### 1

#### Logistics is structured via Logistical Imaginations that control ways of seeing and imagining that structure every-day life around Logistical Infrastructures. Logistical Imaginations at the level of Knowledge and Subjectivity are critical to the life-blood of Supply Chains which means interrogation of the Aff’s Knowledge Structure come first over Materiality. Thus, the Role of the Ballot is to endorse Imagination and Subject Formation that exist outside Logistics.

Hockenberry et Al 21 Matthew Hockenberry, Nicole Starosielski, and Susan Zieger 2021 "Assembly Codes: The Logistics of Media" (media historian and theorist examining the media of global production)//Elmer

The Logistical Imagination How did the imagination of the world change once it expanded to include logistical ways of thinking? When did thoughts of logistical operations begin to hold sway over the details of daily lives? How can one represent the expansive system of global logistics? To answer these questions is to unpack the logistical imagination: the new ways of seeing and imagining the world brought about by logistics and the new forms of mediation, philosophy, politics, and aesthetics that have emerged to confront it. To analyze the logistical imagination is to understand what it means to see like a supply chain, to comprehend the conditions that make one feel like cargo, or to explore logistics’ racialized and gendered aesthetics. It is to document how the subject of Western individualism is, fundamentally, a logistical one, and to interrogate how the historical emergence of logistics in commerce and warfare reshaped everyday life for workers, consumers, and citizens. It is also, we suggest, to imagine how the vast contours of logistical systems elide the faults and friction of their diverse and often divergent operations.13 To do so involves charting how these underlying instabilities, where “capital hits the ground,” may elicit new political potentials and subjective possibilities.14 Critiques of capitalism often construe logistics as something simultaneously monumental and microscopic. It is always present but nowhere to be seen. Increasingly automated and algorithmic, it is, like capital itself, an inhuman, unknowable thing.15 Its representations in texts, photographs, and films are almost always defined by the enormous structures erected in pursuit of global trade. Capable of transporting more than ten thousand containers per trip, megaships, for example, are vessels so massive that they are unable to sail through the expanded Panama Canal locks, their decks unreachable by most North American cranes.16 The mind-boggling scale of these technologies and of the systems that manage their movements are defined by the dark dreams of the “logistical sublime,” where global trade flows are ever more precisely patterned in a nightmare of unending rationalization.17 Researchers have described how logistics is inextricable from other global phenomena, including the conditions of late capitalism and the politics of neoliberalism. Jasper Bernes has argued that “the totality of the logistics system belongs to capital,” and as such, it remains cognitively and materially impregnable by traditional revolutionary means.18 While the logistical sublime is the dominant form of the logistical imagination, mobilized by capitalists and critics alike, it is not the only representational possibility. As a means of opening up the analysis of the logistical imagination, the authors in Assembly Codes delve into the many ways that humans have engaged with and envisioned logistics. A study of these cases reveals that the logistical imagination is always refractive, embodied in the particular moments and media of their production. This is true when workers slow down or speed up to control the fluctuation of logistical time and speed; when protestors blockade ports to limit the movement of materials across logistical space; and when undocumented migrants and fugitive slaves seize opportunities to travel outside the well-ordered regimes of logistical control. But it is also true when middle-class people use locationbased apps to hook up, request a car to the airport, or arrange for a next-day delivery in a single click. The logistical imagination not only drives forces of oppression, it ignites resistance and lubricates banal normativity. Our aim is to understand the specific differences that these representations, aesthetic practices, and modes of thinking make to larger logistical projects. We are motivated by the recognition that new imaginations can catalyze systemic shifts. Indeed, the contemporary concern with logistics—which has culminated in academia in fields such as critical logistics studies—was sparked by the dissemination of new logistical imaginations and representations. It was in part through media coverage of the impacts of globalization, including its supply chains, workers’ rights, and environmental impact, that middle-class people in the Global North began to grapple with logistics. The anti-sweatshop campaigns of the 1990s that stemmed from Nike’s disastrous “sweatshop summer” gave rise to a new discourse of ethical consumerism, one that expanded to encompass concerns for human rights and worker welfare, the ethical treatment of animals, environmental contamination, and global climate change.19 Recent conceptions of corporate social responsibility, the connection between local sourcing and consumption, and assessment methodologies like carbon footprinting all bring to light the journeys commodities make as, driven by logistics, they are assembled and distributed around the world. At the same time, the meteoric rise of private carriers like FedEx, ups, and dhl made delivery trucks and logistical laborers familiar figures, so much so that the 2000 film Castaway could reimagine Robinson Crusoe as a narrative about a FedEx logistician stranded on a desert island in the crash of a cargo plane. It is precisely because of logistics’ extraordinary scale and apparent unknowability that media play such a critical role in shaping our knowledge of these systems and afford the potential for collective forms of resistance. An attention to forms of mediation reveals the language and iconography of logistics as a potential site for intervention. Marc Levinson’s The Box (2006) and Alexander Klose’s The Container Principle (2009), for example, both figure the container as the emblem of globalization and the originary sign of modern logistics.20 Carried by cranes between ship holds and truck beds, this intermodal innovation accelerated shipping times, ending the era of arduous and time-consuming break-bulk unloading, and the work of longshoremen who labored on the docks. By the turn of the century, the box was ubiquitous both in distribution, where the teu, or twenty-foot equivalent unit, had become the standard object of operational consideration, and in the public imagination, as developers repurposed it for the architecture of everything from modular housing to shopping malls. Sites like Box Park in London, Tolchok near Odessa, and Common Ground in Seoul reveal a logistical imagination at play, one that places global transportation in a local context of commodity display and retail consumption. The shipping container not only infiltrated the visual and architectural landscape, it was remediated in films (such as Allan Sekula’s 2010 The Forgotten Space), art installations (such as Gabby Miller’s 2015 Turquoise Wake), and podcasts (such as Alexis Madrigal’s 2017 Containers). Alberto Toscano and Jeff Kinkle identify a “poetics of containerization,” noting the form’s mesmerizing power as an icon of capitalist abstraction, especially to visual artists.21 Engaging with this form, activists, workers, and scholars have attempted to transform its meaning and leverage the logistical imagination in pursuit of progressive political causes.

#### The Kantian telos of the self-determined agent is a project of degrading logistics.

Harney et al 18 [Bracketed for g-lang. Stephen Matthias HARNEY (Professor of Strategic Management at Lee Kong Chian School of Business at Singapore Management University), Mattia FRAPORTTI (Singapore Management University), and Niccolo CUPINI (researcher at the University of Applied Sciences and Arts of Southern Switzerland). “Logistics Genealogies: A dialogue with Stefano Harney”. Institutional Knowledge at Singapore Management University. March 2018. Accessed 1/5/22. <https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=7227&context=lkcsb_research> //Xu]

We could begin the next chapter of logistics with Kant. He says famously that we should treat [others] men as ends and not means. It’s true. It’s in all the business ethics textbooks! This would appear at fi­rst sight to run counter to the history of logistics, where people seem to be treated as means to an end. At fi­rst people and things seem to be mobilized as means to the end of profi­t through war and conquest, and then with the Atlantic slave trade and settler colonialism mobilization of people and things is for the end of pro­fit through racial capitalism. Logistics delivers humans, animals, energy, earthly materials to an end, to a point, the point of production. But this includes, crucially, the point of production of the settler, the pro duction of the entrepreneur, the banker, the slave trader, and the investor. These ­figures I mention are produced as ends. So it is not that Kant does not mean what he says, or that logistics is in con‑flict with what he wants. It is just that what he understands is this: that [agent] man is an end when [they are] he is this kind of ­figure, a ­figure who posits himself as self-made, self-suffi­cient, and self-determined. Kant may want this for everyone. But his very formulation, seeking this self-possessed man as an end, this man who has come out of the tutelage of someone else this kind of “man” requires the rise of logistics. Because the only way to create this kind of man as an end — or any kind since this man is Man — is to mobilize and deliver resources that allow for this false and indeed delusional claim of independence to appear plausible, at least to this man and men like him, such as Kant. These means are utilized for but one end: the production of profi­t and cispatriarchy that support and make possible this illusion of self-authored man who can declare himself an end. This end of man is, in other words, a degradation of means. Indeed, if I were asked to give a short definition of logistics, I would call it the general degradation of means. This is how Fred and I understand modern logistics. Other histories, other ways of living, might suggest to us that not being capable of being an end in oneself, indeed, of every fully being oneself, is in fact a way to disabuse this “oneself” delusion and place the incomplete self in the hands of others for use, for service, for love. Here means are enlarged, enriched, and entangled for each other. You may hear echoes of Agamben on use here, but let’s be cautious about that. We would have to do something for our comrade he will not do for himself, any more than Hegel would. We would have to bring him out of the ancient world of master and slave, because we are not talking here about countering logistics with a mutuality of means that allows all of us to reach a more balanced individuation, as in Agamben’s forgotten preclassical world. And more importantly, all that we have developed historically in the fugitivity of use — history and future in the present of logisticality and hapticality — all of this Agamben has chosen not to inherit by his willful disregard of the black radical tradition. We need only recall Fanon here on the difference of the colonial relationship of master and slave to see that the break or escape must be with recognition (of an end) itself, with both subject and object, and indeed, we should perhaps read Fanon as saying revolt and revolution are laboratories of a means without ends. In other words, when Fred and I speak about hapticality we are talking about a materialism beneath materialism, under materialism, an undercommon materialism, what our friend Denise Ferreira da Silva calls difference without separability. Our ability to be in the feel of each other is historical and magical, painful and beautiful. It emerges in its strongest form — from a thousand rivers — in the nautical event, the­ first horrible logistics dedicated to the ends of man/Man. An event that is the dispersion of event, its shoreless strand. It’s a way we inherit — or we can inherit — an experimental undermaterialism of sound, feel, taste, touch, including at a spooky distance. This is an undercommon materialism that, having been denied an end, already rejects that end for this spooky means. This includes what Cedric Robinson calls the capacity “to retrieve things that presumably no longer existed.” And if it has a theory — like Marx’s early theoretical senses — it is a theory that somehow, always, escapes. This hapticality is the fugitive call-and-response in the face of logistics, that degradation of means to produce [one] man as an end. The call-and-response and the ring shout are sonars of logisticality. It’s our endless revolution, and again as Robinson says, revolution is magic because it should be impossible.

