine and extract resources from outer space legally. Without further international recognition of their property rights, private entities may shy away from exploring the concept of celestial mining. The issue of not knowing what laws are applicable, or to whom private companies are accountable, impedes the progress private entities make in achieving their goal of harvesting extraterrestrial resources. Private entities fear that the non-appropriation clause of Article II of the Outer Space Treaty, the epicenter of the issue, will strip them of the right to transport their mined resources back to Earth. A new legal regime will likely need to be formed that facilitates the continuation of innovation and promotes the exploration of outer space. Whether or not past private and public international doctrines, i.e., the law of the sea, may provide guidance in creating a new doctrine of space law is yet to be determined. The advancement in modern technology, along with the depletion of natural resources, creates a unique opportunity for private entities to resolve this issue through the exploitation of outer space. Space law is once again relevant due to its inadequacies in protecting the property rights of said entities in space. Part II will explore the different treaties and principles that gave rise to space law, and Part III will analyze whether the application of such principles should continue, or if the establishment of a new regime offers a more beneficial long-term solution. Part IV will then explore the structure of a new outer space regime and the enforcement of property rights. II. LEGAL PRINCIPLES INFLUENCING THE DEVELOPMENT OF SPACE LAW

#### Asteroid mining solves climate change, resource shortages, and environmental degradation

Hlimi 14 [Tina Hlimi, Canadian lawyer with a Bachelors and Masters Degrees in Environmental Sciences from McGill University, 2014, “THE NEXT FRONTIER: AN OVERVIEW OF THE LEGAL AND ENVIRONMENTAL IMPLICATIONS OF NEAR-EARTH ASTEROID MINING,” ANNALS OF AIR AND SPACE LAW, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2546924]/Kankee

THE ENVIRONMENTAL BENEFITS OF NEAR EARTH ASTEROID HARVESTING Let us recapitulate what we have already found. Shortage of resources is not a fact; it is an illusion born of ignorance. Scientifically and technically feasible improvements in launch vehicles will make departure from Earth easy and inexpensive. Once we have a foothold in space, the mass of the asteroid belt will be at our disposal, permitting us to provide for the material needs of a million times as many people as Earth can hold. Solar power can provide all the energy needs of this vast civilisation (10,000,000 billion people) from now until the Sun expires. Using less than one percent of the helium-3 energy resources of Uranus and Neptune for fusion propulsion, we could send a billion interstellar arks, each containing a billion people, to the stars. There are about a billion Sun-like stars in our galaxy. We have the resources to colonise the entire Milky Way. 122 In addition to demystifying the legal doctrine governing outer space natural resource appropriation it is also necessary to weigh the benefits and detriments of space-faring activities. Foremost, States around the world are developing at unprecedented rates and the human population is mounting in conjunction with demand for natural resources to sustain the current and newly established western standard of living. One of the fastest growing nations, China, is experiencing unhindered growth facilitated by fossil fuel use from coal and extensive mining. This has caused substantial water, soil and air degradation. In the face of these troubles, NEA mining could be the key to preserving the Earth's bounty and replenishing contaminated water supplies. The influx of natural resources could thwart the burning of dirty coal and fossil fuels, thereby mitigating the effects of climate change, such as, rising sea level, atmospheric pollution, melting of sea ice and rising temperatures. NEA harvesting could also protect the ocean and the fragile and largely unexplored deep seabeds 123 from oil and gas drilling. It could furthermore protect ecosystems from rare-earth mineral mining predominantly used to fuel the electronics sector. 124 NEA mining is especially pertinent as China restricted its global exports of rare-earth minerals in 2009, incongruously citing the need to protect the environment. Unfortunately, the supply cuts have forced dependent States like Japan, the United States and South Korea to heighten rare-Earth mineral exploration. This accordingly led to Japan's 2011 discovery of rare-earth minerals in the ocean-bed deposits of the Pacific Exclusive Economic Zone (PEEZ) thereby necessitating risky, deep-sea mining techniques, which may result in marine pollution if not carefully designed and developed. Other States, which have joined the environmentally destructive rare-earth mineral exploration movement include India, Canada, Tanzania, Australia, Brazil and Vietnam., There is accordingly much competition and exploration for rare-earth minerals which could result in significant exploitation of untouched areas like the PEEZ seabed and Mongolia.125 Other regions which may soon be targeted for mineral and hydrological resources include Antarctica and the Arctic. With the advent of technological advances, environmentally destructive practices such as refining may soon occur in outer space, sparing the Earth of pollution. 126 Accordingly, NEA mining is a viable technology for preserving the Earth's environment by curbing atmospheric and marine pollution, enhancing water supply and quality and mitigating the effects of climate change; all while allowing humankind to maintain and even improve their standard of living through increased technologies, consumption and population growth. B. THE ENVIRONMENTAL CONSEQUENCES OF NEAR EARTH ASTEROID MINING

