# T

A interp:

Appropriation is

#### [Gorove] **Space Law Professor Stephen Gorove defines “appropriation of outer space” as:** Gorove, Stephen. [Professor of space law and director of space studies and policy, 1991-1998, University of Mississippi] “Interpreting Article II of the Outer Space Treaty.” 37 *Fordham L. Rev.* 349, 1969. https://ir.lawnet.fordham.edu/flr/vol37/iss3/2 CH

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.

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

Violation: The appropriation of outer space through asteroid mining by private entities should be banned.

Standards

#### 1. Limits – they can defend an infinite number of affs by not having to defend appropriation –which makes pre-round prep impossible.. Limits control the internal link to clash – I can’t answer the aff if I can’t prep against it.

#### 2. Ground – the aff interpretation explodes the topic to allow any aff about extracting resources which structurally alters the neg research burden because there’s a qualitative difference between appropriation of outer space and of resources. That alters neg ground because it means the aff can defend trivial middle grounds that go beyond just exclusive appropriation unbalancing the topic

### D. Voter

#### [Voter] The voter is fairness, meaning ensuring that both debaters have equal opportunities to win the round. Voters like education don't matter if both debaters can't access those benefits.

#### [Implication] DROP THE DEBATER: the round has already been skewed – you should not endorse a performance that denies fairness. Dropping the arg is the same thing as kicking the aff – that ruins fairness because they can shift their advocacy in the 1AR and I can't lock them down to anything.

#### [No RVIs] NO RVIs:

**1.** RVIs create a chilling effect where debaters are encouraged to read non-T affs and win on an RVI. The point of T is to check abuse, so RVIs destroy the entire purpose of T if it can no longer check abuse.

**2.** RVIs make no sense in a T debate. It's an expectation going into round that you're topical, just as it's expected that your aff is 6 minutes long. Just as you shouldn't win simply because your aff is 6 minutes long, you shouldn't win just because you are topical.

#### [Competing Interps] USE COMPETING INTERPS: Reasonability doesn't make sense in a T debate. You can't be "reasonably" topical; you either are T or you aren't. Using competing interps forces them to defend why they are topical, and if they can't do that, they should lose.

# T

## Interpretation

#### The aff must defend only the appropriation of outer space by private entities is unjust

**Squadrin**: Squadrin, Giulia. [Associate editor, Biofuels at Argus Media] “Difference Between Law and Justice.” Difference Between, April 2019. AC

Laws are written norms that regulate the actions of the citizens and of the government itself in all aspects, whereas justice is a principle that may or may not be universally recognized.

**[Oxford Languages]** Unjust is

**Oxford Languages**: Oxford Languages [Oxford University Press] “Unjust” No Date MB

not based on or behaving according to what is morally right and fair

## B. Violation

#### [Violation] They defend that “The appropriation of outer space through asteroid mining by private entities should be banned. “– that’s WAY MORE than the topic,

## **C. Net Benefits**

#### 1. Limits – extra-T means they can read affs that do the resolution and an INFINITE NUMBER of other things. They can enforce a ban, end unjust appropriation, AND end police violence, or affirm AND change other laws. And disclosure doesn't solve – your telling me the aff is about Harry Potter doesn’t make it topical.

#### 2. Clash – we can’t critically contest the plan if you read an aff that goes beyond the topic, since you can just opt out of my disads or case turns by saying the extra parts of the aff outweigh them or take them out. Also skews my prep if I don’t know what other parts of the aff you’ll throw in besides the topic – that means I can’t effectively clash with you.

# K

#### [Slattery-Quintanilla] Perpetuating a race neutral ideal of the cosmos furthers colonialism – science is NOT objective and treating space acquisition as such is entrenched in colonialist logic.

**Slattery-Quintanilla**: Slattery-Quintanilla, Claire E. [University of Denver] “Advancing Sylvia Wynter's Reimagination of the Human and Counter-Poetics: A Critique of Contemporary Western Science Discourse in Cosmos—a Spacetime Odyssey, with Host Neil deGrasse Tyson” *Digital Commons@ DU,* 2017. JP

In this chapter I argue that Tyson and Cosmos perpetuate the myth-lie of science neutrality and objectivity by refusing to mention race at three levels: the relationship between European colonial racial subjugation and the emergence of contemporary Western science, the racialized logic that is part and parcel of this tool, and Tyson does not mention his experience as a black man in the sciences. **This refusal to mention race as it relates to Western science at the personal, socio-historical, and epistemic level upholds the symbolic overrepresentation of Man and Western colonial conceptualizations of time and space, supporting the naturalized, privileged position Western science holds over our ways of being and doing in our neoliberal capitalist, white supremacist global order**. Wynter explains that Western science is a “master discipline” of our contemporary episteme that reifies the biologically absolute, (neo)Liberal descriptive statement of the human overrepresented as Man2 homo oeconomicus, in which other “genres or kinds of being human, cannot be imagined to exist” (“How We Mistook” 116). In the article, “No Humans Involved an Open Letter to my Colleagues,” **Wynter argues that Western intellectuals, of which I would argue Tyson is one, cling to the notion that we can create a more just world through increased opportunity and representation for the wretched. However, this fails to question the “the validity of our present order of knowledge itself,” and how this order is upholding a notion of the human that normalizes the dehumanization and violent oppression of black people (57).**

#### [Weheliye 1] Attempts to engage in this form of humanism furthers erasure – it restricts liminality and strengthens the state’s colonialist intentions.

