## 1AC – Bogota

### 1AC – Inequality

#### Contention one: inequality

#### The global wealth gap is growing faster than any point in history. Inequality reinforces the legacy of slavery and props up authoritarian political systems.

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Inequality in historical perspective

Deidre McCloskey claims ‘the Great Enrichment’ over the last two centuries has seen per capita incomes rise ten-fold, benefiting most, if not all. In response, Jason Hickel has exposed the Great Enrichment’s slavery, colonization and violent displacement of indigenous peoples.

A study found that “today’s global income inequality levels are much higher than they were in 1820, irrespective if measured in absolute or in relative terms.”

Relative within-country inequality in 1929 was similar to 1820, decreasing during 1950-1970, before rising from 1975. Globally, except during 1929-1950, absolute within-country inequality increased continuously, with large increases after 1950, growing faster after 1970.

United Nations University (UNU-WIDER) research found that both relative and absolute inequality increased substantially in North America, Europe, Central Asia, South Asia and sub-Saharan Africa during 1975–2010. But while absolute inequality also rose in Latin America and East Asia, relative inequality fell.

The World Inequality Report 2018 revealed that the world’s richest 1% obtained 27% of global income between 1980 and 2016. By contrast, the bottom half got only 12%. Today, more than half of humanity still lives on US$7.40 a day or less, barely adequate for a decent life.

Oxfam’s Reward Work, Not Wealth reported that 82% of the wealth created in 2016 went to the world’s richest 1%, while the 3.7 billion people in the poorer half of humanity got next to nothing. Oxfam notes elsewhere that now, “seven out of 10 people live in countries in which the gap between rich and poor is greater than it was 30 years ago”.

The recent period has seen the biggest increase of billionaires in history, with a new one every two days, while billionaire wealth increased by US$762 billion in the year to March 2017, an increase which could end global extreme poverty seven times over if well spent.

Rising inequality’s implications

Studying long-term data, Nobel laureate Simon Kuznets suggested that economic development first raises and then lowers income inequality with the shift from agriculture, presumed to be characterized by modest income disparities, to industry, with larger income gaps.

However, the experiences of East Asian economies during their early phase of industrialization challenged Kuznets’ hypothesis. These economies grew quickly from the 1960s to the 1980s, without inequality rising. More recently, progressive redistribution lowered inequality and accelerated growth during the 2003-2011 Latin American economic boom.

Kuznets’ hypothesis also implied that rising inequality is desirable because the rich save more of their additional income than the poor. Hence, income distribution favouring the rich should lead to more savings and investments, propelling growth.

But land reforms in China, Japan, South Korea and Taiwan reduced inequality, enabling growth to take off. Meanwhile, over the centuries, high inequality in much of Latin America and the Caribbean – associated with colonialism, slavery and land ownership – has undermined growth.

‘Inclusive’ inequality?

Today, inequality is supposedly more ‘inclusive’, with a growing global middle class even as national inequalities rise. Others term it ‘positive-sum wealth production’, typically contrasted with ‘zero-sum wealth extraction’.

Advocates decry “the perception that billionaires make money for themselves at the expense of the wider population”, attributing their fortunes to successful investments, while highlighting their philanthropy and patronage of the arts, culture and sports.

Rutger Bregman – who chided billionaires at the 2019 Davos World Economic Forum (WEF) for avoiding tax – has argued that societies should not rely on the generosity of the rich. “Philanthropy is not a substitute for democracy or proper taxation or a good welfare state.”

Ambiguous politics of inequality

High and rising inequality is bad for sustained economic growth and poverty reduction. As the 2018 World Inequality Report warned, “if rising inequality is not properly monitored and addressed, it can lead to various sorts of political, economic, and social catastrophes”.

Some of history’s greatest thinkers – e.g., Plato and Aristotle – and classical economists – such as Adam Smith and Karl Marx – have emphasized the adverse effects of inequality on the social fabric. High and rising inequality is not only socially unfair, but negatively impacts political stability, crime and corruption, even undermining democracy.

Nobel laureate Joseph Stiglitz contends that economic inequality “translates into political inequality, which leads to rules that favour the wealthy, which in turn reinforces economic inequality”; rising inequality inevitably subverts democracy.

As Farhad Manjoo writes, extreme wealth “buys political power, it silences dissent, it serves primarily to perpetuate ever-greater wealth, often unrelated to any reciprocal social good.”

A recent Oxfam study has shown the many ways Latin American politics has been captured by the super-rich, with substantial financial backing for many new ethno-populist, racist and intolerant religious leaders.

The growing sense of vulnerability of many working people and seeming irrelevance of elitist social democrats have contributed to rising jingoist ethno-populisms in the rich West and elsewhere, blaming foreigners and other ‘outsiders’ for their problems.

#### The plan meaningfully reduces global inequality in three ways:

#### 1--- Bargaining power.

#### Bogota convention ratification provides a near monopoly over the finite resource of geostationary orbits to equatorial nations. The resultant monopoly power allows high rent charges and leverage for the g77 to negotiate a new international economic order.

Jill Stuart, PhD @ LSE, ’14, “Exploring the Relationship Between Outer Space and World Politics: English School and Regime Theory Perspectives,” a thesis submitted to the Department of International Relations of the London School of Economics and Political Science for the degree of Doctor of Philosophy in International Relations, ProQuest LLC

Yet the broader context must be considered by asking why it was that LDCs perceived their access to GSO to be threatened in the first place—that is, what were the conditions (as actors representing LDCs understood them) in which actors were calculating their interests, and in which they came to understand GSO to be a scarce resource? From a strictly geophysical perspective it is logical to conceive of GSO as finite. It can be calculated that, were it laid out flat, GSO would be 17,000 miles long (Macauley 1998, 742), and satellites naturally “inhabit” a part of that orbit, including room to drift slightly back and forth.66 The number of satellites that the orbit can carry is also, in theory, limited because of signal interference. However the usability of the radio spectrum is also affected by technical developments that potentially expand the intensive and extensive margins of the spectrum (Levin 1971, 15), and developments in satellite technology change the amount of safe distance needed between objects in orbit. Thus the amount of space needed between satellites to avoid signal interference also changes with technological developments and based on complicated engineering calculations (Vogler 2000, 112; Levin 1971, 15).67

Therefore the actual carrying capacity and scarcity of the GSO resource is subject to technological developments, and the significance of those developments is subject to interpretation. In 1972 there were five GEOSATs in orbit, and in 1977 there were twenty (Peterson 2006, 177)— however the significance attributed to those numbers is controversial and ultimately related to individual actors’ interpretation of technical factors. Throughout the 1960s and 1970s there was limited intersubjective agreement amongst actors as to how limited the orbit-spectrum resource actually was. There was genuine concern amongst LDCs about future access to GSO, but the complicated nature of understanding GSO scarcity meant that interests and interpretations regarding scarcity were also potentially influenced by wider international politics; at times a perceived understanding of scarcity was preceded by actors’ other political agendas. In the 1960s and 1970s LDCs were posing challenges to other areas of international law and expressing concerns over permanent ownership of resources such as the sea bed. Challenging outer space law fit into the discourse of those wider challenges (Bull and Watson 1984, 234). The ITU’s system of a priori planning fit into the wider agenda of LDCs of demanding greater equality within the Cold War system.

The LDC challenges to GSO governance were initially coordinated under the Group of 77, which had been formed in 1964 with the purpose of providing, “the means for the developing world to articulate and promote its collective economic interests and enhance its joint negotiating capacity on all major international economic issues in the United Nations system, and promote economic and technical cooperation among developing countries” (Group of Seventy Seven 2007). LDCs proposed the New International Economic Order (NIEO) in 1973, and the New World Information and Communications Order (NWICO) was announced within the NIEO context shortly thereafter (Savage 1989, 5). While the NIEO sought to address the imbalance of international economic progress and wealth, the NWICO sought to reaffirm the sovereign rights of states to control the dissemination of information to its citizenry (Savage 1989, 5 and 44). This related to deeper concerns amongst LDCs that not only were they not able to exploit telecommunications technology, but that widespread broadcasting made possible by satellites meant that the developing world was able to propagate its own information and culture (Savage 1989, 44). Therefore issues of access to GSO governance tied in to \* concerns not only of how international society and the international system were organized, but also how it was spread, controlled, and recreated.

Therefore the GSO issue-area must be considered with relation to the international social context in which actors were embedded, and how that context generated understandings about various transnational resources. Given the LDCs’ broader agenda of challenging international law, GSO was a reasonable extension of that challenge because the ITU rules and decision-making procedures give each member of the organization one vote. Therefore (unlike the UN) less developed countries could coordinate their position within the ITU with regard to GSO and be more effective as a voting block.

In seeking to understand the politics of GSO, it is useful to consider how actors’ perceived identities created the context in which actors determined their interests with regards to the issue-area. Less developed countries had hugely variable interests, ideologies, and resources, yet formed a perceived shared identity as “non-aligned” and “developing.” The structure of the international system, in which certain countries were less developed, helped to shape the actors’ identity and subsequently their interests.68 Actors also understood their circumstances in accordance to their acceptance of Westphalian statehood. The institution of sovereignty can be understood as preestablishing mutual understandings amongst actors (in conjunction with state-centric international law) that it would be states who were the main actors in space, and hence that states would be responsible for registering signal-usage and for claiming liability for their satellites. The international society institution of equality of peoples can also be seen as an influence on (and also reconstitutive of) the GSO issue area—albeit through the dominant institution of sovereignty. The institution of equality of peoples can be understood as present because of the discourse LDCs constructed around the GSO issuearea and the NWICO (with regards to equitable access as a right to all communities). Equality of peoples also influenced the wider Group of 77 agenda, and hence the language used by LDCs with regards to equality of peoples was mutually reinforcing across multiple-issue areas. The institution can be seen as rising and being both an influence on, and reconstituted by, the GSO issue-area. However the institution of equality of peoples was at play with that of sovereignty in that equality was to be guaranteed through greater equality for individuals via states. Therefore the interhuman domain, which could be associated with the equality of peoples institution, was not a significant influence on negotiations.

The balance of power can also be seen as rising, as LDCs sought to redress the balance in the bipolar system by asserting their collective influence—both in the case of GSO and also through the wider Group of 77 agenda. As such the international society reflected in the GSO case at this point was coexistent international society—as actors sought to establish governance that would allow coordination but not cooperation in geosynchronous orbit. This reflected wider Cold War pluralism in international society in the 1960s, 1970s, and 1980s. However the GSO issue-area also had the potential to challenge basic coexistence in international society by leading to cooperation and the integration of issues such as equality of peoples. As such the GSO case reflected wider international Cold War society, but also embodied dynamics that could challenge that pluralism.

Bogota Declaration

By the mid-1960s discussions regarding orbital and frequency allocation were underway within the ITU, and the Group of 77 had consolidated their position on GSO governance (i.e. demanding a priori allocations). In 1976 a sub-group of less developed countries launched a separate challenge to GSO governance, which specifically targeted the lack of a definition for “outer space” and proposed a radically different definition of GSO. The resultant document was the Bogota Declaration, signed on 3 December 1976 by eight equatorial countries: Brazil, Colombia, Congo, Ecuador, Kenya, Uganda, and Zaire (hereafter the “Bogota group”) .69 The Bogota Declaration (“the Declaration,” Appendix F) asserted that GSO should not be considered part of outer space (and hence not neutral territory), and contingent on this fact should fall within the jurisdiction (sovereignty) of the nation-states that are geostationary “beneath” it (Section 1, Paragraph 3).70 The Declaration quoted the UN General Assembly Resolution which says states have sovereignty over their natural resources.71 The final section detailed the implications of the claim: (Section 3, a) that there will be tangible benefits for the equatorial states, “to their respective people and for the universal community,” as opposed to only the most developed countries; (b) that orbits above the high seas will still be considered the common heritage of mankind;72 (c) that other orbits and satellites are not implicated in the claim; (d) that GEOSATs “shall require previous and expressed authorization on the part of the concerned state, and the operation of the device should conform with the national law of that territorial country over which it is placed,” as separate from the ITU’s regulations; (e) and that current GEOSATs are in violation of the Declaration.

Why did the Bogota group choose to draft a separate challenge to ITU governance, distinct from the wider LDC challenges to GSO governance? On explanation is that if the Bogota Declaration was adopted, it would give financial benefits to the relevant equatorial countries. According to the Declaration, states placing objects in GSO above equatorial states’ territory would need “authorization” for dong so— a process which would likely carry a fee payable to the equatorial country. The Bogota states would also gain power and prestige by having control over the sections of GSO above their respective territories. Brazil had also come to see itself as a leader in the non-aligned movement and saw its participation in the Bogota Declaration as a bargaining chip in its wider policy of the NIEO (Peterson 2005, 74). As such, for Brazil the GSO issue-area was connected to its sense of identity as an LDC leader—GSO was not a primary issue but rather part of wider preference formulations on broader geopolitical concerns about power and economics within the international system. For Colombia, the issue was more intimately related to issues of domestic politics in that the country’s constitution made mention of geostationary orbit and the electromagnetic spectrum as part of its territory (Gorove 1991, 4 1).73 Indonesia’s reasons were largely practical in that, as a geographically large territory with some remote reaches, satellite communications were particularly important for providing the population of the country with communications (Peterson 2005, 181-182).74 For all Bogota group countries pooling efforts with other equatorial countries increased the strength and legitimacy of their challenge.

Thus strategic calculations and perceived identity influenced the actions of various Bogota group actors. The Bogota group decide to formulate its challenge in the way that they did? Considering the language of the Declaration shows how international society institutions also created the context in which the Bogota actors formulated their interests and identities. As above, the Bogota Declaration was embedded in the language of territorial Westphalian sovereignty and hence indicated the internalization of the institution of sovereignty. Outer space was deemed “neutral territory,” the very concept of which could inherently challenge the institution of sovereignty and lend itself to arguments against great powers assuming the right to maintain ownership over satellites in space, and to maintain de facto ownership of orbital slots (through satellite occupation). Despite additional references to the category of “mankind” and ‘‘universal society,” the Bogota group appealed for their legitimacy through the institution of sovereignty over resources and territory to establish the legitimacy of their claim. The Bogota Declaration was contrary to recognized principles of outer space neutrality, yet stated in the terms of those principles (by arguing that GSO was not part of outer space), which attests to the internalization of sovereignty and its influence on constructing the context in which actors calculated their interests.