#### Warming causes extinction, escalatory conflicts, and mass suffering

Melton 19 [Michelle Melton is a 3L at Harvard Law School. Before law school, she was an associate fellow in the Energy and National Security Program at the Center for Strategic and International Studies, where she focused on climate policy. Climate Change and National Security, Part II: How Big a Threat is the Climate? January 7, 2019. https://www.lawfareblog.com/climate-change-and-national-security-part-ii-how-big-threat-climate]

At least until 2050, and possibly for decades after, climate change will remain a creeping threat that will exacerbate and amplify existing, structural global inequalities. While the developed world will be negatively affected by climate change through 2050, the consequences of climate change will be felt most acutely in the developing world. The national security threats posed by climate change to 2050 are likely to differ in degree, not kind, from the kinds of threats already posed by climate change. For the next few decades, climate change will exacerbate humanitarian crises—some of which will result in the deployment of military personnel, as well as material and financial assistance. It will also aggravate natural resource constraints, potentially contributing to political and economic conflict over water, food and energy.

The question for the next 30 years is not “can humanity survive as a species with 1.5°C or 2°C of warming,” but, “how much will the existing disparities between the developed and developing world widen, and how long (and how successfully) can these widening political/economic disparities be sustained?” The urgency of the climate threat in the next few decades will depend, to a large degree, on whether and how much the U.S. government perceives a widening of these global inequities as a threat to U.S. national security.

By contrast, if emissions continue to creep upward (or if they do not decline rapidly), by 2100 climate-related national security threats could be existential. The question for the next hundred years is not, “are disparities politically and economically manageable?” but, “can the global order, premised on the nation-state system, itself based on territorial sovereignty, survive in a world in which substantial swathes of territory are potentially uninhabitable?”

National Security Consequences of Climate Change to 2050

Scientists can predict the consequences of climate change to 2050 with some measure of certainty. (Beyond that date, the pace and magnitude of climate change—and therefore, the national security threat posed by it—depend heavily on the level of emissions in the coming years, as I have explained.) There is relative agreement across modeled climate scenarios that the world will likely warm, on average, at least 1.5°C above pre-industrial levels by about 2050—but perhaps as soon as 2030. This level of warming is likely to occur even if the world succeeds in dramatically reducing greenhouse gas emissions, as even the recent Intergovernmental Panel on Climate Change (IPCC) report implicitly admits. In other words, a certain amount of additional warming—at least 1.5°C, and probably more than that—is presumptively unavoidable.

Looking ahead to 2050, it can be said with relative confidence that the national security consequences of climate change will vary in degree, not in kind, from the national security threats already facing the United States. This is hardly good news. Even small differences in global average temperatures result in significant environmental changes, with attendant social, economic and political consequences. By 2050, climate change will wreak increasing havoc on human and natural systems—predominantly, but not exclusively, in the developing world—with attenuated but profound consequences for national security.

In particular, changes in temperature, the hydrological cycle and the ranges of insects will impact food availability and food access in much of the world, increasing food insecurity. Storms, flooding, changes in ocean pH and other climate-linked changes will damage infrastructure and negatively impact labor productivity and economic growth in much of the world. Vector-borne diseases will also become more prevalent, as climate change will expand the geographic range and intensity of transmission of diseases like malaria, West Nile, Zika and dengue fever, and cholera. Rising public health challenges, economic devastation and food insecurity will translate into an increased demand for humanitarian assistance provided by the military, increased migration—especially from tropical and subtropical regions—and geopolitical conflict.

Long-term trends such as declining food security, coupled with short-term events like hurricanes, could sustain unprecedented levels of migration. The 2015 refugee crisis in Europe portends the kinds of population movements that will only accelerate in the coming decades: people from Africa, Southwest and South Asia and elsewhere crossing land and water to reach Europe. For the United States, this likely means greater numbers of people seeking entry from both Central America and the Caribbean. Such influxes are not unprecedented, but they are unlikely to abate and could increase in volume over the next few decades, driven in part by climate change-related food insecurity, climate change-related storms and also by economic and political instability. Food insecurity, economic losses and loss of human life are also likely to exacerbate existing political tensions in the developing world, especially in regions with poor governance and/or where the climate is particularly vulnerable to warming (e.g., the Mediterranean basin). While the Arab Spring had many underlying causes, it also coincided with a period of high food prices, which arguably contributed to the protests. In some situations, food insecurity, economic losses and public health crises, combined with weak and ineffectual governance, could precipitate future conflicts of this kind—although it will be difficult to know where and when without more precise local studies of both underlying political dynamics and the regionally-specific impacts of climate change.