**Weheliye 1**: Weheliye, Alexander. [Associate Professor of African American Studies at Northwestern University] ““Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human” 2014. BP

Suffering, especially when caused by political violence, has long functioned as the hallmark of both humane sentience and of inhuman brutality. **Frequently, suffering becomes the defining feature of those subjects excluded from the law, the national community, humanity, and so on due to the political violence inflicted upon them even as it, paradoxically, grants them access to inclusion and equality.** In western human rights discourse, for instance, the physical and psychic residues of political violence enable victims to be recognized as belonging to the “brotherhood of Man.” **Too often, this tendency not only leaves intact hegemonic ideas of humanity as indistinguishable from western Man but demands comparing different forms of subjugation in order to adjudicate who warrants recognition and belonging.** As W. E. B. Du Bois asked in 1944, if the Universal Declaration of Human Rights did not offer provisions for ending world colonialism or legal segregation in the United States, “Why then call it the Declaration of Human Rights?”2 Wendy Brown maintains, “politicized identity” operates “only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future...that triumphs over this pain.”3 Brown suggests replacing the identitarian declaration “I am,” which merely confirms and solidifies what already exists, with the desiring proclamation “I want,” which offers a Nietzschean politics of overcoming pain instead of clinging to suffering as an immutable feature of identity politics. While I recognize Brown's effort to formulate a form of minority politics not beholden to the aura of wounded attachments and fixated almost fetishistically on the state as the site of change, we do well to recall that many of the political agendas based on identity (the suffragette movement, the movement for the equality of same-sex marriages, or the various movements for the full civil rights of racialized minority subjects, for instance) are less concerned with claiming their suffering per se (I am) than they are with using wounding as a stepping stone in the quest (I want) for rights equal to those of full citizens. Liberal governing bodies, whether in the form of nation-states or supranational entities such as the United Nations or the International Criminal Court make particular forms of wounding the precondition for entry into the hallowed halls of full personhood, only acknowledging certain types of physical violence. For instance, while the United Nations High Commissioner for Refugees passed a resolution in 2008 that includes rape and other forms of sexual violence in the category of war crimes, there are many forms of sexual violence that do not fall into this purview, and thus bar victims from claiming legal injury and/or personhood.4 Even more generally, the acknowledgment and granting of full personhood of those excluded from its precincts requires the overcoming of physical violence, while epistemic and economic brutalities remain outside the scope of the law. **Congruently, much of the politics constructed around the effects of political violence, especially within the context of international human rights but also with regard to minority politics in the United States, is constructed from the shaky foundation of surmounting or desiring to leave behind physical suffering so as to take on the ghostly semblance of possessing one's personhood. Then and only then will previously minoritized subjects be granted their humanity as a legal status.** Hence, the glitch Brown diagnoses in identity politics is less a product of the minority subject's desire to desperately cling to his or her pain but a consequence of the state's dogged insistence on suffering as the only price of entry to proper personhood, what Samera Esmeir has referred to as a “juridical humanity” that bestows and rescinds humanity as an individualized legal status in the vein of property. **Apportioning personhood in this way maintains the world of Man and its attendant racializing assemblages, which means in essence that the entry fee for legal recognition is the acceptance of categories based on white supremacy and colonialism, as well as normative genders and sexualities.**

#### [Weheliye 3] The alternative is habeas viscus or becoming human. To clarify, this is an anti-humanist ethic where we change our view on humanity from legality (a body that is coherent) to focus on flesh (a *real, actualized, material* body) to in order prioritize affective encounters.

**Weheliye 3**: Weheliye, Alexander. [Associate Professor of African American Studies at Northwestern University] ““Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human” 2014. JP