#### The Kantian abstraction away from aesthetic blackness pathologizes racialized subjects and cannot ground ethics.

Lloyd 20 [Brackets original. David Lloyd (distinguished professor of English at the University of California, Riverside). The social life of black things: Fred Moten’s consent not to be a single being”. Radical Philosophy. Spring 2020. Accessed 1/5/22. <https://www.radicalphilosophy.com/wp-content/uploads/2020/04/rp207_lloyd.pdf> //Xu]

To put things this way is to acknowledge, as Moten everywhere does, that the aesthetic tradition furnishes not only, and not so much, a theory of art as a theory of freedom and of the subject, which, taken together, constitute the conditions of possibility for any modern concept of the political. The aesthetic is an expressly regulative faculty for Kant, both in the technical sense that its concepts necessarily have no constitutive or determinative force and in the sense that Moten elaborates, its will to regulate the ‘lawless freedom of the imagination’. But it is also regulative in the sense of establishing the terms in and through which freedom and the autonomy of the subject are thought as properties of the universal human. If, in one regard, aesthetic freedom is compensatory for restraint felt elsewhere in the system, a reserve of ‘free play’ to the side of the constraints of labour and the unfreedom of political life, its larger concept exemplifies and prepares human freedom in and through identification with the Subject whose abstraction from particular material properties and interests grounds its universal claims. Such a formal conception of freedom as the autonomy of the subject and as categorical for human being requires in the first place the subject’s indifference to its own materiality and to any enjoyment of its object. Likewise, the judgment of taste is obliged to let go, ‘so far as possible … of the element of matter, i.e., sensation, in our general state of representation’, and reflect solely upon the ‘formal peculiarities’ of that representation.5 The formal freedom of the subject is, for Kant, at once the condition and the product of that ‘public or common sense’ without which no realm of liberal political subjecthood could be imagined. But the autonomous subject is necessarily set over and against another human that Kant elsewhere designates the pathological subject. This is the human subjected to necessity, whether in the form of external forces or of internal needs and desires, the human as material being, capable perhaps of approaching freedom but only at the price of being subjected to formation. This formal freedom is both closely regulated and regulative of a disposition of human beings and their relative value along a scale that ranges from the representative universal and free subject to humans subjected to matter and necessity. A whole history of cultural pedagogy or Bildung instituted in and by liberal states through the apparatus of education stems from this exemplary model of freedom and continues to play out to this day.6 Accordingly, as Moten points out, ‘The regulative discourse on the aesthetic that animates Kant’s critical philosophy is inseparable from the question of race as a mode of conceptualising and regulating human diversity, grounding and justifying inequality and exploitation … ’ [SL 2]. As a counter-aesthetic of life-in-common, rather than a universal common sense that finds its ultimate representation in the state ‘as a kind of degraded representation of commonness’ [SL 8], the black radical tradition, in Moten’s reinscription of it, deconstructs this Kantian regulative discourse at every turn. This is in part because blackness can be read as the ‘anteKantian’ as much as the antiKantian instantiation of that ‘lawless freedom of the imagination’ whose wings and whose flight aesthetic judgment is tasked with clipping. Blackness historically becomes the object of an aesthetic regulation in ‘a set of brutally discursive maneuvers’ that critically exceed any of the longstanding phenomena that concern historians and sociologists, that is, the deployment of racial difference in the disciplining of coerced labour or the segmentation of the labour force and its political counterpart, a militant working class. ‘This is so even as what is continually revealed, if not confessed, is that what is now, in the wake of those maneuvers, called blackness makes those very maneuvers possible and – for and as eternally thwarted and dispersed sovereignty – necessary’ [SL 3]. What is revealed across the extended terrain of consent not to be a single being is that the aesthetics that is and is of the black radical tradition is consubstantial with the practices of an alternative sociality or life form that ‘animaterialises’ both a constant underpresence,‘the dynamic hum of blackness’s facticity’ [SL 10], and the white racial fantasies and projections that constitute the series of figures for sensuality and indiscipline. Those figures ‘have always been inseparable from a “natural” history of inequality’, calling forth and legitimating ‘a predispositional servitude, a captivity in which the embodiment of the need for constraint … precisely insofar as she [the black (woman)] is supposed to be incapable of self-regulation, is given over to the ultimate form of governance, namely that phantasmatic and im/possible condition of being wholly for another’ [SL 13].

#### The Impact is Global Civil War.

Cowen 14, Deborah. The deadly life of logistics: Mapping violence in global trade. U of Minnesota Press, 2014. Pgs 1-5 (PhD in Geography from the University of Toronto)//Elmer