#### 2---Information anti-subordination.

#### Access to geostationary orbit prevents cultural imperialism via western propaganda dissemination. But, cooperation is key to prevent great powers from exploiting property claims by accepting special exceptions to the Outer Space Treaty.

Nima Nayebi, J.D. candidate, University of California Hastings College of the Law, 2011; Production Editor, Hastings Law Journal, ’11, The Geosynchronous Orbit and the Outer Limits of Westphalian Sovereignty, Note 201, Hastings Science & Technology Law Journal, Vol. 3:2. (May 10, 2011).

IV. Sovereignty over the GSO?

The GSO is the orbit around the Earth's equator at an altitude of approximately 35,785 km (22,236 miles); the orbit takes twenty-four hours to complete." From this position, an orbiting satellite can "see" about one third of the planet's surface at a time." According to NASA, this altitude allows for a "broad view" that, when combined with "the ability to hover over a single equatorial location," has made the GSO very popular for communications relay and weather monitoring spacecraft." Satellites in the GSO that appear to remain stationary in the sky when viewed from the ground are called "geostationary."" This is an especially desirable position for telecommunications satellites since they can maintain a constant link with their contact point on the Earth from these parking spots."89 Satellite communications is an immensely profitable enterprise.

There is a long queue for access to the GSO, comprised of "companies proposing new services (such as direct-to-home broadcast television and mobile communications for trucking or airline fleets) and representing newcomers, particularly developing countries, now entering the market for satellite services."" This queue is administered by the Space Services Department of the International Telecommunication Union (ITU) under the auspices of the UN. 91 It is no surprise, then, that the "commodification" of these vantage points in space and their relative allocation among the various countries is a point of international dispute.' Even the drawing of a boundary between the air and outer space has been controversial because the classification could potentially push the GSO into the province of air law rather than space law. Imposition of an internationally recognized, definitive boundary between air and space could cause a shift in the treaties applicable to the GSO.3 You will recall that the basic premise of space law is to promote the exploration and exploitation of outer space for the benefit of humankind, free from the normative notion of sovereignty.4 This proposition is rather different from that of air law, which (like the law of the sea) is based on the Westphalian model of sovereign nationstates. The Paris Convention of 1919 on international air law was premised on the idea that "[p]arties recognize that every Power has complete and exclusive sovereignty over the airspace above its territory."5 Exclusive sovereignty over airspace is now the norm, and has been codified by many countries: in 1920, for example, the United Kingdom Parliament declared, "[t]he full and absolute sovereignty and rightful jurisdiction of His Majesty extends, and has always extended, over the air."96 Similarly, in 1957 the US Congress declared that "[t]he United States Government has exclusive sovereignty of the airspace of the United States."" For our purposes, we will think of the GSO as part of space rather than the air," but some countries have already (and may again) challenge this definition and attempt to assert sovereignty over the GSO as their "territorial outerspace" under international air law.9

A. The Bogotá 8

Controversy over ownership rights and sovereignty over this finite space resource has not been entirely lacking. Up to now, the United States, Russia, and a few other developed countries have enjoyed the most "space" in the GSO."0 The U.S. has about 339 satellites in the GSO,' six of which, for example, served DirecTV satellite television company as of 2004.'0 During the decolonization wave of the 1970s, developing countries became cognizant that their former colonizers' use of the GSO for telecommunications could hinder their ability to access this resource in the future. 103 Lawrence D. Roberts writes that, "[o]f even greater concern to the developing states were the uses to which communication technologies were being put. Distribution of news and other information to developing populations was perceived as former colonial powers foisting inappropriate and dangerous perceptions and values on the citizens of developing states."" In other words, the former colonies were foreshadowing the threat to their sovereignty by Western cultural imperialism, which has now ironically become an established byproduct of globalization.o10 By 1976, a group of eight equatorial countries led by Colombia (the "BogotA 8") sought to secure the rights to the geostationary positions directly over their territories'0 by extending their sovereignty to "outerspace."0' The 1976 Bogotd Declaration encapsulated their aspirations, though it was difficult for the equatorial group to make their claim of sovereignty given the Outer Space Treaty's express abrogation of national sovereignty over outer space.t os A further problem was that since none of the Bogota 8 countries were space-capable at the time, a legal violation of the Outer Space Treaty on their part would have probably prompted the space-faring countries to take advantage of the opportunity and assert their own claims of sovereign rights over other parts of space.1ta To elude this possibility, the group of eight argued for a special exception for the GSO:

Reasoning that the orbital arcs above each declaring nation were fixed, the declarants argued that those arcs should not be considered a part of outer space at all, but rather should be considered a natural resource arising directly out of terrestrial gravitational phenomena. Since each nation has a right of control over its own natural resources, they argued, the portions of geostationary arc should be controlled by those nations having territory directly underneath."o

As discussed earlier, commentators have long pointed to a loophole in the Outer Space Treaty caused by the lack of a clear line of demarcation between airspace and outer space. The Bogotd 8's argument that the GSO arises directly from the Earth's gravity implied that everything that lies in Earth's gravitational field is airspace and hence should not be governed by space law but rather by air law."' This reasoning allowed the Bogota 8 to make claims of sovereignty without contravening international law, and without prompting space-capable countries to follow suit. In the Bogota Declaration of 1976, the equatorial countries asserted that the placement of satellites in their respective portions of the GSO required "express authorization on the part of the concerned State." 1 2 The Bogota 8 restated their claims to geostationary sovereignty at the 1977 World Radio Conference held in Geneva, Switzerland, and later that same year at the UN Outer Space Legal Subcommittee.'13 In a statement by the Colombian delegate E. Gaviria, the group maintained that their proclamation of sovereignty over their respective segments of the GSO was not in conflict with the Outer Space Treaty and that this Treaty "did not take account of the interests of developing countries.", 4 During the meeting, Kenyan delegate J. Simani pointed to the need for a definition of the boundary between the air and space that was sensitive to "the special position of equatorial countries with respect to the GSO forming part of their natural resources."" Essentially, Mr. Simani argued that the GSO should be considered a part of airspace, and hence, immune from the Outer Space Treaty regime.

#### 3---Space Democratization

#### Space access is privatizing. Concentrated profits of outer space will literally universalize inequality.

Victor L Shammas, Oslo Metropolitan University, Work Research Institute (AFI), Oslo, Norway and Thomas B Holen, Independent scholar, Oslo, Norway, ’19, “One giant leap for capitalistkind: private enterprise in outer space,” Palgrave Communications volume 5, Article number: 10

Outer space is becoming a space for capitalism. We are entering a new era of the commercialization of space, geared towards generating profits from satellite launches, space tourism, asteroid mining, and related ventures. This era, driven by private corporations such as Elon Musk’s SpaceX and Jeff Bezos’s Blue Origins, has been labeled by industry insiders as ‘NewSpace'—in contrast to ‘Old Space', a Cold War-era mode of space relations when (allegedly) slow-moving, sluggish states dominated outer space. NewSpace marks the arrival of capitalism in space. While challenging the libertarian rhetoric of its proponents—space enterprises remain enmeshed in the state, relying on funding, physical infrastructure, technology transfers, regulatory frameworks, and symbolic support—NewSpace nevertheless heralds a novel form of human activity in space. Despite its humanistic, universalizing pretensions, however, NewSpace does not benefit humankind as such but rather a specific set of wealthy entrepreneurs, many of them originating in Silicon Valley, who strategically deploy humanist tropes to engender enthusiasm for their activities. We describe this complex as ‘capitalistkind'. Moreover, the arrival of capitalism in space is fueled by the expansionary logic of capital accumulation. Outer space serves as a spatial fix, allowing capital to transcend its inherent terrestrial limitations. In this way, the ultimate spatial fix is perhaps (outer) space itself.

On 6 February 2018, the California-based Space Exploration Technologies Corp., also known as SpaceX, launched its first Falcon Heavy rocket, a powerful, partially reusable launch vehicle, into space from Cape Canaveral Launch Complex 39 in Florida. With its significant thrust and payload capacity, the Falcon Heavy had the ‘ability to lift into orbit nearly 64 metric tons…a mass greater than a 737 jetliner loaded with passengers, crew, luggage and fuel' (SpaceX, 2018). Multiple reusable parts, including first-stage boosters (and, in later versions, composite payload fairing)Footnote1 provided a lift capacity nearly twice that of the next-most powerful rocket in operation, the United Launch Alliance’s (ULA) Delta IV Heavy, and at nearly one-third the cost. With this first Falcon Heavy test flight, which produced widespread public enthusiasm and outpourings of support from both politicians and industry observers,Footnote2 SpaceX demonstrated that private corporations were busy redefining the domain of space exploration. SpaceX seemed to usher in an era differing markedly from that other period of astronautical excitement, the Cold War-era space race between the United States and the Soviet Union. Additionally, visions once restricted to the domain of science fiction now seemed increasingly attainable, freed from the (alleged) impediments of slow-moving nation-states: with the ascendancy of private corporations like SpaceX, satellite launches, space tourism, asteroid mining, and even the colonization of Mars seemed increasingly achievable (Cohen, 2017; Dickens and Ormrod, 2007a, 2007b; Klinger, 2017; Lewis, 1996).

In this sense, SpaceX’s Falcon Heavy also carried a crucial ideological payload: the very idea of private enterprise and capitalist relations overtaking outer space.Footnote3 The Falcon Heavy conveyed this idea quite concretely. Onboard the rocket was an electric car, a Tesla Roadster (said to be Elon Musk’s personal vehicle), which functioned as the rocket’s ‘dummy load', playing David Bowie’s ‘Space Oddity' and ‘Life on Mars?' on repeat on the car’s stereo system. An enticing marketing stunt viewed by millions online through SpaceX’s YouTube live stream—with 2.3 million concurrent views, it was the second biggest live stream in YouTube history (Singleton, 2018)—the Falcon Heavy test flight embraced the logic of ‘cool capitalism' (Schleusener, 2014), with in-jokes referencing Douglas Adam’s Hitchhiker’s Guide to the Galaxy, while heralding the arrival of a commercialized space age, dubbed by industry insiders as the age of ‘NewSpace'.Footnote4

But how are we to understand NewSpace? In some ways, NewSpace signals the emergence of capitalism in space. The production of carrier rockets, placement of satellites into orbit around Earth, and the exploration, exploitation, or colonization of outer space (including planets, asteroids, and other celestial objects), will not be the work of humankind as such, a pure species-being (Gattungswesen), but of particular capitalist entrepreneurs who stand in for and represent humanity. Crucially, they will do so in ways modulated by the exigencies of capital accumulation. These enterprising capitalists are forging a new political-economic regime in space, a post-Fordism in space aimed at profit maximization and the apparent minimization of government interference. A new breed of charismatic, starry-eyed entrepreneurs, including Musk’s SpaceX, Richard Branson’s Virgin Galactic, and Amazon billionaire Jeff Bezos’s Blue Origin, to name but a selection, aim at becoming ‘capitalists in space' (Parker, 2009) or space capitalists. Neil Armstrong’s famous statement will have to be reformulated: space will not be the site of ‘one giant leap for mankind', but rather one giant leap for capitalistkind.Footnote5 With the ascendancy of NewSpace, humanity’s future in space will not be ‘ours', benefiting humanity tout court, but will rather be the result of particular capitalists, or capitalistkind,Footnote6 toiling to recuperate space and bring its vast domain into the fold of capital accumulation: NewSpace sees outer space as the domain of private enterprise, set to become the ‘first-trillion dollar industry', according to some estimates, and likely to produce the world’s first trillionaires (see, e.g., Honan, 2018)—as opposed to Old Space, a derisive moniker coined by enthusiastic proponents of capitalism-in-space, widely seen to have been the sole preserve of the state and a handful of giant aerospace corporations, including Boeing and Lockheed Martin, in Cold War-era Space Age.

Under Donald Trump’s presidency, the adherents of NewSpace have found a ready political partner. The commercialization of outer space was already well under way with Obama’s 2010 National Space Policy, which emphasized ‘promoting and supporting a competitive U. S. commercial space sector', which was ‘considered vital to…continued progress in space' (Tronchetti, 2013, p. 67–68). But the Trump administration has aggressively pursued the deregulation of outer space in the service of profit margins. Wilbur Ross, President Trump’s Secretary of Commerce, has eagerly supported the private space industry by pushing the dismantling of regulatory frameworks. As Ross emphatically stated, ‘The rate of regulatory change must accelerate until it can match the rate of technological change!' (Foust, 2018a). Trump has proposed privatizing the provision of supplies to the International Space Station (ISS) while re-establishing the Cold War-era National Space Council, which includes members from Lockheed Martin, Boeing, ULA, and a series of NewSpace actors, such as SpaceX and Blue Origin. Ross was visibly enthusiastic about SpaceX’s Falcon Heavy launch in February 2018 and seemed to embrace Musk’s marketing ploy. ‘It was really quite an amazing thing', Ross said. ‘At the end of it, you have that little red Tesla hurdling [sic] off to an orbit around the sun and the moon' (Bryan, 2018). That same month, Ross spoke before the National Space Council, commenting appreciatively that ‘space is already a $330 billion industry' that was set to become a ‘multitrillion-dollar one in coming decades'. He noted that private corporations needed ‘all the help we can give them' and said it was ‘time to unshackle business activity in space' (Department of Commerce, 2018).

#### The current “first come first serve” in international law denies the global south their rights to geostationary orbit. Pollution from the global north will crowds out orbital access.

Lotta Viikari, PhD in Faculty of Law @ International Institute of Air and Space Law, Leiden University, ‘7, “The Environmental Element in Space Law, ” ISBN 978-90-04-16744-5, Koninklijke Brill, p 21-23.

