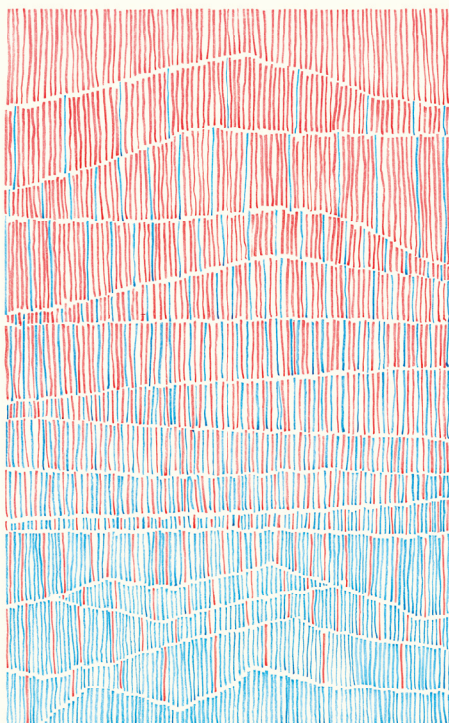


GEO-MATERIALIZING THE LEGAL IMAGINARY

THE CYCLE OF PRODUCED AND PRODUCING GEOGRAPHY

RANA GÖKSU



Foreword by Anna Grear



GEO-MATERIALIZING THE LEGAL IMAGINARY:
THE CYCLE OF PRODUCED AND PRODUCING GEOGRAPHY

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Geo-Materializing the Legal Imaginary: The Cycle of Produced and Producing Geography

Rana Göksu

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Abbreviations

AAT	Australian Antarctic Territory
ATCMs	Antarctic Treaty Consultative Meetings
ATCPs	Consultative Parties of the Antarctic Treaty System
ATS	Antarctic Treaty System
BAS	British Antarctic Survey
CCAMLR	Commission for the Convention of Antarctic Marine Living Resources
CCAS	Convention for the Conservation of Antarctic Seals
CFCs	chlorofluorocarbons
CHL	Commonwealth Heritage List
CHM	Common Heritage of Mankind
IAATO	International Association of Antarctic Tour Operators
ICJ	International Court of Justice
IGY	International Geophysical Year
IMBIE	Ice Sheet Mass Balance Inter-comparison Exercise
IMO	International Maritime Organization
IPY	International Polar Year
IUCN	International Union for Conservation of Nature
IWC	International Whaling Commission

JARPA II	Japanese Whale Research Program
MPAs	Marine Protected Areas
NASA	National Aeronautics and Space Administration
OECD	Organisation for Economic Co-operation and Development
Polar Code	International Code for Ships Operating in Polar Waters
TOC	Tragedy of Commons
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea

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Foreword

Nothing could be more urgent than a contemporary—and historically informed—critique of colonial praxes of nullification. Indeed, nullification has vital relevance in this early stage of the twenty-first century. In January 2026, as I write this foreword, there is a clearly visible and obvious risk of increasingly aggressive imperialist erasures, worldwide. So, when geopolitics is subjected to the exposure of timely critique, what becomes visible? What becomes actionable? And what might the material agentic intransigencies of land itself reveal about the juridical systems seeking to contain that very agentic significance? What unruly contradictions to the will to power might insurgent material refusals insist upon—and in the service of which patterns of justice and/or injustice?

Rana Göksu's *Geo-Materializing the Legal Imaginary* arrives at precisely the moment when such questions demand answers grounded in rigorous critical analysis.

By 'tracing material manifestations of nullification' Göksu does exactly what she sets out to do. She 'capture[s] the capacity of geographical materialities to re-enter sociopolitical relations and foster transformative possibilities'. And she does so, in part, by exposing the fundamental violence—and analytical centrality—of nullification. Nullification, after all, is a declaration of both erasure and constitution: a constitutive declaration that what is materially present is juridically absent, and that lively materialities—no matter how situated and significant prior to erasure—can be transmuted into mere empty space—reimagined as voids—awaiting 'proper' (appropriative, 'civilizing') utilization.

Early 2026—this time of resurgent nullification—is reproducing patterns of earlier colonial violence as a kind of unevenly distributed global praxis. These are redistributions, indeed, of older, predictably patterned and familiar distributions of life and death. Contemporary territorial acquisitiveness fully deploys justifications resonant with the imperialisms and colonialisms of 'the past' (as if they ever truly ceased): civilizational imperatives, national security imperatives, the exploitation of 'resources'. None of these developments are (of course) discrete—they iterate familiar techniques of geopolitics—organized (and sometimes less organized) material practices of juridical nullification of the kind that Göksu traces through their historical operations in Australian and Antarctic geohistories.

Göksu's analysis presents an important troubling of the unconvincing binary between the material and conceptual and its performance of juridical geo-erasures. This troubling matters profoundly. If we treat nullification as merely ideological (as if the ideological is ever, in any case, immaterial), we can miss the profound materializations enacted by concrete spatial techniques. Göksu demonstrates how the transformation from *terra nullius* (itself a violence of erasure) to state territory required an entire assemblage of materio-conceptual forces: naming, mapping, claiming, stations, infrastructure, physical occupation, treaties, regulations and governance systems. These forces produce the 'abstract space' named by Lefebvre: a geography—a situated cascade of lively relationalities—emptied of its aliveness, reconstituted as a quantifiable, manageable, extractable resource.

The pairing of Australia and Antarctica in Göksu's analysis brilliantly exposes techniques of nullification in the dispossessionary construction of inhabited land as '*nullius*' and the twinned imperial partition of 'uninhabited' land: nullification operates whether or not prior presence is acknowledged. The logics of nullification's patterned erasures insist upon *what counts* as occupation, presence, proper use—and always in service of imperial/colonial imperatives of capitalism. Göksu establishes this by carefully excavating the precise 'connections between the British Empire's colonial endeavours in Australia and the Australian state's activities in Antarctica [in order to] highlight the modality of technocratic space production based on legal regimes and land governance'. She does this exceptionally well, and part of what makes Göksu's analysis particularly powerful—and especially relevant for this twenty-first-century political moment—is her refusal to treat liberalism as the solution to such colonial and capitalist violence. She demonstrates that liberal governance—whether through Aboriginal native title, Antarctic environmental protocols, or international human rights frameworks—operates *within* 'abstract space'—with the clear implication that contemporary liberal 'answers' continuously reconstitute such nullifying abstractions, even as contemporary liberalism also performatively seeks to address resistant reactions to the very erasures it has historically performed.

Such critique is both urgent and timely.

When DEI initiatives are dismantled, defenders often argue for their restoration based on liberal principles: fairness, representation, opportunity. But if such initiatives have always operated within institutional structures fundamentally organized around exclusion—if they granted recognition without transforming the power relations that produced

marginalization—then their removal merely exposes the inadequacy and injustice of liberal solutions. When environmental frameworks are violated, environmental defenders often argue for restoration based on sustainability and stewardship. But if such frameworks have treated ecosystems as resources requiring management rather than as active, materially lively participants in producing livable conditions—if they quantified acceptable extraction rather than recognizing material limits—then their failure was always structural. And when international law is violated, if the ‘rules-based’ order was always a form of abstract juridical space imposing homogenized rules on heterogeneous geo-materialities while maintaining imperial power distributions, then its current violation exposes it rather than corrupts it. The question in each case is not how to restore liberal protections. Göksu’s methodology urges a decisive movement beyond such misguided aspirations and beyond critique of particular policies or decisions. She focuses on an analysis of the spatial techniques through which systems produce and reproduce themselves—offering a thoughtful conceptual architecture that refuses to separate capitalism from its geographical embeddedness, state power from its spatial techniques, or legal systems from their materialities and their mediation of land-based relationalities.

Göksu argues, therefore, that systems operate through the production of particular *kinds* of space, and that transformation requires not better concepts but different spatial practices. And, crucially, her framework makes space for material forces as political agents. Ocean acidification, melting ice, changing ecosystems—these are active participants in power relations, material dynamics that interrupt, complexify, and challenge juridical systems. In short, Göksu recognizes that geomaterialities are always already world-making, whether human conceptual systems acknowledge their participation or not—and that the forcible separation of materials and spaces from their lived relationalities, their reconstitution as mere objects available for extraction or appropriation, their quantification within value systems that bear no relationship to their actual material livelinesses—these urgently require refusal.

On this point, Göksu’s analysis becomes not merely critical but potentially transformative. After demonstrating how states and capital transform geography into abstract space, she suggests that geographical forces themselves enable what Lefebvre calls ‘differential space’: space organized around lived relationships rather than abstract management. This is recognition that power constellations are always contested, always involving forces beyond human control, always vulnerable to lively material realities that exceed conceptual containment.

Materials, land, places, situated relationalities, these have never been the passive objects that abstract space and juridical erasure require them to be.

Could it be that political action calls for renewing alignments with material forces already engaged in resistance? Göksu's analysis suggests this possibility while remaining clear-eyed about formidable constraints. The Antarctic Treaty System, ongoing capitalist extraction, and the juridical frameworks that continue to produce abstract space do not simply dissolve in the face of material insurgencies. Yet her attention to how geographical materialities 'foster transformative possibilities'—even as they remain constrained by state–capital assemblages—opens vital questions: Can political ontologies that recognize materials as always already engaged in producing conditions of existence interrupt the perpetual reproduction of abstract space? Can the productive powers of the more-than-human be recognized as co-participants in the production of 'differential space'?

Göksu's emphasis on material geography—its lively temporalities and teeming forms of agentic liveliness—as an expression of geopower directly challenges the stale abstractions, managerialisms, and closures of existing approaches: ecosystem management, spatial management, and the like. Lively geo-materiality interrupts 'the perpetual colonial and imperial imaginary and its space production, namely capitalist state space or abstract space, in this neoliberal era'. This is a timely, rousing call for the interruption of the management of materials within abstract systems. It is a call for an overdue gathering of a more-than-human collective life around relationships that do not require nullification as their founding gesture.

For scholars, activists, and anyone seeking to understand how power operates materially through space, this book provides both rigorous analysis and methodological guidance. For those attending to the increasingly aggressive imperialist erasures of 2026, it offers frameworks for understanding how rollbacks represent not merely ideological shifts but spatio-material techniques. And for those imagining alternatives, it demonstrates that transformation requires not better concepts but different material practices—practices grounded in an overdue recognition of more-than-human and geomaterial agencies.

Göksu's work provides a powerful critical foundation for vital acts of prefigurative imagination as challenges to resurgent nullifications of multiple kinds.

Anna Grear, 8 January 2026, Dorset, United Kingdom

1

Introduction

Connections between individuals, societies, and geographies have been translated into values, systems, and other forms of conceptual and material constructs, such as titles, regimes, countries, cities, and buildings. More nuanced and critical approaches to legal categories drawing on those connections are needed more urgently than before. The importance of a critical lens is its ability to shed light on the connections between patterns, processes, and ideologies of world-making, which expose the authority negotiated in geography. This book is an endeavour, among others, to reveal material geography's relational ontology within socio-spatial relations while critically scrutinizing how geography is imagined, known, conceptualized, divided, historicized, represented, valorized, and formalized. The interplay between conceptual and material geographies is pivotal to this work, as the junction of these two dimensions of geography illuminates the ideological connections of world-making, that is, imaginaries, as well as power relations within geography.

At first glance, the current world may seem to be turning on a different axis than the pre- and early modern world. However, the enduring actors, patterns, strategies, and ideologies continue to shape the world. Universal normativity, exceeding geographies and chronologies, still produces a particular kind of relationship between law and geography. Despite the Anglo-European inclination to commit to this universal normativity, this book undertakes a closer examination of how colonial imaginary persists in contemporary legal and economic systems. To explore the de-spatialized, globalized, or universalized characteristics of normativity and its relation to geography, I critically examine the links between the formations of colonialism, capitalism, and liberalism. I look at connections, particularly between law, geography, and colonial land politics and history. Overlooking these connections can result in hindering legal systems' ability to engage in meaningful discussions

on socio-spatial materialities, specifically topical and planetary urgencies. As such, I draw attention to colonial expansionism as a core element of late liberal governing systems and legal categories.

1.1 Core Arguments and Concerns

The book is in essence informed by the geohistorical proximities between two particular continents—Australia and Antarctica—and uses Henri Lefebvre’s notions of *space* and *space production*. It understands that the historicity of a particular geography can disclose the mobilized legacy of colonialism, imperialism, racism, and speciesism at various institutional levels. This legacy has informed modern law and justified hegemony by means of sovereignty and ownership. I intend to illuminate these underlying geography-making processes or land transformation trajectories by looking at Australia (1770–1901 and 1992) and Antarctica (from the first voyages to the contemporary era). I analyse the concepts produced for these continents along with their materialities to reveal the ontological interrelations between techniques of geography-making and the materiality of geographies.

To illustrate this relational ontology within geography, I pose three central questions: (1) How and to what extent is the materiality of geography produced and transformed? (2) How does the materiality of geography constitute, interrupt, or actively participate in sociopolitical formations and legal systems and thereby create conceptual geography? (3) How can the prism of state–capital–geography unfold in connection to the legal imaginary of past, present, and future?

Throughout the book, I expand these central questions to examine how the law conceives of geography and which means and purposes are prioritized to transform geography/land. Posing further questions on the normative systems and land transformations, I aim to reveal the connections between colonialism, the Anthropocene, and capitalism. Inquiries into these connections enable me to ask specifically about the technologies of ‘producing geography’, such as the production of *terra nullius*, and transforming this ‘produced geography’ (*terra nullius*) into another produced geography, for instance, state territory. When contextualizing geography-making techniques, the proximity between Australia and Antarctica in geography-making enables me to unearth the prevailing processes and characteristics of space production. Drawing on the Lefebvrian theory of space production, I seek a conceptual explanation of why and how nullification has occurred in Australia and Antarctica, and who and/or what has been subject to dispossession

in these continents. Ultimately, by tracing material manifestations of nullification, I capture the capacity of geographical materialities to re-enter sociopolitical relations and foster transformative possibilities.

1.2 Organization of the Book

This book contains three main parts. The first part provides the theoretical and historical contexts of Australia's land transformation trajectory, starting from *terra nullius*. It discusses how Australia was transformed into *terra nullius* and subsequently became a state territory. The second part travels to Antarctica to explore geographical, historical, and theoretical proximities between its land transformations and those of Australia. The third part turns to the geographical significance of capitalist state space by analysing the interplay between violence, the state, capital, and material geography.

The three parts consist of a total of five chapters. After this first introductory chapter, Chapter 2 looks at the conceptual and historical roots of socio-spatial (land) transformations by tracing the colonial history of Australia from the period of colonial exploration to the establishment of the Australian state. The choice for Australia was not random but connected to the subsequent analysis of Antarctica. Through this connection, I claim that the historical and theoretical backdrop of colonial history and politics in Australia illuminates contemporary geopolitics in Antarctica. This chapter pivots on colonial law's role in shaping material geography (the continent of Australia) through property regimes, imbued with colonial justifications for nullification and capitalist exploitation. The historicity of land helps uncover the mobilized and institutionalized legacy of colonialism, imperialism, racism, and speciesism that informs the basis of modern law, temporally and geographically eliminating particularities.

Based on the law's role in geo-graphing, meaning the techniques of producing or transforming geography, Chapter 2 connects the dominant concept of the Anthropocene to the dominant legal imaginary. This connection suggests a re-examination of the origins of the Anthropocene and current legal formations and regimes. It aims to link the capitalist vision and praxis to colonialism before the Industrial Revolution and thereby redefine the problem of the Anthropocene beyond *carbon capitalism*,¹ as the latter implies the fallacy that a 'new,'

1. Brett Christophers, 'The End of Carbon Capitalism (as We Knew It),' *Critical Historical Studies* 8/2 (2021), 239–69.

sustainable market and policies under capitalism can solve the problem. The chapter builds its primary line of argument on the enduring violence of capitalist production by looking at colonial land transformations. This enables me to shed light on colonial genealogy in the epoch of the Anthropocene, instead of overlooking this colonial genealogy and thereby carrying it into the future.

By discussing the capitalism–colonialism nexus with a focus on land transformation, the chapter prioritizes British colonialism in Australia and John Locke’s joint theory of property to capture the ideological constructs of land possession and land use as individual capitalist ventures. Locke’s property theory provides insights into the theoretical background of colonial ideals, deployed to perceive and narrate the continent as *terra nullius* and subsequently to usurp the lands of Aboriginal people. This theoretical background of Lockean property, including the philosopher’s political theory of subjectivity and sovereignty, informs the chapter’s further examination, which links the colonial land regime of the Torrens Title System to the so-called postcolonial common law of Australia. The chapter’s illustration of contemporary Australia is limited to the 1992 Mabo decision, in which the High Court of Australia rejected the legal doctrine of *terra nullius* for the first time. I critically approach the Crown’s sovereignty, state sovereignty, Aboriginal sovereignty, territorial acquisition, native title, radical title, and the implications of the *terra nullius* rejection in Australian common law to showcase that modern legal systems’ imaginary is an extension of colonial projects as well as a humanitarian emergency in the guise of necessary state intervention. I do this by referencing Hugo Grotius and Emmerich de Vattel. Moving from colonial space to state space, the chapter’s arguments re-evaluate the political implications of the rejection of *terra nullius*.

Chapter 3 travels to Antarctica to explore the geographical, historical, and theoretical proximities between Antarctica and Australia, particularly regarding land transformation. It enquires how Antarctic material geography, which is not disconnected from the societal dimension, can be subject to colonial and imperial narratives and practices. I seek to understand how states’ affairs and technologies have shaped Antarctic materialities and enabled the presence of capitalist states on the continent. Since Antarctica has no permanent residents, I chose it to broaden colonial history and imaginary beyond the human dimension. Such an effort can also illuminate the prevalent way of historicizing colonialism that is often narrated by the Western world view. Given the presumption that Antarctica has no permanent human presence

and thereby no connection with colonial heritage, colonial imaginary, and the consequences of coloniality, the chapter portrays the continent by analysing the colonial and imperial rhetoric and practices that paved the way for establishing research bases on Antarctica in the name of science, valorising Antarctic life forms as resources and creating international cooperation for science and environmental conservation.

The focus of the chapter is on how spatial techniques, teeming with a composite of colonial and imperial rhetoric and practices, have been deployed to produce and define almost half of the Antarctic terrain as the Australian Antarctic Territory (AAT). I thoroughly analyse these spatial techniques, divided into three kinds: (1) symbolic space, (2) built environments, and (3) geopolitics and legal territorialities. The reconfiguration of Antarctica from a 'frozen void' (*terra nullius*) to a national territory by means of spatial techniques discloses a striking nexus between the British Empire's colonization of Australia and the Australian state's transformation of 42 per cent of Antarctica into the AAT. As such, this chapter is specifically interested in Antarctic space production, bespeaking the same old history of 'filling an empty space' through an uneven composite of spatial techniques.

The notion of produced geography challenges the popular imagination of territorially fixed geography, which often overlooks the lived experience of geographical qualities and prioritizes power and its plans over geography. After elaborating on nation-states' geopolitics and territorialities as well as their techniques of producing Antarctica, Chapter 4 revolves around material geography's participation in power relations. I provide theoretical discussions and arguments that encapsulate not only capital's plans and activities as well as states' institutional regimes and political agendas but also the materiality of geography. Leaning on a critical analysis of the findings, examples, and arguments from the previous two chapters and tracing the agentic manifestations of material geography, I seek to stretch legal thinking to acknowledge geographically situated life forms and forces and their ontological significance in space production.

Hinging on Lefebvre's theory of space, the chapter emphasizes the potential of material geography to reset geographical realities. Lefebvre's concepts of *dominant space* and *abstract space* provide the framework for understanding how the continents of Australia and Antarctica have been valorized and delivered to capitalist production under the regimes of nation-states. Informed by Marx's value theory, relationality in abstract space is conceptualized as value-producing relations, leading me to discuss dispossession or spatial alienation, drawing

on Arendt's alienation, and *geopower* (a state-capital-geography prism) as a nuanced geopolitics that emphasizes that geography is a fundamental element of any power relations. I aim to theorize a power constellation that incorporates the state, capital, and geography to potentially extend beyond the formations and ventures of capitalist states. Such formations and ventures include rights, land titles, property regimes, policies, market infrastructures, and knowledge production. Antarctic materialities are thus evoked to challenge the prevailing imaginary; in other words, the capitalist state mode of space production, or abstract space. Thereinafter, the chapter elucidates how *lived space*, another term by Lefebvre, has the potential to give rise to a new mode of space, or *differential space*, as Lefebvre calls it. Ultimately, the chapter aims to theoretically explain how space production can occur within geography through interactions of various actors and layers of relations.

Finally, in Chapter 5, I conclude the book by recapturing and linking the connections between geography, societal organizations, and legal and economic systems as explored throughout the work. To this end, Chapter 5 depicts two layers of connections. The first layer portrays the connections in geohistories and connections in geo-graphing, whereas the second layer captures connections between colonialism, capitalism, and liberalism. In this way, colonial legacies, capitalist production, and their echoes in liberal governance become visible in geohistories and technologies of geo-graphing.

1.3 Methodological Commitments

As a product of a bumpy intellectual journey, this book was developed in uneven and overwhelmingly varied directions, nurtured by numerous theoretical accounts from different fields. Although the book (finally) reached its end point as a material form, its process remains an incomplete and endless endeavour. During my writing journey, the initial departure point was to explore the conceptual categories of law for nonhumans and discuss the latter's potential rights within current legal frameworks. Along with this initial point, the aim was to identify possible forms and grounds for the *rights of nature* in relation to post-human considerations. Nevertheless, as Bruno Latour writes, 'when you wish to discover the new unexpected actors that have more recently popped up and which are not yet *bona fide* members of "society," you have to travel somewhere else and with very different kinds of gear.'²

2. Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory*

In accordance with Latour's statement, my research direction dramatically shifted and travelled to 'somewhere else' when I became more aware of the legacy of colonialism in contemporary legal systems and its enduring impetus in world-making. Although examinations of and debates on the potential rights of other-than-humans are still intriguing, this book's interest and focus shifted rather to the historically and geographically mobilized legacy of colonialism in our supposedly post-colonial era. Debates around colonialism are not new or unexpected in legal contexts; the colonial roots of current systems have long been problematized. However, as orthodox approaches in theorizing and practising law still seem to weigh more heavily, the colonial presence in law remains understudied.

To elucidate the intersectional entanglement of constructs, the book explores bumpy territories and paths that do not meet the desire for predictable routes or linear trajectories in legal analyses. This does not mean that analytical examinations within the linear logic and order are completely sidelined. Rather, I expand and possibly strengthen law's analytical approach by inviting 'foreign' figures, unusual considerations, and their complex connections into socio-spatial realms. To accomplish this, the book is built on a set of analyses that should be viewed as one of many possible interpretations and that foregrounds material-conceptual connections instead of merely relying on given concepts. Thus, I do not intend to impose and follow any of the fixed methods of the divided taxonomy of disciplines. Commitments to, suggestions for, examples of, and interpretations of coherent analyses are offered to contribute to scholarly growth. This kind of liberty in scholarly approaches offers more meaningful and creative academic production through such methodological commitments, even though they may be more challenging to handle.

The book's overall approach to methodology is situated in the scholarship of critical legal geography. The methodological approaches here pivot on the perspectives and methods of this field, which 'seek to reconstruct the law-space nexus so as to accord proper recognition to both and to affirm the complex interplay of the two.'³ The book *Legal Geography: Perspectives and Methods*, edited by Tayanah O'Donnell, Daniel F. Robinson, and Josephine Gillespie, is one of the primary sources that helped me identify my methodological approach

(Oxford: Oxford University Press, 2005), 22.

3. Nicholas Blomley, *Law, Space, and the Geographies of Power* (New York: Guilford Press, 1994), 51.

to people–land relations and law–geography intersections.⁴ Leaning on the research field of critical legal geography, my construction rests on several firm building blocks that pave the book’s evolving trajectory. For example, property theory, particularly Locke’s theory, is one of these firm blocks and is examined in relation to British colonialism. The book benefits from colonial legal history, using a substantial number of references to the law’s rhetorical and practical formations in the colonial era.

All histories and theories upon which the book is built are invoked in a geographically sensitive manner. This means that after and while discussing history and theory, I always return to the geographical contexts of histories and theories and reflect on how historical and theoretical constructions, interactions, or changes shape relations with those geographical contexts. This geographically sensitive approach is also used to materialize and unpack how law, in various guises, shapes and is shaped by geography.⁵ This endeavour is what I mean by *geo-materializing*. The book employs discourse analysis, treaty analysis, legal doctrinal analysis, and, to some extent, physical site analysis, drawing on theoretical accounts from the fields of legal theory, colonial legal history, geopolitics, political economy, human geography, and even landscape planning. In so doing, I aim to foster creative and relational thinking in academic production. The following two sections are provided to outline my understanding of methodological commitments in relation to the scholarship of critical legal geography.

1.3.1 *Legal Geography to Spatialize Law*

Drawing on legal geography, this book explores the co-constituted relations between law and geography. The legal geography lens helps law be geographically specific and situated within an overarching web of societal connections. Such an approach to law compels us to consider that there is no ‘closure’ of law as a formalistic or archaic set of institutions, as Nicholas Blomley states; instead, there are sociopolitical relations of law-making and law enforcement.⁶ Legal geography scholarship

4. Tayanah O’Donnell, Daniel F. Robinson, and Josephine Gillespie, eds., *Legal Geography: Perspectives and Methods* (New York: Routledge, 2020).