Sneakers may still be easier to order online than smart bombs, but the industry that brings us both is making it increasingly difficult to discern the art of war from the science of business. Today, war and trade are **both animated by the supply chain**—they are organized by it and take its form. At stake is not simply the privatization of warfare or the militarization of corporate supply chains. With logistics **comes new kinds of crises**, **new paradigms of security**, new uses of **law, new logics of killing**, and a new map of the world. For many, logistics may only register as a word on the side of the trucks that magically bring online orders only hours after purchase or that circulate incessantly to and from big-box stores at local power centers. The entire network of infrastructures, technologies, spaces, workers, and violence that makes the circulation of stuff possible remains tucked out of sight for those who engage with logistics only as consumers. Yet, alongside billions of commodities, the management of global supply chains imports elaborate transactions into the socius—transactions that are political, financial, legal, and often martial. With the rise of global supply chains, even the simplest purchase relies on the calibration of an astonishing cast of characters, multiple circulations of capital, and complex movements across great distances. Take the seeming simplicity of a child’s doll purchased at a suburban shopping mall. We can trace its production to places like Guangdong, China, where dolls are packed into containers in large numbers, loaded onto trucks in the local Industrial Development Area, and transferred onto ships in the port of Zhongshan. Many of these dolls make the trek across the Pacific—6,401 nautical miles—via Hong Kong by sea to arrive at the Port of Long Beach approximately nineteen days and one hour later. Two days later the ships are unloaded, three days later they clear customs, and then our containers full of dolls are transferred to a set of trucks and delivered 50 miles east to a distribution center in Mira Loma, California. Here the containers are opened and the boxes are unloaded, sorted, and repacked before being loaded again onto any one of the 800 diesel trucks that pick up and drop off cargo every hour in that town. Some of these trucks travel as far as 800 miles or more to a regional distribution center before their cargo is unloaded, sorted, and reloaded onto a final truck and sent to one of Wal-Mart’s 4,000 American outlets. If this set of movements seems elaborate, this is in fact a heavily simplified and sanitized account of the circulation of stuff. First, it is misleading to think about a singular site of production. Commodities today are manufactured across logistics space rather than in a singular place. This point is highlighted if we account for “inbound logistics”— the production processes of component parts that make the manufacture of a commodity possible—and if we recognize transportation as an element of production rather than merely a service that follows production. The complexity would be enhanced dramatically if we took stock of all the ways that capital circulates through its different forms during this physical circulation of commodity to market. A more nuanced narrative would especially start to surface if we were to highlight the frequent disruptions that characterize supply chains and the violent and contested human relations that constitute the global logistics industry. To the everyday delays of bad weather, flat tires, failed engines, missed connections, traffic jams, and road closures, we would also need to add more deliberate interruptions. Just-in-time transport systems can be disrupted by the labor actions of transport workers at any one of the multiple links along the way. Workers, organized or not, may interfere with the packing and repacking of cargo at any of the transshipment sites. Ships are frequently hijacked by pirates in key zones on open waters, and truck and rail routes are sometimes blockaded—in response to both long histories of colonial occupation and current practices of imperial expansion. Even national borders, with the unpredictable delays of customs and security checks, challenge the fast flow of goods. The threat of disruption to the circulation of stuff has become such a profound concern to governments and corporations in recent years that it **has prompted the creation of an entire architecture of security that aims to govern global spaces of flow.** This new framework of security—supply chain security—relies on a range of new forms of transnational regulation, border management, data collection, surveillance, and labor discipline, as well as naval missions and aerial bombing. In fact, to meaningfully capture the social life of circulation, we would have to consider not only disruption to the system but the assembly of infrastructure and architecture achieved through land grabs, military actions, and dispossessions that are often the literal and figurative grounds **for new logistics spaces**. Corporate and military logistics are increasingly entangled; this is a matter of not only military forces clearing the way for corporate trade but corporations actively supporting militaries as well. Logistics are one of the most heavily privatized areas of contemporary warfare. This is nowhere more the case than in the U.S. military bases in Iraq and Afghanistan, where private companies are contracted to do much of the feeding and housing of troops. “Public” military logisticians rapidly cycle into the private sector, often precisely to facilitate the shifting of logistics contracts to private military companies. The entanglement of military and corporate logistics may be deepening and changing form, but logistics was never a stranger to the world of warfare. The language of the supply chain (its recent corporate management speak) would have us believe that logistics emerged out of the brave new world of business to only recently colonize the old institution of the military. And yet, while national militaries have indeed been taken over by a new kind of corporate calculation, it was historically the military and warfare that gave the gift of logistics (De Landa 1991; Shoenberger 2008). Logistics was dedicated to the art of war for millennia only to be adopted into the corporate world of management in the wake of World War II. For most of its martial life, logistics played a subservient role, enabling rather than defining military strategy. But things began to change with the rise of modern states and then petroleum warfare. The logistical complexity of mobilization in this context meant that the success or failure of campaigns came to rely on logistics. Over the course of the twentieth century, a reversal of sorts took place, and logistics began to lead strategy rather than serve it. This military history reminds us that logistics is not only about circulating stuff but about sustaining life. It is easy today to associate logistics with the myriad inanimate objects that it manages, but the very sustenance of populations is a key stake in the game. Indeed—the definitive role of the military art of logistics was in fueling the battlefield, and this entailed feeding men as well as machines. More recently, we see logistics conceptualized not only as a means to sustain life but as a lively system in itself. Contemporary efforts to protect supply chains invest logistical systems with biological **imperatives to flow** **and prescribe “resilience**” as a means of sustaining not only human life but the system itself. In this context, threats to circulation are treated not only as criminal acts but as **profound threats to the life of trade**. As I argue in the pages that follow, new boundaries of belonging are being drawn around spaces of circulation. These “pipelines” of flow are not only displacing the borders of national territoriality but also recasting **the geographies of law and violence** that were organized by the inside/outside of state space. Those on the outside of the system, who aim to contest its flows, face the raw force of rough trade without recourse to normal laws and protections. Logistics is no simple story of securitization or of distribution; it is an industry and assemblage that is at once bio-, necro-, and antipolitical. The Deadly Life of Logistics is concerned with how the seemingly banal and technocratic management of the movement of stuff through space has become a driving force of war and trade. This book examines how the military art of moving stuff gradually became not only the “umbrella science” of business management but, in Nigel Thrift’s (2007, 95) words, “perhaps **the central discipline of the contemporary world**.” But this book considers logistics as a project and not an achievement. Logistics is profoundly political and so contested in all its iterations—on the oceans, in cities, on road and rail corridors, and in the visual and cartographic images that are also part of its assemblage. This book explores how the art and then the science of logistics continue to transform not only the geographies of production and distribution and of security and war but also our political relations to our world and ourselves, and thus practices of citizenship, too. The third intervention is related to the first and second; it highlights questions of violence and calculation specifically by interrogating the shifting boundaries between “civilian” and “military” domains. These boundaries are not only conceptual and legal; they are also geographical (Mbembe 2003). As many scholars have outlined, the architecture of modern war was also a map of the modern state. War “faces out” from national territory, whereas the civilian was said to occupy domestic space (Giddens 1985, 192; Foucault [1997] 2003, 49). In the context of modernity, war designated “a conflict in some sense external to the structures of **sovereignty and civil war a conflict internal to them**” (Evans and Hardt 2010). But these boundaries are in significant flux. If **we are living in an era of “global civil war**” (Hardt and Negri 2002), wherein the national territorial framework that underpinned modern war erodes, then we are also seeing a corresponding “shift from the external to the internal use of force,” with armed conflicts administered not “as military campaigns but police actions” (Evans and Hardt 2010). And yet, this shift takes on a much more specific spatiality; the networked infrastructure and architecture of the supply chain animates both war and trade. This book insists that any serious engagement with contemporary political life must think through the violent economies of space. Our theory needs to engage our present as fundamentally a time of logistics space.

#### The Alternative is Logistical Sabotage.

Harney and Moten 15 Harney, Stefano, and Fred Moten. "Mikey the rebelator." Performance Research 20.4 (2015): 141-145. Pgs 5-8 (Stefano Harney is a Honorary Professor in the Institute of Gender, Race, Sexuality, and Social Justice at the University of British Columbia. He is also a Visiting Critic at Yale University Art School, and a Professor at the European Graduate School. Fred Moten is professor of performance studies at New York University and has taught previously at University of California, Riverside, Duke University, Brown University, and the University of Iowa.)//Elmer

When we move we move to access, which is to say we assemble and disassemble anew. And in logistical capitalism **the assembly line moves with us** by moving through us, accessing us to move and moving us to access. We can’t deny access, because access is how we roll, and roll on, in and as our undercommon affectability, as Denise Ferreira da Silva might say.4 **But we make access burn** and we love that, the line undone in the undoing of every single product, our renewed assembly in the general disassembly, our dissed assembly offline on the line, strayed staying, stranded beneath the strand, at rest only in unrest, making all the wrong moves, because our doing and undoing ain’t the same as theirs. They know, sometimes better than we do, that to move wrong, or not to move, is now no longer just an obstruction to logistics or an obstacle to progress. **To move wrong or not to move is sabotage**. It is an attack on the assembly line, a subversion of logistical capitalism. To move wrong is to deny access to capital by staying in the general access that capital desires and devours and denies. To move wrong, to move nought, is to have our own thing of not having, of handing and being handed; it is our continuous breaking up—before, and against that, we were told—of our continuous get together. But with the critical infrastructure that is the new line, and with the resilient response that protects it, the jay-walker becomes no longer just a rube in the way of logistics, a country bukee in traffic, **but a saboteur, a terrorist, a demon**. Jay-walkers do not sabotage by exodus or occupation as once a maroon, or a striking miner, or a ghost dancer may have. Jay-walkers disturb the production line, the work of the line, the assembly line, the flow line, **by demanding inequality of access for all**. When the line don’t stop to let you catch your breath, jay-walkers stand around and say this stops today. Jaywalking is dissed assembly for itself. Such sabotage is punishable by death. It’s hard to know what we institute when we don’t institute but we do know what it feels like. Total value and its violence not only never went away, but as da Silva says, they are the foundation of the present as time, the condition of time, of the world as a time–space logic founded on the first horrible logistics of sale, the first mass movement of total access.5 Now continuous improvement drives us toward total value, makes all work incomplete, makes us move to produce, compels us to get online. We are liberated from work in order to work more, to work harder. We are violently invited to exercise our right to connect, our right to free speech, our right to choose, our right to evaluate, our right to right individuality in order that we may improve the production line running through our liberal dreams. Freedom through work was never the slave’s cry but we hear it all around us today. Continuous improvement is the metric and metronomic meter of uplift. Those who won’t improve, those who won’t collectivize and individuate with the correct neurotic correctness, those who do the same thing again, those who revise, those who tell the joke you’ve heard and cook the food you’ve had and take the walk you’ve walked, those who plan to stay and keep on moving, those who keep on moving wrong—those are the ones who hold everybody back, fucking up the production line that’s supposed to improve us all. They like being incomplete. They like being incomplete and incompleting one another. Their incompleteness is said to be a dependency, a bad habit. They’re said to be partial, patchy, sketchy. They lack coordinates. They’re collectively uncoordinated in total rhythm. They’re in(self)sufficient. Paolo Friere thought our incompleteness is what gave us hope.6 It is **our incompleteness that inclines us toward one another**. For Friere, the more we think of ourselves as complete, finished, whole, individual, the more we cannot love or be loved. Is it too much to put this the other way around? To say, by way of Friere, that love is the undercommon self-defence of being-incomplete? This seems important now when our incompleteness is something we are invited and then compelled to address and improve, when we are told to be impatient with it, and embarrassed by it. We need to be intact. We’re told to raise our buzz because we’re all fucked up. But in our defence we love that we are complete only in a plained incompletion, which they would have undone, finished, owned, and sent on down the line. We do mind working because we do mind dying.