2100 and Beyond

While the national security impacts of climate change to 2050 are likely to be costly and disruptive for the U.S. military—and devastating for many people around the world—at some point after 2050, if warming continues at its current pace, changes to the climate could fundamentally reshape geopolitics and possibly even the current nation-state basis of the current global order.

To be clear, both the ultimate level of warming and its attendant political consequences is highly speculative, for the reasons I explained in my last post. Nonetheless, we do know that the planet is currently on track for at least 3-4°C of warming by 2100. The “known knowns” of higher levels of warming—say, 3°C—are frightening. At that 3°C of warming, for example, scientists project that there will be a nearly 70 percent decline in wheat production in Central America and the Caribbean, 75 percent of the land area in the Middle East and more than 50 percent in South Asia will be affected by highly unusual heat, and sea level rise could displace and imperil the lives hundreds of millions of people, among other consequences.

But even higher levels of warming are physically possible within this century. At these levels of warming, some regions of the world would be literally uninhabitable, likely resulting in the depopulation of the tropics, to say nothing of the consequences of sea-level rise for economically important cities such as Amsterdam and New York. Even if newly warmed regions of the far north could theoretically accommodate the resulting migrants, this presumes that the political response to this unprecedented global displacement would be orderly and conflict-free borders on fantasy.

The geopolitical consequences of significant levels of warming are severe, but if these changes occur in a linear way, at least there will be time for human systems to adjust. Perhaps more challenging for national security is the possibility that the until-now linear changes give way to abrupt and irreversible ones. Scientists forecast that, at higher levels of warming—precisely what level is speculative—humanity could trigger catastrophic, abrupt and unavoidable consequences to the ecosystem. The IPCC has considered nine such abrupt changes; one example is the potential shutting down of the Indian summer monsoon. Over a billion people are dependent upon the Indian monsoon, which provides parts of South Asia with about 80 percent of its annual rainfall; relatively minor changes in the monsoon in either direction can cause disasters. In 2010, a wetter monsoon led to the catastrophic flooding in Pakistan, which directly affected 20 million people; a drier monsoon in 2002 led to devastating drought. Studies suggest that the Indian summer monsoon has two stable states: wet (i.e., the current state) and dry (characterized by low precipitation over the subcontinent). At some point, if warming continues, the monsoon could abruptly shift into the second, “dry” state, with catastrophic consequences for over a billion people dependent on monsoon-fed agriculture. The IPCC suggests that such a state-shift is “unlikely”—that is, there is a 10 to 33 percent chance that a state-shift will happen in the 21st century—but scientists also have relatively low confidence in their understanding of the underlying mechanisms in this and other large-scale natural systems.

The consequences of abrupt, severe warming for national security are obvious in general, if unclear in the specifics. In 2003, the Defense Department asked a contractor to explore such a scenario. The resulting report outlined the offensive and defensive national security strategies countries may adopt if faced with abrupt climate change, and highlighted the increased risk of inter- and intra-state conflict over natural resources and immigration. Although the report may be off in its imagined timeframe (positing abrupt climate change by 2020), the world it conjures is improbable but not outlandish. If the Indian monsoon were to switch to dry state, and a billion people were suddenly without reliable food sources, for example, it is not clear how the Indian government would react, assuming it would survive in its current form. Major wars or low-intensity proxy conflicts seem likely, if not inevitable, in such a scenario.

This is not to say that a parade of climate horribles is certain—or even likely—to come to pass. Scientific understanding of the sensitivities in the climate system are far from perfect. It is also possible that emissions will decline more rapidly than anticipated, averting the worst consequences of climate change. But this outcome is far from guaranteed. And even if global emissions decline precipitously, humanity cannot be sure when or whether the planet has crossed a climate tipping point beyond which the incremental nature of the current changes shifts from the current linear, gradual progression to a non-linear and abrupt process.

Within the next few decades, the most likely scenario involves manageable, but costly, consequences on infrastructure, food security and natural disasters, which will be borne primarily by the world’s most impoverished citizens and the members of the military who provide them with humanitarian assistance and disaster relief. But while the head-turning national security impacts of climate change are probably several decades away, the nature of the threat is such that waiting until these changes manifest is not a viable option. By the time the climate consequences are severe enough to compel action, there is likely to be little that can be done on human timescales to undo the changes to environmental systems and the human societies dependent upon them.