The poetics and politics that I have been discussing under the heading of habeas viscus or the flesh are concerned not with inclusion in reigning precincts of the status quo but, in Cedric Robinson's apt phrasing, “the continuing development of a collective consciousness informed by the historical struggles for liberation and motivated by the shared sense of obligation to preserve [and I would add also to reimagine] the collective being, the ontological totality.”31 Though the laws of Man place the flesh outside the ferocious and ravenous perimeters of the legal body, habeas viscus defies domestication both on the basis of particularized personhood as a result of suffering, as in human rights discourse, and on the grounds of the universalized version of western Man. Rather, habeas viscus points to the terrain of humanity as a relational assemblage exterior to the jurisdiction of law given that the law can bequeath or rescind ownership of the body so that it becomes the property of proper persons but does not possess the authority to nullify the politics and poetics of the flesh found in the traditions of the oppressed. As a way of conceptualizing politics, then, habeas viscus diverges from the discourses and institutions that yoke the flesh to political violence in the modus of deviance. Instead, it translates the hieroglyphics of the flesh into a potentiality in any and all things, an originating leap in the imagining of future anterior freedoms and new genres of humanity. To envisage habeas viscus as a forceful assemblage of humanity entails leaving behind the world of Man and some of its attendant humanist pieties. As opposed to depositing the flesh outside politics, the normal, the human, and so on, we need a better understanding of its varied workings in order to disrobe the cloak of Man, which gives the human a long-overdue extreme makeover; or, in the words of Sylvia Wynter, “the struggle of our new millennium will be one between the ongoing imperative of securing the well-being of our present ethnoclass (i.e. western bourgeois) conception of the human, Man, which overrepresents itself as if it were the human itself, and that of securing the well-being, and therefore the full cognitive and behavioral autonomy of the human species itself/ourselves.”32 Claiming and dwelling in the monstrosity of the flesh present some of the weapons in the guerrilla warfare to “secure the full cognitive and behavioral autonomy of the human species,” since these liberate from captivity assemblages of life, thought, and politics from the tradition of the oppressed and, as a result, disfigure the centrality of Man as the sign for the human. As an assemblage of humanity, habeas viscus animates the elsewheres of Man and emancipates the true potentiality that rests in those subjects who live behind the veil of the permanent state of exception: freedom; assemblages of freedom that sway to the temporality of new syncopated beginnings for the human beyond the world and continent of Man.

#### [Wehelieye 3] Deviant bodies are compared against one another under the state as the color line sets the basis for how subjects should be – women, queer folk, and black people stray from the standard conception of the Western Man, and face oppression as a result. Thus, the Role of the Ballot is to deconstruct the western Man.

**Weheliye 3**: Weheliye, Alexander. [Associate Professor of African American Studies at Northwestern University] ““Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human” 2014. JP

Consequently, **racialization figures as a master code within the genre of the human represented by western Man, because its law-like operations are yoked to species-sustaining physiological mechanisms in the form of a global color line—instituted by cultural laws so as to register in human neural networks—that clearly distinguishes the good/life/fully-human from the bad/death/not-quite-human**. This, in turn, authorizes the conflation of racialization with mere biological life, which, on the one hand, enables white subjects to “see” themselves as transcending racialization due to their full embodiment of this particular genre of the human while responding anti-pathetically to nonwhite subjects as bearers of ontological cum biological lack, and, on the other hand, in those subjects on the other side of the color line, it creates sociogenically instituted physiological reactions against their own existence and reality.40 Since the being of nonwhite subjects has been coded by the cultural laws in the world of Man as pure negativity, their subjectivity impresses punishment on the neurochemical reward system of all humans, or in the words of Frantz Fanon: “My body was returned to me spread-eagled, disjointed, redone, draped in mourning on this white winter's day. The Negro is an animal, the Negro is bad, the Negro is wicked, the Negro is ugly.” **Political violence plays a crucial part in the baroque techniques of modern humanity, since it simultaneously serves to create not-quite-humans in specific acts of violence and supplies the symbolic source material for racialization**. For Wynter, the promise of black studies—and the numerous other ruptures precipitated by the 1960s—lies in its liminality, which contains potential exit strategies from the world of Man. **However, we must first devise new objects of knowledge that facilitate “the calling in question of our present culture's purely biological definition of what it is to be, and therefore of what it is like to be, human.”** We must do so because we cannot fully understand the present incarnation of the human from within the “biocentric and bourgeois” epistemic order that authorizes the biological selectedness of Man and, conversely, the creation of “dysgenic humans” (those who are evolutionarily dysselected), “a category comprised in the US of blacks, Latinos, Indians as well as the transracial group of the poor, the jobless, the homeless, the incarcerated,” the disabled, and the transgendered.43 Within our current episteme, these groups are constituted as aberrations from the ethnoclass of Man by being subjected to racializing assemblages that establish “natural” differences between the selected and dysselected. In other words, black, Latino, poor, incarcerated, indigenous, and so forth populations become real objects via the conduit of evolutionarily justified discourses and institutions, which, as a consequence, authorizes Man to view himself as naturally ordained to inhabit the space of full humanity. **Thus, even though racializing assemblages commonly rely on phenotypical differences, their primary function is to create and maintain distinctions between different members of the Homo sapiens species that lend a suprahuman explanatory ground (religious or biological, for example) to these hierarchies**. As Wynter explains, “all our present struggles with respect to race, class, gender, sexual orientation, ethnicity, struggles over the environment, global warming, severe climate change, the sharply unequal distribution of the earth resources...—these are all differing facets of the central ethnoclass Man vs. Human struggle.”44 Wynter's oeuvre facilitates the analysis of the relay between different forms of subjugation, because in it the human operates as a relational ontological totality. Therefore, the Man versus Human battle does not dialectically sublate the specificity of the other struggles but articulates them in this open totality so as to abolish Man and liberate all of humanity rather than specific groups.

# Case