### 2

#### Kant is Homophobic: This isn’t an ad hominem but the logical conclusion of his philosophy. Being gay is a contradiction in conception, since if everyone had homosexual intercourse, their would be no reproduction. Kant believes this is sex without function, requires sacrificing rational agency for the subordinate end of pleasure.

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Kant's Vorlesung treatment of the crimina carnis contra naturam sounds like Aquinas's and (ignoring the chronology) looks like an extension to other practices of what Kant wrote about masturbation in the Tugendlehre: Uses of sexuality which are contrary to natural instinct and to animal nature are crimina carnis contra naturam. First among them we have onanism. This is abuse of the sexual faculty without any object, the exercise of the faculty in the complete absence of any object of sexuality. The practice is contrary to the ends of humanity and even opposed to animal nature. By it man sets aside his person and degrades himself below the level of animals.74 Kant does not mention that the masturbator might create an object through imagination. What the masturbator does is to have a sexual experience without any worldly object (Aquinas) and hence cannot preserve the species. But notice that Kant says that masturbation "is contrary to the ends of humanity and even opposed to animal nature," as if its being contrary to nature is of independent and secondary moral importance. What seems crucial for Kant is that masturbation "is contrary to the ends of humanity," that is, directly violates the Second Formulation. Kant immediately continues by completing his sparse inventory of three objectionable, sexually unnatural, practices: A second crimen carnis contra naturam is intercourse between sexus homogenii, in which the object of sexual impulse is a human being but there is homogeneity instead of heterogeneity of sex. . . . This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by a crimen carnis secundum naturam), but the person is set aside, the self is degraded below the level of the animals, and humanity is dishonoured. The third crimen carnis contra naturam occurs when the object of the desire is in fact of the opposite sex but is not human. Such is sodomy, or intercourse with animals. This, too, is contrary to the ends of humanity and against our natural instinct. It degrades mankind below the level of animals, for no animal turns in this way from its own species.75

#### And Kant’s conclusion is not just that homosexual intercourse is bad, but also that queer people literally are not human and can be killed with impunity.

**Soble 2**

Given what Kant claims about the meager status of the masturbator and homosexual, that they are below the beasts and no longer deserve to be persons, we would have expected a better treatment by him of the principle(s) by which these practices are to be so severely condemned. (I suppose Kant was led here mostly by emotional disgust at the crimina carnis contra naturam.) This failure to provide a more solid principled foundation for his judgments about sexual perversion is especially surprising, since Kant's intellectual gay-bashing is supplemented, in effect, by the advocation of physical gay-bashing [Quote Starts]: Man can only dispose over things; beasts are things in this sense; but man is not a thing, not a beast. If he disposes over himself, he treats his value as that of a beast. He who so behaves, who has no respect for human nature and makes a thing of himself, becomes for everyone an Object of freewill. We are free to treat him as a beast, as a thing, and to use him for our sport as we do a horse or a dog, for he is no longer a human being.89 We can dispose of things which have no freedom but not of a being which has free will. A man who sells himself makes himself a thing and, as he has jettisoned his person, it is open to anyone to deal with him as he pleases. Another instance of this kind is where a human being makes himself a thing by making himself an object of enjoyment for some one's sexual desire [Quote Ends].90 Kant's sadistic leitmotif permits if not encourages treating as lower than animals the animals or things that the masturbator and the homosexual, by their own deliberate choices, have become.

#### Three Impacts:

#### [1] Proves the framework logically false since we have a strong moral intuition that being homophobic is wrong. This outweighs on scope since its accepted across moral systems and has a higher probability of truth then one ethical theory.

#### [2] It makes trying to obligate people to act under Kant incoherent since A) a large portion of the population has no reason to care about obligations under your framework since they aren’t Kantian agents and B) even if they were, the standard just violates their freedom which is a prior condition to any other actions under it.

#### [3] Making repugnant arguments is a voting issue. Thus, drop the debater, to ensure that debate remains a space safe for all.

Reject rvis on Ivis

1] cross apply all reasons from theory

2] means that we don’t call out abuse out of the fear that we might strategically lose – makes debate prioritize winning over safety which turns accessibility

3] reading ivis don’t normalize violence – even if we don’t go for it means you have proven you were’nt homophobic which is your burden.

### 3

#### Counterplan text: The Committee on the Peaceful use of Outer Space ought to establish an application system for property rights on celestial bodies. Applications and approval of property rights should be granted upon the condition of

#### open disclosure of data gathered in the exploration of a celestial body

#### Applications must be publicly announced

#### Property Rights will be made tradeable between private entities

#### Property Rights will be set to expire on the conclusion of a successful extraction mission

#### Private Entities will only be allowed one property right grant per celestial body and cannot have more than one grant at a time

**Steffen 21** [Olaf Steffen, Olaf is a scientist at the Institute of Composite Structures and Adaptive Sytems at the German Aerospace Center. 12-2-2021, "Explore to Exploit: A Data-Centred Approach to Space Mining Regulation," Institute of Composite Structures and Adaptive Systems, German Aerospace Center, [https://www.sciencedirect.com/science/article/pii/S0265964621000515 accessed 12/12/21](https://www.sciencedirect.com/science/article/pii/S0265964621000515%20accessed%2012/12/21)] Adam

4. The data-centred approach to space mining regulation

4.1. Core description of the regulatory regime and mining rights acquisition process

The data gathered in the exploration of a [celestial body](https://www.sciencedirect.com/topics/social-sciences/astronomical-systems) is not only of value for space mining companies for informing them whether, where and how to exploit resources from the body in question, but also for science. The irretrievability of information relating to the solar system contained in the body that will be lost during resource exploitation carries a value for humanity and future generations and can thus be assigned the characteristic of a common heritage for all mankind as invoked in the Moon Agreement. This characteristic makes exploration data an exceptional and unique candidate for use in a mechanism for acquiring mining rights because its preservation is of public interest and its disclosure in exchange for exclusive mining rights does not place any additional burden on the mining company. The following principles would form the cornerstones of the proposed regulatory regime and rights acquisition mechanism based on exploration data:

Without preconditions, no entity has a right to mine the resources of a celestial body.

An international regulatory body administers the existing rights of companies for mining a specific celestial body.

Mining rights to such bodies can be applied for from this international regulatory body, with applications made public. The application expires after a pre-set period.

Mining rights are granted on the provision and disclosure of exploration data on the celestial body within the pre-set period, proposedly gathered in situ, characterising this body and its resources in a pre-defined manner.

The explorer's mining right to the resources of the celestial body is published by the regulatory body in a mining rights grant.

The data concerning the celestial body are made public as part of the rights grant within the domain of all participating members of the regulatory regime.

The exclusive mining rights to any specific body are tradeable.

The scope of the regulatory body with respect to the granting of mining rights is not revenue-oriented.

The international regulatory body would thus act as a curator of a rights register and an attached database of exploration data. The concept is superficially comparable to patent law, where exclusive rights are granted following the disclosure of an invention to incentivise the efforts made in the development process. In the following section, the characteristics of such a regulatory regime are further discussed with respect to the formation of [monopolies](https://www.sciencedirect.com/topics/social-sciences/monopolies), market dynamics, conflict avoidance, inclusivity towards less developed countries and the viability of implementation.

4.2. Discussion and means of implementation

The proposed regulatory mechanism has advantages both from a business/investor and society perspective. First, it prevents already highly capitalised companies from acquiring exploitation rights in bulk to deny competitors those objects that are easiest to exploit or most valuable, which would otherwise be possible in any kind of pay-for-right mechanism and could result in preventing market access to smaller, emerging companies. Thus, early monopoly formation can be avoided.

The use of data disclosure for the granting of mining rights ensures the scientific community has access to this invaluable source of information. In this way, space mining prospecting missions can lead to a boost in research on small celestial bodies at a speed unmatchable by pure government/agency funded science probes. This usefulness to the scientific community could lead to sustained partnerships between prospecting companies and scientific institutions and could even provide a source of funding for the companies through R&D grants and public-private partnerships. The results of the exploration efforts contribute to research on the formation of planets and the history of the solar system and provide valuable insight for space defence against asteroids. The transition of exploration from a tailored mission profile with a purpose-built spacecraft to a standard task in space flight would also lead to a cost reduction of the respective exploration spacecraft through [economies of scale](https://www.sciencedirect.com/topics/social-sciences/economies-of-scale). This describes the very benefits Elvis [[24](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib24)] and Crawford [[25](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib25)] imagined as possible effects of a space economy. Thus, there is an immediate return for society from the exploitation rights grant. It also reconciles the adverse interests of space development and [space science](https://www.sciencedirect.com/topics/social-sciences/space-sciences) as laid out by Schwartz [[26](https://www.sciencedirect.com/science/article/pii/S0265964621000515" \l "bib26)]. It ensures that, by exploitation, information contained in celestial bodies is not lost for future generations.