## Case

### 1NC – Case

#### Identity isn’t singular, and neither is the world. Their impact framing is “immature politics”

Gordon 15 --- Lewis, Afro-Jewish philosopher, political thinker, educator, and musician, Professor at the University of Connecticut in Philosophy and Africana Studies, European Union Visiting Chair in Philosophy; Nelson Mandela Visiting Professor of Politics and International Studies at Rhodes University, South Africa; and Chairman of the Frantz Fanon awards committees of the Caribbean Philosophical Association, transcribed from <https://youtu.be/UABksVE5BTQ>, presenting and discussing his book “What Fanon Said”

\*\*\*Theonaturalism – religion based difference

AB = recent & very insignificant time wise in terms of whole human history – math doesn’t add up to that structure. If libidinal econ is true then why did it take thousands of years to manifest itself

AB assumes there’s no ressitnace to AB – their model of study just assumes complete domination.A2 general dishonor – it has to be all the time and everywhere

Immature PTX to say it’s not good if I don’t get the benefit – anti colonial struggle were about still fighting even if you didn’t get the results 🡪 answers survivial strategies. Misreads Fanon – not saying destroy the world bc it’s good for you

Humans make up systems of power – they don’t just exist and humans are constantly changing and are imperfect/incomplete

“a” vs “the” AB world – the world is multiple just bc right now we live in A ant-black world doesn’t mean THE world is – doing so cedes epistemic authority to white ppl who see THE world as AB. Seeing htings as multiple and the world as a product of human relationships is necessary to reclaim agency. In order to reclaim social life, you can’t cede the world as fixed but instead say that there are many possible alternatives. Proves that PIC isn’t a fixed result of ontological project but it’s part of historically contignent circumstance and can be undone by other socially situated policies

slaves on slave ships revolted & afterward – seeing this as social death agrees that the colonists won and ignores black resistance has created new args abt slavery/made own culture

The first thing to bear in mind you may wonder why in the beginning of the talk I talked about philosophical anthropology. And many people when they are trying to talk about social change they never think about *what a human being is* and this is something Fanon pays attention to. **Many people want to have closed conceptions of human beings because then human beings can be predicable**. In fact, in fanons writing he gave an example. One of the problems is that when he would walk in reason seems to walk out. One problem we have to bear in mind when we try to look at the question of human beings **in terms of rigid closed systems** is that we often are trying to get as a model of how we work as theorists on issues of social change that are actually based on what we can call **law like generalizations**. Now what is a law like generalization? It is when you make sure that whatever you say has no contradiction down the line. So if you are to say this much [gestures with hand] the next stage must be consistent with that, and the next stage until you are maximally consistent. Do you get that? But here is the problem – and I can just put it in a nut shell- nobody, nobody in this room would like to date, be married to, or be a best friend with a maximally consistent person. You know what that is. Its hell. And this tells you something, because if somebody where maximally consistent, you know what you would say that person is not reasonable. And we have a person here who does work on Hegel that can point out this insight, that a human being has the ability to evaluate rationality. Now why is that important? Because you see the mistake many of us make is **many of us want to push the human being into that maximized law like generalization model**. So when we think about our philosophical anthropology, some people, our question about intersectionality for instance, what some people don’t understand is nowhere is there ever a human being who is one identity. People talk about race – do you ever really see a race walking? You see a racialized man or woman, or transman or transwoman. Do you ever see a class walking? Class is embodied in flesh and blood people. And we can go on and on. So if we enrich our philosophical anthropology we begin to notice certain other things. And one of the other things we begin to realize is that **we commit a serious problem when we do political work.** And the problem is this. The question about **Wilderson** for instance. There is this discussion going on (and allot of people build it out of my earlier books). I have a category I call, as a metaphor, an antiblack world. You notice **an indefinite article** – **an anti-black world**. The reason I say that is because **the world is different from an anti-black world**. The project of racism is to create a world that would be **completely anti-black or anti-woman.** **Although that is a project, it is not a fait accompli**. People don’t seem to understand how recent this phenomenon we are talking about is. A lot of people talk about race they don’t even know the history of how race is connected into theonaturalism. How, for instance, Andalucia and the pushing out of the Moors. The history of how race connected to Christianity was formed. A lot of people don’t understand – from the standpoint of a species whose history is 220,000 years old, what the hell is 500 years? **But the one thing that we don’t understand to is we create a false model for how we study those last 500 years**. We study the 500 years as if the people who have been dominated **have not been fighting and resisting.** Had they not been fighting and resisting we wouldn’t be here. And then we come into this next point because you see the problem in the formulation of **pessimism** and **optimism** is they are both based on forecasted knowledge, a prior knowledge. **But human beings don’t have prior knowledge.** And in fact – what in the world are we if we need to have guarantees for us to act. You know what you call such people? Cowards. The fact of the matter is our ancestors – let’s start with enslaved ancestors. The enslaved ancestors who were burning down those plantations, who were finding clever ways to poison their masters, who were organizing meetings for rebellions, none of them had any clue what the future would be 100 years later. Some had good reason to believe that it may take 1000 years. But you know why they fought? Because they knew it wasn’t for them. One of the problems we have in the way we think about political issues is we commit what Fanon and others in the existential tradition would call a form of political immaturity. Political immaturity is saying it is not worth it unless I, me, individually get the payoff. When you are thinking what it is to relate to other generations – remember Fanon said the problem with people in the transition, the pseudo postcolonial bourgeois – is that they miss the point, you fight for liberation for other generations. And that is why Fanon said other generations they must have their mission. But you see some people fought and said no I want my piece of the pie. And that means the biggest enemy becomes the other generations. And that is why the postcolonial pseudo-bourgeoisie they are not a bourgeoisie proper because they do not link to the infrastructural development of the future, it is about themselves. And that’s why, for instance, as they live higher up the hog, as they get their mediating, service oriented, racial mediated wealth, the rest of the populations are in misery. The very fact that in many African countries there are people whose futures have been mortgaged, the fact that in this country the very example of mortgaging the future of all of you is there. What happens to people when they have no future? It now collapses the concept of maturation and places people into perpetual childhood. So one of the political things – and this is where a psychiatrist philosopher is crucial – is to ask ourselves what does it mean to take on adult responsibility. And that means to understand that **in all political action it’s not about you**. **It is what you are doing for a world you may not even be able to understand**. Now that becomes tricky, because how do we know this? **People have done it before**. There were people, for instance, who fought anti-colonial struggles, there are people (and now I am not talking about like thirty or forty years ago, I am talking about the people from day one 17th 18th century all the way through) and we have no idea what we are doing for the 22nd century. And **this is where developing political insight comes in.** Because **we commit the error of forgetting the systems we are talking about are human systems**. They are not systems in the way we talk about the laws of physics. A human system can only exist by human actions maintaining them. **Which means every human system is incomplete.** **Every human being is by definition incomplete**. Which means you can go this way or you can go another way. The system isn’t actually closed.