5. Tayanah O’Donnell, Daniel F. Robinson, and Josephine Gillespie, ‘An Australasian and Asia-Pacific Approach to Legal Geography,’ in O’Donnell, Robinson, and Gillespie, *Legal Geography*, 7.

6. Blomley, *Law, Space, and the Geographies of Power*, cited in O’Donnell, Robinson, and Gillespie, ‘Australasian and Asia-Pacific Approach to Legal Geography,’ in O’Don-

is thus an endeavour or, in a way, a desire to gather legal and spatial dimensions, leaning on their mutual constitution and interdependency. Within the co-constructed interactions of the legal and the spatial,⁷ accounts of legal geography seem to be interested in world-making rather than law-making.⁸

This understanding leads the field of law to engage with more than a single field of study. Legal geography, in this sense, liberates law from the notion that there are universal and timeless measurements, values, and systems, as if they remain in existence regardless of geographical, societal, experiential, and chronological differences. By prioritizing geography-oriented relations, the book's analyses are predominantly informed by intersections of and encounters between geographical materialities and conceptually constructed geographies.

Geographical situatedness would mean rejecting the hegemonic and universal dispositions of the law based on territorial and categorical fixations. Legal scholar Nicole Graham describes the law's tendency to fall into categorical fixations and conceptualizes, for instance, property as *dephysicalized*.⁹ That is, the 'universality of the modern law and economic commodification of property can function only on the basis that both law and property are general not particular, global not placed.'¹⁰ She argues that property in the contemporary legal context disregards people-land relations, which are informed by situated experiences within geography. Therefore, challenging legal constraints that overlook spatial specificities entails an inevitable involvement of geography and the endorsement of spatial thinking within law. Therefore, legal geographers strive to uncover the law as a spatially contingent domain.

nell, Robinson, and Gillespie, *Legal Geography*, 4.

7. David Delaney describes this interaction through the nomospheric approach and terms it *nomosphericity*. He proposes the nomospheric approach to dismiss the 'dichotomizing effects' between 'spatiality' and 'legality' or in 'legal geography.' He highlights both the reciprocal constitution of the two and the formative effect of powers' structures and experiences. For more, see David Delaney, *The Spatial, The Legal, and The Pragmatics of World-Making: Nomospheric Investigations* (New York: Routledge, 2010). "Nomosphere," "nomospheric," "nomosphericity" provide a way of thinking about the complex, shifting and always interpretable blendings of words, worlds, and *happenings* in which our lives are always embedded and through which our lives are always unfolding.' Delaney, *Spatial, The Legal*, 26.

8. O'Donnell, Robinson, and Gillespie, 'Australasian and Asia-Pacific Approach to Legal Geography,' in O'Donnell, Robinson, and Gillespie, *Legal Geography*, 4.

9. Nicole Graham, *Lawscape: Property, Environment, Law* (Abingdon, England: Routledge, 2011).

10. Graham, *Lawscape*, 7–8.

Following the perspectives of legal geography scholarship, this book explores relational and material ways of examining spatio-legal relations to bring geography into law's view and thereby connect geographical materialities and concepts to legal epistemologies and the legal imaginary. Activated geography in the legal and political domains can thus result in the creation of counterarguments to the *de-spatialized* or universal characteristics of the law. This implies that all legal constructions should be materially specific and necessarily geographical; that is, geography can indeed teach us about law.

As geography and geographical considerations are central to this book's examination, the role of geography in shaping narratives and the role of societal constructs in transforming geographies are regarded together.¹¹ This approach to examining socio-spatial interactions signals a murky terrain that accommodates a ceaseless and mutual construction of both geography and society. Hence, critical legal geography, even as a reference point, is of utmost importance in setting the stage to unveil the significance of material geography in legal relations. Only within such an acknowledgement is it possible to expose why and how geographical materialities, including humans, are subject to nullification, dispossession, extraction, and exploitation. Suffice it to say, the lens of legal geography can revitalize the geography–society nexus, which colonizers have long rejected in order to justify their presence overseas. Acknowledging the absence of geography, therefore, also becomes geographical. Despite the *de-spatialized* or *dephysicalized*, as Graham terms it, characteristics of the law, the lens of legal geography can geo-materialize sociopolitical and legal visions and agendas.¹²

1.3.2 *Law as Situated in Both Concepts and Materials*

Departing from the argument that law and geography bear upon each other, the law should be understood as opposed to what the dominant legal imaginary suggests, which is that the law ought to be universal and equal everywhere. This lack of locality in the law is seen as the reason for modern law's struggle to grasp and adequately address the claims

11. Since it is a complex locus of a wide range of geographies, societies, and their respective but connected histories, I broadly use the term *geography* in this book to mean all earthly life forms. Suggesting such a broad and, in a way, vague use and meaning, my intention is to step beyond categorical imperatives and the limits of geology and nation-state territories.

12. Ben Anderson and John Wylie, 'On Geography and Materiality,' *Environment and Planning A* 41 (2009), 318.

of dispossessed Indigenous peoples or locally specific urgencies.¹³ Legal geographer Blomley finds a thin line between cartographic dispossession and material displacement.¹⁴ For instance, the creation of the Australian ‘native title’ as an extension of modern property—elaborated in Section 2.4, ‘Reconfigured Australia: Afterlives of Nullification’—disregards Australia’s and Aboriginal peoples’ geographical specificity.

I argue that law is always situated in geography as it produces phenomena that transform and reorganize material geographies while being affected by geographical materialities. This argument implies an entanglement between the material and the conceptual. Lefebvre’s concept of *une dialectique de triplicité*—as explained in Section 3.1, ‘Hinging on Lefebvrian Space Production’—signals such concept–material entanglements by referring to the triple relations of space, which are physical, mental, and social, to challenge the fixed duality in methods, studies, fields, and other categories. Lefebvre’s spatial thinking, as expressed through his *trialectics*, signifies that the real and the imagined, or the material and the conceptual, should coexist in space.

Drawing on Lefebvre, this book is grounded in the perspective that material relations and materialities in specific localities should be essential when studying legal concepts. That is to say, the law must exist at the intersection of materiality and conceptualization, connecting with one another in a locatable space. In its wake, legal concepts must be related to spatially specific circumstances. This means that the law can only be intentionally universal, not ‘by nature.’ This book, therefore, engages with geo-material practices or experiences that fabricate and are being fabricated by conceptual means and categories. This implies that category-making practices or conceptualizations cannot be fully grasped by solely examining legal rhetoric, due to the involvement of materiality in discourse production. To illuminate this, I focus on the impacts of sovereignty and property theory in the contexts of Australia and the Aboriginal peoples while also examining the rhetoric and institutional frameworks that have constructed Antarctica.

Legal historian Martti Koskenniemi articulates the material–conceptual imbrication in law by drawing attention to material experiences of the rhetorical aspect of law:

Sovereignty and property, public and private, are not only legal idioms and vocabularies, forms

13. Graham, *Lawscape*, 6.

14. Nicholas Blomley, ‘Landscapes of Property,’ *Law and Society Review* 32/3 (1998), 599.

of professional specialization and institutional authority, but also structure much of what all of us today can have as experience of the world and the alternatives for acting within it.¹⁵

Similarly, Graham understands modern law's universalism as being materialized by creating land-use practices; that is, what appears in the land when the land is used is indeed physical, yet the normativity around such practices is presumed to be detached from geographical materialities.¹⁶ This intricate web of material–conceptual connections based on lived experiences is far more complex than any 'objective' descriptions of a single field. Therefore, I understand the law as part of ongoing relational reconfigurations of histories, organizations, forces, and life forms, and in turn problematize the inadequacy of positive law and its institutions in response to the world's planetary or material crises.

The methodological framework of legal geography investigates both geographical and social constructions and should thus transcend the doctrinal approach to law.¹⁷ Legal geography scholarship focuses on place-based materialities and challenges the traditional approach to law, which does not always recognize and celebrate the ever-changing and lived conditions of places and relations. To acknowledge this dynamism, geography and geographical materialities are referred to here as not only sociocultural materialities in particular locations but also geographical materialities, such as soil, air, water, climate, flora, animals, insects, and more. Committing to material and conceptual imbrication underpins my pursuit of geo-materializing the legal imaginary.

1.4 Clarifying Key Concepts of the Book

1.4.1 *Space Production*

The key argument of the law–geography nexus renders ever-changing constructions that continually generate systems and realities for societies and other-than-societies. In such ceaseless generation, *space production* or *geo-graphing* denotes spatial manufacturing and thus transforming geography through complex assemblages of experiences,

15. Martti Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power 1300–1870* (Cambridge: Cambridge University Press, 2021), 11.

16. Graham, *Landscape*, 6.

17. O'Donnell, Robinson, and Gillespie, 'Australasian and Asia-Pacific Approach to Legal Geography,' in O'Donnell, Robinson, and Gillespie, *Legal Geography*, 8.

practices, discourses, and ideologies. Even though space production is a concept stemming from the 'words' world, it is an endeavour that recognizes, appreciates, and benefits from relations with materials. This is also my reason for dwelling on the idea of *production*: it can attest that it is possible to work with materiality through conceptuality and still provide intelligible and firm arguments. Doreen Massey defines space as not a smooth and fixed surface but the sphere of coexistence of a multiplicity of trajectories underpinned by material enforcement and engagement.¹⁸ Concurring with Massey, highlighting the aspect of production enables me to argue that geography and law cannot be separate fixations, as if they are nowhere and everywhere.

As groups of individuals have to create their spaces in which they dwell and make their lives, production in this sense is a socio-geographical project 'shaped by the interests of classes, experts, the grassroots, and other contending forces.'¹⁹ Lefebvre's famous statement also pinpoints that '(social) space is a (social) product.'²⁰ That is, every society has its own spaces, and in every society, the production of space signifies who or what has power over and in geography. Although ways of practising power can vary from one society to another,²¹ the term *production* implies that every society tailors its own way of relating to space and, thereby, produces its own spaces. As such, the emphasis on production illuminates the shift from the *production of things* in space to the *production of space* itself. Donna Haraway, with a slightly different focus, also highlights the potential of production:

Social constructionists make clear that official ideologies about objectivity and scientific method are particularly bad guides to how scientific knowledge is actually *made*. ... From this point of view, science—the real game in town—is rhetoric, a series of efforts to persuade relevant social actors that one's manufactured knowledge is a route to a desired form of very objective power.²²

18. Doreen Massey, *For Space* (London: Sage, 2005), 61, 63.

19. Harvey Molotch, 'The Space of Lefebvre,' *Theory and Society* 22/6 (1993), 887.

20. Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Oxford: Basil Blackwell, 1991), 26.

21. For example, in nation-states, political agency can be exercised within the frameworks of sovereignty, ownership, rights and freedoms. Political agency will be explored within the concept of *geopower* in Chapter 4.

22. Donna Haraway, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective,' *Feminist Studies* 14/3 (1988), 576–77.

By acknowledging the prominence of production, how geography is produced becomes a key question. Therefore, I look into *techniques* to propose analytical examinations. Chapter 3—particularly Section 3.1, ‘Hinging on Lefebvrian Space Production’—focuses on Lefebvre’s notion of space production to provide a theoretical background to the connections between space production and spatial techniques. Techniques here refer to the apparatuses of power to manufacture geography while framing relations within the same geography. Using the concept of *techniques*, the book sketches different engagements with rhetoric and praxis to draw attention to patterns of power that are determined by geographical constraints. For example, the law, as an enabler, legitimates relations that concern materiality while shaping material conditions. The law appears to have a material presence in geography through legal instruments (spatial techniques) in the form of geo-managerialist governance. Such imbrication of geography and law releases law from its linguistic confinement—interpretation, discourse, meaning—and demonstrates that the law indeed operates physically in the world.²³ Analyses of spatial techniques thus reveal how power operates within and through geography. The spatial analysis conducted for Antarctica, for instance, helps me better examine how the Antarctic materiality has become subject to states’ governance and scientific enquiries.

The conceptual understanding of space production, incorporating spatial techniques, expands on Lefebvre’s space theory, detailed in Chapter 4. This chapter draws on Lefebvre’s notions of *dominant space*, *abstract space*, *differential space*, and *lived space*. It conceptualizes the capitalist state mode of space production through the Lefebvrian concepts of dominant space and abstract space. This effort to conceptualize distinct modalities of space production signifies two central arguments: first, the current law adheres to the capitalist state modality of space production, and second, my examination exposes the legacy of colonial imaginary in the current legal imaginary.

1.4.2 *Imaginary*

Imaginary can be perceived as a vague and abstract concept; thus, its meaning should be explained, particularly as the second chapter speaks of the *legal imaginary* and *colonial imaginary*. I define the current

23. David Delaney, ‘Beyond the World: Law as a Thing of This World,’ in *Law and Geography: Current Legal Issues*, vol. 5, ed. Jane Holder and Carolyn Harrison (Oxford: Oxford University Press, 2003), 78.

legal imaginary as a liberal extension of the colonial imaginary. By tracing land transformation trajectories from *terra nullius* to colonial settlements, state territory, frontier, and the global commons, I aim to showcase that the colonial imaginary has never disappeared and still generates the ‘truth’ of space by ensuring universal measurements. Lefebvre writes: ‘A discourse on space implies a truth of space, and this must derive not from a location within space, but rather from a place imaginary and real—and hence “surreal,” yet concrete. And, yes—conceptual also.’²⁴ Such an understanding takes us back to the conceptual–material imbrication that is a theoretical and political reading of the present, as Rosi Braidotti describes.²⁵ Imaginary, in this context, does not imply a lie, something unreal, or metaphysics but is deemed to lie between experience and thought.²⁶ That is, the imaginary can be seen as a ‘presupposition of being-in-the-world’ that is perceived and privileged *a priori* as a choice and impetus of power politics.²⁷

Understanding the geography–law nexus informed by an imaginary enables me to emphasize the instability, inconsistency, relational complexities, and possibilities of this nexus. The imaginary can unpack the densely overlapping genealogies of colonialist, statist, and capitalist power’s mode of space production. Geographer Kathryn Yusoff describes the dominant imaginary of land as *tabula rasa*, diverging from the Lockean use, which permits Anglo-Europeans to inscribe their *militant maps*, as she calls it; as such, ‘Indigenes and Africans become rendered as a writ or ledger of flesh scribed in colonial grammars.’²⁸ This can be interpreted as the violence of the imaginary that concurrently incorporates the reproduction of the imaginary.

Understanding the *imaginary* by *geography* is fundamental to the book. Inspired by Edward Said, I argue that it is no coincidence that a *cartography of identities* informs the formation of the geographical imaginary, underwriting the ‘Euro-modernist interest in time with an equivalent understanding of space and spatiality.’²⁹ Said defines his notion of *imaginative geography* as follows:

24. Lefebvre, *Production of Space*, 251.

25. Rosi Braidotti, ‘A Theoretical Framework for the Critical Posthumanities,’ *Theory, Culture and Society* 36/6 (2019), 33.

26. Lefebvre, *Production of Space*, 389.

27. Edward Soja, *Thirdspace: Journeys to Los Angeles and Other Real-and-Imagined Places* (Oxford: Blackwell, Oxford, 1996), 73.

28. Kathryn Yusoff, *A Billion Black Anthropocenes or None* (Minneapolis: University of Minnesota Press, 2018), 43.

29. Derek Gregory, ‘Imaginative Geographies,’ *Progress in Human Geography* 19/4 (1995), 447.

This universal practice of designating in one's mind a familiar space which is 'ours' and an unfamiliar space beyond 'ours,' which is 'theirs,' is a way of making geographical distinctions that can be entirely arbitrary. ... [An] imaginative geography of the 'our land/barbarian land' variety does not require that the barbarians acknowledge the distinction. It is enough for 'us' to set up these boundaries in our own minds; 'they' become 'they' accordingly.³⁰

From the perspective of the imaginary *by* geography, justifications through geographical designations such as *terra nullius* or the 'state of nature' demonstrate the arbitrary characteristics of Western relations to land. For example, to promote the agricultural use of land, foundational to capitalist land use through dispossession, *terra nullius* was imagined and formalized. In so doing, it was presumed and justified that the land was left in common or went to waste in the hands of Aboriginal peoples or non-Western societies. Leaning on the imaginary *by* geography, the dispossession of geographical life forms appears as 'both a prerequisite and consequence of the coproduction' of exchange value (the value of both colonialism and capitalism) as well as democratic values (the value of liberalism through the civilization mission).³¹

1.4.3 Geopolitics

I argue that geopolitics portrays a relationship to land that is produced and experienced within an imaginary. For example, in the colonial imaginary, power relations rested on the colonial and capitalist technologies that were operated by colonialists to use the biosphere by means of 'necessary' land transformation and civilization. Power relations in a relatively more contemporary manifestation of this imaginary have evolved towards the development of the exchange value of the biosphere in pursuit of capital accumulation through dispossession and extraction. That is, states' and capital's power over geography, often in the form of territorialization and ownership, appears as geopolitics. I capture geopolitics at the junction of epistemic constructions

30. Edward Said, 'Orientalism,' *The Georgia Review* 31/1 (1977), 167; Edward Said, *Orientalism* (London: Penguin Books, 2003), 50–57.

31. Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham, NC: Duke University Press, 2018), 102, 115.

and the relational ontologies of power relations. This means that geopolitics should transcend the state mode of space production—state territorialization—and include politics of knowledge, ‘ingrained both in the body and in local histories. That is thinking geo- and body-politically.’³²

Geopolitics is often evoked when capitalist states’ relations to land are developed for the purposes of controlling geographical qualities and access to, in their terminology, natural resources through managerialism.³³ This understanding depicts one model of power relations, in which the capitalist state appropriates and controls geography by treating it as a ‘warehouse of Cheap Nature’ through technocratic technologies to measure, regulate, and manage so-called natural resources.³⁴ Despite acknowledging this as a form of geopolitics, I do not limit myself to this state-oriented and techno-rational form of power relations. I rather intend to expand power relations to non-state actors. To this end, I frame power relations between the state, capital, and geographical materialities and conceptualize them as *geopower* in light of the understanding of space production. To serve this framework, geopolitics is recaptured in the book as mutually constitutive and relationally intersecting socio-spatial relations. Such an understanding can foster a comprehension of geography that actively engages with and generates socio-spatial matters and interests. This subsequently enables me to promote a deeper understanding of geography, an understanding not circumscribed territorially by state formations. It is thus necessary to shed light on the implications of geopolitics as ‘the [material] testimony to the persistence of struggles over space’ and claim that, as Said writes, ‘as none of us is outside or beyond geography, none of us is completely free from the struggle over geography.’³⁵

32. Walter D. Mignolo, ‘Geopolitics of Sensing and Knowing: On (De)coloniality, Border Thinking and Epistemic Disobedience,’ *Postcolonial Studies* 14/3 (2011), 274.

33. Christian Parenti, ‘Environment-Making in the Capitalocene: Political Ecology of the State,’ in *Anthropocene or Capitalocene? Nature, History, and the Crisis of Capitalism*, ed. Jason W. Moore (Oakland, CA: PM Press, 2016), 175.

34. Parenti, ‘Environment-Making in the Capitalocene,’ in Moore, *Anthropocene or Capitalocene?*, 182; Jason W. Moore, ‘The Capitalocene Part II: Accumulation by Appropriation and the Centrality of Unpaid Work/Energy,’ *Journal of Peasant Studies* 45/2 (2018), 248.

35. Gearóid Ó Tuathail, *Critical Geopolitics: The Politics of Writing Global Space* (Minneapolis: University of Minnesota Press, 1996), 2; Edward Said, *Culture and Imperialism* (New York: Vintage Books, 1993), 7.

2

The Colonial Imaginary of Land Transformation: Nullification

One of the contemporary pioneers in critical legal theory, Anna Gear, understands law as a powerful imaginary, incorporating assemblages of narratives, architectures, bodies of text, conceptual formations, patterns of coercion and facilitation, and juridical praxis.¹ Given the planetary crises and debates related to the Anthropocene, she explores the Anthropocene within the legal context and the law within the Anthropocene. She reflects on the Anthropocene with respect to the notion of the *imaginary* and defines the existing imaginary of law as the ‘legal imaginary *of* the Anthropocene.’² In response to the reductionist and exclusionary ‘legal imaginary *of*,’ which, she argues, is the current imaginary, Gear proposes a ‘legal imaginary *for* the Anthropocene.’ This is an appeal to envision an alternative legal imaginary. She further discusses this proposal as ‘an alternative imaginary of human embodiment drawing on broadly new materialist ideas.’³

Her arguments hinge on the material interdependence between the legal imaginary and other-than-humanness.⁴ This book is fundamentally informed by her intriguing arguments. The law’s construction of *quasi-disembodiment* or otherness, comprising marginalized humans, animals, ecosystems, and other earthly matters, is based politically on highly specific and ideological processes.⁵ She argues that the prevailing

1. Anna Gear, ‘Legal Imaginaries and Anthropocene: “Of” and “For,”’ *Law and Critique* 31 (2020), 352.

2. Gear, ‘Legal Imaginaries and Anthropocene,’ 352–53.

3. Gear, ‘Legal Imaginaries and Anthropocene,’ 352, 356–64.

4. Anna Gear, *Redirecting Human Rights: Facing the Challenge of Corporate Legal Humanity* (Basingstoke, UK: Palgrave Macmillan, 2010), 41–45, cited in Gear, ‘Legal Imaginaries and Anthropocene,’ 352.

5. Gear, ‘Legal Imaginaries and Anthropocene,’ 354.

onto-epistemic imaginary of the law is shaped by socio-spatial production based on the embodiment–disembodiment binary that has existed throughout the history of coloniality and neo-coloniality.⁶ More importantly, the law's colonial genealogy renders it and its tools complicit in long-standing injustices, which have also marked the epoch of the Anthropocene. At this point, Gear defines the conjunction between coloniality and the legal imaginary as the 'legal imaginary of the Anthropocene,' signalling the current imaginary of the law.

The legal imaginary of the Anthropocene, as Gear terms it, is essential to 'an imaginary foundational to what is now a necrocapitalist catastrophe.'⁷ This chapter's arguments lack elaborative insights into the conceptualization of necrocapitalism. However, to understand how Gear connects the law's imaginary of the Anthropocene to the catastrophe of necrocapitalism, the concept of necropolitics is briefly discussed here by drawing on historian Achille Mbembe. According to Mbembe, the concept of necropower derives from the insufficiency of Foucauldian biopower in terms of explaining contemporary forms of subjugation.⁸ It denotes power's subjugation of peoples, places, or life in general by deciding on who and what are disposable and exploitable.⁹

Necropolitics, in this sense, captures versatile manifestations of the power of *death* over *life* that entails 'the creation of *death-worlds*.'¹⁰ This domination encapsulates a series of violences, ranging from economic to psychological. Mbembe understands the domination of death over life as a politics, constructing subjectivity and sovereignty by risking one's life.¹¹ He illustrates the logic of necropower as follows: 'Wishing to impose death on others while preserving one's own life ... as a moment of power ... triumph develops precisely from

6. Gear, 'Legal Imaginaries and Anthropocene,' 355.

7. Necrocapitalism derives from the concepts of *necropolitics* and *necropower* theorized by Achille Mbembe. See Achille Mbembe, 'Necropolitics,' trans. Libby Meintjes, *Popular Culture* 15/1 (2003), 11–40; Sam Adelman, 'Epistemologies of Mastery,' in *Research Handbook on Human Rights and the Environment*, ed. Anna Gear and Louise Kotzé (Cheltenham, UK: Edward Elgar Publishing, 2015), 9–27, cited in Gear, 'Legal Imaginaries and Anthropocene,' 356.

8. Mbembe, 'Necropolitics,' 39: 'I have demonstrated that the notion of biopower is insufficient to account for contemporary forms of subjugation of life to the power of death.'

9. Mbembe, 'Necropolitics,' 26–27; Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (London: Penguin, 2001), 30.

10. Mbembe, 'Necropolitics,' 40.

11. Mbembe, 'Necropolitics,' 14–15.

the possibility of being there when the others ... are no longer there.'¹² As such, 'new and unique forms of social existence [are deployed] in which vast populations are subjected to conditions of life conferring upon them the status of *living dead*.'¹³

In relation to necropolitics, the material outcomes and political implications of the Anthropocene become the 'mal-distributions of life and death.'¹⁴ When the conceptualization of the Anthropocene and its descriptions are interpreted within the necropolitical structure of life and death, this fosters an understanding that the Anthropocene is directly about power, sovereignty, subjectivity, and relations within geography. Indeed, in the era of colonialism, such a life-and-death structure was in place regarding the relations between colonial settlers and Indigenous peoples. Likewise, in more contemporary and neoliberal contexts, it persists in socio-ecological inequities. Formations created by power, such as subjectivity, sovereignty, and property, thus pertain to the geological epoch of the Anthropocene. Therefore, some critical accounts on the Anthropocene focus on the law as a significant means of power. According to the current legal imaginary, or the 'legal imaginary of the Anthropocene,' the Anthropocene is a direct consequence of the industrial world, which is not seen as contingent upon colonialism. Hence, from mainstream perspectives, the emergence of the Anthropocene is believed to have occurred long after colonialism overseas. This book, however, diverges from this standpoint and acknowledges the correlations between the prevailing view on the Anthropocene and the prevailing legal imaginary.