At the beginning of the space era, not many other states possessed any capacity to engage in space activities. Nevertheless, the UN space treaties constantly use phrases such as “province of all mankind”, “for the benefit and in the interests of all countries”, or “common heritage of mankind” when referring to outer space and the activities relating thereto. Accordingly, one would imagine that this ‘mankind’ (or humankind) plays a prominent role in the governance of space activities. In the same vein, speaking about outer space and its resources in terms of ‘global commons’67 suggests that it is the global community that is in charge of the management of these areas which fall outside the scope of national jurisdictions. This global community has been, first and foremost, the community of states, which has concluded international conventions for managing outer space relatively early in the history of human space activities. In practice, the language of the space treaties promises much more for the humankind as a whole than what space utilization actually provides it with. The benefits do not accrue evenly among humanity (or even the state community) in accordance with some common regime. Instead, the space sector largely follows the far less noble principles of the modern industrial economy.

Furthermore, states are increasingly not the unitary rational actors of the traditional assumptions. Neither are they autonomous but embedded in a framework of interactions among numerous entities in the international system. Despite the fact that space activities continue to be extremely hazardous and costly, there exist today a variety of different actors who are willing to invest in this sector. This is obviously due to the significant potential benefits which the use of outer space entails. The universe contains a myriad of natural resources, varying from solar power to minerals in celestial bodies. Also outer space as a whole has been depicted as a resource: one need only consider, for instance, the possibilities that the mere existence of Earth orbits provides for satellite activities. Now that technological development has enabled the utilization of space also for those capable of lesser investments, states comprise only a part of the global network of entities active in the space sector. In such a setting, the management of space activities by states alone is proving increasingly complicated and inefficient.

Indeed, states are facing serious legitimacy problems in the space sector. In order to retain their focal position, states need to demonstrate that they are relevant agents also as regards the new challenges confronted in this area. They have not succeeded very well here, however. The international legal instruments thus far adopted for the regulation of space activities have mostly proven far too vague, and the state community has failed to reach agreement on new instruments (other than legally non-binding declarations and the like) for some decades already. Moreover, considering that states have faced major difficulties in achieving substantial improvements in any natural conditions of global magnitude, their possibilities in the environmental management of outer space seem less than promising.

Nevertheless, in the formation of the international law of outer space, the focal organ still is the United Nations. It was originally founded for very different purposes than solving today’s global crises, which center around environmental and development issues rather than questions of world peace.68 As an organization of states, the UN also directly reflects the problems related to states and their role in the international system. One is the fact that there are many kinds of states. For instance, although sovereign states formally are all equal, some of them are in reality far more influential and active in the space sector and, accordingly, have much greater practical interests in the international regulation of this area. In addition to being ‘big business’ economically, space activities play a major role politically. This was particularly evident during the Cold War in the ‘space race’ between the US and the Soviet Union, but the political and strategic relevance of space by no means vanished at the end of the Cold War.69

The space sector also needs to cope with the global differences in development. Despite the global commons rhetoric, the relationship between more and less developed areas (‘the North’ and ‘the South’) is most often depicted in terms of conflict. Outer space as an environment and a resource is typically perceived as some sort of a limited ‘pie’ of rights, to which all states aspire. However, such rights often appear in practice as something very close to a right to destroy and pollute the environment if needed (in the name of utilization). Conflicts will unavoidably arise, as more or less all states today share the same basic ideology of industrial development, for the purposes of which outer space is seen as a mere resource available for exploitation by all who have the necessary means. This is only likely to intensify the competition for the limited possibilities.

In such a situation, it is no surprise that the North, which has the means to conduct space activities, is eager to perceive outer space and its resources as common property, available on the basis of the ‘first come, first served’ principle. The South, on the other hand, is concerned about being guaranteed adequate possibilities for equal benefits either now or in the future. Southern states expect technical assistance to enable them to utilize outer space, the reservation of ‘their share’ for possible future use, or financial compensation for allowing the exploitation of ‘their’ resources by others.70 Typically, those states have also been in favor of the inclusion of liability regimes in international environmental agreements whereas the North has more often resisted provisions to that end.71 Environmental degradation is making the picture increasingly complicated: if space activities need to be limited already in the name of environmental protection, the prospects for the current non-spacefaring nations to realize their ‘reserved’ rights in the future do not look too bright. As a matter of fact, increased environmental standards could generate even more benefits for the technologically most developed nations and thereby widen the gap between the North and the South. If, for instance, technical standards or pollution reductions are made mandatory, this will give a competitive advantage to the countries which can afford the technology needed to comply with such norms. Moreover, such requirements would necessitate further development of technology, which is likely to create still further competitive advantage. Hence, it seems inevitable that tensions between the environment and development cannot be averted in the space sector, nor can a setting be avoided where many of the key issues pit developed against developing countries

#### The G77 vision for space property rights prevents inter-galactic inequality. Refusing to integrate outer space into leftist political-economic critique cedes the cosmos to corporate capitalism.

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As Below, So Above

Left critics of space proposals make the same mistakes as the most techno-utopian starry-eyed industrialists. From the point of view of the latter, celestial development will provide ultimate salvation to the human race by making us a multi-planetary species; the former see outer space as an infinite void essentially antagonistic to human life, interest in which is only orchestrated for cynical political ends. Each side misconceives extraterrestrial pursuits as qualitatively different from economic activities on Earth.

Venturing into space may be a greater technical challenge; it may cost more, be more dangerous, or be a mistaken use of resources. But to understand these prospects in existential terms rather than as a new episode in the familiar history of industrial development and resource extraction — with all the political-strategic dangers and organizing opportunities that come with them — is to be blinded by the space romanticism that is a peculiar vestige of Cold War geopolitics.

Whether and how we should go to space are not profound philosophical questions, at least not primarily. What’s at stake is not just the “stature of man,” as Hannah Arendt put it, but a political-economic struggle over the future of the celestial commons, which could result in a dramatic intensification of inequality — or a small step for humankind toward a more egalitarian state of affairs on our current planet.

Undoubtedly, there are good reasons to be skeptical about going to space. Some have argued that it shifts attention away from solving the difficult problems of economic and environmental justice on Earth — think of Gil Scott-Heron’s spoken-word poem “Whitey on the Moon,” which juxtaposes the deprivation of the American underclass with the vast resources diverted to space.

Scott-Heron’s critique is powerful, but it’s important to remember that he was denouncing an unjust economic system. He wasn’t issuing a timeless condemnation of space pursuits as such. Whether the aims of providing for all and developing outer space are mutually exclusive depends on the political forces on the ground.

We might also question whether mining asteroids would be detrimental to our current planet’s environment in the medium term. If we don’t find a renewable way to blast off into outer space, the exploitation of these resources could lead to an intensification of, not a move away from, the fossil-fuel economy.

If the environmental impact of space mining turns out to be large, it would be analogous to fracking — a technological development that gives us access to new resources, but with devastating ecological side effects — and ought to be opposed on similar grounds. On the other hand, some speculate that mining the Moon’s Helium-3 reserves, for example, could provide an abundant source of clean energy. The terrestrial environmental impact of space activity remains an open question that must be explored before we stake our hopes on the economic development of outer space.

Philosophers have suggested that we might have ethical duties to preserve the “natural” states of celestial bodies. Others fear that our activities might unknowingly wipe out alien microbial life. We should remain sensitive to the aesthetic and cultural value of outer space, as well as the potential for extinction and the exhaustion of resources misleadingly proclaimed to be limitless.

But if the Left rejects space on these grounds we abandon its fate to the will of private interests. These concerns shouldn’t cause us to write off space altogether — rather, they should motivate us even more to fight for the careful, democratic use of celestial resources for the benefit of all.

There is also reason to be cautiously optimistic about extending economic activity to outer space. For one, the resources there — whether platinum-group metals useful in electronics, or fuels that could be central to the semi-independent functioning of an outer space economy — have the potential to raise our standards of living. Imagine, a superabundance of asteroid metals that are scarce on Earth, like platinum, driving the sort of automation that could expand output and reduce the need to work.

Of course, there’s nothing inevitable about the benefits of productivity gains being distributed widely, as we’ve seen in the United States over the past forty years. This is a problem not limited to space, and the myth of the “final frontier” must not distract us from the already existing problems of wealth and income distribution on Earth.

While the industrialization of the solar system isn’t a panacea for all economic ills, it does offer a significant organizing opportunity, since it will force a confrontation over the future of the vast celestial commons.

The democratic possibilities of such a struggle have been recognized before: one conservative American citizens’ group in the 1970s called a progressive UN space treaty a “vital component of Third World demands for massive redistribution of wealth so as ultimately to equate the economic positions of the two hemispheres.” Many in the 1970s identified the egalitarian potential in the development of outer space, and the Left must not overlook it today.

Back to the Future

One of the Group of 77’s major goals was to apply some of the redistributive functions of the welfare state on a global scale. In 1974, that coalition issued a “Declaration on the Establishment of a New International Economic Order,” which called for a fairer system of global trade and resource distribution, one that could alleviate historical inequality. One of the battlegrounds for the Group of 77 was the negotiation over extraterrestrial property rights.

The Outer Space Treaty of 1967, signed by over ninety countries in the heat of the first sprint to the moon, rejected the notion that celestial bodies fell under the legal principle of res nullius — meaning that outer space was empty territory that could be claimed for a nation through occupation. It forbade the “national appropriation by claim of sovereignty, by means of use or occupation, or by any other means” of outer space.

But the treaty was not just restrictive. It also had a positive requirement for extraterrestrial conduct: “The exploration and use of outer space,” it declared, “shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.” However, nobody knew what this would mean in practice: was it a call for egalitarian economics, or an empty proclamation of liberal benevolence?

Complicating matters, it was unclear whether the extraction and sale of natural resources from outer space fell under the category of “appropriation,” which had been forbidden. And what exactly was this benefit to all countries that our outer space pursuits were supposed to bring? How would its distribution be enforced? Which interpretation would win out was more a question of political power than of esoteric legal maneuvers.

The Group of 77 took an activist approach to these issues, proposing amendments to the Outer Space Treaty regime that would spread the economic benefits of the celestial commons to less developed countries that did not have the resources to get to space, let alone mine it.

Thus in 1970, the Argentine delegate to the UN Committee on the Peaceful Uses of Outer Space proposed to legally designate outer space and its resources “the common heritage of mankind.” First applied in negotiations over maritime law a few years earlier, the “common heritage” concept was intended to give legal grounding to the peaceful international governance of the commons.

As an alternative to the laissez-faire approach advocated by many private interests, the “common heritage” principle also provided a legal framework for the democratic distribution of revenues derived from the international commons. In 1973, the Indian delegation to the Committee on the Peaceful Uses of Outer Space tried to put this idea into celestial practice, proposing an amendment to the Outer Space Treaty that called for equitable sharing of space benefits, particularly with developing countries.

The Brazilian delegate to the committee summarized the group’s position: “It does not seem justifiable . . . that space activities . . . should evolve in a climate of total laissez-faire, which would conceal under the cloak of rationality new ways for an abusive exercise of power by those who exert control over technology.” Despite opposition from both the Soviet Union and the United States, the final draft of this new outer space agreement included a version of the “common heritage of mankind” doctrine.

When the finalized treaty was brought to the US in 1979 for ratification, business groups balked. The vision of egalitarian galactic democracy suggested by the document was rightly seen as contrary to narrow American interests.

The United Technologies Corp­oration, a designer and manufacturer of aircrafts and other heavy machinery (including the Black Hawk helicopter) took out a large advertisement in the Washington Post and a number of other newspapers, warning that the treaty would establish an “OPEC-like monopoly, require mandatory transfer of technology, and impose high international taxes on profits as a way of shifting wealth from the developed to the less developed countries.”

The president of the corporation, Alexander Haig, also testified against the treaty in Congress in 1979, warning that “the common heritage concept expressed in the treaty underlies Third World efforts directed at a fundamental redistribution of global wealth.” Haig was hired as Ronald Reagan’s secretary of state in 1981, and political opposition to the bill forced NASA’s chief counsel to abandon defense of the treaty.

In the end, the Moon Treaty, as the 1979 document came to be known, failed to gain more than a few signatories, leaving open the question of how the benefits of outer space were to be shared. In 1988, a different coalition of developing countries added the question of space benefits to the UN outer space committee’s agenda. But they failed to gain traction, and by 1993 they had to concede, as two long-time delegates to the outer space committee put it, that “their attempt [at] a redistributive revolution in international space cooperation had failed.”

The conversation had shifted from the distribution of economic benefits to a narrower emphasis on international scientific coordination and development aid. This retreat culminated in a 1996 declaration that limited the interpretation of the “benefit” clause of the Outer Space Treaty to vague promises to help less developed countries improve their space technologies.

The ultimate failure of the Moon Treaty was representative of broader developments in international politics, as the influence of the Group of 77 declined. The fact that the structural adjustment policies of the Washington Consensus won out over the Third World’s redistributive goals was the result of contingent factors — the oil shock’s exacerbation of debt crises, for instance — but it also indicated the limits of the power the Group of 77 had wielded in the first place.

In October 2014, the UN outer space committee issued a press release summarizing its most recent session. Its headline: “Outer Space Benefits Must Not Be Allowed to Widen Global Gap between Economic, Social Inequality, Fourth Committee Told.” Despite paying lip service to its past concerns, the outer space committee now emphasizes equal access, voluntary technology transfers, and modest development aid over the direct redistributive approach it took in the 1970s.

This shift from struggling for equality of outcome to equality of opportunity, with no accountability mechanism in place to ensure even the latter, represents a striking regression. The egalitarian dreams of the “revolution of the colonized” in the UN, as it was called at the time, have been forgotten.

#### Space democratization holds the potential to decelerates and ultimately reduce global inequality. Consider outer space as immediately relevant to terrestrial affairs because it coproduces terrestrial political economy.