#### Sharpe’s theory rejects humanism as a foundational premise. Schneider 17

Black Protest on the Streets: Visual Activism and the Aesthetic Politics of Black Lives Matter, Nicole Schneider, COPAS—Current Objectives of Postgraduate American Studies, Issue 18.1, (2017)

The visual activism of the Black Lives Matter movement can directly be related to the notions of black lives’s ongoing connection to the nation’s history and its economic systems built out of the institution of slavery. This is a consciousness that Christina Sharpe calls ‘being in the wake’ in her book In The Wake: On Blackness and Being. She defines this conditon, refering to Sylvia Wynter, as an alternative understanding of “being human” as a narrative and performative “praxis” (Wynter/McKittrick 23). This can be connected to Rancière’s understanding of aesthetics as the “distribution of the sensible” (Rancière 7). All three, the entanglement of the past with the present, the alternative concept of being human, and ideas of aesthetic (re)distribution, help to theorize blackness and set the frame for an analytical discussion of the aesthetic politics of the movement’s visual activism. Drawing mainly on both Sylvia Wynter’s work on the praxis of being human and Dionne Brand’s configuration of diaspora, Sharpe conceptualizes black diasporic life as “being in the wake” (14). That is, the consciousness of being constantly and interminably entwined in the history and memory of the transatlantic slave trade and slavery—including the former status of being human property—as well as living within the structural legacy of the capitalist slave system (Sharpe 14; 19). Sharpe uses the term ‘wake’ as its meaning originally encompasses, e.g., the tradition of sitting with the recently deceased, the ripples on the water following behind a ship, as well as the recoil of a gun (8; 10-11). Additionally, wake also references the condition of being awake and waking up (21). According to Sharpe’s definition of the wake, black people are not included in the Western/Colonial definition of ‘human being,’ established and propagated by Western systems of knowledge and representation (14). Being in the wake, here, is being aware of “the ongoing problem of Black exclusion from social, political, and cultural belonging [, and the] abjection from the realm of the human” (14). But being in the wake also encompasses the revelation and deconstruction of, and resistance to these systems (14).

#### Rejection of humanism is inherent to being in the wake – her theory is at direct odds with other Humanist literature Sternberg 17

“What Else, What Else, What Else?: Character Tension, Textual Multiplicity, and the Development of the Post-Slavery Imaginary in Toni Morrison's Song of Solomon,” Sternberg, Thomas Low, Haverford College. Department of English, 2017, https://thesis.haverford.edu/handle/10066/19313.