The chapter traces the Anthropocene's assumed golden spike¹⁵ by providing a colonial background to capitalist world-making, focusing on land transformations. Land transformations took place through colonial practices and justifications that paved the path for the current world. To illustrate the connections between colonialism, land transformation, and the Anthropocene, the chapter centralizes

12. Mbembe, 'Necropolitics,' 37.

13. Mbembe, 'Necropolitics,' 40. Fanon's insights, among those of other theorists, should also be considered to better understand the relationships between domination, destruction, and constructions of power, sovereignty, and subjectivity regarding the politics of death and life. Chapter 4 elaborates on the structure of such politics.

14. Grear, 'Legal Imaginaries and Anthropocene,' 356.

15. The 'Golden Spike' is a stratigraphic mark suggested by the Anthropocene Working Group during the thirty-fifth International Geological Congress in South Africa in 2016. It indicates the start of a new geological epoch, as well as 'long-term shifts in the earth system to mark the boundary'; see Yusoff, *Billion Black Anthropocenes*, 28.

the legal doctrine of *terra nullius*. This colonial doctrine, a product of the colonial imaginary, was employed across geographies throughout the colonial era. Yet, for this chapter and in the book as a whole, the application of *terra nullius* in Australia is primary. *Terra nullius* was one of the main colonial doctrines that served as a land regime to define the status of land. Envisioning and narrating the materiality of land as *terra nullius* illustrates how imaginary and legal regimes operate concurrently to produce certain spatialities. Indeed, this productive doctrine has fundamentally shaped material geography by managing geographical life forms and extracting them for capitalist production and wealth.

The relations between power, the imaginary, and materiality also unveil world history as predominantly narrated through dominant powers' imaginary. It is thus no coincidence that the dominant argument of the Anthropocene tends to overlook the enduring impacts of powers' imaginary on materialities. Within the paradigm of powers' imaginary, the presence of Indigenous peoples and other-than-state societies, their lifestyles, and local knowledge has been systematically marginalized and denied by the waging of wars against them in the name of the dominant powers' highly specific values. The values of those in power, in turn, generate an 'ideal' society and its 'ideal' governance. As such, it has been believed that every 'legitimate' society ought to prove its maturity and improvement by aligning itself with those ideal values and governing regimes.

For instance, *terra nullius* produced characteristics of land by resituating or reimagining occupancy for permanent transformations of overseas geographies. Although the conceptualization of *terra nullius* is extensive, the complex characteristics of *terra nullius* are still worth addressing to avoid essentialism at any level. *Terra nullius*' complexity also illustrates the uneven and complex characteristics of land transformations in general. Therefore, choosing a specific geography to explore *terra nullius* can help unravel the conceptual, historical, geographical, and political entanglements of this concept. However, any theoretical focus cannot mitigate the entanglement of the material and the conceptual. Throughout the book, the conceptual and material aspects of geography are surveyed together to present the argument that concepts are conditioned by materials and vice versa.

In the case of *terra nullius*, its uneven applications should remind us to be conscious of colonial and other discourses, which cannot be essentialized. Colonial projects had to be rather uneven, flexible, and adaptable to homogeneously reorganize the heterogeneity of life forms across geographies. Mbembe discusses the characteristics

of colonial structures by affirming their multifaceted applications during the origins of colonization: ‘European states never aimed at governing the colonial territories with the same uniformity and intensity as was applied to their own populations.’¹⁶ To show the flexibility of the colonial imaginary, in terms of for example the uneven applications of *terra nullius*, he adds that ‘the sovereign might kill at any time or in any manner. ... Colonial terror constantly intertwines with colonially generated fantasies of wilderness and death and fictions to create the effect of the real.’¹⁷

After this panoptic introduction, the chapter begins by problematizing the Anthropocene’s origin, namely the golden spike. It is worth noting that debates about the Anthropocene encompass an extensive scope of different interpretations. Neither this chapter nor the entire book intends to cover all these interpretations and aspects or to discuss this concept in great detail. My arguments related to the Anthropocene are rather limited to the endeavour to recalibrate the origin of planetary inequities and connect planetary changes and injustices to colonial land transformations. My focus on the Anthropocene here should thus be read as an interpretation of the colonialism–capitalism nexus. The insights of geographer Yusoff and environmental historian Jason Moore inform my critical understanding of the Anthropocene.¹⁸ Also, efforts to recalibrate the origin of the Anthropocene enable me to prioritize and highlight the role of land transformations in the interactions between conceptual and material geography. That is, critical enquiries of the Anthropocene illuminate the persistence of the colonial imaginary in the current capitalist world system.

After critically elaborating the Anthropocene’s origin, I proceed to conceptually explain the colonial imaginary. On that account, I use John Locke’s property theory to provide a theoretical background for how colonial settlers’ land possession was established through the dispossession of Indigenous peoples. Locke’s property theory encapsulates a range of fundamental notions: for example, the Lockean subject—Man—as a self-owning subject, the characterization of this subject’s labour as an industrious, value-producing labour through cultivation

16. Thomas Blom Hansen and Finn Stepputat, *Sovereign Bodies: Citizens, Migrants and States in the Postcolonial World* (Princeton, NJ: Princeton University Press, 2005), cited in Mbembe, ‘Necropolitics,’ 22.

17. Mbembe, ‘Necropolitics,’ 25.

18. To benefit from their contributions, see Yusoff, *Billion Black Anthropocenes*; Jason W. Moore, *Capitalism in the Web of Life: Ecology and the Accumulation of Capital* (London: Verso, 2015).

and enclosure, and, as a result, the Lockean notions of subject and labour structuring agrarian society as the state of civilization, as opposed to the state of nature.

Keeping in mind the Lockean imaginary of the identity–property–sovereignty bundle, I next focus on Australia’s colonial history. By providing the historical background of the colonial ‘discovery’ of Australia and colonial explorers’ impressions of Aboriginal peoples, the chapter reflects on the colonial imaginary that resulted in the dispossession of Aboriginal peoples as well as permanent transformations of Australia. As such, the chapter elaborates on *terra nullius* and the Torrens Title System and their justifications based on civilization and humanitarianism. I reference the ideas of Western philosophers such as Emmerich de Vattel and Hugo Grotius to highlight the ideological orientations of privatization, the emergence of an agriculturally intensive economy, and the denial of Aboriginal sovereignty, based on the colonial imaginary. Thereafter, I discuss the legacy of the colonial imaginary in Australia’s common law by critically examining the Mabo decision. Finally, the colonial imaginary is portrayed at the emerging intersection of colonialism, capitalism, and liberalism.

2.1 Resetting the Golden Spike for Colonial Land Transformation

More than ever, the law is conceived, or at least it wants to be, in communication with other fields, such as geography, anthropology, architecture, history, philosophy, aesthetics, and the natural sciences. The growing discussions around the Anthropocene have summoned the law to confront more-than-humans. The law, in turn, has become subject to realignment in response to planetary transformations, leading it to engender promises to offer solutions. While the Anthropocene is increasingly becoming a reference point for current planetary problems, the identification of these problems’ origins has been versatile. Therefore, how a problem is perceived or imagined determines how it is understood and which methods are proposed to solve it. In line with environmental historian Moore, efforts to find solutions are inextricably linked to problems; framing problems limits the thinking through of possible solutions.¹⁹ This tight connection between problem and solution, or between cause and effect, requires attentiveness, particularly in endeavours of periodization such as the designation of the Anthropocene, which clearly aims to specify the origin of planetary alterations.

19. Moore, *Capitalism in the Web of Life*, 173.

The conceptualization of the Anthropocene is predominantly understood within the paradigm of ‘a conventional narrative of modernity.’²⁰ This means that the dominant Anthropocene discourse has been reluctant to identify origins of the modern world that precede the Industrial Revolution.²¹ More to the point, the dominant interpretation of the Anthropocene identifies a turning point or the beginning of modernity in Britain around 1800.²² Unsurprisingly, most of the ‘new’ discourses of juridical formations have aligned their positions with the prevailing discourse of the Anthropocene, without questioning the given ‘golden spikes.’ Yusoff sheds light on the imaginary aspect of geological markers to determine the ‘golden spike’:²³

While the search for the Golden Spike is a disciplinary endeavour to geologically map the material relation of space and time according to stratigraphic principles and scientific precedents, these spikes are not real places as such; they are trace effects in material worlds that infer the event/advent of this most political ecology.²⁴

According to the golden spike, the onset of the Anthropocene, as proposed by Paul Crutzen and Eugene Stoermer,²⁵ is traced back to the late eighteenth century, parallel to the invention of the steam engine in 1784.²⁶ Their proposal aims to demonstrate that ‘human activities’ were the primary reason for planetary changes. However, they overlook the historical roots of those human activities, which culminated in the 1800 Industrial Revolution.

20. Jason W. Moore, ‘The Capitalocene, Part I: On the Nature and Origins of Our Ecological Crisis,’ *Journal of Peasant Studies* 44/3 (2017), 595.

21. Moore, ‘Capitalocene, Part I,’ 596.

22. Moore, ‘Capitalocene, Part I,’ 596.

23. The use of ‘imaginary’ here should not be confused with the denial of the event, which the term *golden spike* is deployed to describe. ‘Imaginary’ instead refers to the descriptive and arbitrary quality of its meanings and, furthermore, concepts or constructions in general. Thus, the use of imaginary signals and attests to possibly different framings.

24. Yusoff, *Billion Black Anthropocenes*, 23–24.

25. Paul J. Crutzen and Eugene F. Stoermer, ‘The “Anthropocene,”’ in *The Future of Nature: Documents of Global Change*, ed. Libby Robin, Sverker Sörlin, and Paul Warde (New Haven, CT: Yale University Press, 2000), 483–90.

26. Crutzen and Stoermer, “‘Anthropocene,’” 484–85.

Indeed, many scholars argue that the proposed start of the Anthropocene is arbitrary, and there is no formal agreement on it.²⁷ Hence, defining when the Anthropocene began places scientists in the position of arbiters, since distinct definitions of ‘golden spikes’ signal more than one mode of human–environment relations, with various consequences beyond geology.²⁸ The popular definition of the Anthropocene proposes that both the Anthropocene and capitalism originated in conjunction with industrialization, which was accelerated by the consumption of fossil fuels and the invention of new engines. Overlooking the ‘collision of the old and new worlds’ or the presumption of a ‘geologically unprecedented homogenization of Earth’s biota,’ as geographers Simon Lewis and Mark Maslin state, cannot be unwittingly performed without any political motives.²⁹ The permanent alterations caused by ‘pre-productive forms in slavery and its organization of human property as extractable energy properties’ undeniably marked the stratigraphic record.³⁰ Yusoff and Elizabeth Povinelli call the sidelining of the ‘collision of the Old and New Worlds’ or the Anthropocene’s colonial origin by focusing on human activities of industrialization the *carbon imaginary*, or capitalism as a carbon imaginary. A carbon imaginary, in this sense, is a social reproduction of the politics of knowledge that deliberately expels colonialism and Indigenous peoples from the scope of knowledge.³¹

27. A few examples: Simon L. Lewis and Mark A. Maslin, ‘Defining the Anthropocene,’ *Nature* 519 (2015), 171–80; Andreas Malm and Alf Hornborg, ‘The Geology of Mankind? A Critique of the Anthropocene Narrative,’ *Anthropocene Review* 1/1 (2014), 62–69; Anja M. Kannigieser and Nicholas Beuret, ‘Refusing the World: Silence, Commoning and the Anthropocene,’ *South Atlantic Quarterly* 116/2 (2017), 362–80.

28. Lewis and Maslin, ‘Defining the Anthropocene,’ 171.

29. Lewis and Maslin, ‘Defining the Anthropocene,’ 174–75.

30. Yusoff, *Billion Black Anthropocenes*, 40; Lewis and Maslin, ‘Defining the Anthropocene,’ 174–75: ‘The arrival of Europeans in the Caribbean in 1492, and subsequent annexing of the Americas, led to the largest human population replacement in the past 13,000 years, the first global trade networks linking Europe, China, Africa and the resultant mixing of previously separate biotas, known as the Colombian Exchange. ... The New World crops maize/corn, potatoes and the tropical staple manioc/cassava were subsequently grown across Europe, Asia and Africa. ... The cross-continental movement of dozens of other food species ..., domesticated animals (such as the horse, cow, goat and pig, all to the Americas), ... accidental transfers (many species of earth worms, to North America; American mink to Europe) contributed to a swift, ongoing, radical reorganization of life on Earth without geological precedent. ... The arrival of Europeans in the Americas also led to a large decline in human numbers. Regional population estimates sum to a total of 54 million people in the Americas in 1492, ... Numbers rapidly declined to a minimum of about 6 million people by 1650 via exposure to diseases carried by Europeans, plus war, enslavement and famine.’

31. Yusoff, *Billion Black Anthropocenes*, 40; see Elizabeth Povinelli, *Geontologies*:

Moore argues that the ‘Anthropocene makes for an easy story. Easy, because it does not challenge the naturalized inequalities, alienation, and violence inscribed in modernity’s strategic relations of power and production.’³² Therefore, the critique of the Anthropocene aims to intervene in the law’s rife perspectives, which are insensitive to colonality when considering the Anthropocene. It highlights the significance of geological politics, marking not only shifts in the earth but also governing regimes and relations. Besides pointing to the dominant discourse in the law that responds to the Anthropocene, I shift the focus from the condensed understanding of *carbon capitalism* to dwell on the long-established and ongoing trajectories of capitalism based on land transformations. As Moore underscores, ‘how we conceptualize the origins of a crisis has everything to do with how we choose to respond to that crisis. The question of how and when to draw lines around historical eras is therefore no smaller matter.’³³ From this critical point of view, this chapter understands the origin of the Anthropocene as equivalent to the origins of colonial capitalism.

Revisiting the imaginary of the law, the law has always been a conceptual act of situating or imagining. In this sense, imagining is followed by creating, framing, and enacting actions, principles, concepts, regulations, and governing regimes. Such versatile acts directly affect and produce a material world as a reality that all life forms somehow experience. The current law appears to be more wary of planetary changes and thereby strives to attune itself to the calls of the Anthropocene by demonstrating a lauded environmental sensitivity. An understanding of the Anthropocene that disregards the era of Columbus, the ‘Colombian exchange biota,’ or colonialism in general can amount to denying a long history of capitalism that traces back to colonial land transformations.³⁴ Thus, I need to introduce the connections between the epoch of the Anthropocene, the law, and the colonial imaginary that have over centuries been narrated, practised, and justified by means of juridical efforts and institutions. Land transformations, hence, become significant inflection points still in operation to produce the ceaseless accumulation of wealth through dispossession, extraction, and exploitation.

A Requiem to Late Liberalism (Durham, NC: Duke University Press, 2016).

32. Moore, *Capitalism in the Web of Life*, 173.

33. Moore, *Capitalism in the Web of Life*, 176.

34. Lewis and Maslin, ‘Defining the Anthropocene,’ 174; see also Charles C. Mann, *1493: How the Ecological Collision of Europe and the Americas Gave Rise to the Modern World* (London: Granta Books, 2011).

2.2 The Lockean Roots of the Denial of Land Possession

This section surveys whose possessions could be taken away in the era of colonial discoveries and on what the act of dispossessing could be based. Responses to these questions can reveal the foundations of current property regimes. Considering the historical and theoretical background of property, I aim to highlight the residues of dispossession in contemporary landownership and territorial sovereignty. I do not intend to detail the political theory of subjectivity and sovereignty in depth, but rather to foreground how contemporary legal regimes related to land governance and sovereignty are rooted in colonial ideas and practices. This colonial background can ultimately shed light on both the colonial history of land transformation in Australia and the foundation of the country's current land governance.

Although such historical tracing resonates with the widely accepted understanding of the law's linear development, shifting from colonial to postcolonial, I prefer to be cautious about the linear evolution of the law. Aileen Moreton-Robinson has a critical understanding of the 'postcolonial' stage, which is detailed later in this chapter. However, I approach colonial governance here by tracing its linearity, examining colonial land governance by illustrating Australia's colonial land history and the historical development of its property regimes.

I particularly examine the historical construct of identity as a juridical category and property relations between constructed identities. This examination highlights how colonial notions about societal and territorial organization led to dispossession. Brenna Bhandar, focusing on First Nations women in Canada, examines the theoretical and historical construction of identity in relation to property relations and discusses colonial technologies established to manage property relations between categories.³⁵ The focus on the colonial constructions through property relations and socio-spatial organizations also informs the next section, which moves on to the land title and registry system, perceived here as a colonial technique.

Colonial explorers' racist presumptions, which were bequeathed to colonial settlers and authorities, were constitutive in denying the Indigenous or local identity. The denial and racial configuration

35. Brenna Bhandar, 'Status as Property: Identity, Land and the Dispossession of First Nations Women in Canada,' *Darkmatter Journal* (16 May 2016), 1–20, accessed 28 October 2025, <https://soas-repository.worktribe.com/output/371081/status-as-property-identity-land-and-the-dispossession-of-first-nations-women-in-canada>.

of Indigenous identity resulted in the generational dispossession and disenfranchisement of Indigenous peoples. Dispossession, as a corollary of historical relations and categories, amounts to not only the subjugation of Indigenous peoples and their separation from their lands but also the production of a particular form of society—settler-colonial societies, which meant new geographical organizations and new productive systems of land governance. As a result, the colonial imaginary of ‘civilization’ was deliberately constructed in contrast to Indigenous identity. Accordingly, the Indigenous identity became the figure of the ‘savage’ in the eyes of the colonial explorers and, later, colonial settlers and administrators. This configuration of Indigenous identity was pushed forward through the notion of ‘civilization,’ which is elaborated in Section 2.3.1, ‘Justifications for Sovereignty Acquisition: Civilization and Humanitarianism.’ Drawing on John Locke, this section sheds light on the theoretical background of racial presumptions that led to establishing the Aboriginal status in contemporary Australia. This signals the productive importance of the connection between identity and property, which I conceptualize here through the Lockean theory of property.

Locke’s notions have been widely considered by many in an attempt to understand his significance in the construction of modern property regimes. His notions fundamentally informed the system of land possession and the development of colonial property law, which also left imprints on private property and Western liberalism. Lockean property has had a profound influence on the constitution of modern property rights, sovereignty, and the ongoing expansion of capitalism. Margaret Davies states that Locke’s theorization of property remains ‘not only in the so-called “new” world, but everywhere, anywhere and for all time.’³⁶ I focus on Locke’s property theory because of his immense impacts on property in general and because—as detailed in Section 2.2.3, ‘Dispossession through Agriculture, Valorization, and Possession without Consent’—Locke, as a British philosopher and legislator, was pivotal in justifying, structuring, and regulating the colonial British settlements. This was particularly the case in North America, but his ideas influenced and extended to colonies across different geographies, such as Australia.

Lockean property is understood here as an enigma densely packed with varied concepts and meanings. Thus, unpacking his notions about

36. Margaret Davies, *Property: Meanings, Histories, Theories* (Abingdon, UK: Routledge-Cavendish, 2007), 88.

property comes with complexities and confusion. However, evoking other contemporary interlocutors can help point to the central arguments of his thought. In the following sections, *Lockean subjectivity* is first elucidated by referring to Étienne Balibar's understanding of constituent and constituted property as well as Bhandar's analysis of Balibar's arguments concerning Indigenous identity in Canada. Second, I elaborate *Lockean labour*, qualified as value-producing labour in two particular forms (cultivation and enclosure) and their formative impacts on the creation of the concept of *waste land* and the societal shift from the 'state of nature' to the 'state of civilization.' Finally, I draw attention to how Lockean conceptual dichotomies culminated in the *concurrent dispossession* of Indigenous peoples and other life forms on the land.

2.2.1 *The Identity–Property Nexus*

According to Locke's famous canonical formula, 'every Man has a *Property* in his own *Person* ... [and] *Labour* of his *Body* ... are properly his.'³⁷ The way Locke formulated this possessive subjectivity has many qualities to unpack. He viewed the notion of *possession* as the key element of what constitutes the subject. 'Every Man,' in the sense of Locke, denotes a selective sense of 'every,' with particular attributes. 'Man,' with a capital M to indicate the historically specific subject, amounts to the Lockean subjectivity that originated from a natural or God-given authority, which could be held only if Man owned himself. This understanding signals one of the central premises of Lockean subjectivity: *self-ownership* or the *self-owning subject*.

Locke proposes two interwoven ways of possession: owning one's own body and owning objects. Political scientist Barbara Arneil clarifies Locke's use of the term *property* by pointing to two ways it is defined in his *Two Treatises*. First, a narrow definition indicates the possession of land or objects, or the external possession of the individual. A second definition is broader, amounting to possession within the individual of 'Life, Liberty and Estate.'³⁸ The subject's possession thus takes place in both the interiority of the self and the exteriority of the world.³⁹ This understanding can be interpreted to conceive the body as on par

37. John Locke, *Two Treatises on Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), *The Second Treatise*, 'Property,' chapter V, § 27, 287–88.

38. Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford: Oxford University Press, 1996), 133; Locke, *Second Treatise*, 'Political Society,' chapter VII, § 87, 323.

39. Bhandar, 'Status as Property,' 7.

with objects, which is also a significant argument in justifications for enslaving humans and other-than-human bodies.

In Lockean property, some humans can hold the same status as objects, whereas ‘Man’ or the Lockean subject is not simply a non-object. ‘Man’ is capable of holding both interior and exterior possessions concurrently. In this respect, possession constitutes ‘Man,’ whose ownership should be exercised within these two realms simultaneously, indicating the *dialectics of the notion of possessive individualism*, as Balibar puts it.⁴⁰ In this dual structure of possession, the individuality of ‘Man,’ in which he owns himself or his body, is based on property; that is, his agency or full-fledged subjectivity is dependent on being the owner of the self that bespeaks liberty. As Balibar writes, ‘property is a precondition for liberty or freedom, and therefore ... only the “proprietor” or owner is truly independent, free, and becomes a citizen.’⁴¹ This understanding sheds light on the main premises of the modern subject of private property, equipped with property rights. Balibar understands this dimension of Lockean property as the exercise of liberty, which hinges on ‘constituted property,’ in his terms, as a juridical requirement to hold rights and freedoms.⁴²

In chapter 15 of the *Second Treatise*, Locke outlines the power–identity nexus by classifying power into three types: paternal, political, and despotic.⁴³ This classification paved the way, historically and genealogically, for constituting the status of the colonizer as a powerful identity and later as the subject of the law. It is also claimed that the Lockean power–identity nexus has long been harnessed to justify the exclusion of particular individuals from being fully human or legal persons.⁴⁴ Additionally, Locke constructs categories of individuals such as free citizens, wives of free citizens, servants, enslaved people, and those who were almost completely ignored but still living in ‘waste land,’ namely Indigenous peoples. By combining the distinct categories of identity and power, Locke creates a societal structure in which people

40. Étienne Balibar, “Possessive Individualism” Reversed: From Locke to Derrida,’ *Constellations* 9/3 (2002), 301.

41. Balibar, “Possessive Individualism,” 302.

42. Balibar, “Possessive Individualism,” 302.

43. Locke, *Second Treatise*, ‘Of Paternal, Political, and Despotical Power, Considered Together,’ chapter XV, §§ 169–75, 380–84.

44. Roberto Esposito, *Persons and Things*, trans. Zakiya Hanafi (Cambridge: Polity Press, 2015), 32; Costas Douzinas, *The End of Human Rights* (Oxford: Hart Publishing, 2000), 372; Anna Grear, ‘Law’s Entities: Complexity, Plasticity and Justice,’ *Jurisprudence* 4/1 (2013), 89–90.

can hold distinct identities and thereby have various levels of power or authority in society.

Arneil details the Lockean power–identity relation as follows:

Locke's basic thesis ... is that the only English farmer male head of household has the right to own property and, therefore, is the only one who can exercise political power. All other individuals (wives, servants and slaves in the private sphere) are subject to different kinds of power, based on their capacity to own and manage property. Amongst these three groups, servants are subject to a form of 'paternal power,' wives to a form of 'conjugal power' and slaves to a form of 'despotic power.' Other groups are excluded by Locke from both the private sphere and from owning property (such as the American 'Indians').⁴⁵

This implies a hierarchical structure of society, with different levels of the power–identity nexus, informed by race, gender, and class. It also attests that nationality, gender, race, and class were fundamental to determining whether an individual had the capacity for possession. In this sense, while power determines identity and, thereby, the capacity to hold property, 'power derives from property. It is from the capacity of property to socialize men that the characteristics of power we have come to view as "liberal" derive.'⁴⁶ As Bhandar states, the '*power of appropriation* is the point of origin for the Lockean subject.'⁴⁷

The Lockean subject, or 'Man,' owns his own individuality and should also possess something in the outside world. The possession of objects in the world amounts to the second aspect of the Lockean dialectics of possessive individualism, namely *constituent property*, using the terms of Balibar.⁴⁸ In this regard, the subject should act in pursuit of possessing land and objects and therefore become an owner of property by his actions. In chapter 5 of the *Second Treatise*, Locke is primarily concerned about using land and its products and possessing them as property, which, in his view, can be executed through labour

45. Barbara Arneil, 'Women as Wives, Servants and Slaves: Rethinking the Public/Private Divide,' *Canadian Journal of Political Science* 34/1 (2001), 38 (emphasis in original).