Julie Michelle Klinger, Professor of International Relations at the Frederick S. Pardee School of Global Studies at Boston University, “A Brief History of Outer Space Cooperation Between Latin America and China,” ’18, Journal of Latin American Geography, Volume 17, Number 2

As envisioned during the Cold War in a series of conferences among newly or nearly independent states3, South-South cooperation would consist of mutual support and solidarity among Third World, developing, or nonaligned states. By sharing technology, expertise, and capital, delegates from these countries envisioned a world in which formerly subjugated nations would build modern and prosperous societies (Tsing, 2005; Prashad, 2007; Mielniczuk, 2013). Many have critiqued China’s twenty-first century “South-South” and “win-win” rhetoric toward Latin American countries as a ploy to advance asymmetrical, pro-China agendas that reinforce Latin America’s subordinate position in the global division of labor ( Jenkins, 2012; Barbosa, 2010; Moreira, 2007). Although the picture is demonstrably more complex (Mora, 1999; Oliveira, 2004; Klinger, 2015; Narins, 2017; Oliveira, 2017), these critiques arise from legitimate environmental, economic, and geopolitical concerns (Queiroz, 2009; Escudé, 2011; Ray et al., 2017; Ray, 2017; Pirzkall, 2017). However, it is noteworthy that in keeping with the mid-twentieth-century ideals of South-South cooperation, in the outer space sector the exchange of scientific and technological expertise has actually occurred, with several African, Asian, and Latin American countries supporting the advancement of one another’s space programs (Wood & Weigel, 2012; Sarli et al., 2015; Peter, 2006; Nagendra, 2016).

This is not to suggest that outer space cooperation is benign or apolitical. Existing inequalities and political struggles on Earth are manifest in outer space development (e.g. Committee, 2009; Jasentuliyana, 1994). A growing body of geographical literature analyzes outer space as a key area in which Earthly politics are expressed and an increasingly important arena with which Earthly political economies are coproduced (Beery, 2011; Messeri, 2016). The manner in which outer space is imagined and represented is dialectically related to ongoing practices of resource use, technological development, and scientific research on Earth (Geppert, 2007; Beery, 2016; Klinger, 2017). Human engagement with outer space reflects unequal power relations on Earth, while also holding the potential to either mitigate or exacerbate structural injustices. In an important recognition of the capacity for human society to engage in outer space for better or for worse, the international community enshrined outer space as the “province of all mankind [sic],” and mandated that it be used only for peaceful purposes in the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (hereafter Outer Space Treaty, or OST) (UN, 1967).

Because the services provided by spacebased technologies are so crucial to economic, political, and cultural globalization, access to outer space and use of space-based data is important to culture, scientific progress, development, and geopolitical competition (Penley, 1997; Parks & Schwoch, 2012; Harrison, 2013). Therefore, contemporary society cannot be understood without considering “the ever-increasing dependence of mankind [sic] on space-based services,” (Al-Rodhan, 2016, p. 124). This includes the importance of outer space to capital accumulation (Dickens, 2007; Klinger, 2017), military strategy (Dolman, 2002; Sage, 2008), and the maintenance of heteropatriarchy (Pesterfield, 2016; Weitekamp, 2004). The accumulating significance of outer space-based technologies compels us to rethink those areas of outer space in which human activity is concentrated as immediately relevant to Earthly affairs at all levels, rather than as being beyond the global. This requires social scientists to rescale our inquiries to account for a defining feature of our age: the behavior of markets, states, social movements, and scientists is mediated through outer space-based technologies. These technologies link local, national, and international actors and institutions to their enabling infrastructures in outer space. Practically speaking, this means that orbital space is another critical scale of inquiry in social science in general, and in Latin America-China relations in particular.

#### Access to space in the global south challenges settler futurity. The global history and art of the space demonstrate its utility as imaginative laboratories for anticolonial thought.

Pedro Soler, Art Curator at CAC Quito, formerly at La Fonderie Darling in Montreal, ’18, “ARTE EN ÓRBITA” DasQuestões,n#6, setembro/dezembro, 2018

The first country to launch a satellite was the Soviet Union in 1957 with the Sputnik. It circled the earth approximatively 1400 times before falling, 92 days after its launch and burning up. It was a sphere of aluminium, 58 cm wide with 4 antennas of 2.4 and 2.9 length. The same dimensions as Simon Vega's version, which appropriates the form and the material of the Sputnik but the sphere is made of pieces of aluminium from beer cans andthe antennas are bamboo. The 3rd World Sputnik is part of the El Salvadorian artist's Tropical Space Proyectos, a series of historical space craft made from trash, and an imaginary space agency, where these trash constructions appropriate the imaginary ofspace power. As curator Fabiane Borges writes in one of the curatorial wall texts that accompanies the exhibition : "Imaginaries and symbolic appropriations function as tools for the struggle and for the affirmation of territories. There is always outer space for the dispossessed and the cultivation of empowering technologies and poetics. In the articulation between peripheral cultures, blacks, indigenous, feminists, gender and body diverse, the figure of the alien appears as an ally in this process of searching, for recognition and autonomy. Satellites and spacesuits made from rubbish, home made precarious space craft, are a political critique, appropriations of the codes of the dominant cultures, assuming the imagination as an extremely real interventionin the codes of the intelligibility of society." The question of the affirmation of a territory through the imaginary of space travel or exploration is most explicit in the projects of Che-Wan and Palestinian Space Agency. Che-Wan is the proposed satellite for a new country called Cubec that the Rhinoceros party of Canada is seeking to create through the fusion of Quebec and Cuba while the Palestinian Space Agency arose as a space of possibilities in the almost completely blocked reality of life n Palestine. The PSA, currently represented by Aisha El-Salous, began as an art project with the Swiss artist Gilles Fontollet but then Aisha was appointed First National Point of Contact of the State of Palestine by the Space Generation Advisory Council, a UnitedNations advisory body. As she writes :

"When I received the letter from the executive council that approved my application I was amazed and happy at the same time because I am representative and co-founder of the Palestinian Space Agency, and it confirmed my belief in this as a real agency more than an art project. It makes me more powerful to keep going forward despite the life in refugee camps that make dreams of us as human beings broken, hopeless, looking for a job, for food, for a land, looking for the sky for movement for freedom. This appointment opened a great doors to the youth ofPalestine to contribute in science and learning the art of building the satellite, I hope one day to see a real Palestinian satellite moving in orbit to discover outer space."

These projects open the section of the exhibition centred on Agencies, understood both in terms of Space Agency and to have Agency, that is the capacity to act on the world. The African Space Research Program, also part of this section and headed by Chris Nsambe, is working towards nationalist space participation, for Uganda and Africa. His tireless work combines technological experimentation and building space vehicles with political lobbying in continual precarity. Like VUFOC from Indonesia and Pilar Quinteros from Chile, the group is also fascinated by aliens and UFOs, indeed ASRP was originally founded in the hope that the first discovery of extraterrestrial life would be African. Leila Lopes, a black womans activist from Brazil and explicitly inspired by afrofuturism (the appropriation of future narratives for black realities), imagines in her photo compositions the possibility of an escape from earth and the return to the original black planet with a spaceship body, ancestral African knowledge, breasts like moons and the yearning for a lost world. Similarly La Oficina de Asuntos Extraterrestres from Bogotá, Colombia mix practises of the indigenous peoples of Colombia with 20th century space flight, exorcising the American moon landings and explicitly linking ancestral practises with contemporary technologies and imaginaries in what we could, maybe, name as ancestrofuturism.

The Kongo Astronauts, based in Kinshasa, DR Congo, explicitly refer to afrofuturism and postcolonialism when they describe their practise. The Congo is a country that has been viciously colonised and is now the main world source of coltan and a wide array of other precious metals and minerals that are fundamental for the 21st century global civilisation while the majority of the population is submerged in poverty and war. In their videos and photographs we see an astronaut, in a spacesuit made of recycled materials, making unexpected appearances in popular neighbourhoods, or in the forest. The video that is shown in the exhibition, "Postcolonial Dilemma Track 3", shows our astronaut trapped in barbed wire, a monkey appears, and then he is walking through the forest, he seems to be exploring, sensing. Its not clear if he is an alien visitor or an exile returning from a journey oflight years to a familiar but unknown world. It has often been said that science fiction narratives can have a special sense for those who have experienced the radical displacement of slavery or colonial regimes, and thus it becomes a laboratory of postcolonial thought and action. When the exhibition was being set up and it was the moment to send the material the internet was cut in the Congo and it was impossible to send anything. The Kongo Astronauts suggested that we look for a painter in Quito who could effectuate this teletransportation equatorial, inspiring themselves in the world of the KA. The translation of KA from Kinshasa to a canvas in Ecuador, painting a portal where we see the Astronaut stepping in to the chakana, the Andean cross that represents the Andean cosmovision and its relation with the solstices y equinoxes. Amongst the over 30 groups and artists from Latin America, Africa, Asia and Europe that participate 6 of them belong to equatorial nations, reactivating the Bogotá Declaration signed by 6 equatorial nationsin 1976 to demand territorial rights over the geostationary orbit above their territory. Declaration that was roundly ignored by the international community but was rediscovered and investigated by Alejandro Duque and space investigator and artist Joanna Griffin, author of some of the most interesting contemporary satellite and space research, who includes in the exhibition her interpretation of the Declaration through exercises with chalk and stones to help us imagine it. And yes, really, the Instituto Espacial Ecuatoriano (IEE), part of the Armed Forces, has declared its support for geostationary orbital sovereignty and in the constitution of Colombia the geostationary orbit (38 000 km) is included in its national territory. Maybe the African-Latin American summit of 2016 in Quito could be a critical moment to reactivate the Declaration and herald a new era of horizontal collaboration.

Cristobal Cobo at least would be happy. He is one of the principal experts in astroarchaelogy, tracing the celestial alignments of precolombian constructions and directs the Quitsato project in Cayambe, an hour from Quito, that takes care of a solar observatory situated exactly on the Equator. A guided visit was part of the Observatories workshop that accompanied the exhibition (as well as a satellite and antenna workshops) that consisted in visits to ancestral and contemporary observatories, including a satellite ground station abandoned by NASA in the 80s and currently recuperated by the IEE. Cobo explains that our view of the world with north above and south below is false in relation to the sun, in fact the earth is orientated east-west (that’s why the sun rises and sets in these directions) and that this vision could have profound implications for our view of the world, replacing the imaginary of the equator north-south divide with an east-west union. Cristobal is one of a trilogy of Ecuadorian space experts included in the exhibition, the others are UFO expert Jaime Rodriguez, a famous figure in Ecuador for his television series and tireless work communicating and researching the UFO phenomenon, and Ronnie Nader, the only Ecuadorian NASA astronaut and director of EXA, the Ecuadorian Civil Space Agency that recently launched the Pegaso and Krysaor microsatelites. Ronnie isan unwittingly comic figure (actually they both are), completely absorbed in his role as Space Commander and known for his machismo and exaggerated nationalism, but the imagery and discourse that EXA has developed places it firmly amongst the most interesting agencies, blurring the line between imaginaries and technology. Yes I Can, Ronnie shouts out loud in response to a space age remix of Spivak's fundamental question, "Can the subaltern speak ?". Ronnie Nader's EXA opens the third and last section of the exhibition devoted to the fine art of launching satellites, like Ulises I the Mexican satellite/art program, and building rockets, like Copenhagen Suborbitals. There's something about masculinity and rockets that seems confirmed here by the scarcity of women in this area of the exhibition (with the notable exception of Remi Hoefmueller, sound artist and radio activist, from the Mur.sat collective in Austria), even if its a more ambiguous masculinity like Hong Sojun's, the young Korean artist and designerbehind the delightful Open Source Satellite Initiative. Co-curator and rocket enthusiast Fabiane Borges contributes a fascinating video interview with Peter Madsen, co-founder of the Copenhagen Suborbitals, the only non governmental and non military group that we know about doing serious open source rocket research and testing. Launching rockets is the really problematic part of space exploration, getting out of gravity is dirty, as Rob LaFrenais and Kerry Doyle with Tomas Saraceno and his Aerosolar balloon at White Sands National Monument (New Mexico) show : "Climate change caused by black carbon, also known as soot, emitted during a decade of commercial space flights using hybrid engines would be comparable to that from current global aviation. A 2010 study published in Geophysical Research Letters simulated the impact of 1,000 suborbital launches of hybrid rockets from a single location, calculating that this would release a total of 600 tonnes of black carbon into the stratosphere. .. This unbalance would cause the temperature to decrease by about 0.4 °C in the tropics and subtropics, whereas the temperature at the poles would increase by between 0.2 and 1 °C. The ozone layer would also be affected, with the tropics losing up to 1.7% of ozone cover, and the polar regions gaining 5-6%." If we want to listen to the satellites that are already up there then we need a map and this is precisely what the software GPredict does, showing us the location, inclination and radius of reception of open satelliteson a world map. Lucas Carruba first intervened the software for his work Sonando Satelites, translating satellite data to sound, that was developed in the hacker workshop Orbitando Satelites, organised by Plataforma Cero in LABoral Art Centre in 2011. In this new version created for the exhibition he includes, as well as the standard "real" satellites, all the space vehicles that are shown in the exhibition so that all the agencies have their satellite in orbit. Undermining the veracity of the map or engineering it's capacity to generate reality, even if its only a little bit, or, as President Correa mentioned to Ronnie Nader on the launching of Pegaso "its very small, but its a start".