Sharpe’s perspective is, in fact, almost post-human, and would therefore seem to clash with Song of Solomon’s. For like Fred Moten’s In the Break, from which it clearly takes inspiration, Sharpe’s In the Wake is hesitant to claim too readily the human subject that black Americans have been systematically denied. For Moten, this reluctance emerges from the knowledge that to have once been a thing means to have once been made a thing by people who believed in Enlightenment Humanism. Sharpe furthers and politicizes this post-Humanist concept by envisioning the subject in the wake of slavery as “no-citizen” (Sharpe 22). One must become aware of oneself as no-citizen and accomplish wake work from that position. Song of Solomon, on the other hand, seems to espouse a Humanist, mythic, even utopic possibility of breaking historical cycles. Macon Dead II, as the material patriarch, and Guitar, as the political extremist, are arguably the characters who are most historically and socially responsive to their circumstances, but their narratives are clearly intended to be superseded by the ecstatic optimism of Milkman’s core bildungsroman and Pilate’s mystic wisdom. Rather than taking these readings for granted, and therefore seeing an irresolvable tension between seemingly “Humanist” Song of Solomon and “post-Humanist” Sharpe, I use this dissonance as an invitation to read more deeply into the structure of the characters’ narratives and the meta-structural function of their interrelation throughout the text as a whole. What emerges is a reconfiguration of Sharpe’s definition of wake work that at once cuts to the heart of the concept and enacts it in a newly expanded way. While on the level of character Song of Solomon appears to espouse a vision of ahistoricality and potential for escape that Sharpe doesn’t hold, closer examination reveals that Sternberg 3 every character’s narrative contains instabilities, incompletions, and critiques of the narratives beside it. These nuances render the text precisely the region of “disturbed flow” and potential awakening Sharpe describes the wake as. Even more significantly, in the extratextual space of the novel’s suspended ending, these destabilized narratives are allowed to coexist in a polyphony of contrasting and interlocking voices. Informed by Judith Butler’s perspective on the Levinasian ethic of the encounter, this mosaic image of the wake activates a project of wake work on the textual level that both expands Sharpe’s vision of what wake work can mean and engages her notion that it might serve as an entrée into furthering the post-slavery imaginary.

#### Anti-humanism produces racism and the worst atrocities in history – strategic humanism solves their offense. Lester 12

Lester 12 – (January 2012, Alan, Director of Interdisciplinary Research, Professor of Historical Geography, and Co-Director of the Colonial and Postcolonial Studies Network, University of Sussex, “Humanism, race and the colonial frontier,” Transactions of the Institute of British Geographers, Volume 37, Issue 1, pages 132–148). NS