Solves the Kant offense because it allows for regulations and I-law to exist in space which answers cordelliand stilz necessitate of some governing body in states to necessitate other peoples rights

Condo good

#### 1] It’s most real world – policymakers attack a bill from different angles, and don’t limit themselves to one criticism – they can amend and change positions to find the best option

#### 3] Key to neg flex --- they set the terms of debate and know the plan better than us, so multiple options ensures the neg doesn’t auto lose after the 2AC

#### 4] Fosters advocacy skills --- it forces the Aff to defend every component of the plan, allows rigorous testing, and allows better information processing by enabling discussion on a litany of issues

#### 5] It’s most logical --- the role of the neg is to prove the Aff bad, while the Aff should prove that they’re optimal. Every counterplan establishes an opportunity cost to the plan --- any limit on that is arbitrary – this also proves you should judge kick if the squo is better than the counterplan

### FW

#### PP negate:

#### Permissibility and presumption negate – [1] Obligations: the resolution indicates the aff has to prove an obligation, and permissibility would deny the existence of an obligation [2] Falsity: Statements are more often false than true – that’s on skep. 3) Negating is harder – that’s above 4) the aff is a plan, meaning it is a change from the squo – presume neg 5] Affirmation theory- Affirming requires unconditionally maintaining an obligation

Affirm [is to]: maintain as true.

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

#### No 1AR DTD Procedurals – 1) minor ink on 2NR answers auto win since youre ahead paper and the judge has to intervene. Theory intervention o/w since its purely offense defense after the 2ar 2) 2 speeches beats 1, structurally behind on 2NR responses so reject theory 3) no infinite abuse A] 1ac theory B] strategic aff writing C] Impact turn 1ARs 4) 7-6 advantage kills any chance of LBL, reject 1AR theory 5) Dropped args are game over 2ARs since no 3NR, means err negative on every arg 6] Drop the argument – 20 seconds no risk auto-loss issues are not proportional and require 2 minutes to answer 7] Only allow 1ac paradigm issues, sooner stances better so 2NR isn’t spread out on DTD and CI 8] Irresolvable since adjudication is impossible because no 3NR, outweighs A] Jurisdiction –if arguments can’t be resolved judges risk incorrect decisions so they shoudn’t vote on them B] Magnitude- worst violation of fairness, debaters aren’t debating anymore, irreversible since it makes arbitrary decisions C] Probability- 100% likely because no matter what 2NR responses don’t get answered but DTA solves Reasonability on 1AR shells –

AT Consequences fail

1] I don’t need to win consequences are good or work to win that the fw is based in unethical ideology – those hsould be independent disads

2] answering this does not allow them to go for the adv – they have not justified Util anywhere and reading new 1ar fw justificatiosn is bad bc

A] allows them to deck any contestation and just read a new fw that the 2nr is too late to contest and means we can't go in depth

B] allows them to skip out of this debate and go for extinction ow which would be bad

Ill also concede

#### AT Farr

#### 1] Politics of deferral – we can use universality to combat oppression, but we always vest that in white institutions – without fail we only apply it when it’s good for privileged people and work against minorities.

#### 2] Universality is a sufficiency matter – you can choose to not privilege someone in an admissions decision – it is fine to choose people based on merit, but that does not make up for existing legacies of injustice that need to be corrected – they only evaluate if the individual consequences of something are good.

#### 3] Not consequentialist – any theory that doesn’t care about the effects of people – your theory does not actually care about oppression because oppression is the consequence of an action – doesn’t care about broader context.

#### 4] Legibility – forces revolutionaries to put their arguments into context instead of it being based in their actual groups or experience which saps energy

### Offense

#### 1] Injustice requires someone wronged, but initial acquisition doesn’t violate any entity’s rights– therefore, private appropriation of outer space cannot be unjust, Feser 05:

Edward Feser, [Associate Professor of Philosophy at Pasadena City College] “THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION,” 2005 //LHP AV

The reason **there is no such thing as an unjust initial acquisition** of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of **justice**, that is to say, simply **does not apply** to initial acquisition. **It applies only after initial acquisition has already taken place**. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that **external resources are initially unowned**. Consider the following example. **Suppose** **an individual** **A seeks to acquire some previously unowned resource R**. **For it to be** the case that A commits an **injustice** in acquiring R, it would also have to be the case that **there is some individual** **B** (or perhaps a group of individuals) **against whom A commits the injustice**. **But for B to have been wronged** by A’s acquisi- tion of R, **B would have to have had a rightful claim over R,** **a right to R**. By hypothesis, **however**, **B did not have a right to R, because no one had a right to it—it was unowned, after all**. So B was not wronged and could not have been. In fact, **the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R**. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. **The same thing, by extension, will be true of all unowned resources: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer**. It is impossible, then, for there to be any injustices in initial acquisition.7

#### 2] Original Acquisition doesn’t impose new obligations, but restriction of unilateralism is contrary to freedom, Sage 12:

Sage, Nicholas W., [Assistant Professor of Law, London School of Economics and Political Science Law School, teach and write about private law, especially contract, property, and tort, particularly interested in theoretical questions about how to understand and justify these areas of law, as well as related issues in moral and political philosophy.] “Original Acquisition and Unilateralism: Kant, Hegel, and Corrective Justice” (January 1, 2012). Canadian Journal of Law and Jurisprudence, Vol. 25, No. 1, pp. 119-36, January 2012, Available at SSRN: <https://ssrn.com/abstract=2033518> // LHP PS