Bolivia's satellite, Tupak Katari. A 5 ton commercial telecommunications satellite bought and launched from China in to geostationary orbit above the mountainous country, bringing previously inconceivable national communications coverage. The art and publicity campaign for the project is also totally ancestorfuturist, explicitly connecting ancestral spiritual themes with satellites and space travel. The satellite is named after Tupak Katari, an important leader defeated the struggle against Spanish colonisation, and takes as one of its slogan his famous cry as he was dismembered "I will come back and we will be millions". This idea of return runs through the cosmovision of the Andes where time is cyclic and balanced and thus the satellite becomes a new leader to fight against colonialism, but now as millions, the whole Bolivian nation united by the satellite and Evo Morales, the first indigenous president. Ancestral cosmovision meets contemporary satellite technology generating new intercultural mythologies and plurinational commons. Critics accuse the program as pure propaganda and manipulation of imaginaries by a state intent on perpetuating itself in power, although nobody can deny that it works. Considerably more speculative but no less visionary is Arcangel Constantini's SIMS project that closes the exhibition, the prototype of a satellite that would bathe the earth in the AUM mantra converted into electromagnetic waves. Basing his investigation on Tibetan prayer wheels and the electromagnetic discoveries of Tesla and Faraday, Constantini proposes an orbital happy ending tothe nightmare situation he depicted at the beginning of the exhibition in Haiku-A-Gaia, merging spirituality and technological progress for a world in harmony and balance where everybody has the Overview Effect.

#### Space democratization is crucial to end space dominance and a hierarchy guided by American militarization.

Anna Burzykowska, Graduate Trainee, European Space Agency Space Policy, ‘9, “Smaller states and the new balance of power in space” 25 187e192

Throughout the 1990s and the 2000s we have witnessed an unprecedented increase in the number of spacefaring nations (more than 50 % over the past decade; the projection is that the number of satellite operators as well as launching states may roughly double over the next 10e20 years) [1]. This intensification has largely been stimulated by the emerging commercial and national space programmes in regions like the Middle East, North Africa, Far East and the Indian subcontinent [2]. The success of new technology partnerships and the availability of commercial off-the-shelf equipment has already proved that the cold war habit of attempting to deny cooperation which is, frankly speaking, attainable solely because of the openness of the economic system, may be elusive, if not counterproductive [3].

This article argues that going to space in an egalitarian fashion relates to certain aspects of the military uses of outer space and the global balance of power at large. If one considers ‘‘launchers and small satellites as a tool for coercive behavior or even their potential value as anti-satellite systems,’’ [4] the newcomers to the space domain, who do not aspire to the status of space powers and often turn out to be countries of smaller size and/or smaller economy, face new dispositions in international relations. They are becoming ‘‘empowered beyond their original reach,’’ capable of challenging the hierarchical situation in international relations where more powerful states dominate and less powerful comply [5]. Their power is measured here through the lenses of their ability to deconstruct the existing (traditional) balance of power in space, characterized by the ‘prisoner’s dilemma’, confidence in alliance politics, status quo in terms of weaponization of outer space, and bilateral arms control negotiations.

### 1AC – Debris

#### Contention two: Debris

#### Existing debris puts every satellite in GEO at a 25% risk of collision every year. Alternative methodologies are flawed.

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Conclusions

Results indicate that a collision is likely to occur every 4 years for the entire GEO active satellite population against a 1 cm RSO catalogue, and every 50 years against a 20 cm RSO catalogue. This means that unless operators successfully mitigate this collision risk, the GEO orbital arc is and will remain at high risk of collision, with serious follow-on collision threat from post-fragmentation debris should a substantial GEO collision occur. Further, previous assertions that collision relative velocities are low (i.e., < 1 km/s) in GEO are disproven, with GEO relative velocities as high as 4 km/s identified.

Operators can address these grave concerns by deliberate pooling of best-of-breed SSA data to obtain timely and actionable conjunction warnings. The new SDC 2.0 embodies the concept that the best SSA data set is “ours” (i.e. the fusion of the best-available allsource SSA data). This includes aggregation of satellite operator and tracking networks’ observations, orbit determination in a common framework using an advanced orbit determination approach, ingestion and propagation thru GEO satellite operator manoeuvre plans, and tracking and SSA on much smaller objects than are in the current JSpOC public RSO catalogue Six internal and 11 external independent techniques were used to assess this. The six internal GEO assessment techniques introduced in this paper offer new and comprehensive insights into GEO collision likelihood that are well-aligned with each other.

Additionally, we characterized relative velocities, encounter angles and secondary RSO categories for three years of predicted GEO active satellite conjunctions. Some GEO collision likelihood estimates were as much as four orders of magnitude higher than previously published by other researchers. Critically, we found that the simplistic flux and spatial density assessment methods failed to account for the synchronicity, high spatial variability and time-varying dynamics of this orbit regime, yielding erroneous results.

#### Orbits are common pool resources: nonexcludable and non-rival short run consumption incentivize pollution. Property rights establish dispute resolution mechanisms to seek redress against polluters and internalize the costs of pollution.

Aexander William Salter, Economics Professor at Texas Tech, ’16, “SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS” 19 STAN. TECH. L. REV. 221

Many who write about space debris, including several authors already cited, have concluded that the problems associated with space debris arise because access to orbit—getting a spacecraft from launch to its intended orbit —and the orbits themselves are public goods. In economics, public good has a very specific meaning. Goods are classified on the basis of two characteristics: whether they are rivalrous and whether they are excludable. A good is rivalrous if one person’s consumption of it precludes the possibility of another person consuming that same good. A good is excludable if it is feasible to prevent those who do not buy the good from enjoying its benefits. If a good is both rivalrous and excludable, it is a private good. Ordinary market mechanisms can adequately supply private goods.

However, the two goods that are relevant to this paper—access to orbit and particular orbits (especially in LEO)—are not purely private goods.27 Access to orbit is nonrivalrous; one party accessing orbit does not prevent another party from accessing orbit. Access to orbit is also nonexcludable; preventing others from enjoying the good is infeasible, given the good’s existence.28 Thus, access to orbit has both characteristics of a public good. Particular orbits are nonexcludable for the same reason. However, once one spacecraft is in a given orbit, another cannot occupy the same space at the same time. Especially when one considers the particularly crowded LEO polar orbits, classifying those orbits as rivalrous at this point is reasonable. As such, orbits currently possess the characteristics of a common pool resource. The difficulties posed by public goods and common pool resources are due chiefly to their nonexcludability. Given that no party can prevent other parties from enjoying the benefits of those goods, no party has an incentive to practice responsible stewardship. The space debris problem is thus a textbook example of the “tragedy of the commons.”29 Because nobody controls the resources and the rights associated therewith, especially the right of exclusion, nobody has any incentive to undertake the effort necessary to prevent future debris buildup. In addition, nobody has any incentive to economize activities, such as future spacecraft launches that further contribute to space debris clutter.30 Of course, when all parties interested in space access act according to this logic, the unintended result is an outcome—polluted orbital space—in which everyone is worse off. This unfortunate outcome is an example of what economists call market failure—a situation where the privately beneficial strategy differs from the socially optimal strategy.

In this situation, the actions of each party are imposing costs on other parties, in the form of leaving orbit more crowded than it previously was, without the other parties’ consent. Since the writings of the economist A. C. Pigou, the standard remedy for such behavior is public policy that forces actors to consider the costs, or negative externalities, they are imposing on others.31 Imposing a tax, or some other fee, on contributors to the orbital debris problem can help prevent those costs. By raising the private cost of further polluting orbit, potential orbital polluters will bear both the private and the social costs of their actions, resulting in a more efficient allocation of resources. Adilov et al. adopt such a strategy when they provide a mathematical model of the space debris situation and derive an optimal Pigouvian tax. That tax is intended to offset externalities. For example, if the production of a good is associated with negative externalities—such as debris produced from launching spacecraft—then, in theory, the public sector can incentivize the producer to take those costs into account by taxing the producer, with the size of the tax set equal to the size of the negative externality.

Although attractive in theory, Pigouvian taxes encounter two serious problems. First is the knowledge problem: it is difficult to believe that the public sector has the knowledge necessary to implement an optimally sized tax. Such knowledge would require heroic assumptions about the ability of regulators to ascertain the state of currently existing markets relative to their perfectly efficient state. The second is the incentive problem: even if regulators do have the knowledge necessary to solve the externality problem, fixing the issue may not be in their interest. Like market actors, public-sector actors are not angels. They have their own sets of beliefs and goals, and those values will only imperfectly align with promoting economic efficiency. Market actors promote efficiency because of the discipline imposed by the market profit-andloss system; public-sector actors face much less rigorous constraints.

An alternative solution to externalities problems, as well as tragedies of the commons more generally, merits exploration. Ronald Coase famously pointed out that all externalities problems are really property rights problems.32 One party imposing a cost on another party is actually a conflict of property rights. Clearly determining the violated party in property rights conflicts is frequently challenging. According to Coase, this is why the legal system is so important. By sorting out property rights disputes, the legal system corrects ambiguities about the underlying property rights framework. Once property rights are more completely specified, determining whose rights are infringing whose and which party has the burden of ceasing the damaging activities will be easier. Because externalities problems can frequently be corrected by more adequately defining property rights —a solution that sidesteps several of the difficulties associated with a Pigouvian tax33—many economists favor a more explicit definition of property rights as a solution to externalities problems.

#### Bogota ratification accomplishes both interest in environmental stewardship and dispute resolution in Geostationary orbit.

Ezra J. Reinstein, Associate, Kirkland & Ellis (New York Office), ’99, "Owning Outer Space," Northwestern Journal of International Law & Business 20, no. 1 (Fall 1999): 59-98

There is another advantage to authorizing ownership of the GSO. The GSO is fast becoming seriously polluted. The numbers of orbiting objects, including satellites and debris, along with interference created by EMwaves, is starting to pose problems for both the ITU and the International Telecommunications Satellite Organization ("ITELSAT") (a private organization devoted to the regulation and maintenance of a global telecommunications satellite system). 24 If equatorial states owned the GSO and were in the business of renting it out, then these states would have a national interest in keeping the GSO clean to protect their source of income. The equatorial states, as well as the states with satellites in the GSO, would thus have an interest in sanctioning (via litigation or international agreement) states that litter the GSO.

#### Collisions with nuclear powered spacecraft risks global radiation.

Yuri Zaitsev, academic adviser with the Russian Academy of Engineering Sciences, ‘9, “Russia to develop nuclear-powered spacecraft for Mars mission” http://en.rian.ru/analysis/20091111/156797969.html

Soviet and U.S. nuclear spacecraft programs were marred by a number of accidents.

In April 1964, a U.S. Navy Transit navigation satellite with a radio-isotopic generator onboard failed to reach orbit and disintegrated in the atmosphere, spewing out over 950 grams of plutonium-238. This was more than the total amount of plutonium released during all nuclear explosions by 1964.

In January 1978, Kosmos-954, a Soviet Radar Ocean Reconnaissance Satellite (RORSAT) with a nuclear reactor onboard reentered the atmosphere, after the satellite's reactor core failed to separate and boost it into a nuclear-safe orbit, and fell in Canada, contaminating 100,000 sq. km. of its territory.

In February 1983, the nuclear-powered Soviet satellite Kosmos-1402 went down in the South Atlantic.

The most serious threat involved Cassini-Huygens, a joint NASA/European Space Agency/Italian Space Agency robotic spacecraft mission currently studying the planet Saturn and its many natural satellites, that was launched on October 15, 1997 and which made a gravitational-assist flyby of the Earth on August 18, 1999.

The spacecraft, which had a nuclear reactor with 32.7 kg of plutonium-238, passed only 500 km above the Earth. Up to five billion people could have got radiation poisoning had the spacecraft plunged into the atmosphere.

On February 10, 2009, the Iridium-33 telecommunications satellite owned by U.S. company Iridium Satellite LLC and its defunct Russian equivalent, the Kosmos-2251 with a nuclear propulsion unit, collided over northern Siberia. This resulted in potentially hazardous space debris.

At present, 30 Russian and seven U.S. spacecraft with nuclear systems onboard are orbiting the earth at 800-1,100-km altitudes, where similar collisions can take place. This makes up for about 40 "potential nuclear explosions."

If any of these satellites hits a fragment of space junk, it will slow down and eventually re-enter the atmosphere, spewing radiation above the Earth and on its surface.

#### Five billion will die.

Karl Grossman, professor of journalism at the State University of New York/College of New York, ’96, "Risking the World: Nuclear Proliferation in Space," Covert Action Quarterly, Summer 1996

To say nothing of the Earth and the life on it if something goes wrong. Plutonium has long been described by scientists as the most toxic substance known. It is "so toxic," says Dr. Helen Caldicott, founder of Physicians for Social Responsibility, "that less than one millionth of a gram is a carcinogenic dose. One pound, if uniformly distributed, could hypothetically induce lung cancer in every person on Earth." (3)

In addition to the specter of radioactivity spread by an accident on launch, another, potentially more lethal, scenario is causing concern. Because Cassini does not have the propulsion power to get directly from Earth to Saturn, NASA plans a "slingshot maneuver" in which the probe will circle Venus twice and hurtle back at Earth. It will then buzz the Earth in August 1999 at 42,300 miles per hour just 312 miles above the surface. After whipping around Earth and using its gravity, Cassini would then have the velocity, says NASA, to reach Saturn. But during that Earth fly-by, if Cassini comes in too close, it could burn up in the 75 mile-high atmosphere and disperse plutonium across the planet.

Dr. Michio Kaku, professor of nuclear physics at the City University of New York, explains the catastrophic consequence of such a fly-by accident:

"[If] there is a small misfire [of Cassini's] rocket system, it will mean that [it] will penetrate into the Earth's atmosphere and the sheer friction will begin to wipe out the heat shield and it will, like a meteor, flame into the Earth's atmosphere ... This thing, coming into the Earth's atmosphere will vaporize, release the payload and then particles of plutonium dioxide will begin to rain down on populated areas, if that is where the system is going to be hitting. [Pulverized plutonium dust] will rain down on people's hair, people's clothing, get into people's bodies. And because it is not water soluble, there is a very good chance that it could be inhaled and stay within the body causing cancer over a number of decades." (4)

Indeed, NASA says in its Final Environmental Impact Statement for the Cassini Mission, that if an "inadvertent reentry occurred" during the fly-by, approximately five billion of the seven to eight billion people on Earth, "could receive 99 percent or more of the radiation exposure." (5) As for the death toll, which NASA labels "health effects," the agency says that only 2,300 deaths "could occur over a 50-year period to this exposed population" and these "latent cancer fatalities" would likely be "statistically indistinguishable from normally occurring cancer fatalities among the world population." (6)

However, after reviewing the data in the NASA report, Dr. Ernest Sternglass, professor emeritus of radiological physics at the University of Pittsburgh School of Medicine, concluded that NASA "underestimate[s] the cancer alone by about 2,000 to 4,000 times. Which means that not counting all the other causes of death--infant mortality, heart disease, immune deficiency diseases and all that--we're talking in the order of ten to twenty million extra deaths." The actual death toll, then, the physicist warned, may be as high as 30 to 40 million people. (7)

### 1AC – Plan

#### The United States federal government should cooperate with China over the recognition of geostationary orbits as within the sovereign control of equatorial nations directly below them, as per the Bogotá Convention.