46. Balibar, "Possessive Individualism," 302.

47. Bhandar, 'Status as Property,' 7.

48. Balibar, "Possessive Individualism," 302.

and individual use.⁴⁹ Locke was significantly influenced by the Christian worldview and believed that it is the God-given task of able male bodies to use and labour the God-gifted land.⁵⁰ He writes, 'God made of the World to Adam, and to Noah, and his Sons, ... that God ... *has given the Earth to the Children of Men*, given it to Mankind in common.'⁵¹ He initially acknowledges property in common as signalling a stage of the earth prior to possession, that is, the stage of nature.⁵² Therefore, he argues that land in common must be appropriated; otherwise, it remains waste. As elaborated in Section 2.2.2, 'The Nexus between Labour, Waste Land, and Social Transition,' this argument was indeed the fulcrum of the colonial claims to land overseas.

Regarding the 'proper' appropriation of land, Locke's central argument revolved around labour. Accordingly, labour ought to be executed through two particular methods: cultivation and enclosure.⁵³ This indicates one specific model of land use and labour, which denotes agriculture or the agrarian cultivation of land. According to Locke, the agrarian use of land is the only legitimate way to claim property,⁵⁴ which, in turn, fosters the notion of civilization. It is also worth noting here that Locke's colonial interests and investments, particularly in tobacco and sugar, informed his arguments in favour of the agrarian form of labour, as if Western agriculture was the only acceptable and so-called 'civilized' land use.⁵⁵ For Locke, agriculture or the agrarian cultivation of land is required for land possession, because solely having and benefiting from the products of the earth, such as fruit and animals, does not confer possession of the land.⁵⁶ This means that Indigenous populations could not possess land or claim any property rights, as they did not engage in agrarian labour to cultivate the land, as colonial British proprietors did. In this respect, cultivated land was the antonym of waste land in the eyes of British colonizers.

In the *Second Treatise*, Locke writes, '*as much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property*. He by his Labour does, as it were, inclose it from

49. Locke, *Second Treatise*, 'Of Property,' chapter V, §§ 27–28, 287–88.

50. Locke, *Second Treatise*, 'Of Property,' chapter V, §§ 35–36, 291–92.

51. Locke, *Second Treatise*, 'Of Property,' chapter V, § 26, 286.

52. Locke, *Second Treatise*, 'Of Property,' chapter V, § 26, 286.

53. Arneil, *John Locke and America*, 139.

54. Locke, *Second Treatise*, 'Of Property,' chapter V, § 42, 297–98.

55. Maurice Cranston, *John Locke: A Biography* (Oxford: Oxford University Press, 1985), 155–56, cited in Arneil, *John Locke and America*, 139.

56. Locke, *Second Treatise*, 'Of Property,' chapter V, § 42, 294–95.

the Common.⁵⁷ Enclosure, which Locke points to as the second form of labour, constitutes the land title by converting common property into private property and thereby generating property rights by excluding others' possession and use of the land. Arneil points out that enclosure propels property and secures the land by preventing others from encroaching upon it.⁵⁸ British property in the so-called New World pivoted on this notion of enclosure. In other words, enclosure was essential in seizing Indigenous peoples' land, without their consent, and delivering their lands to colonial settlers.

To provide a brief historical background of the land regime in seventeenth-century England, land was not privately held in feudal England. Territories could not be owned by individuals or inhabitants; the exceptions to this rule were feudal tenants and lords, who were entitled to a few limited privileges as guards of feudal land.⁵⁹ In North America, Australia, or other British colonies, granting land to individual colonizers and England-based companies was the 'rule' to accomplish a transaction or, more precisely, dispossession. Enclosure, as a colonial practice of the British Crown, was constitutive in establishing colonies outside Britain and extracting lands for the economies of colonies and Britain.⁶⁰ Only around the eighteenth century did enclosure start operating in England as a transition from feudal tenure to modern property ownership, which was almost a century after enclosure took place in British colonies overseas.⁶¹

According to Locke, the purpose of enclosure is to improve the land and bring wealth to the political or 'advanced' society. As Indians were seen as constituting the natural form of society or being in a state of nature, they could only possess fruit and venison, hunt deer, grow corn, and so on.⁶² Since the seventeenth century, the logic of improvement has been applied to measure the value of land and the level of advancement of society. The notion of *waste* was also used to call forth improvement and wealth through colonial conquest. Based on the arguments

57. Locke, *Second Treatise*, 'Of Property,' chapter V, § 32, 290–91.

58. Arneil, *John Locke and America*, 141.

59. Graham, *Lawscape*, 39–41; Margaret Davies and Ngaire Naffine, *Are Persons Property? Legal Debates about Property and Personality* (Dartmouth, UK: Ashgate, 2002), 30–32.

60. For further details and examples, see Graham, *Lawscape*, 104–11.

61. Graham, *Lawscape*, 52.

62. James Tully, *An Approach to Political Philosophy: Locke in Contexts* (New York: Cambridge University Press, 1993), 142. See Locke, *Second Treatise*, 'Of Property,' chapter V, §§ 26, 30, 48, 286–87, 289–90, 301.

around improvement, wealth, and political society, enclosure became an epistemic construct and therefore did not require Indians' consent, due to their so-called lack of value-producing labour and 'proper' land use. That is, enclosure legitimized the colonial interests of the British in the land in the name of a land policy that constituted and preserved property as well as authority over the land.

Locke, by presuming that 'in the beginning all the world was America,' refers to the commons in which so-called 'pre-civilized' peoples lived.⁶³ However, as soon as so-called 'civilized' people or British colonizers arrived, they would have a mission to save the land from remaining ostensibly waste. In this regard, enclosure was understood as being linked to improvement and wealth, subsequently leading to modern private property law. It is worth adding that enclosure cannot be fully grasped without its racial aspects. This racially sensitive method of land use led various critical scholars, such as Brenna Bhandar, Cheryl Harris, Sarah Keenan, and Cedric Robinson, to explore the relationship between property and race, defined as racial regimes of property.⁶⁴ In short, enclosure was utilized to privatize and improve land on behalf of a historically specified subject.⁶⁵ As a result, it becomes clearer that the value-producing forms of labour, enclosure and cultivation, were embedded in and fabricated along with racial segregation.

2.2.2 *The Nexus between Labour, Waste Land, and Societal Transition*

Locke's notion of labour produced governing ventures not only in North America but also in other British colonies that legitimized the accumulation of land revenues through dispossession.⁶⁶ As such, Locke's labour theory was fundamental to the justification of colonial/capitalist expansionism in the name of wealth accumulation.⁶⁷ Productivity on land

63. Locke, *Second Treatise*, 'Of Property,' chapter V, § 49, 301.

64. Bhandar, *Colonial Lives of Property*; Cheryl Harris, 'Whiteness as Property,' *Harvard Law Review* 106/8 (1993), 1707–91; Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (New York: Routledge, 2015); Cedric J. Robinson, *Forgeries of Memory and Meaning: Blacks and the Regimes of Race in American Theater and Film before World War II* (Chapel Hill: University of North Carolina Press, 2007).

65. For comprehensive elaborations and concrete examples, see Bhandar, *Colonial Lives of Property*.

66. Judith Whitehead, 'John Locke, Accumulation by Dispossession and the Governance of Colonial India,' *Journal of Contemporary Asia* 42/1 (2012), 2.

67. Cole Harris, 'How Did Colonialism Dispospossess? Comments from an Edge of Empire,' *Annals of the Association of American Geographers* 94/1 (2004), 171.

by means of labour shaped the idea of land as waste. The conceptual nexus between labour and the creation of 'waste land' provided a legal framework for the concurrent dispossession of peoples and lands. The forms of labour—cultivation and enclosure—theorized by Locke aimed to valorize the land and transfer its qualities to the accumulation of wealth, along with the notions of civilization and improvement.

Colonialism in the 'New World' pivoted on this growing agricultural productivity by enclosing lands, leading to colonial expansionary conquests when land was not settled, cultivated, and enclosed for individual property.⁶⁸ Such lands were identified as waste, as they were not possessed by any individual through cultivation and enclosure. *Waste* or *waste land* as a category of land was considered supplementary to the ideas on the economic value and improvement of land.⁶⁹ Therefore, the category of waste land rendered specific characteristics of land use within the dichotomy of productive and unproductive uses. This was employed to identify the status of the land, or to determine whether the land was in common or privately possessed. Locke defines waste land as the land 'that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is, *wast* [waste]; and we shall find the benefit of it amount to little more than nothing.'⁷⁰ Put differently, waste land amounts to the antonym of possessed, laboured, and eventually valorized land in the form of property.

The dichotomy between land in common or 'waste land' and land in an individual's possession resonates with the dichotomy between value-producing labour, meaning the efficient use of land, and non-value-producing labour. The latter dichotomy was seen as necessary for the accumulation of wealth, signalling a so-called advanced society. These two dichotomies appeared as criteria to measure whether a social transition from a 'state of nature' to a 'state of civilization' was necessary. That is, land should not be 'abandoned' or neglected or wasted; rather, by cultivating and enclosing it, as in the European form of agrarian labour, land should be brought to the service of 'humane life,'⁷¹ denoting wealth accumulation along with a political society, or a 'state of civilization.' Since the colonial promise to 'humanity' was to 'save' the land from remaining wasted, the transformation of societal organization was seen as necessary; otherwise, land on which societies

68. Whitehead, 'John Locke, Accumulation by Dispossession,' 2.

69. Whitehead, 'John Locke, Accumulation by Dispossession,' 3.

70. Locke, *Second Treatise*, 'Of Property,' chapter V, § 42, 297.

71. Arneil, *John Locke and America*, 141.

in a 'state of nature' lived would become waste land, as those in a state of nature allegedly were not capable of effectively using and thereby possessing the land.

The Lockean understanding of the state of nature, within the example of Indians' lives in America, depicts a society at the outset of historical development. Locke discusses his notion of the state of nature in the *Second Treatise*, chapter 2, titled 'Of the State of Nature,'⁷² and chapter 3, titled 'Of the State of War.'⁷³ Accordingly, 'individuals are free to order their actions within the bounds of natural laws and are equal in the "Power and Jurisdiction" to govern their actions of those who transgress these bounds.'⁷⁴ A society, as Locke describes it, is considered to have a system of individual self-government that is different from political society in the Lockean context. In the state of nature, or the system of individual self-government, everyone has equal freedom and rationality to cooperate with each other, which is rooted in a universal doctrine, in Locke's view.⁷⁵ Locke also argues that on the basis of the Bible or natural law, people in the state of nature hold equal rights to benefit from the goods of nature as in common. He conceptualizes this universal doctrine as the 'Strange Doctrine,'⁷⁶ that is, everyone has 'the Executive Power of the Law of Nature,'⁷⁷ meaning that there is no single authority or centre of governance, but instead everyone is entitled to the same rights and freedoms. Those who breach the law of nature to establish their own collective organization and security would be punished.⁷⁸ As such, he thought that societies in the state of nature held equal power individually, not communally, without established and permanent governance.

On the other hand, Locke's term *political societies* serves to reinforce the Lockean societal dichotomy by denouncing the state of nature, as if it lacked political life and organization. In this manner, government and positive laws, as the primary components of political life, take place only in a political society to regulate value-producing labour and allegedly legitimate possession.⁷⁹ This demonstrates that in a political

72. See Locke, *Second Treatise*, 'Of the State of Nature,' chapter II, §§ 4–15, 269–78.

73. See Locke, *Second Treatise*, 'Of the State of War,' chapter III, §§ 16–21, 278–82.

74. Tully, *Approach to Political Philosophy*, 141–42.

75. Peter Laslett, 'Introduction,' in Locke, *Two Treatises*, 96.

76. Locke, *Second Treatise*, 'Of the State of Nature,' chapter II, § 9, 272–73.

77. Locke, *Second Treatise*, 'Of the State of Nature,' chapter II, §§ 6–9, 13, 270–73, 275–76.

78. Laslett, 'Introduction,' in Locke, *Two Treatises*, 97.

79. Tully, *Approach to Political Philosophy*, 142.

society, the notion of property is fundamental, as opposed to in the state of nature. To argue for the significance of property in political society, Locke writes: 'There we see the Possessions of a Private Man revert to the Community, and so in Politic Societies come into the Hands of the Public Magistrate: but in the State of Nature become again perfectly common, no body having a right to Inherit them: nor can any one have a Property in them.'⁸⁰

To establish the ostensibly missing authority or governance in the state of nature, particularly in the so-called New World, Locke claims that a political society can exist only when the regime of property governance is brought about to regulate and protect individuals' property.⁸¹ Within this framework, land possession is guaranteed by positive laws and institutions. The reasons for seeking institutional frameworks were also related to Anglo-European societies' methods of land acquisition: through papal grants, royal charters, symbolic acts and ceremonies, discovery and effective occupation doctrines, the right to trade, and humanitarian and missionary endeavours and promises. These institutions and policies were seen as parts of positive (colonial) laws to Christianize and 'civilize' societies which were in the so-called state of nature; as a result, such colonial interventions brought the governmental imperative to the state of nature.⁸² Arneil points out that Locke's references and definitions revolve around the perception that Indians were, presumably, pre-civilized Europeans longing for 'the religious light of the New Testament and the political light of English civilization.'⁸³ Locke's societal dichotomy, built upon the idea of before and after European civilization, also introduced the 'official' history of the land by placing the beginning of history at the establishment of colonial settlements and erasing, denouncing, and assimilating Indigenous histories and memories. As mentioned by Bhandar with reference to Mahmoud Darwish, the denial of Indigeneity 'to credit the colonised with a memory of place before settlement, before "civilisation," is intimately connected to the theft of rights.'⁸⁴

80. Locke, *First Treatise*, 'Of Monarchy, by Inheritance from Adam,' chapter IX, § 90, 208.

81. Tully, *Approach to Political Philosophy*, 164.

82. Tully, *Approach to Political Philosophy*, 142.

83. Arneil, *John Locke and America*, 134.

84. Bhandar, 'Status as Property,' 9.

2.2.3 *Dispossession through Agriculture, Valorization, and Possession without Consent*

Cultivation and enclosure as value-producing labour, the notion of waste land, and the societal dichotomy between the state of nature and political society endorsed dispossession for and through colonial jurisdiction. Legal formations, fashioned by Lockean property and governance, constituted juridical categories and land titles, including those of colonial settlers and their settlements. For instance, the continent of America was considered a 'state of nature' where all life forms on the land existed before the arrival of the British. Determining that America was in a state of nature seems to have been one act. However, it actually comprised a range of acts of disqualifying Indigenous identity and societal organizations and denying Indigenous ways of living on the land.⁸⁵ The idea of societal hierarchy, based on the idea of 'being advanced,' enabled colonizers to claim America as vacant. As a result of this professed vacancy, it was assumed that there was no need to seek Indigenous peoples' consent to seize America and dispossess them from their lands. The process of nullifying or dispossessing life in America was executed through colonial techniques that aimed to transform the identity of the land and its Indigenous populations. The dispossession of Indigenous peoples in the Americas was further perpetuated by British imperialism and capitalism, as demonstrated in Chapter 3's analysis of Antarctica.

The Lockean distinction between societies, as mentioned earlier, is defined by value production, labour, and the underlying motivations for land use. Philosopher James Tully posits that exchange value and accumulation were promoted in opposition to the Indigenous production systems, which were viewed as 'underproduction and 'replacement consumption.'⁸⁶ Locke was convinced that God gave the world to people in common,⁸⁷ but not to neglect it and leave it in common. Instead, people ought to cultivate and benefit from the land in the name of so-called rational use; God 'gave it to the use of the Industrious

85. Tully, *Approach to Political Philosophy*, 151.

86. Tully, *Approach to Political Philosophy*, 156.

87. 'God gave the World to Men in Common'; see Locke, *Second Treatise*, 'Of Property,' chapter V, § 34, 291; 'God gave Adam no such *Private Dominion*. ... Noah should have the same Title, the same Property and Dominion ... since *Private Dominion* cannot consist with the Blessing and Grant God gave to him and his Sons in Common, 'tis a sufficient Reason to conclude that Adam had none, especially since in the Donation made to him.' Locke, *First Treatise*, 'Adam's Title by Donation,' chapter IV, § 36, 166.

and Rational, (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious.⁸⁸ Based on Locke's argument, the Indigenous use of land was not seen as qualifying as and sufficient for the Lockean standard of industrious and rational use.⁸⁹ Hence, Indigenous forms of labour—such as hunting, gathering, picking, fishing, trapping, or non-sedentary agriculture—were undermined, as Locke understood that only European production activities, namely agriculture, were advanced; therefore, European labour enabled individuals to 'properly' claim and hold titles and property rights.⁹⁰

To wit, Locke puts forward that raw materials are mixed with or transformed by industrious labour to produce valuable commodities. He writes:

Before they come to our use ... see how much they receive of their value from Humane Industry. Bread, Wine and Cloth, are things of daily use, and great plenty, yet notwithstanding, Acorns, Water, and Leaves, or Skins, must be our Bread, Drink and Clothing, did not labour furnish us with these more useful Commodities. For whatever Bread is more worth than Acorns, Wine than Water, and Cloth or Silk than Leaves, Skins, or Moss, that is wholly owing to labour and industry.⁹¹

This attests to the entire process of valorizing land, nature, and natural forms for accumulative production by delivering them to capital, which is elaborated on in Chapter 4. Labour, in the Lockean sense, has a central role in transforming the use value of qualities into the exchange value of commodities that supposedly contribute to human wealth and improvement.⁹² Furthermore, the invention of money also contributed to the Lockean or early capitalist notion of value within private property; that is, private property with the value of money legitimized and entailed ceaseless accumulation.⁹³

88. Locke, *Second Treatise*, 'Of Property,' chapter V, § 34, 291.

89. Tully, *Approach to Political Philosophy*, 156.

90. Tully, *Approach to Political Philosophy*, 156.

91. Locke, *Second Treatise*, 'Of Property,' chapter V, § 42, 297.

92. I analyse this same motivation and transformative pattern in Chapters 2 and 3, concerning the particular geography of Antarctica.

93. Thomas Flanagan, 'The Agricultural Argument and Original Appropriation: Indian Lands and Political Philosophy,' *Canadian Journal of Political Science* 22/3 (1989), 593.

If labour is furnished with transformative value production, meaning more excessive use than the plain and individual use of natural forms, this proves an 'advanced governance' of land in political society, as opposed to the self-governing system in the state of nature, according to Locke. By comparing Indigenous land use with European so-called rational use, using the measure of value-producing labour,⁹⁴ Locke argues that rational and industrious labour increase the value of products. For example, when sugar and tobacco became valuable commodities, this led to their increasing production, thereby increasing demand for labour and its value as a commodity.⁹⁵ Locke's colonial interests in the industrious use of land, along with productive labour, illustrate the main premises of the colonial imaginary.

Locke, a philosopher and colonial administrator who theorized the colonization of the 'New World,' fundamentally influenced the colonial imaginary, incorporating conceptual and practical tools. The Lockean property theory demonstrates that this imaginary pivots on plans for and purposes of the exploitation of land, which in turn facilitate the enduring capitalist system of possession and production through transforming land. His argument of dispossession based on agriculture aligns with the linear trajectory of the Western sociopolitical and economic system, which, as Davies posits, consists of ongoing expansionist capitalism finding new resource frontiers for exploitation and accumulation.⁹⁶ This reveals that colonial and imperial proprietors in different vestiges have always sought lands, resources, and frontiers for essentially a similar pattern of appropriation–dispossession by means of discovery, rational use, 'improvement,' property rights, 'proper' possession and governance of land.

Arneil summarizes the legitimate form of labour for possessing things according to Locke as follows: 'In the case of animals by killing them, the case of fruits by picking them, and in the case of land by cultivating it; none of these activities depends on the consent of others.'⁹⁷ In its wake, although the consent of individuals was sought to appropriate property in England,⁹⁸ British colonial settlers' private property rights

94. Locke, *Second Treatise*, 'Of Property,' chapter V, § 43, 298.

95. Paul Corcoran, 'John Locke on the Possession of Land: Native Title vs. the "Principle" of *Vacuum domicilium*,' (paper presented at the Australasian Political Studies Association Annual Conference, Monash University, Melbourne, 24–26 September 2007), 3.

96. Davies, *Property*, 98.

97. Arneil, *John Locke and America*, 62.

98. Arneil, *John Locke and America*, 137.

could begin without the consent of Indigenous peoples, since ‘the lack of enclosure by Amerindians ... allows the Englishman to claim, by virtue of a higher yield of goods to humanity, their land for cultivation.’⁹⁹ Appropriation in the name of necessity was ultimately used to banish the way Indigenous populations used their lands and thus appropriate these lands:

The Indians, who left their cornfields for the clam beds each year, neither tilled nor fenced, and who let the fields rot and compost every three years, for the purposes of soil enrichment, did not cultivate the land in the proper fashion, and, therefore the land was open for use by others.¹⁰⁰

In the eyes of colonizers, extraction without exploitation was a waste that led to ‘waste land’ if the land with all forms was not fully taken and used for accumulation.

Such exploitative land use was also fundamental to the evolution of the British political economy.¹⁰¹ To avoid ‘wasting’ land, thereby leaving it in common, enclosure and cultivation were needed according to Locke, as detailed previously. Thus, enclosing lands awaiting colonial appropriation was seen as almost a duty of colonial settlers. According to Locke,

If either the Grass or his Inclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other.¹⁰²

This prospect for others’ ‘required’ possession eliminated the consent of Indigenous peoples. As long as cultivation and enclosure were practised as a ‘rational’ use of land, the land would not be seen as being wasted. In this sense, colonial land possession through the dispossession of Indigenous peoples was lawful. This demonstrates once again that the Lockean understanding of possession is intertwined with land use based on value-producing labour, which follows the fashion of expansionist capitalism.

99. Arneil, *John Locke and America*, 62.

100. Tully, *Approach to Political Philosophy*, 157.

101. Whitehead, ‘John Locke, Accumulation by Dispossession,’ 2.

102. Locke, *Second Treatise*, ‘Of Property,’ chapter V, § 38, 295.

While Locke, as a theorist and promoter of biased and hypocritical arguments about land use, consent of peoples, and land governance, criticized the conquest of inhabited territories,¹⁰³ he did not take the same position regarding the Indigenous populations of North America. His personal interests in North America were seen as the reason behind his ambivalence. Locke's limited knowledge and interest in Anglo-European contact with Indigenous populations predominantly shaped his thoughts and his works pertaining to property and political institutions.¹⁰⁴ It is claimed that Locke was the first modern philosopher keen to discover the 'New World' by thinking.¹⁰⁵ Tully mentions Locke's active and long-standing roles as a legislator and a colonial administrator and his significance in developing the racialized property regime:

As secretary to Lord Shaftesbury, secretary of the Lord Proprietors of Carolina (1668–71), secretary to the Council of Trade and Plantations (1673–4), and member of the Board of the Trade (1696–1700), Locke was one of the six or eight men who closely invigilated and helped to shape the old colonial system during the Restoration. He invested in the slave-trading Royal Africa Company (1671) and the Company of Merchant Adventurers to trade with the Bahamas (1672), and he was a Landgrave of the proprietary government of Carolina.¹⁰⁶

Along with his economic and political interests in colonialism, Locke was also impactful as a policymaker, having written agrarian laws for Carolina, a reform proposal for Virginia, and other policy recommendations regarding trade, colonial settlements, and government in America.¹⁰⁷ Historian David Armitage likewise argues that the Lockean theory that combines liberalism with colonialism is indeed biographical.¹⁰⁸ This highlights that there are no objective and universal theories detached from the politics of individuals. As such, being mindful

103. Whitehead, 'John Locke, Accumulation by Dispossession,' 2.

104. Davies, *Property*, 93.

105. Herman Leobovics, 'The Uses of America in Locke's Second Treatise of Government,' *Journal of the History of Ideas* 47/4, 1986, 567.

106. Tully, *Approach to Political Philosophy*, 140.

107. Tully, *Approach to Political Philosophy*, 141.

108. David Armitage, 'John Locke, Carolina, and the "Two Treatises of Government,"' *Political Theory* 32/5 (2004), 603.

of the biographical aspects of Lockean notions can historicize and humanize the role of world- and system-making processes.

After all, the non-recognition of Indigenous consent through colonial justifications amounted to the denial of Indigenous identity, agency, and sovereignty. This deliberate erasure of Indigenous peoples' presence undermined their participation in life in general. It restrained them from manifesting themselves, which implied the erasure of Indigeneity from their lands, politics, and life in 'political society.' This political as well as physical dispossession of Indigenous peoples signifies the monopoly of state sovereignty as the legitimate agent in the constitution of sociopolitical life and legal relations. In this section, Lockean justifications and arguments were specifically elaborated to illustrate the formative impetus of the colonial imaginary in developing land governance, which continues to affect us today. Since Locke's theory of property was central to the development of other British colonies and discussions of successive philosophers and legislators, the subsequent sections address the British colonial administration and the colonial system of land governance established in and for Australia. These sections, even though they specifically focus on colonialism in Australia, should be read in light of Locke's property theory.