Anderson argues that it is not an issue of extending humanity to … negatively racialised people, but of putting into question that from which such people have been excluded – that which, for liberal discourse, remains unproblematised. (2007, 199) I fear, however, that if we direct attention away from histories of humanism’s failure to deal with difference and to render that difference compatible with its fundamental universalism, and if we overlook its proponents’ failed attempts to combat dispossession, murder and oppression; if our history of race is instead understood through a critique of humanity’s conceptual separation from nature, we dilute the political potency of universalism. Historically, it was not humanism that gave rise to racial innatism, it was the specifically anti-humanist politics of settlers forging new social assemblages through relations of violence on colonial frontiers. Settler communities became established social assemblages in their own right specifically through the rejection of humanist interventions. Perhaps, as Edward Said suggested, we can learn from the implementation of humanist universalism in practice, and insist on its potential to combat racism, and perhaps we can insist on the contemporary conceptual hybridisation of human–non-human entities too, without necessarily abandoning all the precepts of humanism (Said 2004; Todorov 2002). We do not necessarily need to accord a specific value to the human, separate from and above nature, in order to make a moral and political case for a fundamental human universalism that can be wielded strategically against racial violence. Nineteenth century humanitarians’ universalism was fundamentally conditioned by their belief that British culture stood at the apex of a hierarchical order of civilisations. From the mid-nineteenth century through to the mid-twentieth century, this ethnocentrism produced what Lyotard describes as ‘the flattening of differences, or the demand for a norm (“human nature”)’, that ‘carries with it its own forms of terror’ (cited Braun 2004, 1352). The intervention of Aboriginal Protection demonstrates that humanist universalism has the potential to inflict such terror (it was the Protectorate of Aborigines Office reincarnated that was responsible, later in the nineteenth and twentieth centuries, for Aboriginal Australia’s Stolen Generation, and it was the assimilationist vision of the Protectors’ equivalents in Canada that led to the abuses of the Residential Schools system). But we must not forget that humanism’s alternatives, founded upon principles of difference rather than commonality, have the potential to do the same and even worse. In the nineteenth century, Caribbean planters and then emigrant British settlers emphasised the multiplicity of the human species, the absence of any universal ‘human nature’, the incorrigibility of difference, in their upholding of biological determinism. Their assault on any notion of a fundamental commonality among human beings has disconcerting points of intersection with the radical critique of humanism today. The scientific argument of the nineteenth century that came closest to post-humanism’s insistence on the hybridity of humanity, promising to ‘close the ontological gap between human and non-human animals’ (Day 2008, 49), was the evolutionary theory of biological descent associated with Darwin, and yet this theory was adopted in Aotearoa New Zealand and other colonial sites precisely to legitimate the potential extinction of other, ‘weaker’ races in the face of British colonisation on the grounds of the natural law of a struggle for survival (Stenhouse 1999). Both the upholding and the rejection of human–nature binaries can thus result in racially oppressive actions, depending on the contingent politics of specific social assemblages. Nineteenth century colonial humanitarians, inspired as they were by an irredeemably ethnocentric and religiously exclusive form of universalism, at least combatted exterminatory settler discourses and practices at multiple sites of empire, and provided spaces on mission and protectorate stations in which indigenous peoples could be shielded to a very limited extent from dispossession and murder. They also, unintentionally, reproduced discourses of a civilising mission and of a universal humanity that could be deployed by anticolonial nationalists in other sites of empire that were never invaded to the same extent by settlers, in independence struggles from the mid-twentieth century. Finally, as Whatmore’s (2002) analysis of the Select Committee on Aborigines reveals, they provided juridical narratives that are part of the arsenal of weapons that indigenous peoples can wield in attempts to claim redress and recompense in a postcolonial world. The politics of humanism in practice, then, was riddled with contradiction, fraught with particularity and latent with varying possibilities. It could be relatively progressive and liberatory; it could be dispossessive and culturally genocidal. Within its repertoire lay potential to combat environmental and biological determinism and innatism, however, and this should not be forgotten in a rush to condemn humanism’s universalism as well as its anthropocentrism. It is in the tensions within universalism that the ongoing potential of an always provisional, self-conscious, flexible and strategic humanism – one that now recognises the continuity between the human and the non-human as well as the power-laden particularities of the male, middle class, Western human subject – resides.

#### Rejection of humanism denies all agency to black people and makes a liberatory praxis impossible – only context-specific revolutionary humanism has the potential to create a more just future. Nissim-Sabat 09

Marilyn Nissim-Sabat, “Neither Victim Nor Survivor: Thinking Toward a New Humanity”, 2009