### 1AC – Solvency

#### China says says yes – political positioning proves

Dr. Brian Weeden, Director of Program Planning for Secure World Foundation and has nearly two decades of professional experience in space operations and policy, PhD Science and Technology Policy @ GWU, “Testimony before the U.S.-China Economic and Security Review Commission” 4/25/19, USCC Testimony.

Chinese statements in COPUOS on sovereignty and utilization of space resources have generally been in line with the G77 voting bloc of developing countries. Specific statements were made by the G77 since 2017 emphasize equitable access and space as the province of all humankind and reinforce the need for an international coordinated framework for governance of space resource utilization to avoid gaps or contradictions from domestic regimes.25,26,27 Thus, China has positioned itself firmly in the camp of most developing countries who are concerned about “rich” States being able to access space resources to the exclusion of less advanced states.

#### China supports Bogota declaration’s claim of rightful access to highly sought after orbits.

Stephan Schneider, Figueroa-Conteras Law Group, B.A. Polisci @ FAU, and Garett Faulkender, FAU, ’18, “The Final Frontier: Evolution of Space Law in a Global Society,” FAU Law Journal, Spring 2018.

Claimed ownership of the Geosynchynous orbit has been a point of contention since the Space Treaty. The orbit is extremely desirable due to its location around the Earth’s equator, as it is the ideal location for telecommunications satellites to maintain a constant link with their contact point on Earth.198 As an essential component of intelligence-gathering, communications, entertainment, and enterprise, a spot on this orbit is in high demand. Recognizing its importance, some nations have fought for the territorial claim over the geosynchronous orbit by classifying it as airspace. Most notable is the Bogotá 8. Created and led by Colombia in 1976, eight equatorial countries sought to secure the rights to the geostationary orbits directly above their territories.199 They argued that they could do this by extending their sovereignty to Outer Space.200 These nations attempted to do this with the 1976 Bogotá Declaration. 201

With this declaration, the Bogotá 8 argued that the GSO arises directly from the Earth’s gravity, thus implying that everything that lies in Earth’s gravitational field is airspace.202 This would allow the GSO to fall under air law instead of space law.203 They requested a special exemption for the GSO so that they could claim sovereignty without conflicting with the Outer Space Treaty and breaking international law under the established legal regime.204 They further claimed that the current system and solutions used and created by the International Telecommunications Union was “at present impracticable and unfair and would considerably increase the exploitation costs of this resource especially for developing countries that do not have equal technological and financial resources as compared to industrialized countries, who enjoy an apparent monopoly in the exploitation and use of its geostationary synchronous orbit.”205 In the end, the representative of the Soviet Union overwhelmingly rebutted the Bogotá 8’s argument.206 The subcommittee agreed that claims of sovereignty over the GSO or any other part of outer space are incompatible with the spirit of the Outer Space Treaty and should be dismissed.207 On top of this, none of the Bogotá 8 were space-capable.208 This is significant because their actions could have potentially led to another space-capable nation to do the same and claim the GSO over their territory.209

Even though the Bogotá 8 was defeated, the battle over the GSO still continued. Colombia, who signed the Outer Space Treaty but did not ratify it, went so far as to claim sovereignty over the GSO directly over their land in the 1991 Colombian Constitution. Article 101, Paragraph 4 states:

Also part of Colombia is the subsoil, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the airspace, the segment of the geostationary orbit, the electromagnetic spectrum and the space in which it operates, in accordance with international law or the laws of Colombia in the absence of international regulations. 210

Article 102, Paragraph 1 then follows up by saying, “The territory with the public resources that are part of it, belong to the nation.”211 Colombia’s actions, even though it can be argued that they are in direct violation of international law, shows that it still believes it can lay claim over the GSO directly above it and that it believes that the current legal regime is unfair to developing nations.212 Colombia is not alone in this conflict. China has also played around with the idea of claiming sovereignty in outer space. They are doing this by exploring the differences between res nullius, (areas which may be appropriated as national territory), and res extra commercium (areas which may not be appropriated as national territory).213

As the common heritage and global commons adds another dimension to these legal principles,214 countries like China are realizing that the status-quo has been altered in a way that could lead to a change in the international legal structure in regard to space. The enactment of domestic Space law (e.g.; the U.S. Space Act) combined with the emergence of non-state Spacefaring actors will likely create Westphalian boundary disputes and property right conflicts with nations whose laws clash. Affording United States citizens with the right to claim Space resources will be seen as a direct blow to customary international law making. This has already encouraged Luxembourg to enact its own domestic Space law and is likely to influence other Spacefaring nations to create similar legislation that benefits their own citizens. It is expected that not all nations would have the same values and beliefs. Without international discussion, this inevitable free-for-all of domestic law making will most likely produce laws that oppose each other. If this domino effect creates opposing laws then there will be conflict in Space, which consequently creates conflict on Earth. China and Russia will likely be the next candidates to implement domestic policy for space, which could lead to major legal and political issues.

#### Liberalism should be retrieved for a radical agenda. Liberalism is not a monolith, and dangerous modifications of it are historically contingent.

Charles W. Mills, Professor of Philosophy @ CUNY, ’12, “Occupy Liberalism,” Chapter 2 in *Black Rights/White Wrongs: The Critique of Racial Liberalism*¸ https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780190245412.001.0001/acprof-9780190245412-chapter-2

The “Occupy Wall Street!” movement stimulated a long listing of other candidates for radical “occupation.” This chapter proposes as a target for radical occupation the somewhat unusual candidate of liberalism itself. It argues for a constructive engagement of radicals with liberalism in order to retrieve it for a radical egalitarian agenda. The premise is that the foundational values of liberalism have a radical potential that has not historically been realized, given the way the dominant varieties of liberalism have developed. Ten reasons standardly given as to why such a retrieval cannot be carried out are examined and argued to be fallacious.

The “Occupy!” movement, which has made headlines around the country, has raised the hopes of young American radicals new to political engagement and revived the hopes of an older generation of radicals still clinging to nostalgic dreams of the glorious ’60s. If the original and still most salient target was Wall Street, a long list of other candidates for “occupation” has since been put forward. In this chapter, I want to propose as a target for radical occupation the somewhat unusual candidate of liberalism itself. But contrary to the conventional wisdom prevailing within radical circles, I am going to argue for the heretical thesis that liberalism should not be contemptuously rejected by radicals but retrieved for a radical agenda. Summarized in bullet-point form, my argument is as follows:

• The “Occupy Wall Street” movement provides an opportunity unprecedented in decades to build a broad democratic movement to challenge plutocracy, patriarchy, and white supremacy in the United States.

• Such a movement is more likely to be successful if it appeals to principles and values most Americans already endorse.

• Liberalism has always been the dominant ideology in the United States.

• Liberalism in the United States has historically been complicit with plutocracy, patriarchy, and white supremacy, but this complicity is a contingent function of dominant group interests rather than the result of an immanent conceptual logic.

• Therefore, progressives in philosophy (and elsewhere) should try to retrieve liberalism for a radical democratic agenda rather than rejecting it, thereby positioning themselves in the ideological mainstream of the country and seeking its transformation.

Let me now try to make this argument plausible for an audience likely to be aprioristically convinced of its obvious unsoundness.

Preliminary Clarification of Terms

First we need to clarify the key terms of “radicalism” and “liberalism.” While of course a radicalism of the right exists, here I refer to radicals who are progressives. But “progressive” cannot just denote the left of the political spectrum, since the whole point of the “new social movements” of the 1960s onward was that the traditional left-right political spectrum, predicated on varying positions on the question of public versus private ownership of the means of production, did not exhaust the topography of the political. Issues of gender and racial domination were to a significant extent “orthogonal” to this one-dimensional trope. So I will use “radicalism” broadly, though still in the zone of progressive politics, to refer generally to ideas/concepts/principles/values endorsing pro-egalitarian structural change to reduce or eliminate unjust hierarchies of domination.

“Liberalism” may denote both a political philosophy and the institutions and practices characteristically tied to that political philosophy. My focus will be on the former. The issue of how bureaucratic logics may prove refractory to reformist agendas is undeniably an important one, but it does not really fall into the purview of philosophy proper. My aim is to challenge the radical shibboleth that radical ideas/concepts/principles/values are incompatible with liberalism. Given the deep entrenchment of this assumption in the worldview of most radicals, refuting it would still be an accomplishment, even if working out practical details of operationalization are delegated to other hands.

In the United States, of course, “liberalism” in public parlance and everyday political discourse is used in such a way that it really denotes left-liberalism specifically (“left” by the standards of a country whose political center of gravity has shifted right in recent decades). In this vocabulary, right-liberals are then categorized as “conservatives”—in the market sense, as against the Burkean sense. On the other hand, some on the right would insist that only they, the heirs to the classic liberalism of John Locke and Adam Smith, are really entitled to the “liberal” designation. Later welfarist theorists are fraudulent pretenders to be exposed as socialist intruders unworthy of the title. Rejecting both of these usages, I will be employing “liberalism” in the expanded sense typical of political philosophy, which links both ends of this spectrum. “Liberalism” then refers broadly to the (p.12) anti-feudal ideology of individualism, equal rights, and moral egalitarianism that arises in Western Europe in the seventeenth-eighteenth centuries to challenge the ideas and values inherited from the old medieval order, and which is subsequently taken up and developed by others elsewhere, including many who would have been explicitly excluded by the original conception of the ideology. Left-wing social democrats and right-wing market conservatives, fans of John Rawls on the one hand and Robert Nozick on the other, are thus both liberals.1

From this perspective, it will be appreciated that liberalism is not a monolith but an umbrella term for a variety of positions. Here are some examples—some familiar, some perhaps less so:

Varieties of Liberalism

Left-wing (social democratic) vs. Right-wing (market conservative)

Kantian vs. Lockean

Contractarian vs. Utilitarian

Corporate vs. Democratic

Social vs. Individualist

Comprehensive vs. Political

Ideal-theory vs. Non-ideal-theory

Patriarchal vs. Feminist

Imperial vs. Anti-imperial

Racial vs. Anti-racial

Color-blind vs. Color-conscious

Etc.2

It is not the case, of course, that these different species of liberalism have been equally represented in the ideational sphere or equally implemented in the institutional sphere. On the contrary, some have been dominant while others have been subordinate, and some have never, at least in the full sense, been implemented at all. But nonetheless, I suggest they all count as liberalisms and as such they are all supposed to have certain elements in common, even those characterized by gender and racial exclusions. (My motivation for making these last varieties of liberalism rather than deviations from liberalism is precisely to challenge liberalism’s self-congratulatory history, which holds an idealized liberalism aloft, untainted by its actual record of complicity with oppressive social systems.) So the initial question we should always ask people making generalizations about “liberalism” is this: What particular variety of liberalism do you mean? And are your generalizations really true about all the possible kinds of liberalism, or only a subset? (p.13)

Here is a characterization of liberalism from a very respectable source, the British political theorist, John Gray:

Common to all variants of the liberal tradition is a definite conception, distinctively modern in character, of man and society… . It is individualist, in that it asserts the moral primacy of the person against the claims of any social collectivity; egalitarian, inasmuch as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; universalist, affirming the moral unity of the human species and according a secondary importance to specific historic associations and cultural forms; and meliorist in its affirmation of the corrigibility and improvability of all social institutions and political arrangements. It is this conception of man and society which gives liberalism a definite identity which transcends its vast internal variety and complexity.3

What generate the different varieties of liberalism are different concepts of individualism, different claims about how egalitarianism should be construed or realized, more or less inclusionary readings of universalism (Gray’s characterization sanitizes liberalism’s actual sexist and racist history), different views of what count as desirable improvements, conflicting normative balancings of liberal values (freedom, equality) and competing theoretical prognoses about how best they can be realized in the light of (contested) socio-historical facts. The huge potential for disagreement about all of these explains how a common liberal core can produce such a wide range of variants. Moreover, we need to take into account not merely the spectrum of actual liberalisms but also hypothetical liberalisms that could be generated through novel framings of some or all of the above. So one would need to differentiate dominant versions of liberalism from oppositional versions, and actual from possible variants.

Once the breadth of the range of liberalisms is appreciated—dominant and subordinate, actual and potential—the obvious question then raised is this: even if actual dominant liberalisms have been conservative in various ways (corporate, patriarchal, racist) why does this rule out the development of emancipatory, radical liberalisms?

One kind of answer is the following (call this the internalist answer): because there is an immanent conceptual/normative logic to liberalism as a political ideology that precludes any emancipatory development of it.

Another kind of answer is the following (call this the externalist answer): it doesn’t. The historic domination of conservative exclusionary liberalisms is the result of group interests, group power, and successful group political projects. Apparent internal conceptual/normative barriers to an emancipatory liberalism can be successfully negotiated by drawing (p.14) on the conceptual/normative resources of liberalism itself, in conjunction with a revisionist socio-historical picture of modernity.