2.3 A Brief Background: The Nullification of Australia and Aboriginals

On 28 April 1770, James Cook and his crew sailed to Australia to find a 'suitable' location for a new penal colony to which people convicted by the British government would be sent. They landed at what Cook named Botany Bay. Cook's arrival is conceived as one of the first possessive performances by the white male body.¹⁰⁹ Moreton-Robinson describes his first encounter with the Aboriginal population, in which the Kameygal and Gweagal clans perceived the colonial explorers' large boat as a big bird until seeing it and the people onboard from a closer distance.¹¹⁰ She further points out that although there was a violent and active response from the Gweagal people to the British explorers from the beginning,¹¹¹ the colonial explorers never considered

109. Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015), 35.

110. Moreton-Robinson, *White Possessive*, 35.

111. 'When Cook and his men landed on the beach at Kundull, they were trespassing on Gweagal land and hence were challenged by two Gweagal warriors who threw spears at them while shouting out in their language Warra Warra Wai, meaning "go away." Cook's crew retaliated by firing muskets and wounding one of the Gweagal warriors.

this encounter sufficient evidence of these people's sovereign presence. The impressions and reports to the Crown of Cook and botanist Joseph Banks, who joined Cook's first voyage, were central to defining the status of Australia. Prior to the so-called discovery of Australia, the question of land and sovereignty acquisition had been an administrative debate, particularly in the context of North America, about whether the land was already inhabited. As detailed through Locke's property theory, the concern about inhabitation was directly related to questions about whether Indigenous populations could have sovereignty and hold property rights to their lands or if settlers had a right to occupy their lands, and if so, under which circumstances.

The British colonial land policy to some extent acknowledged Indigenous inhabitation, particularly after the colonial discovery of North America. The standard land policy was to purchase inhabited land from its inhabitants.¹¹² British colonial law required that Indigenous consent be sought if the land was not vacant, so a land purchase could be made based on an agreement with the inhabitants. If Cook encountered any Indigenous people, his instructions from the Royal Society were that 'no European Nation has a right to occupy any part of their country, or settle among them without their voluntary consent. Conquest over such people can give no just title.'¹¹³ However, his secret instructions, given by the Admiralty, were to

endeavour by all proper means to cultivate a friendship and alliance with them. ... You are also with the consent of the natives to take possession of convenient situations in the country in the name of the King of Great Britain, or, if you find the country uninhabited take possession for his Majesty.¹¹⁴

The standard rule was that before seeking such 'permission' from Indigenous people, colonizers were supposed to observe whether there *really* was inhabited land.

Despite transactions based on agreements in North America and New Zealand, the whole continent of Australia was seen as sparsely

The warriors retreated, leaving their spears and shields behind on the ground.' See Moreton-Robinson, *White Possessive*, 35.

112. Stuart Banner, 'Why Terra Nullius? Anthropology and Property Law in Early Australia,' *Law and History Review* 23/1 (2005), 98.

113. Banner, 'Why Terra Nullius?,' 97.

114. Banner, 'Why Terra Nullius?,' 97.

populated, *almost uninhabited*. According to Cook's notes, 'neither do they seem to live in large bodies but dispers'd in small parties along by the water side.'¹¹⁵ Likewise, Banks articulated that Australia, 'considerably larger than all of Europe, is thinly inhabited even to admiration'; another explorer, Tobias Furneaux, who joined Cook's second voyage, reported about Tasmania that 'we never found more than three or four huts in a place, capable of containing three or four persons each only.'¹¹⁶ Their presumptions stemmed from the belief that only very few inhabitants, who were 'virtually impossible to encounter,' existed in the extremely large continent; thus, Aboriginal peoples were not considered to be 'adequate' inhabitants of Australia.

This seemingly insufficient proportion of Aboriginal peoples compared to Australia's vast size was one of the key narratives that justified the colonial imaginary of nullifying Australia. This characterization of 'uninhabited Australia' denoted that, under colonial law, Aboriginal peoples had no right to exclude the British colonizers from their lands. Consequently, colonizers did not even bother to seek Aboriginal peoples' consent for land transactions through agreement and purchase. Since the early eighteenth century, reports of colonial explorers to the Crown had been regarded as the primary source of information about Australia.¹¹⁷ Their statements about landscapes and peoples in Australia shaped the perceptions about and the status of the continent. Accordingly, the colonial justification, based on personal judgments, that Australia was uninhabited led to further colonial acts and established Australia's land-governing regimes.

In addition to Australia's allegedly insufficient population, Aboriginal peoples' so-called 'backwardness' was another key justification put forward by colonial explorers. A society being advanced was a key criterion to evaluate whether Aboriginal peoples could 'properly' inhabit the land and hold property rights. British explorers' popular narratives depicted Aboriginal peoples as primitive hunter-gatherers who lacked knowledge of agrarian productivity and the notion of trade. Aligned with Locke's understanding of agrarian labour, the economic fashion of favouring cultivation and enclosure had the same impact on Australia as on other British colonies. Value-producing labour was seen as evidence of a society being advanced; therefore, an agrarian society

115. Banner, 'Why Terra Nullius?', 99.

116. Banner, 'Why Terra Nullius?', 99.

117. Kingsley Palmer, *Australian Native Title Anthropology: Strategic Practice, the Law and the State* (Canberra: Australian National University Press, 2018), 27.

was understood as diverging from the 'state of nature' in the case of Australia as well.

Cook reported that 'the Natives know nothing of Cultivation' and, unlike other geographies in which British colonies were established, Aboriginal peoples were not farmers; Furneaux also described them as wanderers in search of food.¹¹⁸ Similarly, other colonial explorers reported that Aboriginal peoples had no knowledge or sense of trade. Historian Stuart Banner states that explorers' observations about Aboriginals significantly impacted the creation of land policy in Australia.¹¹⁹ In contrast to the populations of other British colonies, Aboriginal peoples were observed to have no interest in British manufactures. According to Cook's report, 'they had no so much as touch'd the things we had left in their hutts' and, Cook continues, they 'set no Value upon any thing we gave them, nor would they ever part with any thing of their own.'¹²⁰ Such statements strengthened the perception that Aboriginal peoples were 'primitive' enough not to know the exchange value of possession or commodities beyond the use value of land. Given Aboriginal peoples' indifference to capitalist production and value, it is not surprising that they were not seen as an eligible party to any transaction or agreement.

Moreover, colonial explorers drew on another feature of Aboriginal peoples to claim the convenience and necessity of colonizing Australia. In the case of North America, American Indians were reported to have had armed forces; hence, instead of conquering the land by fighting and risking British lives, purchasing the land in North America was seen as a more convenient option.¹²¹ Unlike the impressions of American Indians, Aboriginals were depicted not as warlike people but rather as 'a timorous and inoffensive race'; as Banks reported, 'they would speedily abandon the Country to the New Comers.'¹²²

As Aboriginal peoples were perceived as incapable of fighting back, occupying Australia was seen as cheaper and easier than purchasing land. As a result of the reports of colonial explorers, by 1787, Arthur Phillip, almost ten years after Cook's last voyage to Australia, travelled to New South Wales as the colony's first governor to seize the land by force.

118. Stuart Banner, *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska* (Cambridge, MA: Harvard University Press, 2007), 17.

119. Banner, *Possessing the Pacific*, 19.

120. Banner, *Possessing the Pacific*, 19.

121. Banner, 'Why Terra Nullius?', 103.

122. Banner, 'Why Terra Nullius?', 103; Banner, *Possessing the Pacific*, 18.

Colonial explorers' observations and reports had persuaded the British government to take over Australia regardless of the presence and sovereignty of Aboriginal peoples. Banner notes that the command given to Phillip was: 'After ... securing yourself and the people who accompany you ... proceed to the cultivation of the land.'¹²³

Based on the racially biased observations of colonial explorers, Aboriginal peoples' ways of inhabitation, land use, and their societal values were used to justify their dispossession and nullification. Until this point in the section, I have provided the *colonial discovery* of Australia as a historical background. Before moving to the *colonial transformation* of Australia as *terra nullius*, it is worth noting that there are generic colonial concepts such as misery, savagery, and primitiveness which were purposefully narrated by colonizers to describe local peoples and justify Anglo-European presence in the so-called New World. Although this racist discourse requires more detailed attention and analysis, it is still important to state how influential such narratives were in eradicating local cultures, transforming lands, and dispossessing locally specific presences as well as constituting colonial land governance.

Moreton-Robinson explains the abundance of Aboriginal cultures, including the more than 500 language groups, who dwelt in Australia and constituted their relations to land based on 'ontological belonging' before British colonization:

[The Aboriginal] sense of belonging is derived from the Dreaming, which provides the precedents for what is believed to have occurred in the beginning in the original form of social living created by ancestral beings. During the dreaming, ancestral beings created the land and life, and they are tied to particular tracks of country. Knowledge and beliefs tied to the Dreaming inform the present and future. Within this system of beliefs, there is scope for interpretation and change by individuals through dreams and their lived experiences. The ancestral beings created animals, plants, humans, and the physiographic features of the country associated with them. They also established the Aboriginal ways of life: a moral code for its social institutions and patterns of activity. ... they created and left the world of humans through

123. Banner, *Possessing the Pacific*, 20.

being metamorphosed as stone or some other form, disappearing into the territory of another group or into the sky, ground, or water. In doing so, they leave behind tangible evidence of their presence on earth.¹²⁴

Despite such distinct ontological relationships to the land, nothing similar to the Anglo-European world view, Aboriginal peoples' belonging and their multilayered ways of knowing were never considered by the Western essentialist tradition of knowledge.

When British explorer William Dampier returned to England in 1688, he reported that 'the Inhabitants of this Country [Australia] are the miserablist People in the World'; likewise, George Caley, who was sent to New South Wales to gather botanical specimens, stated that 'the natives of New South Wales are the most idle, wretched and miserable beings in the world.'¹²⁵ Aboriginals were described as 'astonishingly primitive' due to 'their utter lack of clothing or adequate shelter.'¹²⁶ Such comments about Aboriginal peoples attest that the nullification was more than a colonial treatment of the land's materiality, as if the land were only vacant.¹²⁷ Philosopher Genevieve Lloyd endorses this perspective and claims that colonial settlers in Australia indeed created two intertwined notions by perceiving land and peoples concurrently: first, they treated land as if it were *terra nullius*, and second, they treated the 'doomed race,' the Aboriginals, as if they were inferior.¹²⁸ Such concomitant visions about land and peoples rendered the notion of uninhabited land, which went hand in hand with 'the idea that what was already there was not a full human presence.'¹²⁹ The denial of Aboriginal inhabitation, as if Aboriginals were a disenfranchised people, eventually created the racial property regime,¹³⁰ which went beyond

124. Moreton-Robinson, *White Possessive*, 11–12.

125. Karen Ordahl Kupperman, *Indians and English: Facing Off in Early America* (Ithaca, NY: Cornell University Press, 2000), cited in Banner, 'Why Terra Nullius?,' 105; William Dampier, *A New Voyage Round the World* (London: Argonaut Press, 1927); 'George Caley to Joseph Banks, 16 February 1809,' in *Reflections on the Colony of New South Wales*, ed. J. E. B. Currey (Melbourne: Landsdowne Press, 1966), 177–78.

126. Banner, 'Why Terra Nullius?,' 106–7.

127. Instances of racism and contempt for the Aboriginals could furnish a long list, and there is no need to restate every single instance here; see Banner, *Possessing the Pacific*, 20–28; Banner, 'Why Terra Nullius?,' 105–10.

128. Genevieve Lloyd, 'No One's Land: Australia and the Philosophical Imagination,' *Hypatia* 15/2 (2000), 32.

129. Lloyd, 'No One's Land,' 32.

130. Bhandar, *Colonial Lives of Property*, 82.

a simple governance system that determines the land's physical status and objectively confers titles and rights accordingly.

Banner refers to a statement of the first judge in New South Wales, David Collins: 'The natives about Botany Bay, Port Jackson, and Broken Bay ... were found living in that state of nature which must have been common to all men previous to their uniting in society.'¹³¹ As Locke perceived, the societal dichotomy between land in common and land in private possession also appeared as a justification for seizing Australia and establishing colonies. In this sense, the land was left in common, as it was inhabited by peoples in a 'state of nature,' in which 'a minimum degree of social organization, of civilization, of law—property in land' did not take place.¹³² In short, the whole continent of Australia was assumed to be held in common due to the ways in which Aboriginal peoples inhabited the land, which in turn culminated in announcing that Australia was *terra nullius*.

There were comparisons of the Aboriginal peoples' so-called lowest existence with that of peoples in other British colonies: 'Maori, who were agriculturalists and were capable of being usefully employed by settlers, and ... the Burmese and Malaysians ... unlike the Aborigines, were "susceptible of civilization."' John Russell, the Secretary for the Colonies, contrasted the 'half-civilized' Indians of Canada with the Aborigines, who were "little raised above the brutes."¹³³ Given the alleged backwardness of the Aborigines, civilization appeared to be directly related to the status of the land and land use. The link between civilization and land is a central indication of whether the land was 'waste,' or *terra nullius*. The same link also operated to dispossess Aboriginals on the basis of their alleged 'deprivation' in terms of land possession and private property. Moreton-Robinson highlights that colonizers' land possession was predominantly founded on a discourse of civilization, which exacerbated war, invasion, and dispossession in Australia. Moreover, these ideological, discursive, and material dispositions were legitimized by British and international common law.¹³⁴

131. Peter Cunningham, *Two Years in New South Wales*, Volume 2 (London: Henry Colburn, 1827), 46; James Grant, *The Narrative of a Voyage of Discovery, Performed in His Majesty's Vessel The Lady Nelson* (London: T. Egerton, 1803), 167; David Collins, *An Account of the English Colony in New South Wales 1798–1802* (Christchurch: Whitcombe and Tombs, 1910), 299; all cited in Banner, *Possessing the Pacific*, 24.

132. Banner, *Possessing the Pacific*, 24.

133. Banner, 'Why Terra Nullius?', 108.

134. Moreton-Robinson, *White Possessive*, 19–20.

2.3.1 *Justifications for Sovereignty Acquisition: Civilization and Humanitarianism*

Early modern Western philosophers invested a lot of effort in standardizing and describing the values of an ideal society. They were predominantly concerned about economic production methods through land use. Aligned with Locke's understanding of a political society and its qualities, a society with a trade- and agriculture-based economy, which profoundly corresponded to the Anglo-European world, was often understood as the most advanced form of society. That is, economic activities and land use were central to identifying societal categorizations and a society's level of advancement. This demonstrates the extent to which modern capitalist values were cemented in colonial values. As stated previously, Aboriginal peoples were viewed as a 'doomed race'¹³⁵ adhering to the 'state of nature' that signalled the 'lowest' level of society. In such a paradigm of social rankings, the societal spectrum was assumed to evolve from 'zero' towards the highest level, as if there was a gradually evolving measure of societies' development. The scale of societal evolution was presented as a linear progress of world history from the 'state of nature' to the 'state of civilization.'

Since Indigenous peoples were believed to be doomed to 'the lowest point in its [society's] hierarchical ordering of life,'¹³⁶ the concept of 'civilization' was fictionalized to generate a presumption of the 'generous' gesture of Anglo-European colonizers in promising and bestowing improvements, quality of life, a better belief system and culture, and the ideal governance of land use.¹³⁷ As such, missions to assimilate the Aboriginal peoples occurred in the name of humanitarianism. British settlers profoundly altered Australia in the name of humanitarianism and allegedly rescued Aboriginals from being stuck in the early stages of 'inevitable evolution' by 'gifting the civilisation' and 'bringing advancement to their [Aboriginals]' deprived lives.¹³⁸ Humanitarianism

135. Lloyd, 'No One's Land,' 32.

136. Irene Watson, 'Power of the Muldarbi, The Road to its Demise,' *Australian Feminist Law Journal* 11 (1998), 28.

137. Bruce Buchan and Mary Heath, 'Savagery and Civilization: From Terra Nullius to the "Tide of History,"' *Ethnicities* 6/1 (2006), 11; James Blaut, *The Colonizer's Model of the World: Geographical Diffusionism and Eurocentric History* (New York: Guilford Press, 1993).

138. Buchan and Heath, 'Savagery and Civilization,' 6; Irene Watson, 'Aboriginal Laws and the Sovereignty of Terra Nullius,' *borderlands e-journal* 1/2 (2002), accessed

was understood as the ‘greatest’ cause that would improve the lives of so-called deprived Aboriginal peoples and their lands and teach them how to settle and cultivate lands properly. Humanitarianism appears to be a practice of civilization, which is an expansive project producing an ideal representation of society and government in a hierarchically binary relationship between societies.

Linguist Emile Benveniste argues that the term *civilization* is ‘one of those words which show a new vision of the world.’¹³⁹ Philosopher and politician John Stuart Mill also understands civilization within the notion of improvement: ‘It sometimes stands for “human improvement” in general, and sometimes for “certain kinds” of improvement in particular.’¹⁴⁰ He explains the qualities of civilization by distinguishing a ‘savage tribe’ from ‘civilized’ people; that is, Anglo-European society allegedly had an advanced understanding of commerce, agriculture, and manufacturing, based on collective actions for common goals, whereas savage societies, in his view, had no law to establish permanent peaceful inhabitation and systematize collective production; they were incapable of cooperation.¹⁴¹ Historian Brett Bowden highlights two characteristics of ‘civilization,’ fact and value, and argues that the value aspect of civilization operates as a benchmark, measuring and comparing societies and groups of people while setting the standard of civilization, which could appear only in Europe.¹⁴² Within this framework, civilization, as an Anglo-European imaginary, appeared to contrast with ‘barbarity.’¹⁴³

This hierarchical structure, which categorized societies according to their degree of ‘development,’ determined the capacity of societies or individuals to hold property rights and the acquisition of sovereignty. The idea of the state of nature allowed colonizers to take further steps to reject Indigenous sovereignty and transform Aboriginals’ lands in the name of ‘necessary’ improvement.¹⁴⁴ Historian Bruce Buchan and legal scholar Mary Heath write:

1 November 2022, https://webarchive.nla.gov.au/awa/20030624015313/http://www.borderlandsejournal.adelaide.edu.au/vol1no2_2002/watson_laws.html.

139. Emile Benveniste, *Problems in General Linguistics*, trans. Mary Elizabeth Meek, Miami Linguistic Series No. 8 (Miami: University of Miami Press, 1973), 289.

140. John Stuart Mill, ‘Civilization,’ in *Essays on Politics and Society*, ed. J. M. Robson (Toronto: University of Toronto Press, 1977), 119.

141. Mill, ‘Civilization,’ 120, 122.

142. Brett Bowden, ‘The Ideal of Civilisation: Its Origins and Socio-Political Character,’ *Critical Review of International Social and Political Philosophy* 7/1 (2004), 34.

143. Jean Starobinski, *Blessings in Disguise; or The Morality of Evil*, trans. A. Goldhammer (Cambridge, MA: Harvard University Press, 1993), 31, cited in Bowden, ‘Ideal of Civilisation,’ 44–45.

144. Buchan and Heath, ‘Savagery and Civilization,’ 11.

the very language of 'civilisation' cast Indigenous peoples in a role in which there could not, by definition, be mutuality, but only a relationship of superior with inferior. European societies formed the benchmarks of 'civilisation' against which Indigenous peoples could only be assessed as lacking civil property rights and sovereignty.¹⁴⁵

According to this imaginary, since so-called prehistoric societies could not be sovereign over their lands, only Locke's political society, a civilized society, could hold property rights and have 'true' sovereignty. This understanding demonstrates the nexus between political power, sovereignty, industrious production, value-producing labour, and the enlarging of possession through exploitation and commercial exchange. It is crucial to be mindful of this entanglement so that we can shed light on the deeply integrated connection between colonial socio-spatial transformations and expansionist capitalism as well as its governing systems, which I will revisit later in this chapter to illustrate its more contemporary vestiges through the Mabo decision.

Returning to Western philosophy to conceptualize the colonial imaginary that transformed Australia, many scholars cite Swiss jurist Emmerich de Vattel as having contextualized the justifications for colonialism in Australia.¹⁴⁶ Vattel's ideas about the continent of Australia revolved around the lack of land possession with reference to *sovereignty*.¹⁴⁷ He justified the acquisition of land through

145. Buchan and Heath, 'Savagery and Civilization,' 7.

146. Alex Castles, *An Australian Legal History* (Sydney: Law Book Company, 1982), 16; Henry Reynolds, *Frontier: Reports from the Edge of White Settlement* (St. Leonards, Australia: Allen and Unwin, 1987), 169, cited in Davies, *Property*, 95; Graham, *Landscape*, 102–4.

147. Since it might be relevant for further investigation of the nexus between civilization and sovereignty, as a short note, Spanish theologian and jurist Francisco de Vitoria also theorizes the doctrine of sovereignty. In his interpretation, sovereignty is based on cultural differences, which enable him to identify which societies/cultures hold the ultimate authority, or sovereignty, to govern themselves. See Francisco de Vitoria, 'On the American Indians (De Indis),' in *Vitoria: Political Writings*, ed. and trans. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 251–77. In Vitoria's understanding, sovereign societies are also aligned with universal standards, namely *jus gentium*, signalling the colonial origins of contemporary international law. Legal scholar Antony Anghie highlights that the tenet of sovereignty was derived from a particular positionality against Indigenous peoples. This positionality claimed Indigenous non-sovereign status through the assumption that Indigenous cultural codes were 'unfitting' and thus deprived of universally binding norms. See Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004), 29. To 'fix' non-Western/non-Christian cultures or

the sovereignty of civilized society. Accordingly, a civilized society should acquire sovereignty in the land. He claims, 'the whole earth is destined to furnish sustenance for its inhabitants; but it can not do this unless it be cultivated. Every Nation is therefore bound by the natural law to cultivate the land.'¹⁴⁸ Unlike Locke, Vattel's understanding of property rights is addressed to nations, not individuals.

Vattel argues that societies in the 'state of nature' 'usurp more extensive territories than ... they would have occasion for, and have, therefore, no reason to complain, if other nations, more industrious and too closely confined, come to take possession of a part of those lands.'¹⁴⁹ His understanding legitimizes land acquisition through invasion or occupation by other nations, given the criteria for civilization and the size of lands inhabited by societies in the 'state of nature.' Since so-called prehistoric societies presumably lacked the knowledge and capacity to cultivate and govern their lands, which in turn led to them being deprived of sovereignty and property rights over the land, their lands became vacant and available to be claimed by 'civilized' societies. According to Vattel, since the world's population was growing, agrarian communities had the right to enclose and cultivate land left unexploited by societies such as hunter-gatherers; thus, agricultural nations were the only sovereigns.¹⁵⁰

Vattel writes:

In speaking of the obligation of cultivating the earth, that these tribes can not take to themselves more land than they have need of or can inhabit and cultivate. Their uncertain occupancy of these vast regions can not be held as a real and lawful

societies for the sake of universal standards, Vitoria was convinced that the 'civilising mission' for 'empowerment and liberty' was necessary and lawful to be executed by the so-called sovereign Anglo-Europeans. In this sense, sovereignty, once again, appeared as a colonial technology to conquer geographies and subordinate or disfranchise non-European societies. Likewise, 'an idealised form of particular Spanish practices become universally binding, Indians are excluded from the realm of sovereignty, and Indian resistance to Spanish incursions becomes aggression which justifies the waging of a limitless war by a sovereign Spain against non-sovereign Indians.' Anghie, *Imperialism, Sovereignty*, 30. Also see Antony Anghie, 'Francisco De Vitoria and the Colonial Origins of International Law,' *Social Legal Studies*, 5/3 (1996), 321–36.

148. Emmerich de Vattel, *The Law of Nations, or the Principles of the Law of Nature*, 'Of the Cultivation of the Soil,' chapter VII, 1758 (originally published), § 81.

149. Emmerich de Vattel, *The Law of Nations*, ed. Edward D. Ingraham (Philadelphia: T. and J. W. Johnson, 1853), 36, cited in Branner, 'Why Terra Nullius?', 100.

150. Flanagan, 'Agricultural Argument,' 596.

taking of possession; and when the Nations of Europe, which are too confined at home, come upon lands which the savages have no special need of and are making no present and continuous use of, they may lawfully take possession of them and establish colonies in them.¹⁵¹

He claims that the European nations were entitled to usurp and settle in lands which were geographically remote from their lands on the basis of their 'being advanced' in relation to land use and societal organization. Sovereignty and property rights, derived from agriculture, appear to be a colonial technique that evolved in the direction of constructing waste land, vacant land, or *terra nullius*. That is, sovereignty can be interpreted as a colonial product as well as a technique for transforming and reorganizing land.¹⁵² Vattel's social categorization perpetuated and corresponded to Locke's understanding of gradually evolving societies: a society's level of advancement could be measured according to the sufficiency of the act of 'furnishing land' and the size of the furnished land, which determined the lawfulness of the acquisition of sovereignty.¹⁵³

Regarding Australia and the colonial explorers' reports about the continent, it becomes more apparent why Vattel's ideas were invoked to justify colonialism in Australia. Vattel's *Law of Nations* was first translated into English in 1760, and it was one of the essential sources expounding why a massive continent, Australia, should not be left to a tiny population.¹⁵⁴ Given the perceived population size of Aboriginal peoples and the extent of the continent, Australia was seen as empty, enormously larger than what its inhabitants could handle. Therefore, colonial explorers believed that most of Australia was vacant and available for the taking, as if Aboriginal peoples did not exist on the continent. On the other hand, thinly populated areas in England, as Banner states, were not treated in the same way.¹⁵⁵

Many Western philosophers have theorized that Aboriginal peoples, or more broadly Indigenous peoples, were incapable of 'furnishing land' as their societal organization and visions of production were different from those of agrarian Anglo-European society.¹⁵⁶ The political

151. Flanagan, 'Agricultural Argument,' 596.

152. See Mohammed Bedjaoui, *International Law: Achievements and Prospects* (Boston: Martinus Nijhoff, 1991), 9, cited in Anghie, *Imperialism, Sovereignty*, 7.