In chapter five of Her Majesty's Other Children, "Uses and Abuses of Blackness: Postmodernism, Conservatism, Ideology," Gordon writes, For I am not so much antimodern as I am anti-Eurocentrism. There are elements of modernity that I avow and elements that I reject. To reject Eurocentrism is not identical to rejecting European civilization in toto or rejecting modernity, and it is a seriously racist form of reasoning that would make white people the only bearers of a modern consciousness. One would have to conclude, in effect, that black people are incapable of being modern or developing their own forms of modernity or alternatives beyond premodernity, modernity, and postmodernity (102). (Quotations are from Her Majesty's Other Children, unless otherwise noted.) Gordon's statement that he is "not so much antimodern" as he is "anti-Eurocentrism" and does not reject European civilization in toto is but one instance of the critique of postmodernism that permeates many of the essays in his book.2 Here, he points out that rejecting Eurocentrism does not entail rejecting modernism. I begin my discussion with this provocative passage because it exemplifies a dimension of what seems to me to be most valuable in Gordon's work. His claim that rejecting Euro-civilization in toto "is a seriously racist form of reasoning that would make white people the only bearers of a modern consciousness" is quite startling, inasmuch as many of those postmodernists who urge rejecting Euro-civilization and modernism in toto [END PAGE 97] often do so in the name of anti-racism, reflecting the belief that modernism has at the very least perpetuated forms of oppression, if not brought them into existence. Gordon's methodology of rejecting the postmodernist rejection of modernism in toto bears directly on his advocacy of the development of an existential sociology as a corrective to this and other forms of racism, and also on the way in which he grounds existential sociology in the constitutive phenomenology of Edmund Husserl. Thus, importantly, Gordon's critique of postmodernism is neither gratuitous nor tangential to his main themes, nor is it an otiose turning of the tables. Rather, it is integral to his project of recreating radical theory so as to avoid the pitfalls of the past that failed to generate an adequate praxis against racism and sexism and, not coincidentally, led to the abandonment of liberatory theory. In order to develop these themes, first I will show how Gordon motivates his claim that rejection of Euro-civilization in toto is racist. Next, I will elaborate on the theme of decentering philosophy that is central to Gordon's work and can focus his critique of postmodernism. Following this, I will discuss Gordon's advocacy of constitutive, that is, Husserlian, phenomenology and existential sociology as a corrective for postmodern and misreadings. PITFALLS OF THE POSTMODERN CRITIQUE OF EUROCENTRISM As just noted, Gordon claims that rejecting European culture and modernism in toto is a "seriously racist form of reasoning" in that it would "make of white people the only bearers of modern consciousness." The racism evident in such a rejection in toto is evident in how it shamelessly abstracts from the situatedness of black people in their historical and contemporary existence in both Africa and the African diaspora. Rejection of modernism in toto is abstract and ahistorical; as such it reduplicates the ahistoricality that Eurocentrist racism falsely attributed and attributes to Africana culture and black people, for example as found in Hegel. 3 In contrast, there is the example of Frantz Fanon, Africana psychiatrist, philosopher, and revolutionary, whose description and analysis of the existential situation of Africana peoples is unsurpassed today, and gives the lie to the conflation of Eurocentrism with European civilization and modernism. In creating his unique amalgam of revolutionary theory and activism, sociogenic psychoanalysis, and existential phenomenology, Fanon drew on the work not only of Africana thinkers, for example, Cesaire, Senghor, and others, but also on that of Marx, Freud, Merleau-Ponty, and Sartre. The example of Fanon shows that restricting the meaning of modernism and European culture to a [END PAGE 98] culture of domination is a form of essentialism in the most ideological sense. Extirpating those sources of revolutionary, liberatory theory and praxis that arose within modernism, not just in the West, but, globally as well, means what Eurocentrism has always meant: denial that black people have any reflective consciousness or capacity for reasoning at all or for knowing the sources of their oppression, and consequent denial that they can create and have created liberatory theory and praxis. It is in this sense that Gordon maintains that rejection of European culture and modernism in toto is a seriously racist form of reasoning. Gordon sees his own project of developing a liberatory theory and praxis as a continuation and enlargement of the project of Fanon, whose work is an ever-present source of inspiration to him. In Her Majesty's Other Children, chapter 2, "Fanon, Philosophy, and Racism," Gordon describes Fanon's project in this way: ... Fanon's normative position is a form of existential humanism. His call for the "restoration of humanity" makes his existential humanism a form of revolutionary existential humanism. Restoration is here full of irony, for Fanon would have nothing to do with what humanity may have been but what humanity ought to be and possibly could become. It is a restoration of what has never been. It is to struggle toward a new kind of future. For him, the Rousseauean remark of humanity in chains is a lived reality and the demand for a freedom achieved by greater humanization is a lived obligation of every individual. (30) There is abundant evidence that today the need for "greater humanization" is exigent. We live in an environment in which, for example, large numbers of white people, indoctrinated and aided and abetted by the denial of human historical situatedness that characterizes contemporary Western culture with its capitalist engineered pandemic of denial (witness the presidency of George W. Bush in the USA), believe that they have been subjected to systemic institutional discrimination which goes by the name of “reverse discrimination.” Moreover, many white Americans have a paranoid fear of blacks, whereas daily individual and institutional horrendous violence against blacks is tolerated as the norm. This situation is a seriously racist form of living in denial of reality with a consequent reversal of responsibility and of the parameters of victimization. As Gordon often points out, Du Bois encapsulated this reversal when he wrote that, instead of being people with problems, blacks in America became a problem people—they became the problem (64). Is not this attitude—that black people are the problem—an enabling factor in the persistence in the USA of police killings of unarmed black people? To see this existential situation for what it is reveals that it is a dangerous distortion to maintain that the contemporary world, with its racism, [END PAGE 99] colonialism, neocolonialism, misogyny, and heterosexism is the consequence or fulfillment of the 'humanist' project of modernity. As Gordon points out, a salient and significant aspect of that modernist project, which was not hegemonic and closed, was and is the quest for a liberatory theory and praxis. Denial of historical and contemporary existential reality is the modus operandi of the culture of dehumanization. Fanon’s and Gordon’s view is that that project of humanization has never yet been fulfilled. That man was born free but is everywhere in chains describes the human situation today at least as well as it described Rousseau's Europe, and humanity is in need, not of a rejection of European civilization in toto, but of a humanizing revolution, that is to say a revolution that will bring forth, as Fanon hoped, a new humanity.