Most self-described radicals would endorse—indeed, reflexively, as an obvious truth—the first answer. But as indicated from the beginning, I think the second answer is actually the correct one. The obstacles to developing a “radical liberalism” are, in my opinion, primarily externalist in nature: material group interests, and the way they have shaped hegemonic varieties of liberalism. So I think we need to try to justify a radical agenda with the normative resources of liberalism rather than writing off liberalism. Since liberalism has always been the dominant ideology in the United States and is now globally hegemonic, such a project would have the great ideological advantage of appealing to values and principles that most people already endorse. All projects of egalitarian social transformation are going to face a combination of material, political, and ideological obstacles, but this strategy would at least reduce somewhat the dimensions of the last. One would be trying to win mass support for policies that—and the challenge will, of course, be to demonstrate this—are justifiable by majoritarian norms, once reconceived and put in conjunction with facts not always familiar to the majority. Material barriers (vested group interests) and political barriers (organizational difficulties) will of course remain. But they will constitute a general obstacle for all egalitarian political programs, and as such cannot be claimed to be peculiar problems for an emancipatory liberalism.

But the contention will be that such a liberalism cannot be developed. Why? Here are ten familiar objections, variants of internalism, and my replies to them.

Ten Reasons Why Liberalism Cannot Be Radicalized (And My Replies)

1. Liberalism Has an Asocial, Atomic Individualist Ontology

This is one of the oldest radical critiques of liberalism; it can be found in Marx’s derisive comments—for example, in the Grundrisse—about the “Robinsonades” of the social contract theory whose “golden age” (1650–1800) had long passed by the time he began his intellectual and political career:

The individual and isolated hunter or fisher who forms the starting-point with Smith and Ricardo belongs to the insipid illusions of the eighteenth century. They are Robinson Crusoe stories … no more based on such a naturalism than is Rousseau’s contrat social which makes naturally independent individuals come in contact and have (p.15) mutual intercourse by contract… . Man is in the most literal sense of the word a zoon politikon, not only a social animal, but an animal which can develop into an individual only in society. Production by individuals outside society … is as great an absurdity as the idea of the development of language without individuals living together and talking to one another.4

But several replies can be made to this indictment. To begin with, even if the accusation is true of contractarian liberalism, not all liberalisms are contractarian. Utilitarian liberalism rests on different theoretical foundations, as does the late nineteenth-century British liberalism of T. H. Green and his colleagues: a Hegelian, social liberalism.5 Closer to home, of course, we have John Dewey’s brand of liberalism. Moreover, even within the social contract tradition, resources exist for contesting the assumptions of the Hobbesian/Lockean version of the contract. Rousseau’s Discourse on the Origins of Inequality (1755) (nowhere cited by Marx) rethinks the “contract” to make it a contract entered into after the formation of society, and thus the creation of socialized human beings. So the ontology presupposed is explicitly a social one. In any case, the contemporary revival of contractarianism initiated by John Rawls’s 1971 A Theory of Justice makes the contract a thought-experiment, a “device of representation,” rather than a literal or even metaphorical anthropological account.6 The communitarian/contractarian debates of the 1980s onward recapitulated much of the “asocial” critique of contractarian liberalism (though usually without a radical edge). But as Rawls pointed out against Michael Sandel, for example, one needs to distinguish the figures in the thought-experiment from real human beings.7 And radicals should be wary about accepting a communitarian ontology and claims about the general good that deny or marginalize the dynamics of group domination in actual societies represented as “communities.” The great virtue of contractarian liberal individualism is the conceptual room it provides for hegemonic norms to be critically evaluated through the epistemic and moral distancing from Sittlichkeit that the contract, as an intellectual device, provides.

2. Liberalism Cannot Recognize Groups and Group Oppression in Its Ontology—I (Macro)

The second point needs to be logically distinguished from the first, since a theory could acknowledge the social shaping of individuals while denying that group oppression is central to that shaping. (So #1 is necessary, but not sufficient, for #2.) The Marxist critique, of course, was supposed to encapsulate both points: people were shaped by society and society (post-“primitive (p.16) communism”) was class dominated. The ontology was social and it was an ontology of class. Today radicals would demand a richer ontology that can accommodate the realities of gender and racial oppression also. But whatever candidates are put forward, the key claim is that a liberal framework cannot accommodate an ontology of groups in relations of domination and subordination. To the extent that liberalism recognizes social groups, these are basically conceived of as voluntary associations that one chooses to join or not join, which is obviously very different from, say, class, race, and gender memberships.

But this evasive ontology, which obfuscates the most central and obvious fact about all societies since humanity exited the hunting-and-gathering stage—that is, that they are characterized by oppressions of one kind or another—is not a definitional constituent of liberalism. Liberalism has certainly recognized some kinds of oppression: the absolutism it opposed from the seventeenth to the nineteenth century, the Nazism and Stalinism it opposed in the twentieth century. Liberalism’s failure to systematically address structural oppression in supposedly liberal-democratic societies is a contingent artifact of the group perspectives and group interests privileged by those structures, not an intrinsic feature of liberalism’s conceptual apparatus.

In the preface to her recent Analyzing Oppression, Ann Cudd makes a striking point: that hers is the first book-length treatment of the subject in the analytic tradition.8 Philosophy, the discipline whose special mandate it is to illuminate justice and injustice for us, has had very little to say about injustice and oppression because of the social background of the majority of its thinkers. In political theory and political philosophy, the theorists who developed the dominant varieties of liberalism have come overwhelmingly from the hegemonic groups of the liberal social order (bourgeois white males). So it is really not surprising that, given this background, their socio-political and epistemic standpoint has tended to reproduce rather than challenge group privilege.

Consider Rawls, famously weak on gender and with next to nothing to say about race. Rawlsian “ideal theory,” which has dominated mainstream political philosophy for the last four decades, marginalizes such concerns not contingently but structurally. If your focus from the start is principles of distributive justice for a “well-ordered society,” then social oppression cannot be part of the picture, since by definition an oppressive society is not a well-ordered one. As Cudd points out, A Theory of Justice “leaves injustice virtually untheorized,” operating on the assumption “that injustice is merely the negation of justice.”9 But radically unjust societies—those characterized by major rather than minor deviations from ideality—will be different from just societies not merely morally but (p.17) also metaphysically. What Cudd calls “nonvoluntary social groups” will be central to their makeup.

Accordingly, Cudd contends that a conceptualization of “nonvoluntary social groups” must be central to any adequate account of social oppression: “without positing social groups as causally efficacious entities, we cannot explain oppression.” Contra the conventional wisdom in radical circles, however, she is insistent that the ontology of such groups can be explained “[using] current social science, in the form of cognitive psychology and modern economic theory, and situat[ing] itself in the Anglo-American tradition of liberal political philosophy.”10 Identifying “intentionalist” and “structuralist” approaches as the two broad categories of competing theorizations of social groups, she recommends as the best option a compatibilist position, holding that while all action is intentionally guided, many of the constraints within which we act are socially determined and beyond the control of the currently acting individual; to put a slogan on it, intentions dynamically interact within social structures… . My theory of nonvoluntary social groups fits the description of what Philip Pettit calls “holistic individualism,” which means that the social regularities associated with nonvoluntary social groups supervene on intentional states, and at the same time, group membership in these and voluntary social groups partly constitutes the intentional states of individuals.11

If Cudd is right, then, such a theorization can indeed be developed within a liberal framework, using the resources of analytic social and normative theory. But such a development of the theory is not merely permissible but should be seen as mandatory, given liberalism’s nominal commitment to individualism, egalitarianism, universalism, and meliorism. These values simply cannot be achieved unless the obstacles to their realization are identified and theorized. Social-democratic (left) liberalism, feminist liberalism, black liberalism all historically represent attempts to take these structural realities into account for the purposes of rethinking dominant liberalism.12 They are attempts to get right, to map accurately, the actual ontology of the societies for which liberalism is prescribing principles of justice. What Cudd’s book demonstrates is that it is the ignoring of this ontology of group domination that is the real betrayal of the liberal project. A well-ordered society will not have nonvoluntary social groups as part of its ontology. So the path to the “realistic utopia” Rawls is supposedly outlining would crucially require normative prescriptions for eliminating such groups. That no such guidelines are offered is undeniably an indictment of ideal-theory liberalism, which is thereby exposed as both epistemologically and ontologically inadequate. But that does not rule out a reconceptualized (p.18) liberalism, a non-ideal-theory liberalism that, starting from a different social metaphysic, requires a different normative strategy for theorizing justice.

3. Liberalism Cannot Recognize Groups and Group Oppression in Its Ontology—II (Micro)

But (it will be replied) liberalism suffers from a deeper theoretical inadequacy. Even if it may be conceded that liberal theory can recognize oppression at the macro-level, it will be argued that its individualism prevents it from recognizing how profoundly, at the micro-level, individuals are shaped by structures of social oppression. Class, race, and gender belongings penetrate deeply into the ontology of the individual in ways rendered opaque (it will be claimed) by liberalism’s foundational individualism.

But what those seeking to retrieve liberalism would point out is that we need to distinguish different senses of “individualism.” The individualism that is foundational to liberalism is a normative individualism (as in the Gray quote above), which makes individuals rather than social collectivities the locus of value. But that does not require any denial that individuals are shaped in their character (the “second nature” famously highlighted by left theory) by oppressive social forces and related group memberships. Once the first two criticisms have been refuted—that liberal individuals cannot be “social,” and that the involuntary group memberships central to the social in oppressive societies cannot be accommodated within a liberal framework—then this third criticism collapses also. One can without inconsistency affirm both the value of the individual and the importance of recognizing how the individual is socially molded, especially when the environing social structures are oppressive ones. As already noted, dominant liberalism tends to ignore or marginalize such constraints, assuming as its representative figures individuals not merely morally equal, but socially recognized as morally equal, and equi-powerful rather than group-differentiated into the privileged and the subordinated. But this misleading normative and descriptive picture is a function of a political agenda complicit with the status quo, not a necessary implication of liberalism’s core assumptions. A revisionist, radical liberalism would make the analysis of group oppression, the denial of equal standing to the majority of the population, and their impact on the individual’s ontology, a theoretical priority. Thus Cudd’s book, after explicating the ontology of involuntary groups, goes on to detail the various different ways—through violence, economic constraint, discrimination, group harassment, and the internalization of psychological oppression—that the subordinated are shaped by group domination.13 But nothing in her account is meant to imply either that they (p.19) thereby cease to be individuals or that their involuntary group memberships preclude a normative liberal condemnation of the injustice of their treatment.

4. Liberal Humanist Individualism Is Naïve about the Subject

A different kind of challenge is mounted by Foucault (though arguably originating in such earlier sources as the “anti-humanism” of Althusserian Marxism).14 Here, as John Christman points out, in contrast to the “thick” conception of the person advocated by communitarianism, in critique of liberalism, we get the theoretical recommendation that “the notion of a singular unified subject of any sort, however thin the conception, [must be] abandoned.”15 As Foucault writes:

How, under what conditions, and in what forms can something like a subject appear in the order of discourse? What place can it occupy in each type of discourse, what functions can it assume, and by obeying what rules? In short, it is a matter of depriving the subject (or its substitute) of its role as originator, and of analyzing the subject as a variable and complex function of discourse.16

The subject is not merely molded by power, but produced by power, and, in effect, vanishes.

I agree that liberalism cannot meet such a challenge, but I think the premise of the challenge should be rejected. Here I am in sympathy with Christman, who, reviewing various critiques of the classic liberal humanist conception of the self, argues for a socio-historical conception that concedes the absurdity of the notion of people springing from their own brow (“originators”) while nonetheless making a case for “degrees” of self-creation:

Selves should be seen as to a large extent formed by factors not under the control of those reflective agents themselves… . This will help accomplish two things: to provide grounds for the rejection of models of agency and citizenship that assume Herculean abilities to fashion ourselves out of whole cloth; and to force us to focus more carefully on what powers of self-shaping we therefore are left with… . The point must be that the role of the self’s control of the self (and the attendant social elements of both ‘selves’) will be circumscribed by the ways in which our lives are shaped for us and not by us.17

A commitment to humanism does not, as pointed out above, require the denial of the obvious fact that human beings—especially the (p.20) oppressed—are constrained by material structures and social restrictions in what they can accomplish, nor that, as products of particular epochs and group memberships, their consciousness will have been shaped by dominant concepts and norms. Marx emphasized long ago that though people make history, they do not make it under conditions of their own choosing, that agency is constrained by structure and circumstance. But, contra Althusser, this was never intended as a rejection of the claim that it is still people who ultimately assert their personhood in struggle.

And in my opinion, the retort applies to the Foucauldian version of the thesis also. To make the familiar left critiques: such an analysis not only deprives us of a normative basis for indicting structures of oppression, not only deprives the subject of agency, but is flagrantly inconsistent with the actual history of people’s resistance to the systems that have supposedly “produced” them as subjects. The anti-colonial struggle, the anti-Fascist and anti-Stalinist struggles, the civil rights struggles of white women, people of color, gays, the recent “Arab spring” all give the lie to such a diagnosis. Radical liberalism is capable of recognizing both the extent of our socialization by the existing oppressive social order and the ways in which, nonetheless, many people resist and struggle against this oppressive social order.

5. Liberalism’s Values (Independently of the Ontology Question) Are Themselves Problematic

Even if the ontological challenge can be beaten back, though, another front remains open. It will be argued that liberal humanist values are themselves problematic in nature and incapable of advancing a radical agenda. But the obvious reply is, Which values? And what exactly is the problem supposed to be: (a) that the values are intrinsically problematic? (b) that the values involved have historically been extended in an exclusionary discriminatory way? (c) that the values have been developed in a fashion that is predicated on the experience of the privileged? These are all different claims.

Start with the first. Admittedly, some values associated with the liberal tradition could be judged to be intrinsically problematic, such as the “possessive individualism” C. B. Macpherson famously attributed to Hobbes and Locke.18 But this is a value specific to right-wing liberalism, not liberalism in general (it does not appear on Gray’s list), and would be opposed by left-wing/social democratic liberalism. Such values as “freedom,” “equality” (moral egalitarianism), and “fraternity/sorority” classically emblematic of the liberal tradition have not usually been seen as problematic by radicals and have indeed been emblazoned on radical banners. Freedom from oppression, equal rights/equal pay/equal citizenship (“I AM A MAN”), (p.21) fraternity/sorority with the subordinated (“Am I not a man and a brother? Am I not a woman and a sister?”) have all served as values for progressive movements seeking social emancipation.