153. Vattel, 'Of the Cultivation of the Soil,' chapter VII, § 81.

154. Banner, *Possessing the Pacific*, 17.

155. Banner, *Possessing the Pacific*, 17.

156. Vattel, 'Of the Cultivation of the Soil,' chapter VII, § 81.

organization of societies and value-producing land use, which characterized both Atlantic colonial capitalism and the British imperial economy, were pivotal to the creation of right holders and ownership, granting sovereignty to civilized nations, and subsequently determining the status of the land, whether it was waste or possessed by a settler individual, according to Locke, or an agricultural nation, in Vattel's view. As a result, Aboriginal laws and sovereignty were never seen as 'true' and 'adequate'; therefore, Aboriginals' lands were conceptually and materially nullified by means of this colonial imaginary.

2.3.2 *Australia as Terra Nullius*

The non-recognition of Aboriginal identity and sovereignty was legitimized by the doctrine of *terra nullius*. Until 1992, the nineteenth-century colonial imaginary was predominantly in effect as Australian law. In 1992, the Australian judicial system decided to change its dismissive dispositions towards Aboriginal peoples through the *Mabo v Queensland* decision (henceforth the Mabo decision) of the High Court of Australia.¹⁵⁷ Scholars, particularly Aboriginal descendants, have criticized this decision, however. Drawing attention to the foundations that the Australian legal system was built upon, they argue that the decision did not reverse the colonial construction of Australian law.¹⁵⁸

Accordingly, legal remedies such as rejecting a doctrine and conferring rights without seriously challenging the historical roots and the basis of Australian law would mean a restoration rather than elimination of the colonial imaginary, specifically *terra nullius*. Similarly, regarding international law's foundational principles, Australian legal scholar Antony Anghie argues that an inherent reflex in international law, whose colonial structure has been concealed, still operates and 'depends on a notion of "society" which, once it has served its purpose,

157. *Mabo and Others v State of Queensland* [1992] No. 2 175 CLR 1.

158. Peter H. Russell, *Recognizing Aboriginal Title: The Mabo Case and Indigenous Resistance to English-Settler Colonialism* (Toronto: University of Toronto Press, 2005); Aileen Moreton-Robinson, ed., *Sovereign Subjects: Indigenous, Sovereignty, Matters* (Abingdon, UK: Routledge, 2020); Moreton-Robinson, *White Possessive*; Larissa Behrendt, *Achieving Social Justice: Indigenous Rights and Australia's Future* (Sydney: The Federation Press, 2003); Gerry Simpson, 'Mabo, International Law, Terra Nullius and the Stories of Settlement: An Unresolved Jurisprudence,' *Melbourne University Law Review* 19 (1993), 195–210; Watson, 'Power of the Muldarbi,' 28–45; Samantha Hepburn, 'Feudal Tenure and Native Title: Revising an Enduring Fiction,' *Sydney Law Review* 27/1 (2005), 49–86.

is re-presented, in a reconstructed jurisprudence,¹⁵⁹ meaning that the colonial structure within law is still not challenged. Further critical reflections on the liberal embodiment of the colonial imaginary in the context of Australia and the Mabo decision are provided in Section 2.4, 'Reconfigured Australia: Afterlives of Nullification.'

Before the rejection of *terra nullius* in Australia, the continent was transformed from the land of Aboriginal peoples into *terra nullius*. In this section, I examine the formative impetus of *terra nullius* in conceptually and materially producing Australia. I thus interpret *terra nullius* as a colonial imaginary that has permanently transformed Australia. In the era of colonial 'discovery,' the continent was considered ideal for hosting convicts from England while maintaining the British pastoralist economy, based on agriculture, through exporting raw materials from England. Thereby, an agriculturally intensive economy was developed, which later led to the privatization of landownership through the registry system. As a form of land governance, the Torrens Title System systematized a new property logic through the commodification of land and dispossession of Aboriginal peoples. Trajectories of this property transformation reveal the development of colonial capitalism, dependent on geography or land.

In the literature, the concept of *terra nullius* has often been associated with the continent of Australia. As both a concept and in practice, it was tailored for and situated in Australia. Based on the societal imperatives of the colonial imaginary, British colonial law granted the possession of the continent to the British government. *Terra nullius* was a key doctrine that enabled the British colonial presence to remain in Australia; in fact, it was not a standard land policy across the British colonies.¹⁶⁰ Legal historian Banner explains how *terra nullius* in the context of Australia differed from policies in other British colonies, such as North America and New Zealand, even though the colonialism in Australia occurred chronologically between that in North America and in New Zealand.¹⁶¹ In North America, the Crown purchased land from Indigenous inhabitants based on transaction agreements similar to those in New Zealand. In New Zealand, British colonial settlers and Māori people signed a treaty for the land transaction, whereas Australia was treated as *terra nullius*, despite Aboriginal peoples' sovereign presence.¹⁶²

159. Anghie, *Imperialism, Sovereignty*, 112.

160. Also see Banner, *Possessing the Pacific*, 15.

161. Banner, 'Why Terra Nullius?', 95–96.

162. Treaty of Cession between Britain and New Zealand, 89 CTS 473, signed and

These comparisons attest to the inconsistency and flexibility of colonial applications, even if the same colonizer executed them.

Indeed, colonialism was uneven, fractured, unsystematic, and flexible, depending on socio-geographical features.¹⁶³ Despite this, the doctrine of *terra nullius* was applied across the whole continent of Australia. It was widely employed to assert the availability or emptiness of land, as if it belonged to no one. As such, land acquisition was possible without proof of entitlement. This was an Anglo-European land configuration produced by the colonial imaginary. As a long-lasting legal doctrine in Australian law, this conceptual medium has fundamentally and permanently shaped spatial relations as well as Australia's materialities.

Historian Andrew Fitzmaurice highlights that *terra nullius* is a political product of the history of dispossession and European expansion.¹⁶⁴ The political attribute of *terra nullius*, in addition to its institutionalized successors such as the Torrens Title System, makes it unclear whether *terra nullius* is politics, law, or even a fantasy. Such disagreements on the identification of *terra nullius* overlapped¹⁶⁵ and were about whether it was a doctrine or a practice, whether its origin was Spain, England, or France, and whether it first appeared in the eighteenth or the early nineteenth century.¹⁶⁶ This resulted in a hardly consistent genealogy of *terra nullius*. In fact, this debatable genealogy of *terra nullius* means that further investigations are needed to identify an approximate 'origin' of this concept. This will hopefully lead to more research on the colonial imaginary concerning land transformations.

I understand *terra nullius* as a legal apparatus invoked to justify dispossession, create new land regimes, and eventually effect socio-spatial transformations within the capitalist world system. From this perspective, I perceive the concept of *terra nullius* as denoting more than one single doctrine.¹⁶⁷ Instead, I understand it as a political and legal medium that actively empties and transforms geographies rather than

entered into force on 6 February 1840.

163. Mbembe, 'Necropolitics,' 22 n. 37.

164. Andrew Fitzmaurice, 'The Genealogy of Terra Nullius,' *Australian Historical Studies* 129 (2007), 2.

165. Likewise, Fitzmaurice writes, '*terra nullius* was not born adult.' See Fitzmaurice, 'Genealogy of Terra Nullius,' 6.

166. Tamar Herzog, 'How Did the Commons Become Terra Nullius? Contextualising Colonial Debates and Asking About Their Consequences,' *Quaderni Storici* 3 (2021), 607; Fitzmaurice, 'Genealogy of Terra Nullius,' 2.

167. Lauren Benton and Benjamin Straumann, 'Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice,' *Law and History Review* 28/1 (2010), 11.

solely assigning a status to land. Despite a range of inconsistent practices pertaining to *terra nullius*, the concept was singular in principle and in practice evolved through exploration, occupation, exploitation, ownership, and dispossession of geographies beyond Europe. In this sense, *terra nullius* blends concept into practice and vice versa. Although Fitzmaurice argues that *terra nullius* was not deployed in Australia to justify 'dispossession' but instead to justify colonial 'occupation,'¹⁶⁸ in practice, dispossession and occupation were rather intertwined, and one could enable the other in no particular order.

The first British settlement in Australia was established at the end of the eighteenth century.¹⁶⁹ *Terra nullius* became a dominant legal argument, swerving the continent's 'fate.' British settlements in Australia were described as large-scale and well-equipped, signalling the imperial power of the British Empire; that is, *terra nullius* was practised by force before it became a legal doctrine.¹⁷⁰ The earliest formal expression of *terra nullius* in Australia is noted to have occurred in 1819, and this was not directly associated with land acquisition but with a dispute about the imposition of tax in New South Wales.¹⁷¹ Banner explains the system of British governance in terms of the Crown's power over colonial settlements in the nineteenth century:

The Crown had no power to make laws without Parliament's consent, except in two situations. The first was in settlements that had been conquered by force, where the king could exercise power as conqueror; the second was in settlements that had been ceded to the Crown, in which the king would succeed to the legislative power of the former sovereign.¹⁷²

Since colonies in Australia did not derive from either conquest or cession but from mere invasion and occupation, their status did not align with the mentioned exceptions. Hence, there was a 'need' to create a new legal reasoning in the form of a doctrine articulating colonial authority in Australia. Banner states that three decades of contact with Aboriginal peoples, after the first British settlers' arrival in 1788,

168. Fitzmaurice, 'Genealogy of Terra Nullius,' 2.

169. Fitzmaurice, 'Genealogy of Terra Nullius,' 9.

170. Banner, *Possessing the Pacific*, 26.

171. Banner, *Possessing the Pacific*, 26.

172. Banner, *Possessing the Pacific*, 27.

led British lawyers, colonial legislators, and officials to claim that British settlers were not bound to respect Aboriginal peoples, since they were ‘scarcely more civilized than animals.’¹⁷³ This reasoning clearly attests to the origin of *terra nullius* as a legal doctrine in Australia, proving that Australia’s status as *terra nullius* was primarily based on interactions between colonial settlers and Aboriginal peoples as well as settlers’ biased observations, which were later altered in their reports. To wit, British explorer Arthur Phillip reported that Cook’s and Banks’ assertions about the Aboriginal population did not accurately represent reality: ‘Australia was not nearly as empty as Cook and Banks thought it would be.’¹⁷⁴

Disagreements on the continent’s materiality, whether the land was ‘adequately’ inhabited, led to other inquiries about whether *terra nullius*, as Australia’s given status, caused injustices to Aboriginal peoples. Particularly in the first half of the nineteenth century, with the rise of the humanitarian movement and colonial missions, support for *terra nullius* moved to the forefront.¹⁷⁵ The characterization of Aboriginal peoples as ‘wretched’ played a key role in claiming that British humanitarianism and its colonial mission were allegedly necessary to ‘save’ Aboriginals.¹⁷⁶ Despite this popular missionary belief of ‘saving Aboriginals,’ missionaries, writers, and judges became divided when Aboriginal individuals started killing and/or attacking some of the leading colonial settlers.¹⁷⁷ Banner refers to a series of criminal cases in which settlers were killed by Aboriginal individuals in the late 1820s, mentioning some lawyers’ judicial defences that opposed *terra nullius*.¹⁷⁸ The growing criticism of *terra nullius* in the mid-1830s led to changes in colonial land policy, such as seeking ‘some reasonable assurance’ for sanctioning injustice to Aboriginal peoples.¹⁷⁹ Nevertheless, such tendencies to recognize Aboriginal land rights did not end with the elimination of *terra nullius* by any means. Despite minor changes, ‘the colonization of South Australia looked just the same as in the older Australian colonies’;¹⁸⁰ moreover, ‘the question of land ownership ... [was] always resolved ... in favor of *terra nullius*.’¹⁸¹

173. Banner, *Possessing the Pacific*, 28.

174. Banner, *Possessing the Pacific*, 28.

175. Banner, *Possessing the Pacific*, 13.

176. Banner, *Possessing the Pacific*, 32.

177. Banner, *Possessing the Pacific*, 32.

178. For details, see Banner, *Possessing the Pacific*, 33–35.

179. Banner, *Possessing the Pacific*, 35.

180. Banner, *Possessing the Pacific*, 36.

181. Banner, *Possessing the Pacific*, 37.

In this respect, *terra nullius*, beyond being a mere land policy, enabled British sovereignty and later Australian state sovereignty on the continent. As such, Aboriginal peoples' ontological belonging to Australia, in Moreton-Robinson's terms, was dominated by the endorsement of *terra nullius*, which transferred their lands to the sovereign governance of British settlers and later the Australian state. Given this nexus between *terra nullius* and nation-state space, such bounded conceptual geographies, premised on sovereignty and ownership, emerge from the settler-colonial regime of property. Moreton-Robinson writes that Australia was seized in the name of the king of England, whose patriarchal white sovereignty established its land possession and property regime, which contradicted British law in force at the time in England.¹⁸² However, by claiming its exclusive possession of *terra nullius*, the Crown affirmed that Australia was an integral part of the British state.¹⁸³

Regardless of who held the 'true' or 'original' ownership of and right to exist on the land, as a medium of the colonial imaginary *terra nullius* enabled Australia to be delivered to one executive power, which assured the nation-state's sovereignty and control over the continent. The Crown's acquisition of and sovereignty in Australia were justified through *terra nullius*, and the 'executive power of the Commonwealth is [still] vested in the Queen.'¹⁸⁴ As further discussed in Section 2.4, 'Reconfigured Australia: Afterlives of Nullification,' *terra nullius* is seen as still in operation by reframing Aboriginal peoples' struggles and survival methods through contemporary legal structures such as native title. Various scholars have criticized the Mabo decision for the same reason, as detailed in Section 2.4.

182. Moreton-Robinson, *White Possessive*, 81.

183. As a side note, to briefly indicate the linearity in the operation of territorialization, such a territorial internalization also appears in Antarctica in the way the Australian state claims certain sectors of Antarctica as Australian external territory or frontier. This point is detailed at great length in Chapter 3.

184. 'The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.' See Australian Constitution, chapter II, 'The Executive Government,' section 61, 'Executive Power.' Parliament of Australia, accessed 10 August 2024, https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Constitution/chapter2#:~:text=Executive%20power,the%20laws%20of%20the%20Commonwealth.

2.3.3 *The System of Land Transfer: The Torrens Title System*

Land possession based on the doctrine of *terra nullius* was advanced and systematized with the invention of *land registration*. In 1858, Robert Richard Torrens,¹⁸⁵ an Australian public servant and politician, invented a new system of land registry to secure land possession by archiving territorial claims. This system was enacted by the British Parliament in 1834 and first implemented in South Australia.¹⁸⁶ Governance in England, the origin of British colonialism, diverged significantly from that in its overseas colonies. This dissimilarity between British colonies and England, as well as between colonies, highlights the exploitatively flexible ideology of colonialism.

In England, the monarch held absolute possession of the country; that is, the monarch was the single supreme owner of England.¹⁸⁷ People other than the monarch could hold land only insofar as they proved that they had actively used and occupied this land during a linear period.¹⁸⁸ ‘When disputes arise, courts do not declare any party “the owner” of land, but rather make a determination as to which of the disputing parties has the better title at that point in time.’¹⁸⁹ In this sense, title, in England, amounted to actual possession based on effective use and occupation of land. It is also no coincidence that the requirement for active and effective land use and occupation in England

185. Extracting from Brenna Bhandar’s work: Robert Richard Torrens, the son of Colonel Robert Torrens, the chairman of the Colonisation Commissioners, was born in Cork and had no legal training. He worked as a landing waiter in the Port of London. He sailed for South Australia in 1840 and was appointed as a customs officer in the Port of Adelaide. His expertise was developed in the shipping industry, where transactions for buying and selling were based on a system of registration. Bhandar states that his vision of property was influenced by his experiences in the shipping industry since registration was essential for the shipping trade to accomplish the transfer of as well as to identify the traits of ships. In 1857, he was elected to the Parliament of South Australia. The system of registration introduced to South Australia was in part modelled on the system of registration of the Hanseatic states of Germany. See Brenna Bhandar, ‘Title by Registration: Instituting Modern Property Law and Creating Racial Value in the Settler Colony,’ *Journal of Law and Society* 42/2 (2015), 257–58.

186. Sarah Keenan, ‘Smoke, Curtains and Mirrors: The Production of Race through Time and Title Registration,’ *Law Critique* 28 (2017), 94. The Torrens Title System was also introduced in other British colonies, such as the colony of British Columbia in 1870, and Ghana in 1883; see Bhandar, ‘Title by Registration,’ 270.

187. Keenan, ‘Smoke, Curtains and Mirrors,’ 89.

188. Keenan, ‘Smoke, Curtains and Mirrors,’ 88.

189. Kevin J. Gray and Susan Francis Gray, *Elements of Land Law* (Oxford: Oxford University Press, 2009), 56, cited in Keenan, ‘Smoke, Curtains and Mirrors,’ 88.

mirrored what Locke theorized as a continuous estate possession of an individual in North America.¹⁹⁰

An individual's land possession in England depended on local knowledge or memory in a situated location and time.¹⁹¹ Such a system enabled people in England to possess land as an estate belonging to families from a certain class.¹⁹² Since the system of conveyancing always referred to a *base point*, operating to prove (pre-)existing possession genealogically,¹⁹³ conveyancing was the only method of transferring estate possession to someone else within the same class or family genealogy. Due to a rigid system built on class differences, the conveyancing system preserved the homogeneity of the English class system, particularly to secure aristocratic landownership. As legal scholar Alain Pottage states, registration, on the other hand, stores titles in an administrative manner by removing them from the networks of organic memory and reducing them to records in archives.¹⁹⁴ For this reason, the land registration system was not immediately executed in England; instead, the conveyance system continued due to elites' anxiety about losing their land.¹⁹⁵ Although local county registries emerged in London in the 1860s due to the burgeoning understanding of land as a fungible commodity, the conveyancing system remained in place in England until the 1925 Law of Property Act and the 1930 Land Registration Rules.¹⁹⁶

Unlike the 'base point' of conveyancing, the vacant land status of *terra nullius* was the standard rule introduced in British colonies. For colonial purposes, it was more convenient to presume that the land in Australia was vacant or uninhabited than to acknowledge the memory of Aboriginal peoples as the base point. Bhandar articulates that the presumption of vacant land was formative, as the method of filling the land could evolve in any direction since there was no assurance, warranty of ownership, or anything to preserve.¹⁹⁷

190. Keenan, 'Smoke, Curtains and Mirrors,' 89.

191. Alain Pottage, 'The Measure of Land,' *The Modern Law Review* 57 (1994), 364.

192. Alain Pottage, 'Evidencing Land Ownership,' in *Land Law: Themes and Perspectives*, ed. Susan Bright and John Dewar (New York: Oxford University Press, 1998), 135.

193. Pottage, 'Evidencing Land Ownership,' in Bright and Dewar, *Land Law*, 139.

194. Pottage, 'Measure of Land,' 361.

195. Avner Offer, *Property and Politics 1870–1914: Landownership, Law, Ideology, and Urban Development in England* (Cambridge: Cambridge University Press, 1981), 33.

196. Bhandar, 'Title by Registration,' 254, 256, 270.

197. Bhandar, 'Title by Registration,' 267.

She also notes that financial reasons were as formative as *terra nullius*. For instance, South Australia had already been sold to settlers before they arrived in South Australia: 'The survey of land was funded not by the British colonial government, but by private individuals and the South Australian Company who bought "unexplored land" that was destined for settlement.'¹⁹⁸

As such, land in Australia was already subject to privatization, speculative investments, and other capitalist ventures. In this regard, Bhandar briefly references Lefebvre's concept of *space production* to illustrate the production of South Australia as a space of colonial settlement through the particular land-use method for capitalist speculation.¹⁹⁹ Therefore, in the colonial context, the land registry had to be invented to formalize the nullification of Aboriginal memory and existing geographical materiality, eliminating Aboriginal sovereignty, by combining the colonial imaginary of *terra nullius* with capitalist ventures. As such, land title by registration, in addition to *terra nullius*, made all prior (Aboriginal) claims, relations, and existence irrelevant and thus endorsed the conceptual and material transformation of South Australia.

Although the title registration system came into force in North America, Hawaii, the Philippines, and Australia as an 'almost universal operation in the British colonies,'²⁰⁰ the Torrens Title System was primarily developed in early colonial Australia. As the registration system was attached to cadastral mapping techniques, the registry was to rewrite geography, or re-geographing, through surveying and mapping, resetting the past of land by producing fresh titles²⁰¹ and providing security to title holders in Australia.²⁰² Given these purposes, the question is: How did the Torrens Title System, in relation to *terra nullius*, operate to transform Australia?

The doctrine of *terra nullius* was complementary in dispelling retrospective considerations related to land, unlike the 'base point' of the conveyancing system under the British common law in England. Aboriginal peoples' lands were therefore not seen as having a history or historical significance. The doctrine of *terra nullius* set the ground for the idea of land devoid of history. This was also because this land,

198. Bhandar, 'Title by Registration,' 268.

199. Bhandar, 'Title by Registration,' 268.

200. D. H. Van Doren, 'Current Legislation,' *Columbia Law Review* 17/4 (1917), 354.

201. Keenan, 'Smoke, Curtains and Mirrors,' 87.

202. Bhandar, 'Title by Registration,' 271.

considered *terra nullius*, was conceived as waste and thus should be enclosed and cultivated for optimal and industrious use and revenue. To usurp the continent with all its geographical qualities, Australia was envisioned as a blank space, a freshly established country.²⁰³

The Torrens Title System was one of the prominent experimental regimes aimed at facilitating land transactions and delivering land to settler colonizers by procuring the warranty of title holders' ownership. With his invention of the title registry, Robert Torrens intended to make land transfer cheap and unencumbered. He 'pointed out that the costs of transacting South Australian land under the English conveyancing system were often greater than the cost of the land itself, and suggested that land could more efficiently be traded by adopting a registration system.'²⁰⁴

Keenan describes the Torrens Title System through three principles: the *mirror*, the *curtain*, and *insurance*.²⁰⁵ According to the *mirror* principle, the registry could reflect and represent only what was held up to it. The registry's framework was limited to the relationships and interests noted on the register.²⁰⁶ Therefore, unregistered or unregistrable interests and relationships would not be legitimate and would not be binding for prospective title holders in the future.²⁰⁷ This understanding conceptually circumscribed existing materialities on the land in accordance with the register. As such, the registry system solidified colonial endeavours to construct and frame the 'reality' of the land, which was biased and could incorporate only colonial interests and relationships.

The second principle, the *curtain*, was directly related to the mirror principle. It operated to design an exclusionary system within the registry 'by ensuring that interests that [were] not on the register [would] not bind new title-holders or other third parties.'²⁰⁸ This principle enabled the registry users to pretend and believe that the only existing relationships and interests were the ones recorded on the register.

203. Edmund Rogers, 'The Impact of the Australian Torrens System in the Land Transfer Debate in the United Kingdom 1858–1914,' *Australia and New Zealand Law and History E-Journal* 4 (2006), 127, cited in Keenan, 'Smoke, Curtains and Mirrors,' 95.

204. Murray J. Raff, *Private Property and Environmental Responsibility: A Comparative Study of German Real Property Law* (New York: Kluwer Law International, 2003), 27–36, cited in Keenan, 'Smoke, Curtains and Mirrors,' 95.

205. Keenan, 'Smoke, Curtains and Mirrors,' 95–96.

206. As Bhandar points out, the register creates social and legal facts by recording all information pertaining to land. See Bhandar, 'Title by Registration,' 259.

207. Bhandar, 'Title by Registration,' 95.

208. Bhandar, 'Title by Registration,' 96.

In this respect, the metaphor of the curtain refers to concealing or preventing relationships and interests outside the register. The base point of the registry system was thus the register itself, contrary to the retrospection of the base point of the conveyancing system. As a result, the register appeared as the only source of binding titles and legitimate information by excluding or veiling other realities not reflected on the register.²⁰⁹

The last principle, *insurance*, amounted to a guarantee of accuracy and consistency of the register's content. Accordingly, the title-holder received a certificate proving ownership.²¹⁰ This referred to the monopoly of land possession, which depended on the approval and recognition of the sovereign. In this sense, the insurance principle functioned to preserve colonial sovereignty by controlling the 'legitimate' possession of land while creating racialized property through *terra nullius*. In the wake of these three principles, the Torrens Title System was designed to simplify the procedure for transferring land possession to colonial settlers. It 'made the sale and resale of Australian land by investors (many of whom remained on the other side of the world) simpler, cheaper and faster.'²¹¹

The registry system eventually led to land possession interests growing and expanding across Australia in a more capitalist manner. It amplified the perception of land as a fungible and abstract commodity,²¹² to be codified, traded, and delivered to colonial settlers by title registration, archiving, and documenting land status.²¹³ The creation of the Torrens Title System evidenced capitalism's expansion towards new geographies through the colonial imaginary. Pottage argues that land registration disconnected property 'from its natural habitat, from the realm of practical presuppositions and expectations.'²¹⁴ In the context of Australia, the registry system profoundly transformed socio-spatial textures while generating a 'new grammar of property'²¹⁵

209. Greg Taylor, *The Law of the Land: The Advent of the Torrens System in Canada* (Toronto: University of Toronto Press, 2008), 12–14.