**Consider how** the **unilateralism problem is formulated**. **Original acquisition is called ‘unilateral’ because the acquirer’s action ‘limits’ other persons’ ‘freedom’**—**it imposes a new ‘constraint,’ ‘duty’ or ‘obligation,’ it ‘changes their normative situation.**’64 If those terms have their ordinary meanings then original acquisition is indeed ‘unilateral.’ **One person’s action means that a certain object is no longer available for others to access**. To that extent, the freedom of those persons is limited, they are under new constraints, duties or obligations, and their normative situation is changed. In an all-things-considered moral universe this would be troubling. **But in the Kantian right, unilateralism in this sense is irrelevant.** A specific conception of freedom carries the “justificatory burden of [Kant’s] entire argument”.65 **Limitations, constraints, duties, and obligations are immaterial unless they contravene this conception**. Likewise, **normative change matters** **only** if **it implicates Kant’s singular norm of freedom**. Recall that **for Kant ‘freedom’ means only that each person’s action must be their own**—**it cannot be chosen by any other person**. **This conception of** **freedom is purely relational and strictly negative**. That is brought out in the contrast between, on the one hand, **a person’s purposive action, and on the other, the ‘context’ for their action or their ‘mere wishes’**. **A person has no right to any particular context for the exercise of their action.** Moreover, **a person’s mere wish for something creates no entitlement to it.** Indeed, even a desperate need for a particular resource **does not bind anyone else**. Why does Kant insist that, while a person’s action necessarily commands respect, their mere wish or need never binds others?66 One answer is that **Kant’s system concerns only relations between persons, and wishes and needs are non-relational: they bear no necessary relation to any other person**. **A person can wish for or need something even though no other person could get it for them.** But what about wishes or needs that can be realized with others’ help? Most of us think that people ought to respect each other’s needs and at least some wishes when this is practicable. **Kant’s answer is that if my wish or need bound you as a matter of right then I would be choosing your action for you. Even if you did not want to, you would have to direct your action toward satisfying my wishes or needs. I would thus be using your purposiveness to achieve my ends.** That would be inconsistent with your freedom—your right that you alone choose how you exercise your purposiveness.67 Thus, one way that I could violate your freedom—**one way I could choose your action for you—is by forcing you to satisfy my wish, thereby using your purposiveness to achieve my end**. There is also another way I could choose your action for you: by acting myself such that I foreseeably interfere with your action. When my action interferes with yours, your exercise of your purposiveness does not produce the end that you intended. Instead it produces some other end, which I have effectively substituted and thereby chosen for you. (Since it is not always obvious whether an interference that happens to result from my action is properly regarded as my choice, sophisticated systems of private right develop objective tests to decide.)68 **Under the Kantian conception of freedom, original acquisition is unproblematic because your taking control of an unowned object is just your own action**. To take **control of the object is to subject it to your action. You do not, in taking control of an object, choose any other person’s action for them.** **You do not use anyone else’s purposiveness to achieve your end, you just exercise your own purposiveness**. **Nor does your action interfere with anyone else’s action—by definition, the object in question, which you are originally acquiring, is not yet subjected to any other person’s control or action.** **Thus, the object is at most the target of others’ potential action—in other words, of their mere wishes.** **That is irrelevant for Kant**. We can see the same point by recalling that, for Kant, the categories of private law entitlement embody ‘freedom’: they reflect the ways in which persons extend their action or purposiveness in the world.69 A person acts through their body, so they have an entitlement to bodily integrity. **A person can also acquire a property right over an object that is separate from the body, by subjecting the object to their action through taking control**. **Now, prior to original acquisition an object is clearly not part of any person’s body, nor is it any person’s property. No person has any entitlement to the object**. Which is just to say that **no person has yet subjected it to their action. Therefore the object is** as yet **unconnected** **to any person in a way that is recognized by the Kantian right.** **An unacquired object may be connected to persons only in ways that are irrelevant**. (For example, as the target of a wish, or as the anticipated context for their actions.) We might say, then, that prior to its acquisition an object—which does not have any normative standing of its own—is invisible to the Kantian right. An object appears for the very first time upon acquisition, already incorporated into some person’s sphere of external purposiveness. Or more accurately, **since rights are always relational,** we could say that the **Kantian right sees just the interrelation between two persons’ spheres of externalized purposiveness**—one or both of which may have already extended over objects. **The formulations of the unilateralism problem obscure all this**. **Original acquisition** does diminish ‘freedom’ in one sense: it **shrinks the domain of objects that are available for others to access in the future**—the domain of objects **that could potentially be subjected to others’ action**. But that **has nothing to do with Kantian freedom**. Likewise, as a pragmatic matter original acquisition imposes a constraint, duty or obligation: others are now obligated not to deal with a certain object. But **in Kantian terms obligations are unchanged: each person must respect each other’s action; one person’s action now happens to extend over the object in question.** Finally, original acquisition changes others’ normative situation, conceived as a sort of catalog of options they might pursue or objects they could potentially subject to their action. But from **Kant’s perspective, their normative situation remains the same.** **The object remains unsubjected to their action, and they remain obligated to respect the acquirer’s.** That an object other persons could have extended their action over is now unavailable to them has no significance for Kant. It is **only if we see the world i**n terms irrelevant to Kantian right—not as a world of purposive agents related to each other through their external actions and choices, but as **a world of physical objects or resources and creatures with wishes and needs for them—that original acquisition is problematically ‘unilateral**.’ That a non-Kantian conception of freedom is required to render original acquisition problematic is brought out by Ripstein’s discussion of property rights. **Ripstein argues** that **original acquisition** is uniquely problematic 18 because one person’s **unilateral act imposes “new obligations**” **on others**.70 To show that this problem is unique to original acquisition, Ripstein contrasts the purchase of an object with its original acquisition. Based on his examples, we can contrast two scenarios: 1. (1)  Just before another person enters the stamp dealer’s store, you buy the rare stamp they had been saving to purchase. 2. (2)  The stamp is on an envelope discarded in the gutter. Just before another person grabs the envelope, you take it for yourself. Ripstein claims that in (1), the purchase scenario, you do not unilaterally impose a “new obligation”,71 but in (2), the original acquisition scenario, you do:72 Purchasing things that others had hoped to buy narrows the range of things that those others might do, but does not place any new obligations on them. Others were already under an obligation to refrain from interfering with the stamp that you [purchased]; they face no new obligations as a result of your acquisition of it. Only their hopes have been dashed. They are in the same position as against you that they were in as against the previous owner: they can still try to make you an offer to convince you to sell it to them, even if you do not actively invite offers. The original acquisition of property remains distinctive because it does not simply change the world: it places others under new obligations.73 **Concerning the purchase scenario, Kant** should **agree with Ripstein that the fact that others’ “hopes have been dashed**”—that their wishes have been thwarted—**is irrelevant**. **They had not yet subjected the stamp to their action, so in obtaining it for yourself you commit no wrong against them.** **For Kant, that should be the end of the matter**. However, Ripstein supplements this explanation in non-Kantian terms. He says that, following your purchase of the stamp, there is no “new obligation” because others are “in the same position as against you ... that they were in as against the previous owner”.74 In other words, the stamps’ changing hands creates no ‘new obligation’ because, following the sale, the scope of others’ potential action with respect to the object is unchanged.75 But others’ potential actions are at most their mere wishes. Thus, just after Ripstein has purportedly excluded the relevance of wishes, his supplemental explanation invokes them again. On this approach, whether your action creates a ‘new obligation’ effectively turns on whether others’ abilities to satisfy their wishes with respect to the object remain the same after your action as beforehand. **That is not a valid consideration in Kant’s system.**

#### 3] If they win unilateralism is problematic, vote neg on permissibility – that would undermine all notions of justice, Sage 2:

Sage, Nicholas W., [Assistant Professor of Law, London School of Economics and Political Science Law School, teach and write about private law, especially contract, property, and tort, particularly interested in theoretical questions about how to understand and justify these areas of law, as well as related issues in moral and political philosophy.] “Original Acquisition and Unilateralism: Kant, Hegel, and Corrective Justice” (January 1, 2012). Canadian Journal of Law and Jurisprudence, Vol. 25, No. 1, pp. 119-36, January 2012, Available at SSRN: <https://ssrn.com/abstract=2033518> // LHP AV

This brings us to a further set of difficulties with the view that original acquisition is problematic. **If ‘unilateralism’ is a problem** for the original acquisition of property, **it is also a problem throughout private law**. **First** of all, note that **if the objection** to an individual’s act of original acquisition **is that it restricts others’ potential action**, then **there is no reason to limit the objection to** those acts of the individual that implicate **legal** entitlements (i.e., ‘**obligations’**).76 If other **persons’** legitimate grievance about original acquisition is its impact on their potential action, they **should have the same right to complain about anything that affects their potential action**, whether this happens through the creation of a legal entitlement or otherwise. For example, from others’ perspective, **your damaging or destroying an object is at least as bad as your acquisition of it**.77 Even within the context of legal entitlements over objects, original acquisition cannot be singled out. Following the original acquisition of an object, concerns will continue to arise regarding the supposedly ‘unilateral’ nature of entitlements to that object. (It is not as if original acquisition takes the object ‘out of circulation,’ so to speak, so that if that act can be legitimized, all subsequent acts by the owner, and subsequent owners, will be legitimate.) For instance, **your continued possession** of an object **is just as problematic as your original acquisition. Every moment you continue to control an object—rather than, say, abandoning it or ceding to adverse possession—you maintain your property right and thereby exclude others**. Your **alienation** of the object **is also problematic**: **why can you decide to pass the object on to a particular third party, when that will entail that other persons cannot access it**? Moreover, considered within the context of the creation of legal entitlements generally, the original acquisition of property is in no way unique**. The creation of any legal entitlement is ‘unilateral’ in that it changes the scope of others’ ‘freedom,’ creates ‘constraints,’ ‘duties’ or ‘obligations,’ and alters their ‘normative situation’**—in the non-Kantian sense of those words. **Take** the right to **bodily integrity. When your body grows, it occupies new space that I can no longer access. I face new constraints with respect to that space**. The same happens when you immigrate to my country, or when you are born and move out into space as a separate personality for the first time.78 The supposed **unilateralism** **problem** **also arises for contract** rights. When you contract, you have the other party’s consent, so your change to that person’s normative situation is arguably unproblematic.79 But your contract also alters the rights of non- consenting third parties who now have a duty not to induce breach.80 Likewise, the creation of a fiduciary relationship imposes a duty on third parties not to assist breach.81 Previously, we noted that it was odd, given Kant’s rigorous systematicity, that the problem of unilateralism arises only for the initial creation of property rights.**82 As it turns out, if unilateralism is a problem for original acquisition, it is a problem that is common to all private law rights**

#### 4] Universality means every agent has the right to set and pursue their own ends to achieve happiness – property is that good that private entities want

#### 5] This debate is not a question of what happens after space is appropriated or the possible unethical freedom violations that result from corporations in space, rather this is a debate about whether the act of appropriation is good or bad – if we win property is good you negate

### Defense

#### In your framework you have justified Kant’s moral theory – not his political theory – means all your offense about the omnilateral will is irrelevant

#### Concede the warrant in the ward ev that the OST does not apply to private entities – means that it open for appropriation – all we must win is that agents have a right to property

#### Their burden is to prove that appropriation of outer space infringes on someone else’s freedom

AT Walla

#### 1] Nowhere in your framework have you justified the state as necessary to respecting equal and outer freedom

#### 2] Universality resolves this – people will respect your freedom as a means of guaranteeing their own freedom – absent that, it would be the state of nature, no reason why the state is key

#### 3] Irrelevant – the debate is about whether the act of appropriating space is good and since there is no one else in space, you are not imposing your will on others.