To be sure, it is a familiar point to radicals, if somewhat less so to the non-radical majority, that the population as a whole has not historically been recognized as deserving the protections of these norms, so that the opponents of emancipation have all too often themselves been liberals. Freedom has been construed as justifiably resting on the enslavement of some; equality has been restricted to those deemed worthy of it (i.e., those more equal than others); fraternity has been literal, an all-boys’ club. Domenico Losurdo’s recently translated Liberalism: A Counter-History provides a devastating exposé of “liberal thought [not] in its abstract purity, but liberalism, and hence the liberal movement and liberal society, in their concrete reality.” It is an illuminatingly sordid history of the ideology’s complicity with racial slavery, white working-class indentureship, colonialism and imperialism (“A ‘Master-Race Democracy’ on a Planetary Scale,” in one chapter’s title), and the conceptual connection between the Nazi “final solution” and Europe’s earlier extermination programs against indigenous peoples.19

Yet it is noteworthy that in his concluding pages, Losurdo still affirms the “merits and strong points of the intellectual tradition under examination.” His “counter-history” has been aimed at dispelling the “habitual hagiography” that surrounds liberalism, and the related “myth of the gradual, peaceful transition, on the basis of purely internal motivations and impulses, from liberalism to democracy, or from general enjoyment of negative liberty to an ever wider recognition of political rights.”20 In reality, he emphasizes, “the classics of the liberal tradition” were generally hostile to democracy; the “exclusion clauses” required “violent upheavals” to be overcome; progress was not linear but a matter of advances and retreats; external crisis often played a crucial role; and white working-class and black inclusion in the polity came at the cost of their participation in colonial wars against native peoples.21 Nonetheless, his final paragraph insists:

However difficult such an operation might be for those committed to overcoming liberalism’s exclusion clauses, to take up the legacy of this intellectual tradition is an absolutely unavoidable task… . [L]‌iberalism’s merits are too significant and too evident for it to be necessary to credit it with other, completely imaginary ones. Among the latter is the alleged spontaneous capacity for self-correction often attributed to it… . Only in opposition to [such] pervasive repressions and transfigurations is the book now ending presented as a “counter-history”: bidding farewell to hagiography is the precondition for landing on the firm ground of history.22

So for Losurdo one can accept the indictment of actual historic liberalism, and its failure to live up to its putative universalism, without going on to conclude either that liberalism must therefore be abandoned or that liberalism’s own internal dynamic will naturally correct itself. Rather, the appropriate conclusion is that liberalism can be retrieved, but that it will take political struggle to do so.

Finally, even when the “exclusion clauses” are formally overcome, their legacy may well remain in the form of values now nominally extended to everybody, but in reality articulated in such a fashion as to continue to reproduce group privilege—for example, a “freedom” that repudiates caste status but does not recognize illicit economic constraint as unfairly limiting liberty, or an “autonomy” that does not acknowledge the role of female caregiving in enabling human development, or a “justice” resolutely forward-looking that blocks issues of rectification of past injustices. But what such tendentious conceptual framings arguably call for is a critique and a rethinking of these values and principles in the light of these exclusions (as with left, feminist, and black liberalism). That does not refute their normative worth; it just underlines the necessity for taking the whole population into account in revising them and developing a blueprint of their internal architecture adequately sensitized to the differential social location and social history of such groups, particularly those traditionally oppressed.

6. Liberalism’s Enlightenment Origins Commit It to Seeing Moral Suasion and Rational Discourse as the Societal Prime Movers

Liberalism is often associated with a historical progressivism, but a belief in the possibility and desirability of meliorism (see Gray) certainly does not commit one to Whiggish teleologies. One can oppose conservative fatalism and pessimism in its different versions—Christian claims about original sin, Burkean distrust of abstract reason, biological determinism in its ever-changing and ever-renewed incarnations—without thinking that there is any inevitability about the triumph of progress and reason. A liberalism that is “radical” will necessarily need to draw on the left tradition’s demystified analysis of the centrality of group domination to the workings of the social order.23 As earlier noted (sections 2 and 3 above), a revisionist ontology that recognizes as key social players nonvoluntary social groups in structural relations of domination and subordination will perforce have a more realistic view of the (in)efficacy of moral suasion than an ontology of atomic individuals. (p.23)

Such a revisionist liberalism will acknowledge the role of hegemonic ideologies and vested group interests in the preservation of the status quo, and their refractoriness to appeals to reason and justice. Indeed, it will often be precisely in the names of a “reason” and “justice” shaped by the norms and perspectives of group privilege—of class, gender, and race—that egalitarian social change is resisted. As Losurdo makes clear, no immanent developmentalist moral dynamic drives liberalism’s evolution. It is not at all the case that an endorsement of democratized liberal norms implies any corollary belief that the democratic struggle for a more egalitarian social order is guaranteed to be successful. Progress is possible; defeat and rollback are also possible. In general, a radical liberalism should, in some sense, be “materialist,” recognizing the extent to which both people and the social dynamic are shaped by material forces and not over-estimating the causal role of rational argumentation and moral suasion on their own. Radical liberalism takes for granted that political and ideological struggle will be necessary to realize liberal values against the opposition of those who all too frequently think of themselves as the real liberals. Radical liberalism can be descriptively realist (realizing the centrality of interest-based politics) without being normatively realist (abandoning morality for realpolitik).

7. Liberalism Is Naïve in Assuming the Neutrality of the State and the Juridical System

Again, while such a claim may be true of dominant varieties of liberalism, it need not be true of all. (Note that nowhere in Gray’s characterization is any such assumption made.)

The neutrality of the juridico-political system is a liberal ideal, a norm to be striven for to reflect citizens’ equal moral status before the law and entitlement to equal protection of their legitimate interests. To represent it as a sociological generalization of liberal theory about actual political systems, including systems self-designated as liberal, would be to confuse the normative with the descriptive. Liberalism has certainly historically had no trouble in seeing the illicit influence of concentrated group power in the socio-political systems it opposed (see section #2). The original critique of “feudal” absolutism, the twentieth-century critique of “totalitarianism,” relied in part on the documentation and condemnation of the extent of legally backed state repression in curbing individual freedom. Liberalism’s blind spot has been its failure to document and condemn the enormity of the historic denial of equal rights to the majority of the population ruled by self-styled “liberal” states: the “absolutism” and “totalitarianism” directed against white women and white workers, and the nonwhite enslaved (p.24) and colonized. Patriarchal democracy, bourgeois democracy, Herrenvolk democracy have all been represented as “democracy” simpliciter, with no analysis of the mechanisms of structural subordination that have characterized such polities, or the ideological sleights-of-hand that have rationalized them. But to claim a necessary conceptual connection between such evasions and liberal assumptions is to confuse the contingent necessities of the discourse of hegemonic liberalism—aimed at preserving, whether by justifying or obfuscating, patriarchal, bourgeois, and racial power—with what is taken to be some kind of transworld essence of liberalism. In recent decades, a large body of literature has developed that investigates the impact of class, race, and gender dynamics in the actual functioning of the state and the legal system.24 Radical liberalism would draw on this body of literature in seeking to put in place the safeguards necessary for guaranteeing equal protection not merely on paper but in reality.

8. Liberalism Is Necessarily Anti-Socialist, So How “Radical” Could It Be?

“Socialism” is used in different senses. Assuming that a romanticized return to pre-industrial communal systems is not in the cards for a globalized world of seven-plus billion people, there are three main alternatives so far (two tried, one theorized about): state-commandist socialism, social democracy, market socialism. State-commandist socialism (a.k.a. “communism”) is indeed incompatible with liberalism but would seem to have been refuted as an attractive ideal by the history of the twentieth century.25 Social democracy is just left-liberalism, whether in Rawls’s version or in versions further left, like Brian Barry’s, more worried about the inequalities Rawls’s two principles of justice leave intact.26 Market socialism is yet to be implemented on a national level, but many of the hypothetical accounts of how it would work emphasize the importance of respecting liberal norms.27 In other words, market socialism’s putative superiority to capitalism is not defended by invoking distinctively socialist values but by showing how such uncontroversial and traditional liberal values as democracy, freedom, and self-realization are not going to be achievable for the majority under the present system (or through the appeal to more recent values like sustainability, generated by awareness of the impending ecological disaster, which the present order will make achievable for nobody!)28 Other possibilities are not ruled out, but their proponents would have to explain how their models have learned the lessons of the past in both (a) being economically viable and (b) respecting human rights, the common global moral currency of the postwar epoch, which is best developed in the liberal tradition. Criticism (p.25) of the existing order is not enough; one has to show how one’s proposed “socialist” alternative will be superior (and in more than a vague hand-waving kind of way).

9. The Discourse of Liberal Rights Cannot Accommodate Radical Redistribution and Structural Change

Marxism’s original critique of liberalism, apart from deriding its (imputed) social ontology, represented liberal rights—for example, in “On the Jewish Question”29—as a bourgeois concept. But that was more than a century and a half ago. Lockean rights-of-non-interference centered on private property, “negative” rights, are indeed deficient as an exclusivist characterization of people’s normative entitlements, but such a minimalist view has been contested by social democrats (some self-identifying as liberal) for more than a century. A significant literature now exists on “welfare” rights, “positive” rights, “social” rights, whose implementation would indeed require radical structural change. The legitimacy of these rights as “liberal” rights is, of course, denied by the political right. But that’s the whole point, with which I began—that liberalism is not a monolith but a set of competing interpretations and theorizations, fighting it out in a common arena.30 The US hostility to such rights is a manifestation of the historic success of conservatives in framing the normative agenda in this country, not a necessary corollary of liberalism as such. As earlier emphasized, liberalism must not be collapsed into neo-liberalism. Nor is it a refutation to point out that having such rights on paper does not guarantee their implementation, since this is just a variation of the already discussed imputation to liberalism of a necessarily idealist conception of the social dynamic (section #6), in which morality is a prime mover. But such a sociological claim is neither a foundational nor a derivative assumption of liberalism.

Moreover, in the specific case of the redress of racial injustice, one does not even need to appeal to such rights, since the situation of, for example, blacks in the United States is arguably the result of the historic and current violation of traditional negative rights (life, liberty, property), which are supposed to be the uncontroversial ones in the liberal tradition, as well as the legacy of such practices as manifest in illicitly accumulated wealth and opportunities. Here again the hegemony of Rawlsian “ideal theory” over the development of the mainstream political philosophy of the last forty years has had pernicious consequences, marginalizing such issues and putting the focus instead on principles of distributive justice for an ideal “well-ordered” society. But an emancipatory liberalism would be reoriented from (p.26) the start toward non-ideal theory and would correspondingly make rectificatory justice and the ending of social oppression its priority.31

10. American Liberalism in Particular Has Been so Shaped in Its Development by Race that Any Emancipatory Possibilities Have Been Foreclosed

Liberalism in general (both nationally and internationally) has been shaped by race, but that does not preclude reclaiming it.32 Moreover, it is precisely such shaping that motivates the imperative of recognizing the multiplicity of liberalisms, not merely for cataloging purposes but in order to frame them as theoretical objects whose dynamic requires investigation. The conflation of all liberalisms with their racialized versions obstructs seeing these ideologies as historically contingent varieties of liberalism, which could have developed otherwise. A Brechtian “defamiliarization” is necessary, a cognitive distancing that “denaturalizes” what is prone to appear as the essence of liberalism. Jennifer Pitts’s A Turn to Empire, for example, which is subtitled The Rise of Imperial Liberalism in Britain and France, and Sankar Muthu’s Enlightenment against Empire, both seek to demarcate within liberalism the existence of anti- as well as pro-imperialist strains, thereby demonstrating that liberalism is not a monolith.33 Admittedly, other scholars have been more ambivalent about some of their supposed exemplars; see, for example, Losurdo, already cited, and John Hobson’s recent The Eurocentric Conception of World Politics, which develops a detailed and sophisticated taxonomy of varieties of Eurocentrism and imperialism that demonstrates the compatibility of racism, Eurocentrism, and anti-imperialism.34 (For instance, many European liberal theorists were anti-imperialist precisely because of their racism—their fears that the white race would degenerate as a result of miscegenation with inferior races and the deleterious consequences of prolonged residence in the unsuitable tropical climates of colonial outposts.) But the mere fact of such a range of positions illustrates that a liberalism neither Eurocentric nor imperialist is not a contradiction in terms.

In the United States in particular, as Rogers Smith has demonstrated, liberalism and racism have been intricately involved with one another from the nation’s inception, a relationship Smith conceptualizes in terms of conflicting “multiple traditions,” racism versus liberal universalism, and which I see as a conflict between “racial liberalism” and non-racial liberalism.35 My belief is that formally identifying “racial liberalism” as a particular evolutionary (and always evolving) ideological phenomenon better enables us to understand the role of race in writing and rewriting the most important political philosophy in the nation’s history, from the overtly racist liberalism (p.27) of the past to the nominally color-blind liberalism of the present. From the eighteenth- to nineteenth-century accommodation to racial slavery and aboriginal expropriation to the twentieth-century tainting of welfare and social democracy on this side of the Atlantic,36 race has refracted crucial terms, concepts, and values in liberal theory so as to remove any cognitive dissonance between the privileging of whites and the subordination of people of color. Correspondingly, the shaping of white moral psychology by race and the distinctive patterns of uptake of abstract liberal values (“equality,” “individualism”) in such a psychology then become legitimate objects of investigation for us.37 One begins from the assumption that these norms will be color-coded in their actual operationalization, so that any efficacious framing of an interracial political project will need to anticipate and correct for this differential understanding rather than being naively surprised by it. But such racialization (as popular interpretation and reception) is going to be a common problem for any American ideology with emancipatory pretensions. Liberalism is certainly not unique in that respect, as the history of the white American left and socialist movements illustrates. As Jack London famously put it at a meeting of the Socialist Party in San Francisco “when challenged by various members concerning his emphasis on the yellow peril”: “What the devil! I am first of all a white man and only then a Socialist!”38 Herrenvolk socialism existed no less than Herrenvolk liberalism.