210. Taylor, *Law of the Land*, 14.

211. Keenan, 'Smoke, Curtains and Mirrors,' 96.

212. This transformation of land by registration should also be considered when the logic of abstraction is elaborated through Marx's value theory as well as Lefebvre's abstraction, which I do in Chapter 4.

213. Alain Pottage, 'The Originality of Registration,' *Oxford Journal of Legal Studies* 15 (1995), 386–87.

214. Pottage, 'Measure of Land,' 361–62.

215. Bhandar, *Colonial Lives of Property*, 82.

which resulted in permanently altering spatial relations for the sake of capitalist production and land governance. By exemplifying colonial productivity and being a source of revenues, in this new property logic, according to Bhandar,

Everything from each bushel of wheat produced in the British North American colonies and imported into Britain, to the number of tonnes of cotton exported from India, to parcels of land carved up for sale in the colony of Australia, were recorded in registers and thus became a crucial instrument.²¹⁶

2.4 Reconfigured Australia: Afterlives of Nullification

The Torrens Title System strengthened private landownership through registering the individual's entitlement as a rights holder. This system constructed the idea of valuable and tradable land and its qualities as essential components of private property and capitalist production. For Bhandar, although this construction led to a liberal understanding of rights and property based on privatized land, it was linked to the formation of a colonial identity.²¹⁷ The single act of registration, complementary to *terra nullius*, formalized the dispossession of Aboriginal peoples and transferred their lands to wealth accumulation by imposing Western liberal sovereignty and privately held ownership. This was the foundation upon which all modern legal systems, incorporating their rights-bearing individuals, were founded. Legal scholar Irene Watson calls endeavours to establish the current legal regimes of sovereignty and property in Australia the *Australian colonial project*, which began in the eighteenth century and continues today.²¹⁸ According to her, this ongoing colonial project still defines and reproduces the 'aboriginality of First Nations' through a humanitarian emergency in the guise of 'necessary' state intervention.²¹⁹

Therefore, the dispossession of Aboriginal peoples and geographical life forms continues to exist within contemporary legal frameworks that hold on to the legacy of the colonial imaginary. To expand on this, this section focuses on the 1992 Mabo decision of the High Court

216. Bhandar, 'Title by Registration,' 259.

217. Bhandar, 'Status as Property,' 5.

218. Irene Watson, 'First Nations and the Colonial Project,' *Inter Gentes* 1/1 (2016), 31.

219. Watson, 'First Nations,' 32, 33.

of Australia and the recognition of native title as a legal remedy supposedly reversing the colonial history of Australian common law. Taking the colonial imaginary one step further into modern law, the legal and political implications and outcomes of rejecting *terra nullius* are examined here through the Mabo decision. Although such an inquiry cannot be thoroughly done in one section, critical reflections on the current legal system, *terra nullius*, and sovereignty help me shed light on the pervasiveness of the colonial imaginary in contemporary legal systems, particularly the common law of Australia.

The decision of the High Court of Australia,²²⁰ dated 3 June 1992, was seen as a significant moment in Australian history, as if it finally put an end to Australia's designation as a colony or to its colonial past. Indeed, the resistance and efforts of the plaintiffs of the Mabo case significantly marked the history of Australian law. The decision led to significant momentum, bringing the colonial past into view and recognizing colonialism as the history of Australia. For the first time, an Australian legal authority explicitly rejected the legal doctrine of *terra nullius*. The High Court declared that Australia's common law recognizes

a form of native title which, in the cases where it has not been extinguished, reflects the entitlement of the indigenous inhabitants, in accordance with their laws or customs, to their traditional lands ... Native title, where it exists, is a form of permissive occupancy at the will of the Crown.²²¹

The Mabo decision was made in relation to the specific geography of the islands named Murray Islands in English, located in the Torres Strait. The decision incorporates the precise geographical, historical, and societal descriptions and details of the Islands and the Meriam society.²²² Thus, the decision is detailed and voluminous, encompassing

220. See *Mabo and Others v State of Queensland*.

221. *Mabo and Others v State of Queensland*, paragraph 2.

222. See *Mabo and Others v State of Queensland*, paragraph 4: 'The Murray Islands lie in the Torres Strait, at about 10 degrees S. Latitude and 144 degrees E. Longitude. They are the easternmost of the Eastern Islands of the Strait. Their total land area is of the order of 9 square kilometres. The biggest is Mer (known also as Murray Island), oval in shape about 2.79 kms long and about 1.65 kms across. A channel about 900 m. wide separates Mer from the other two islands, Dauar and Waier, which lie closely adjacent to each other to the south of Mer. The Islands are surrounded for the most part by fringing reefs. The people who were in occupation of these Islands before first

historical, anthropological, and legal aspects, findings, and opinions which identified the status of the Islanders, the Islands, and the Islanders' relationships to the Islands as they pertained to the historical trajectory of Australian law. The leading plaintiff, Edward Koiki (Eddie) Mabo, was born as one of the Meriam people on Mer Island in the Torres Strait, although he lived in exile and struggled to receive acceptance from his fellow Islanders.²²³ In 1982, Eddie Mabo and four other members of the Meriam people applied to the common law of Australia to claim the Meriam people's traditional rights to and ownership of the Murray Islands. Their purpose was to obtain legal recognition of their title to their lands in the Murray Islands by invoking the doctrine of communal native title in Australian law.²²⁴

After ten years of litigation, the Australian High Court, to some extent, challenged the colonial origins of Australian law by rejecting the basis of the Crown's sovereignty in Australia (in other words, *terra nullius*) and recognizing Aboriginal ownership through native title.²²⁵ By this decision, the Court ruled that Australia had not been *terra nullius* in 1788 when British colonial settlements were established. Rejecting *terra nullius* in Australian law implied that the High Court

European contact and who have continued to occupy those Islands to the present day are known as the Meriam people. Although outsiders, relatively few in number, have lived on the Murray Islands from time to time and worked as missionaries, government officials, or fishermen, there has not been a permanent immigrant population. Anthropological records and research show that the present inhabitants of the Islands are descended from the people described in early European reports. The component of foreign ancestry among the present population is small compared with most communities living in the Torres Strait. The Meriam people of today retain a strong sense of affiliation with their forbears and with the society and culture of earlier times. They have a strong sense of identity with their Islands. The plaintiffs are members of the Meriam people. In this case, the legal rights of the members of the Meriam people to the land of the Murray Islands are in question.'

223. For Eddie Mabo's detailed biography, see Russell, *Recognizing Aboriginal Title*, 17–29. Also, Russell details that Mabo's political objectives were in conflict with the Murray Islanders' political stance; see *Recognizing Aboriginal Title*, 59: 'His widow recalls: "When Koki went home to Murray Island, ... They put him out of meetings, offered to take him outside to fight" Though the Murray Islanders were a proud people with a strong sense of identity, their political style in relation to colonial authorities was much quieter, less aggressive, and less ideological than Mabo's.'

224. Simpson, 'Mabo, International Law,' 196.

225. Maureen Tehan, 'A Hope Disillusioned, An Opportunity Lost? Reflections on Common Law Native Title and Ten Years of the Native Title Act,' *Melbourne University Law Review* 27/3 (2003), 523, 533; Susan Griffiths, 'Denial by Deflection: The Implementation of Illusory Rights in the Denial of First Nation Sovereignities,' *Griffith Journal of Law and Human Dignity* 2/2 (2014), 338.

acknowledged that Australia had lawfully been settled by inhabitants at that time.²²⁶

Australia was settled neither by conquest nor by cession, but by occupying the allegedly uninhabited or sparsely inhabited 'desert' based on the doctrine of *terra nullius*. The acquisition of sovereignty by the Crown was derived from the act of occupying Australia as an unchallengeable act of state. Therefore, this doctrine played a significant role in establishing the Australian state's foundation, which relied on the act-of-state doctrine. Retrospective legislation such as the Mabo decision could fundamentally jeopardize the structure of Australian law, which was built on and reinforced through previous case law. It could also raise concerns about the legitimacy of the Australian state according to the principles of international sovereignty law.

Nevertheless, the Court made the decision by hindering counter-claims that could possibly challenge the Crown's sovereignty over Australia. By emphasizing Australian law's independence from imperial control and the values of justice and human rights as the aspirations of the current Australian legal system, the High Court captured the recognition of Aboriginal ownership and rights within the skeletal framework of Australian law: 'This Court is not free to adopt rules that accord with contemporary notions of justice and human rights if their adoption would fracture the skeleton of principle which gives the body of our law its shape and internal consistency.'²²⁷ That is, the Australian state, with its law and its alignment with international law, was positioned as the ultimate and supreme sovereign and the only authority that could approve or recognize other forms of sovereignty, precisely Aboriginal sovereignty and laws in this case.

Despite these controversies, the decision is still a milestone in jurisprudential efforts to decolonize Australia. It is claimed that the Mabo judgment is the

most significant attempt to integrate the claims of justice, Aboriginal human rights, international law, and Australian common law in a single decision. The judgment represents legal decision-making at its most politically charged and emotionally resonant and has given rise to a spectacularly broad and diverse range of responses.²²⁸

226. Watson, 'First Nations,' 37.

227. *Mabo and Others v State of Queensland*, paragraph 29.

228. Simpson, 'Mabo, International Law,' 196. Gerry Simpson, quoting two judges'

Acknowledging the importance of the juridical attempt of the High Court's judges of the Mabo decision to redress injustices towards Aboriginal peoples within Australian law, the question here is: What does the Mabo decision or legal actions such as the one the Meriam people undertook imply for Aboriginal sovereignty, particularly regarding the dispossession of Aboriginal peoples, and the colonial property regime such as *terra nullius* and the Torrens Title System, in the postcolonial present?

The critique of postcolonial Australia is posed here by arguing that the 'white possession of Aboriginal lands' served to 'save' national law from being 'the prisoner of its history' through the recognition of new titles, rights, and ownership while rejecting their colonial origins within the state and its law.²²⁹ Moreton-Robinson differentiates Australia, North America, and New Zealand from other postcolonial societies such as India, Malaysia, and Algeria.²³⁰ She conceptualizes the current conditions of societies with a colonial background through two concepts: *postcolonial* and *postcolonizing*:

Australia ... is not postcolonial in the same way as India, Malaysia, or Algeria can be said to be. These nations do not have a dominant white settler population. In Australia the colonials did not go home, and 'postcolonial' remains based on whiteness. ... I seek to distinguish between the specificities of Indigenous/white settler societies such as Australia and those countries such as India and Algeria ... For the majority of the population in Australia, belonging, home, and place are inextricably linked to dispossession because 'the resonance of migrancy is compounded ... by the twinning of the always having arrived with wilful forgetting of the nature of that arrival—of colonial conquest and racism.'²³¹

statements in the decision, cites, "We are conscious of the fact that, in those parts of the judgement which deal with the dispossession of Australian Aboriginals, we have used language and expressed conclusions which some may think to be unusually emotive for a judgement in this court." See Simpson, 'Mabo, International Law,' 196 n. 13.

229. Moreton-Robinson, *White Possessive; Mabo and Others v State of Queensland*, paragraph 29.

230. I add North America and New Zealand in this section and interpret them similarly to Australia, since she does not explicitly mention these two countries as postcolonizing settler societies; Moreton-Robinson, *White Possessive*, 10.

231. Moreton-Robinson, *White Possessive*, 10–11; quote from Susanne Schech and

While Moreton-Robinson's argument may lead to further discussions, her approach highlights contemporary Australia and its societal texture. That is, contemporary Australia, with its law, exhibits a willingness to create national integrity by integrating Aboriginal peoples into the Australian national identity. However, this can tend to conceal the migration of white settlers to Australia. As Moreton-Robinson argues, Aboriginal presence, identity, and ontological relations to the land become ambivalent through such integration processes. The recognition of Aboriginal peoples and their laws within Australian law is thus understood as conferring a 'new' subjectivity and 'permitting' Aboriginal peoples to "'perform' whiteness while being Indigenous."²³²

This ambivalence, rendering a doubleness in Aboriginal identity, also resonates with the Mabo decision's approach to native title. The rejection of *terra nullius* in the Mabo decision signalled an 'interpretive crisis over the meaning of *terra nullius* in its application to the acquisition of Australia.'²³³ While the Court refused the doctrine of *terra nullius*, the same Court 'upheld the validity of the British Crown's claim of sovereignty over Australia since 1788, and simultaneously dismissed any notion of pre-existing and continuing Indigenous sovereign rights.'²³⁴ I foreground two aspects of the Mabo judgment here: first, the rejection of *terra nullius* is directly related to the acquisition of territorial sovereignty. Thus, it raises misgivings about the legitimacy of the British Empire's acquisition of Australia. Second, the Mabo judgment affirmed that the Crown's sovereignty still weighs more heavily than Aboriginal sovereignty.

Focusing on the acquisition of sovereignty, jurists from the eighteenth century to the early twentieth century were primarily concerned with sovereignty acquisition over non-European peoples through

Jane Haggis, 'Migrancy, Multiculturalism, and Whiteness: Re-charting Core Identities in Australia,' *Communal/Plural* 9/2 (2001), 148. Note that for the term *whiteness*, Moreton-Robinson refers to Ruth Frankenberg, *White Women: Race Matters: The Social Construction of Whiteness* (London: Routledge, 1993).

232. Moreton-Robinson, *White Possessive*, 11.

233. Simpson, 'Mabo, International Law,' 195. Legal scholar Simpson uses the term *interpretive crisis* with reference to American historian and philosopher of science Thomas Kuhn: 'Interpretive crises occur when flaws or anomalies are recognized in a community's structure of beliefs. During the crisis, the interpretive community will look for resolution by broadening its philosophical reach, discarding an erstwhile dominant idea, or producing a new explanation.' See Simpson, 'Mabo, International Law,' 197 n. 19.

234. Phillip Falk and Gary Martin, 'Misconstruing Indigenous Sovereignty: Maintaining the Fabric of Australian Law,' in Moreton-Robinson, *Sovereign Subjects*, 34.

the narration of ‘uncivilized’ or ‘primitive’ societies.²³⁵ Later, international law became a constitutive body of law in the matter of sovereignty. Civilized states were seen as full sovereigns or as ‘International Persons and subjects of International Law.’²³⁶ Much of international law framed and recognized specific methods for territorial acquisition and sovereignty, which were not fixed due to Anglo-Europeans’ variable colonial interests.²³⁷ For example, Lassa Oppenheim’s widely accepted list of methods in the context of international law includes five classic methods: occupation, subjugation, cession, accretion, and prescription.²³⁸

As mentioned previously, the origin of the Australian state is territorial acquisition by the British Crown, established through the occupation of the continent. Tracing the genealogy of occupation as an acquisition method shows that it emerged from Roman law, like many of these methods. *Occupatio* in Roman law was a method of acquiring or conferring title over objects that were *res nullius* (‘no one’s object’).²³⁹ Thus, the method of *occupatio* was not explicitly specified for territorial acquisition, because in Roman law all land was owned by someone except for *insula quae in mari nata* (‘an island rising from the sea’).²⁴⁰ Occupation was the natural mode of acquisition for objects with the status of *res nullius*, which could be acquired by anyone living in the Roman Empire on the basis of the law of nations (*ius gentium*) and natural reason, regardless of their citizenship status.²⁴¹ Accordingly,

what presently belongs to no one (quod nullius est) becomes by natural reason the property of the first taker (occupans). ... Any of these things which we take, however, are regarded as ours for so long as they are governed by our control [custodia]. But when they escape from our custody and return to

235. Anghie, *Imperialism, Sovereignty*, 36.

236. Lassa Oppenheim, *International Law: A Treatise* (London: Longmans, Green, 1912), 109–10.

237. Anghie, *Imperialism, Sovereignty*, 82.

238. Oppenheim, *International Law*, 284.

239. David Ritter, ‘The “Rejection of Terra Nullius” in Mabo: A Critical Analysis,’ *Sydney Law Review* 18/5 (1996), 7.

240. *Digest* 41.1.7.3, cited in Alexis Alvarez-Nakagawa, ‘Rituals of (Dis)possession: Appropriation and Performativity in the Early Modern Law of Nations,’ *London Review of International Law* 10/1 (2022), 45.

241. Benton and Straumann, ‘Acquiring Empire by Law,’ 14–15.

their natural state of freedom, they cease to be ours and are again open to the first taker.²⁴²

Although everything was available for acquisition insofar as control over objects was performed uninterruptedly, there were exceptions to this principle, such as the high seas and air, which were *res communes*, 'belonging to everyone.'²⁴³

The method of *occupatio* in Roman law was applied differently from occupation in early modern law. In the early modern period, colonial expansionism induced novel concerns, deriving from geographical and societal differences. Anglo-European jurists often considered the methods of territorial acquisition, wondering whether the so-called New World was *res nullius* when Anglo-Europeans arrived. Growing considerations following colonial discoveries in different geographies led to the emergence of the doctrine that became known as *terra nullius*. Legal historian Tamar Herzog argues that *terra nullius* denoted the transition from one mode of property to another in early modern law: from commons—objects available to everyone—to a civil regime of property.²⁴⁴ Herzog seeks to examine how the commons became nobody's and underscores the influence of Christianity in reconstructing law concerning colonial expansion in the early modern era.

She writes:

Classical Roman law already included the possibility of appropriating things, yet late medieval scholars, including theologians, canonists, and Roman law jurists, developed a new body of thought that, to a large extent, changed the meaning and extension of what Classical Roman law prescribed.²⁴⁵

Her interpretation is based on combining commons and colonialism to trace the genealogy of *terra nullius*. This combination generates a new axis, informed by the spatial distinctions between Europe and the so-called New World. Accordingly, the 'New World' was understood as commons, which enabled European jurists, philosophers, or legislators to envision a pre-appropriation stage of society, as the existence of

242. *Digest* 41.1.1–3; the translation is taken from A. Watson, ed., *The Digest of Justinian*, 2 vols. (Philadelphia: University of Pennsylvania Press, 1995), cited in Benton and Straumann, 'Acquiring Empire by Law,' 14–15.

243. Benton and Straumann, 'Acquiring Empire by Law,' 15.

244. Herzog, 'How Did the Commons...?', 609.

245. Herzog, 'How Did the Commons...?', 610.

commons was presumed to have ended in Europe.²⁴⁶ This vision led to the belief that overseas lands belonged to all humanity before the arrival of colonial settlers overseas. If the land belonged to no one or it was deserted, uninhabited, or inhabited by ‘uncivilized’ societies, it was *terra nullius* and could be acquired through occupation. However, when peoples had a societal organization, as in New Zealand and North America, the land could be acquired only by conquest or by cession.²⁴⁷ This demonstrates that occupation was directly linked to *terra nullius* and, in cases where the land was not *terra nullius*, territorial acquisition could be executed only through conquest or cession. Returning to the Mabo decision, given this background, if the doctrine of *terra nullius* is dismissed in Australian common law in the way that the Mabo judgment ruled, would this rejection construe the refusal of the acquisition method—occupation—of the British Empire? And, what can such a decision mean retrospectively for the Crown’s original claim of sovereignty as well as for the present and future of Australia?

In the contemporary era, legal systems are claimed and expected to prioritize the dignity and fundamental rights of all humans; therefore, overtly casting a specific group of people as ‘uncivilized’ by legal means—Aboriginal peoples in the case of Australia—would, of course, raise concerns among the public and in the legal community. Regarding Australia’s position in the liberal legal realm, criticisms of inequity and injustice committed towards Aboriginal peoples have created pressure on the Australian judicial system to enact a range of recognitions of Aboriginal peoples and changes in Australian sociopolitical life. Legal scholar Gerry Simpson describes the Australian legal definition of Aboriginals as ‘an increasingly indefensible and incongruous anachronism.’²⁴⁸ To change this and prove Australia’s position in the international community as a country respecting human rights and equity, the recognition of Aboriginal peoples’ pre-existing rights and interests, namely native title, through the 1993 Native Title Act and the protection of those rights and interests through the 1975 Racial Discrimination Act had to be guaranteed.²⁴⁹

246. Herzog, ‘How Did the Commons...?’ 612.

247. Simpson, ‘Mabo, International Law,’ 203.

248. Simpson, ‘Mabo, International Law,’ 206 n. 85.

249. Native Title Act No. 110 [1993] Federal Register of Legislation of Australia, superseded version 22 June 2017, accessed 16 May 2024, www.legislation.gov.au/C2004A04665/2017-06-22/text; Racial Discrimination Act No. 52 [1975], last modified 13 December 2022, Federal Register of Legislation of Australia, accessed 16 May 2024, www.legislation.gov.au/C2004A00274/latest/text.

Within these political and legal dispositions, the Mabo decision declared that Aboriginal laws and ownership can be implemented under the common law of Australia through native title insofar as Aboriginal rights and interests do not ‘fracture a skeletal principle of our [Australian] legal system.’²⁵⁰ This statement in the decision was interpreted and criticized in the sense that the High Court preserved the ‘same legal lie—the *terra nullius* fiction’ by ‘perpetuating the legal myth of acquisition of territory at law’ in the name of the ‘act of State’ doctrine.²⁵¹ Contrary to Aboriginal laws and sovereignty, the act-of-state doctrine in Australian common law is prioritized as the *radical title*,²⁵² which leans on the main premises of *terra nullius*, as seen in subsequent cases.²⁵³ The position that the High Court took by formulating a reservation for Aboriginal rights and interests has been criticized as being *judicial racism*.²⁵⁴

To clarify the meaning of the Crown’s ultimate sovereignty, namely radical title (referred to in the Mabo judgment as the ‘skeleton of Australian law’), I refer to Grotius’ distinction between ownership and sovereignty. This elucidates the distinction between native title and radical title, which is also made in Judge Brennan’s judgment in the Mabo decision.²⁵⁵ It should be noted here that it is impossible to cover the extensive work of Grotius in a couple of paragraphs; therefore, further readings on Grotius are suggested if one aims to delve into the theoretical roots of Indigenous rights within the liberal discourse of rights under sovereign states’ governance. My examination here is limited to deploying Grotius’ distinction as long as it is connected to the distinction between native title and radical title in the matter of sovereignty acquisition as discussed in the Mabo decision.

250. *Mabo and Others v State of Queensland*, paragraph 31.

251. Falk and Martin, ‘Misconstruing Indigenous Sovereignty,’ in Moreton-Robinson, *Sovereign Subjects*, 34; *Mabo and Others v State of Queensland*, paragraphs 31–35, 78.

252. *Mabo and Others v State of Queensland*, paragraphs 50–52.

253. See *Wik Peoples v Queensland* [1996] 187 CLR 1; *Yanmirr v Northern Territory* (Croker Island) [2001] HCA 56; *Western Australia v Ward* [2002] HCA 28; *Yorta Yorta Aboriginal Community v Victoria and Ors* [2002] 194 ALR 538. For an elaboration on cases pertaining to *terra nullius* and sovereignty of the Crown and Aboriginals, see Falk and Martin, ‘Misconstruing Indigenous Sovereignty,’ in Moreton-Robinson, *Sovereign Subjects*, 36–41.

254. Falk and Martin, ‘Misconstruing Indigenous Sovereignty,’ in Moreton-Robinson, *Sovereign Subjects*, 38.

255. Gerry Simpson’s article inspired me to consider Grotius’ work. See Simpson, ‘*Mabo*, International Law,’ 204.

Historian Richard Tuck explains that the Grotian understanding of ownership (*dominium*) is that ownership was initial, natural, and necessary to use the material world: 'Natural man was the subject of rights ... the rights he possessed, ... were not categorically dissimilar.'²⁵⁶ In Grotius' words:

In nature, ... nothing is produced except from matter which previously existed. If, then, material belonged to us, the ownership of that which is produced will continue, even though a new form is presented. If the material belonged to no one, in that case acquisition will be classed under the head of acquisition by occupation.²⁵⁷

The acquisition of ownership, according to Grotius, was fulfilled by occupation—physical occupancy—as the only natural and primary mode of acquisition.²⁵⁸

Grotius continues:

Each man could once take whatever he wished for his own needs, and could consume whatever was capable of being consumed. ... This primitive state might have lasted if men had continued in great simplicity, ... extreme simplicity, may be seen among certain tribes in America, which have lived for many generations in such a condition without inconvenience. ... Among them there was ignorance of vices rather than knowledge of virtue. ... The most ancient arts, agriculture and grazing, were pursued by the first brothers, not without some interchange of commodities.²⁵⁹

While Grotius acknowledges the pre-existing rights and interests of peoples in the so-called state of nature, he differentiates ownership (*dominium*), one type of acquisition, from another type of acquisition, namely sovereignty (*imperium*). He views ownership as a right

256. Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979), 61.