#### 4] yes you are coercing someone from preventing them from taking what you have – it is still not universalizable to take someone else’s property – even if we are coercing someone’s things – it’s just a question of who got there first is justified.

#### 5] ethics still exist in the state of nature – IE it’s still unethical to just kill everyone

#### 6] Coercing in response to being coerced is ethical

#### 7] people have to assert self-ownership – ie ownership of their own body – even absent a state in order to act at all, including the action required to form a state – arbitrary to say we can’t assert control of external objects if we mix our labor and possess control

Westphal 97

#### 1] hold them to what is actually in their card – there is no warrant in it and it is extremely short

#### 2] This is consequentialist – it says because states private companies won’t be able to work in a world with exclusions – this is irrelevant – only relevance is whether appropriation land that is not owned by anyone else is bad

#### 3] Assumes that appropriation will result in a state of nature where no rules are followed, and all justice is rescinded

#### 4] No one person has power over another – rather it is a question of whether they will respect others freedom by avoiding contradictions that result from non-universalizable maxims

#### 5] Yes, we agree agents have different objective goods that they deem relevant – however the pursuit of those is always bounded by universality, to assure no one person’s goods take prominence over someone else.

AT Van Eijk

#### 1] The OST does not apply to private entities – ow since its ratified by 100 nations and formed the basis of all space treaty

**Stockwell 20** Stockwell, Samuel. "Legal ‘Black Holes’ in Outer Space: The Regulation of Private Space Companies." *E-International Relations*, 20 July 2020, www.e-ir.info/2020/07/20/legal-black-holes-in-outer-space-the-regulation-of-private-space-companies/. Accessed 7 Apr. 2022.

The UN Outer Space Treaty and Rise of the ‘NewSpace’ Actors Although ratified into international law in 1967, the UN Outer Space Treaty (OST) is perhaps still the most relevant piece of legislation for analysing state and non-state entity activity in outer space. Designed to prevent both the militarisation of space and national appropriation of celestial bodies at the height of Cold War tensions, the UN OST holds significant influence as a form of customary international law (Hebert, 2014: 6). Ratified by over 100 nations – including major spacefaring nations such as the United States, Russia and China **–** the treatyis widely accepted as an authoritative document and has formed the basis for all other space treaties that have succeeded it (Kramer, 2017: 129). This is in contrast to more recent legislation such as the 1972 Moon Treaty designed to promote cooperation in Moon exploration and development, which the US and other major space superpowers have refrained from signing (Adolph, 2006: 968-969). The type of American actors becoming involved in the realm of outer space has undergone significant diversification. Despite working alongside NASA since the 1950s, commercial enterprises were largely confined to the manufacturing of parts utilised in rockets and other equipment for space activities (Lal, 2016: 63-66). However, the continuous sharp decline in NASA’s overall budget that has occurred since the Apollo 11 moon landing, and the increasing trends towards the privatisation of government functions has drastically altered both the capabilities and the outlooks of private space companies. Indeed, although the space economy is growing overall, global government spending decreased by 1.3% between 2012 and 2013 while commercial-sector growth increased by roughly 7% (Conklin, 2017: 33). Central to the impetus behind this private sector space boom has been the emergence of the so-called ‘NewSpace’ actors **–** “a broad range of primarily US-based entrepreneurs… who, for more than 30 years, have aimed to commercialise space” (Valentine, 2012: 1046). Driven by a libertarian outlook of economics, and critical of NASA’s historical grip on space exploration, these individuals portray themselves as the pioneers of the ‘final frontier’ who will save humanity from extinction through privately-funded extra-terrestrial missions (Kearnes & van Dooren, 2017: 182). Near-Earth Object and Lunar Resource Mining: US Private Property in Space Lunar rock samples from the Apollo missions containing rare Earth resources, such as Helium-3 which produces more power and less waste than traditional nuclear reactors on Earth, have since fuelled incentives for extra-terrestrial resource mining (Brearley, 2006: 44-46). This was further facilitated by suggestions that near-earth objects (NEOs) like the so-called ‘Anteros asteroid’ could comprise of over five trillion dollars’ worth of magnesium silicate and aluminium (Kramer, 2017: 131). Envisaging appropriation concerns that might arise from the future extraction of space assets by spacefaring nations, Article II of the UN OST declared that: “Outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means” (UN, 1967). The emphasis on claims of national sovereignty were intimately tied to the Cold War context at the time, where space activities were under the exclusive monopoly of governmental agencies and initiated for goals of military dominance or national prestige (Sachdeva, 2017: 210). However, the privatisation of the space industry that has occurred since the 1980s has meant that the legislation leaves an enormous amount of legal ambiguity and interpretation regarding the regulation of private resource mining in space. As Shaer (2016) demonstrates, the Article II provision fails to address either the exploitation of space for financial gain or the property claims of commercial enterprises (Shaer, 2016: 47). Nevertheless, Article VI of the UN OST asserts that: “States shall be responsible for national space activities whether carried out by governmental or *non-governmental* entities” (UN, 1967; own emphasis). Some scholars have suggested that this clause significantly restrains the activities of private space corporations by incentivising states to regulate their domestic organisations for fear of liability concerns (Abeyratne, 1998: 168). However, the US government recently enacted a piece of legislation which exploited this clause, in order to circumvent its own restrictions and strengthen US economic influence in space. The passage of the 2015 SPACE Act enabled US citizens to privately “possess, own, transport, use, and sell the resources” they obtain in outer space, whilst making careful consideration to deny national sovereign claims over such materials (Leon, 2018: 500). Yet, regardless of whether it is an American private company or public venture, the US is still satisfying its geopolitical interests; by exclusively siphoning off extra-terrestrial resources for American gain, the nation’s soft power is thereby extended at the expense of spacefaring adversaries such as China (Basu & Kurlekar, 2016: 65). Indeed NewSpace actors cleverly played on these strategic concerns prior to the bill’s passage, with billionaire space entrepreneur Robert Bigelow asserting that the biggest danger wasn’t private enterprises on the Moon, but that “America is asleep and does nothing, while China comes along… surveying and laying claim [to the Moon]” (Klinger, 2017: 222). The US government’s support for private space companies is also likely to lead to the reinforcement of Earth-bound wealth inequalities in space. Many NewSpace actors frame their long-term ambitions in space with strong anthropogenic undertones, by offering the salvation of the human race from impending extinction through off-world colonial developments (Kearnes & Dooren: 2017: 182). Yet, this type of discourse disguises the highly exclusive nature of these missions. Whilst they seem to suggest that there is a stake for ordinary citizens in the vast space frontier, the reality is that these self-described space pioneers are a member of a narrow ‘cosmic elite’ – “founders of Amazon.com, Microsoft, Pay Pal… and a smattering of games designers and hotel magnates” (Parker, 2009: 91). Indeed, private space enterprises have themselves suggested that they have no obligation to share mineral resources extracted in space with the global community (Klinger, 2017: 208). This is reflected in the speeches of individuals such as Nathan Ingraham, a senior editor at the tech site EngadAsteroid mining, who claimed that asteroid mining was “how [America is] going to move into space and develop the next Vegas Strip” (Shaer, 2016: 50). Such comments highlight a form of what Beery (2016) defines as ‘scalar politics’. In similar ways to the ‘scaling’ of unequal international relations that has constituted our relationship with outer space under the guise of the ‘global commons’ (Beery, 2016: 99), private companies – through their anthropogenic discourse – are scaling existing Earth-bound wealth inequalities and social relations into space by siphoning off extra-terrestrial resources. By constructing their endeavours in ways that appeal to the common good, NewSpace actors are therefore concealing the reality of how commercial resource extraction serves the exclusive interests of their private shareholders at the expense of the vast majority of the global population. **Private Space Corporations and Orbital Surveillance: Dual-Use Satellite Technology** Starting in 2013, the leaking of classified information by former US National Security Agency employee Edward Snowden revealed the extent to which American intelligence agencies were collaborating with the private sector in mass surveillance operations (Bauman *et al*., 2014). In what has been described as the ‘securitisation’ of society, contemporary states have shifted from “politics to policing and from governing to managing” the public, which has often occurred without the consent or knowledge of their citizens (Petit, 2020: 31). While such practices have conventionally been Earth-bound in nature, the space domain provides an entirely radical and strategically beneficial perspective for conducting surveillance through satellites. Although many commercial US satellites provide an array of environmental and internet capabilities on Earth, they are also absolutely essential from a national security perspective of maintaining US space superiority (Chatters IV & Crothers, 2009: 257). This is known as the “dual-use” nature of satellites, where civilian and military purposes are blurred into a single observational system and can be adapted for different functions when necessary (Lubojemski, 2019: 128-129). Dual-use satellite technology has been vital for the US military in offering a tactical edge on the battlefield, with 80% of its satellite communications needs being derived from commercial satellites (Hampson, 2017: 7). The reliance on these networks forms a component of the broader US military doctrine of ‘space control’, part of which aims to secure the transmission of commercial satellite data that will prevent the exposure of sensitive military tactics (Peña & Hudgins, 2002). Whilst the OST does not contain any clauses specifying the rules or regulations of data monitoring in space, any form of malicious or illegal surveillance can be seen to violate Article XI, which requires states to: “Inform the Secretary-General of the United Nations as well as to the public and international scientific community, to the greatest extent feasible and practical, of the nature, conduct, locations and results of [space] activities” (UN, 1967). Yet, legal scholars have claimed that this clause is significantly weak, since states can withhold vital information about their space activities on the basis that the dissemination of such information is neither ‘feasible’ nor ‘practical’ (Chatterjee, 2014: 31-32). The absence of any clear UN guidelines has also meant that American satellite corporations are increasingly capable of refusing to state their intentions, or who their customers are – with the US government being one of these elusive clients. The 1994 Presidential Decision Decree-23 authorised the US government to require firms to either limit or stop sales of certain satellite images through a process known as ‘shutter control’. It is controversial because it designates the US executive branch the ability to limit publicly accessible information in certain circumstances, possibly violating First Amendment rights (Livingston & Robinson, 2003: 12). During the 2001 War in Afghanistan, the US government bought the rights to all orbital images taken over the theatre of operations by GeoEye’s Ikonos satellite on the grounds of ‘national security’ (The Guardian, 2001). However, media groups accused the government deal of preventing them from informing the public about matters of critical importance that in no way implicated national security, including the independent verification of government claims concerning damage to civilian structures and possible casualties (Livingston & Robinson, 2003: 12). These measures therefore undermined the OST’s Article XI clause by concealing important information to the public when it was feasibly possible, through the guise of national security discourse. At the same time, it allowed the US government to manipulate media coverage of areas it deems to be essential for conditioning public war support in Afghanistan, whilst simultaneously strengthening its space control doctrine. In many ways this strategy can also be seen as facilitating a ‘global panoptical’ intelligence network (Backer, 2008). By extending the private-public hybrid structure of surveillance into outer space, businesses and governments have the opportunity to observe millions of global citizens unknowingly at any one point – and with it – immense amounts of data. Given that GeoEye received nearly two million dollars in contract-related fees from the US government for its Ikonos pictures (The New York Times, 2001), this could incentivise the commercial satellite industry to continue to restrict data that might serve the interests of citizens globally. As such, satellite imaging may turn into a form of orbital data-siphoning where companies conducting observations in space could sell off their data to the highest bidder, with a concerning disregard for privacy rights. Indeed, the revelations surrounding Cambridge Analytica and Facebook have underscored the extent to which private entities are monetising off the sensitive information of their consumers unknowingly (Balkin, 2018: 2050-2051). **Corporate Space Debris, Security Tensions and Environmental Contamination** Space debris can be defined as non-purposeful man-made objects that reside in space; made up of inactive parts from former space operations and fragmentations of spacecraft, there are nearly 30,000 pieces of debris in the Earth’s orbit (Pellegrino & Stang, 2016: 25). Despite most debris being centimetres or millimetres in size satellites often travel at the speed of a bullet, meaning that a collision between the two could be catastrophic in terms of environmental, mechanical and financial damage (Black & Butt, 2010: 1). Since the development of the Kessler Syndrome thesis in 1978 – which predicted that space debris may become so dense as to trigger a chain reaction of major collisions – space debris is considered more of a threat to security operations in the near-term than military space activity (Quintana, 2017: 95). Difficulty over determining whether a collision was accidental or a purposeful act further exacerbates this problem, given that “every object in orbit is a threat to everything else in orbit, regardless of its intended function” (Faith, 2012: 86). Such developments have led to the US administration increasingly adopting a securitisation discourse around orbital debris (Bowen, 2014: 47), which may cause concerns as to whether policymakers may react to future American satellite collisions in a militarised manner. A number of NewSpace actors are likely to complicate these worries even further through recent satellite proposals. Whilst Boeing is proposing a constellation of up to 3,000 satellites, SpaceX has even grander goals of creating a constellation consisting of 4,425 satellites, eventually expanding to 12,000 satellites in the near-future (Kosiak, 2019: 7). Putting this into context, there are currently just around 1,400 active satellites in orbit around the Earth, highlighting the scale of these projects. The collision between a single US privately-owned Iridium satellite and state-owned Russian Cosmos satellite in 2009 underscored not only the sheer amount of debris caused by these collisions – over 1,500 pieces – but also foreshadowed the possible geopolitical tensions that may arise from them (Wang, 2010: 87-88). Given the number of various commercial satellite constellations possibly going into orbit in the near-future, this raises questions over the possibly devastating security hazards they could pose once in orbit or when they eventually become defunct. Yet the proliferation of these commercial satellite plansalso pose significant environmental issues. Article IX of the OST asserts that: “States shall pursue activities of outer space in a manner that avoids any harmful contamination or adverse environmental changes on Earth” (UN, 1967). However, the use of terms like ‘harmful’ or ‘adverse change’ underscores the lack of specificity over *what* exactly constitutes environmental damage, or for *whom* it must refrain from harming. There is also a failure to address the explicit problem of space debris since the discourse is primarily concentrated on chemical effluent pollution, undermining attempts to facilitate the removal of floating wreckage(Gupta, 2016: 26). The inability of the OST to properly promote environmental considerations in space has been mirrored in the NewSpace community, where there has been a woeful lack of ecological consideration: “The hundreds of articles and books on outer space resource development seldom mention that such actions may adversely affect the environment in ways that will potentially disadvantage their enterprises and the humans that will be required to implement them” (Kramer, 2017: 136). Such images evoke the types of difficulties that private firms have encountered on Earth reconciling capital with the environment in a way that doesn’t damage profit margins (Magdoff & Foster, 2011: 61-66). Yet in doing so, this neglect is only likely to result in the proliferation of extra-terrestrial debris that the UN OST failed to address. Indeed, despite its vastness there is only a narrow region of orbital space that is either useable or beneficial for prolonged human missions (Brearley, 2005: 2), meaning that the increase in space debris from these massive commercial satellite constellations will likely be at the detriment of developing nations who have yet fostered spacefaring capabilities. Elon Musk’s SpaceX company has already caused complications for Earth-bound astrologists. The brightness of his recent ‘Starlink’ satellite constellation system in comparison to other satellites has been obscuring telescopic images (see Grush, 2020). More concerningly, Starlink may be much more visible during twilight hours which could be problematic in identifying potentially hazardous asteroids in a timely manner (The Verge, 2020). In this sense, whilst private space entrepreneurs are able to increase their profitability from being able to establish constellations, such endeavours are spoiling the scientific work of researchers on Earth that may complicate the monitoring of Earth-based asteroid impacts. **Conclusion: Space as a Global Commodity** Ultimately, this essay has revealed how the UN OST fails to adequately regulate private space enterprises in outer space within an array of activities. Predominately designed from a state-centric perspective, the increasing entanglement of the state apparatus with the private sector is enabling both actors to satisfy their extra-terrestrial interests through legal ambiguities in a way that the treaty never envisaged possible. Yet, these processes also expose the ways in which the conceptualisation of outer space by both the drafters of the OST and NewSpace actors is intimately connected to Earth-bound social relations and power structures. Whether it be contestations over resources, surveillance or the environment, the concerns raised mirror those taking place on Earth. A product of its time, the OST was broadly concerned with protecting states from damage caused by one another in a tense international terrestrial atmosphere of possible nuclear annihilation, rather than seeking to protect the space environment as an aspiration “in its own right” (Brearley, 2005: 19). Despite framing themselves as the saviours of an anthropogenic extinction, the emphasis of NewSpace entrepreneurs on profit accumulation in space also emulates the types of criticisms private enterprises have faced on Earth, and risk the extension of existing wealth inequalities into the cosmos. The precedent set by NASA in April 2020 that will likely lead to the further involvement of private firms such as SpaceX in space endeavours will therefore serve to restrict public access to the extra-terrestrial domain – and the benefits that may arise from this. Indeed, the notion of outer space as a ‘global commons’ is slowly turning into one of a ‘global commodity’.

#### 2] doesn’t assume the 2015 space law act in which the US made it so that private entities do not work in relation to the state so it is fine.

AT Wurth

#### 1] This is consequentialist – “act so that the effects of action are compatible with human life” the act that companies do after they have appropriated space is irrelevant – this debate should only be about whether they have an innate right to property

#### 2] It only questions the possibility of a commercial actor in space being bad – no reason as to why they would be bad

#### 3] No reason why natural desires are bad – independently the right to property is not a desire rather a direct conclusion of an agent’s freedom to set and pursue their ends.

#### 4] An intent cannot be unethical – an intent itself – wanting to make money or diversifying myself is unethical