257. Hugo Grotius, 'Of Original Acquisition of Things, with Special Reference to the Sea and Rivers,' in *On the Law of War and Peace*, ed. Stephen C. Neff (Cambridge: Cambridge University Press, 2012), Book II, chapter 3, 106 (emphasis added).

258. Grotius, 'Of Original Acquisition,' in *On the Law*, Book II, chapter 3, 106.

259. Grotius, 'Of Things Which Belong to Men in Common,' in *On the Law*, Book II, chapter 2, 92–93.

of all men to the exclusive use of objects, whereas sovereignty over people and territory, concomitantly, is held only by governments in pursuit of the creation and enforcement of the law.²⁶⁰ In this respect, Grotius understands that when a man becomes an owner after introducing ownership, which is based on the law of nature, the owner also has the right to transfer his ownership.²⁶¹ For Grotius, such delivery of ownership depicts the transition from the law of nature to municipal law.²⁶² By referring to *Dio Chrysostom*, Grotius clarifies the relationship between ownership and sovereignty as: ‘The territory belongs to the state, but nonetheless on that account does each person in it have his own property.’²⁶³ Accordingly, Grotius characterizes sovereignty as unitary and ultimate power, incorporating the ‘science of ruling’ (*ars regnandi*).²⁶⁴

Parallels with the Grotian distinction between ownership and sovereignty can be found in the Mabo decision when it comes to native and radical titles. Grotius’ distinction helps interpret the meaning of ‘the legal skeleton of Australian law,’ which precedes and validates native title. The statement about ‘fracturing the legal skeleton of Australian law’ attests that the rejection of *terra nullius* is paradoxically premised on the ultimate sovereignty and governance of the state, and thereby the Crown, which was built upon the application of *terra nullius* at the outset of colonizing Australia. Such a paradoxical relic of *terra nullius* within the act-of-state doctrine or radical title limits and precludes Aboriginal sovereignty and laws.

Native title can be seen as a condensed, even mutated form of Aboriginal sovereignty. In this sense, native title adopts and reframes Aboriginal sovereignty under the common law of Australia. As Watson argues:

The native title processes do provide an entry point of neo-liberalist recognition into Western property legal frameworks for Aboriginal peoples,

260. Grotius, ‘Of Original Acquisition,’ in *On the Law*, Book II, chapter 3, 106.

261. Grotius, ‘On Secondary Acquisition of Property by the Act of Man; Also, Alienation of Sovereignty and of the Attributes of Sovereignty,’ in *On the Law*, Book II, chapter 6, 138.

262. Grotius, ‘On Secondary Acquisition,’ in *On the Law*, Book II, chapter 6, 138.

263. Dio Chrysostom, ‘Oration No. 31, To the Rhodians,’ § 47, cited in Grotius, ‘Of Original Acquisition,’ in *On the Law*, Book II, chapter 3, 106.

264. Annabel Brett, ‘The Subject of Sovereignty: Law, Politics and Moral Reasoning in Hugo Grotius,’ *Modern Intellectual History* 17/3 (2020), 636–37. Also see this article for an elaborate discussion of Grotius’ notion of sovereignty.

but native title is limited to a beneficial usage and excludes the full range of ownership options ... The 'native title' holder is excluded from benefits gained by non-native property ownership and the right to exclusive possession.²⁶⁵

As such, native title generates a property title that does not fully acknowledge Aboriginal sovereignty based on Aboriginals' relational ontologies with land. Aboriginal relationships to the land are based on belonging to *ruwe*,²⁶⁶ not on owning the land under the governance of sovereignty; thus, Aboriginal sovereignty does not align with, and in fact contradicts, the neoliberal understanding of property based on ownership and control of land. The recognition of native title, subsuming rights under the property regime, indeed redefines Aboriginal ontological relations in alignment with neoliberal notions of ownership and property rights.

In this paradigm, radical title implies the acquisition of sovereignty, not ownership, and is a source of sovereign law in Australia, designing and structuring the scope and format of native title, which formally denotes Aboriginal rights and interests within the 'legal skeleton of Australian law.' Accordingly, the Mabo judgment, through the recognition of native title, in a way affirms the Crown's radical title. It ascribes radical title to the Australian state as the successor of the Crown's sovereignty in Australia while recognizing Aboriginal peoples' native title. In turn, property rights were conferred to the original inhabitants of Australia, whereas sovereignty was submitted to the Crown or the state.²⁶⁷ Quoting from the decision:

What the Crown acquired was a radical title to land and a sovereign political power over land, the sum of which is not tantamount to absolute ownership of land. Until recent times, the political power to dispose of land in disregard of native title was exercised so as to expand the radical title of the Crown to absolute ownership but, where that has not occurred, there is no reason to deny the law's protection to the descendants of Indigenous citizens who can establish their entitlement to rights and interests which survived the Crown's

265. Watson, 'First Nations,' 36.

266. Watson mentions that *ruwe* means land in the language of the Tangane kald; see Watson, 'First Nations,' 36.

267. Simpson, 'Mabo, International Law,' 204.

acquisition of sovereignty. Those are rights and interests which may now claim the protection ... of the Racial Discrimination Act 1975.²⁶⁸

Although this chapter prioritizes the doctrine of *terra nullius*, the legal doctrine of the act of state was also enacted in the same decision to justify and secure the acquisition of sovereignty by the Australian state. In paragraph 31, the Mabo decision states various grounds for the Crown's sovereignty over Australia which was extended to the sovereignty of the state of Australia:

The acquisition of territory by a sovereign state for the first time is an act of state which cannot be challenged, controlled or interfered with by the courts of that state. This principle ... precludes any contest between the executive and the judicial branches of government as to whether a territory is or is not within the Crown's Dominions. The Murray Islands were annexed by an exercise of the prerogative evidenced by the Letters Patent; a mode of acquisition recognized by the common law as a valid means of acquiring sovereignty over foreign territory.²⁶⁹

Given the quoted part of the decision, legal scholar Larissa Behrendt highlights the rising anxiety that subsequently led to the condensing of Aboriginality into native title. She claims that a full acknowledgment of Aboriginality and Aboriginal sovereignty in its own right can proliferate further questions about the legitimacy of the Australian nation-state's sovereignty, rooted in the Crown's colonial sovereignty and law.²⁷⁰

The legal doctrine of *terra nullius*, an enduring medium of the colonial imaginary, and the act-of-state doctrine—also known as radical title, a foundational medium of Australian statehood—have profoundly formed governance in Australia. Through the historical trajectory from the Crown's sovereignty to the state's sovereignty, *terra nullius* manifested the foundation of the common law of Australia by envisioning the continent as a vacant geography. As such, *terra nullius* appears to be an 'organising principle of settler colonial society.'²⁷¹

268. *Mabo and Others v State of Queensland*, paragraph 55.

269. *Mabo and Others v State of Queensland*, paragraph 31 (emphasis added).

270. Behrendt, *Achieving Social Justice*, 103.

271. Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native,' *Journal of*

Therefore, conceptually empty geography transformed Australia materially. Reorganizing its material geography, including societal forms, under an imaginary theme like *terra nullius* coincided with producing an ontological order eventuating on land. Through actions allegedly necessary for humanitarianism and improvement, the act of emptying land within the doctrine of *terra nullius* was accompanied by the act of ‘filling’ the land through occupation based on the act-of-state doctrine, which conferred the unchallengeable sovereignty to the Crown and, later, the state.

The constructions of *empty land* and *sovereign territory* appear to have occurred to facilitate permanent land transformations across time and geographies. The emphasis on radical title as the source of the Australian state’s ultimate sovereignty, despite the rejection of *terra nullius*, in the Mabo judgment attests to the permanent land transformation in Australia. Australian historian Patrick Wolfe states that ‘settler colonizers come to stay: invasion is a structure not an event.’²⁷² Put differently, the colonial imaginary transformed the continent of Australia into a British colony and never allowed Aboriginal politics, ontologies, laws, and relationships to the land to re-emerge in their own right as they existed before the arrival of the first fleet in 1788.

After all, the basis of the act of state, or radical title, and native title, whose characteristics serve to condense Aboriginal sovereignty into that of rights-bearing individuals, still rests on the premises of colonial acquisition, incorporating the method of occupation and thereby the doctrine of *terra nullius*, despite *terra nullius* having been rejected in Australian common law. This sheds light on the legacy of the colonial imaginary, which was disguised in the form of the ‘skeletal principle,’ as referred to in the Mabo decision. By examining how ownership and property result in nullification, anthropologist Kriti Kapila argues that sovereignty-making demands the capacity for dispossession or acts of erasure.²⁷³ She illustrates three modes of nullification: *terra nullius* by occupying others’ land, *res nullius* by possessing others’ things, and *corpus nullius* by seizing citizens’ labouring bodies.

Although her examination primarily speaks of India, her argument highlights that the legitimacy of power depends on dispossession. According to Kapila, the endurance of legitimacy requires social rules,

Genocide Research 8/4 (2006), 388.

272. Wolfe, ‘Settler Colonialism,’ 388.

273. Kriti Kapila, *Nullius: The Anthropology of Ownership, Sovereignty, and the Law in India* (Chicago: Hau Books, 2022).

formalized by state power, to deliberately designate people whose possessions and sovereignty are alienated by force.²⁷⁴ She takes her argument a step further by pointing out that the separation of peoples from their origins, including their lands and their laws, is fundamental to conceptualizing property and the norms of alienation within property.²⁷⁵ Moreover, she draws attention to the connection between colonial law and modern state law by highlighting the role of the rights-bearing subject. She writes: ‘All modern legal systems are liberal conceptualizations of the rights-bearing individual where the legal framework exists to safeguard freedom and liberty. This rights-bearing subject of modern law is constituted as a possessive individual on whom the law bestows rights.’²⁷⁶

Regarding the native title bestowed upon Aboriginal peoples, while this legal recognition in Australian law confers rights, liberty, and, in a way, equality, it is in fact the performance of sovereignty or power. Within this recognition, there remains a single sovereign power that is capable of setting, casting, assigning, reproducing, and enacting relationality through the legal frameworks of ownership, property, or rights. On top of that, the acquisition of sovereignty by power remains unchallenged. The Aboriginal dispossession in Australia, which was a result of the Crown’s colonial sovereignty-making, is not seriously redressed, even if there has been a judicial decision refusing the doctrine of *terra nullius* within the Australian legal system. That said, it should be noted that legal efforts like the Mabo decision or the recognition of native title demonstrate that the ‘death’ of Aboriginal life is nothing more than a denial. Following Frantz Fanon, ‘death’ in this sense always remains ready to rise and become ‘life’ again.²⁷⁷

Before moving on to Chapter 3, it is worthwhile to recap the chain of this chapter’s extensive argumentation. It commenced by re-locating the origin of the Anthropocene to the colonial era of land transformations, which marked the origin of capitalist production worldwide. Land transformation, encompassing violence ranging from displacement

274. Kapila, *Nullius*, 63.

275. Kapila, *Nullius*, 63.

276. Kapila, *Nullius*, 14.

277. Fanon, *Wretched of the Earth*, 45: ‘The youth of a colonized country, growing up in an atmosphere of shot and fire, may well make a mock of, and does not hesitate to pour scorn upon the zombies of his ancestors, the horses with two heads, the dead who rise again, and the djinns who rush into your body while you yawn. The native discovers reality and transforms it into the pattern of his customs, into the practice of violence and into his plan for freedom.’

to the constitution of agrarian society, is suggested here as an enduring means of planetary alteration. From this perspective, the chapter illustrated the transformation of Australia. By illustrating the continent's colonial land history, I aimed to demonstrate the junction of colonialism, capitalism, and, as discussed in the last section, liberalism. I argued that the rhetoric and practice of colonial sovereignty lay at the root of the (capitalist) state mode of space production, as it transformed Aboriginal peoples' land into, first, *terra nullius* and subsequently nation-state territory. Looking at both colonial and allegedly postcolonial regimes in Australia, I comprehensively scrutinized land transformation in Australia on the trajectory from envisioning *terra nullius* to rejecting *terra nullius*.

Studying the land transformation trajectory of Australia has two main purposes that should be kept in mind throughout this book. First, the continent's colonial land history illuminates the *colonial value of land* in alignment with capitalist land use through enclosure and cultivation. Additionally, it provides a background of the *role of liberalism* in power relations through civilization missions and humanitarianism. The last section of the chapter, informed by critical approaches, sheds light on an intriguing connection between the democratic value of the so-called postcolonial era through the recognition of native title and the value of liberalism through the construction of the civilized nation. Second, the land transformation in Australia's colonial era serves as a background to the Australian state's presence in Antarctica through its techniques to claim 42 per cent of Antarctica as the Australian frontier. This will be discussed in the next chapter, which focuses on the significance of Antarctic geography to present the Antarctic land transformation, which has similarities with colonial land transformation.

3

A Spatial Analysis of Antarctic Land Transformation

‘We’ go behind the curtain ourselves, because someone has to be there to see, and for there to be something to see. In space, or behind it, there is no unknown substance, no mystery. And yet this transparency is deceptive, and everything is concealed: space is illusory and the secret of the illusion lies in the transparency itself.

—Henri Lefebvre, *The Production of Space*

For us to neglect the Antarctic could be as serious as if our forefathers had confined themselves to a small strip of coastal settlement in Australia and left it to others to develop the resources of the rest of the continent.

—Australian Minister for Foreign Affairs
Richard Gavin Casey, 1933¹

To anatomize people–land relations, particularly in the context of law, this chapter explores the relationships between geography and spatial techniques that produce both material and conceptual geography, as well as the relations between these geographies.² I argue that it is deceptive to presume that geography within this relationality

1. Quoted in Robert Arthur Swan, *Australia in the Antarctic: Interest, Activity and Endeavour* (Melbourne: Melbourne University Press, 1961), 265.

2. I refer to this understanding in Chapter 4 as *relational ontology*.

is neutral, ahistorical, apolitical, or objectively scientific, detached from culture, ideology, politics, law, and history.³ Geography cannot exist in absolute passivity and disassociation, thereby lacking forces and means, as elaborated in Chapter 4. Henri Lefebvre speaks of the ‘illusion of a transparent, “pure” and neutral space—which, though philosophical in origin, has permeated Western culture—[that] is being dispelled only very slowly.’⁴ Anything and everything cannot be vague in terms of locatability; it must be situated in a specific location, as its spatiality is always ready to emerge in different forms and forces. That is, geography cannot be an ineffective void, a container, a background, or an insignificant detail. Edward Soja, in his spatial analysis of Los Angeles, understood the city not as a passive object to analyse and learn about but rather as almost a work partner he learned *from*.⁵ Similarly, in this chapter, I strive to be wary and not take geography for granted. I intend to learn from geography, in parallel with Soja’s vision, and engage with the spatial formations and patterns of socio-spatial relations. To that end, geography, specifically Antarctica, is placed at the heart of this chapter’s analysis by bringing both material and conceptual Antarctica into view. Considerations of material and conceptual geography are important in this book, as these eventually lead to capturing sociopolitical and legal inquiries emerging in and from geography, or ‘the state of existing within or having some relationships with space.’⁶

Geography-oriented inquiries can shed light on concurrently situated and mobilized processes within geography. To grasp and examine spatial processes as space production, I employ a descriptive and analytical approach to Antarctica by drawing on Lefebvre’s notions of space and space production. This chapter is divided into five parts that constitute three main arguments. The first argument is the theoretical dimension: in Section 3.1, Lefebvre’s notion of space production is invoked to argue for the significance and role of geography in ‘world-making’ processes

3. For a detailed elaboration, see Section 4.1, ‘The Non-Geographical Legal Imaginary.’ Also see Manu Goswami, *Producing India: From Colonial Economy to National Space* (Chicago: University of Chicago Press, 2004); Claudia Fonseca Alfaro, *Producing Mayaland: Colonial Legacies, Urbanization, and the Unfolding of Global Capitalism* (Hoboken, NJ: Wiley, 2023); Yusoff, *Billion Black Anthropocenes*; Lefebvre, *Production of Space*.

4. Lefebvre, *Production of Space*, 292.

5. Margarida Queirós, ‘Edward Soja: Geographical Imaginations from the Margins to the Core,’ *Planning and Theory and Practice* 17/1 (2016), 156.

6. Luke Bennett and Antonia Layard, ‘Legal Geography: Becoming Spatial Detectives,’ *Geography Compass* 9/7 (2015), 410.

and geographical interactions with societies in indefinite forms and ways.⁷ The aim here is to clarify how Lefebvrian space production can explain always-in-progress or endlessly configured space. I contextualize space production in Antarctica and elaborate the argument that space or geography results from uneven and ongoing processes of *production*.

In Sections 3.2 to 3.4, which constitute the second main argument, I briefly outline how states have existed in Antarctica. This part surveys the overall tendencies and patterns of states that have claimed or are claiming sectors of Antarctica and justify their activities and presence on the continent. The overview subsequently explains how land transformation in Antarctica, from a 'frozen void' (*terra nullius*) to states' territories, occurred. I also elucidate the historical, political, scientific, and legal relations and justifications of claimant states for expanding their presence in Antarctica. Illustrating states' territorial expansions also helps me reflect on the mobilized coloniality in contemporary Antarctica, or, more precisely, Antarctica's significance as a frontier for imperial states. To demonstrate this coloniality within liberal governance, I connect colonial rhetoric and practices, exercised to appropriate spaces overseas, to imperial states' liberal activities and concerns regarding Antarctic geography.

The third main argument or part of this chapter, Section 3.5, in continuum of the second part, portrays a trajectory of a specific Antarctic land transformation: from a 'frozen void' to the AAT, or the Australian state's spatial techniques for re-/geo-graphing Antarctica as the Australian frontier. In doing so, I connect the 'incomplete' geohistories of the two continents, Australia and Antarctica, by drawing on the theoretical framework of Lefebvre's notion of space production.⁸ The connections between the British Empire's colonial endeavours in Australia and the Australian state's activities in Antarctica highlight the modality of technocratic space production based on legal regimes and land governance. Recalling the question of how Australia

7. The details of Lefebvre's space theory will be elaborated at greater length in Chapter 4, but it is still necessary for this chapter to lean on the argument that geography is being produced through spatial techniques. Therefore, I strive to demonstrate that Antarctica's current state is also a product of complex relations and spatial techniques.

8. I use the adjective *incomplete* here to draw attention to the unilateral character of classic historical accounts and signal the plural and endless characteristics of geohistories, which comprise the relational and thereby unstable characteristics of the materiality of geography and thus transcend classic history's writing and narration. Additionally, it should be noted that this chapter primarily pivots on Antarctica. However, the continent of Australia is also considered, given its historical, political, legal, and geographical proximity to Antarctica.

has been ideologically produced, as explored in Chapter 2, I analyse how almost half of Antarctica has been produced as the territory of the Australian state. Spatial techniques that transformed Antarctica into national territories and global commons are examined here within three pillars: (1) symbolic space, (2) built environments, and (3) geopolitics and legal territorialities. This analysis ultimately aims, first, to present a geographical examination of sociolegal relations and, second, to underscore how spatial techniques shape the materiality of geography, given the example of Antarctica.

3.1 Hinging on Lefebvrian Space Production

In contemporary times, it seems as if fewer people explicitly support the Cartesian separation between humans and their environments. Does this trend represent reality when considering the dominant tenets and tendencies of institutions, establishments, or governance regimes? Although different responses are possible, human history, as plain proof, signals the inseparability of humans and their environments. Physical environments have always accommodated births, deaths,⁹ wars, epidemics, dispossessions, losses, inventions, discoveries, interventions, and many other events. This, in an almost oversimplistic manner, implies an impulsive or intrinsic necessity to dwell in space. Lefebvre writes, ‘man does not live by words alone; all ‘subjects are situated in a space in which they must either recognize themselves or lose themselves, a space which they may both enjoy and modify.’¹⁰

Considering the situatedness of all ‘subjects’ and ‘matters,’ there appears to be an acknowledgement that societies and their spaces are in an ongoing process of concomitant creation, as (if) they innately belong to each other. Lefebvre understands this inescapable belonging, in which the social and the spatial become a body of life, by looking at everyday life:

All are spoken of in spatial terms. Even illness and madness are supposed by some specialists to have their own peculiar space. We are thus confronted by an indefinite multitude of spaces, each one piled

9. In Lefebvre’s words, ‘Death too has a “location,” but that location lies below or above appropriated social space; death is relegated to the infinite realm so as to disenfranchise (or purify) the finiteness in which social practice occurs, in which the law that that practice has established holds sway.’ See Lefebvre, *Production of Space*, 35.

10. Lefebvre, *Production of Space*, 35.

upon, ...: geographical, economic, demographic,
 sociological, ecological, political, commercial,
 national, continental, global.¹¹

With an understanding of human presence trapped in space, this section reflects on spatial inescapability regarding Lefebvre's notion of spatial production.

The section argues that all legal modalities should ultimately be situated in geography. The way this section understands socio-spatial relationships, comprising law, does not correspond to the configuration of 'taken-for-granted' geography. Instead, in this book I accentuate the vitality of geography in sociolegal modalities, because the way geography is conceived, whether it is fixed or not, does affect politics, governing systems, and, eventually, the world itself.¹² The spatial thinking of Antarctica should thus be understood as an attempt to portray such imbrications between the social and the spatial as well as the material and the conceptual. The Lefebvrian framework of space production is employed to contextualize these imbrications, particularly in the context of Antarctica. As such, Lefebvre's framework helps this chapter reveal the mobilization of Australia's colonial land history, perpetuated in Antarctica.

Drawing on Lefebvre, the dominant vision of Antarctica, including the geohistorical trajectories of politics, representations, and practices, is unpacked through an understanding of space production. Therefore, I start with the question of what Lefebvre means by space production. Lefebvre's voluminous book *The Production of Space* is fundamental to his theorization of space and to my arguments here. His notion of space production is difficult to immediately comprehend but extremely rich in its organization of thought. To illustrate the level of complexity of his work, Soja writes: 'As always, Lefebvre modifies his descriptions as he moves along, and in subsequent chapters seems either to ignore his earlier formulations or to push them to their limits, ever ready to move on to something else.'¹³ Indeed, Lefebvre's uneven ways of thinking and articulating enable various interpretations and versions of his theory to proliferate and grow in different combinations, forms, and concerns. This particular quality of his work means that his theory continues to inform, inspire, and be appreciated by many researchers from diverse fields.

11. Lefebvre, *Production of Space*, 8.

12. See Massey, *For Space*.

13. Soja, *Thirdspace*, 65–66.

Sociologist Harvey Molotch, in his review of *The Production of Space*, addresses the significance of the term *production*, as it sits at the centre of Lefebvre's thought about space.¹⁴ Lefebvre's use of production denotes that nothing is given or inherent. The emphasis on production undermines territorial and categorical fixations on spaces, cultures, people(s), economies, or systems in general. In this sense, *production* dispels static categories, identifications, and notions in people-land relations. Production represents the endlessly productive, relational, and complex characteristics of space-making. Lefebvre's approach to production helps me build this book's core arguments on entangled political, legal and geographical processes of geography-making. Considering these entanglements in various socio-spatial manifestations, for instance in *The Survival of Capitalism*, Lefebvre highlights the spatial dimension of the capitalist economic system by showing how capitalism 'achieves' so-called growth: 'We cannot calculate at what price, but we know the means: by occupying space, by producing a space.'¹⁵

Lefebvre's intellectual endeavours demonstrate the constant back and forth between geography/space and societies, leading to ever-evolving processes and transformations within space. Understanding spatial complexity enables the chapter argue for the varied modalities of geography, such as the state mode of space, the colonial mode of space, and the capitalist mode of space, which constantly interact within different levels, units, and forms of societies. This lens also denotes a dynamic potential or promise that challenges the Cartesian tradition in Western philosophy, science, social theory, law, and historiography and brings about creatively productive ensembles of narratives, practices, ideologies, and societal projects. As Soja writes, the Lefebvrian notion of space 'challenges all conventional modes of thought and taken-for-granted epistemologies. It is disorderly, unruly, constantly evolving, unfixed, never presentable in permanent constructions.'¹⁶

Against methodological monopolization, Lefebvre's understanding of space production suggests a genuine methodology and vision by challenging fixed and universal knowledge and assumptions about the 'ideal' modality of space being the nation-state space. Deploying Lefebvre and acknowledging the unstable and fertile potential of

14. Molotch, 'Space of Lefebvre,' 887–88.

15. Henri Lefebvre, *The Survival of Capitalism: Reproduction of the Relations of Production*, trans. Frank Bryant (New York: St. Martin's Press, 1976), 21; Andrew Merrifield, 'Place and Space: A Lefebvrian Reconciliation,' *Transactions of the Institute of British Geographers* 18/4, (1993), 522.

16. Soja, *Thirdspace*, 70.

production, I aim here to defy the law's state-centred bias while drawing attention to the links between territorialized states, their sovereignty claims, and their spatial techniques in geography-making, geo-graphing, or space production. According to Lefebvre:

Each state claims to produce a space ... a space, even, where something is ... a unified and hence homogeneous society. ... What state and political action institutes, and consolidates ... is a balance of power between classes and fractions of classes, as between the spaces they occupy. ... What, then, is the state? ... it is a framework—that of a power ..., but we must not forget that the framework in question is a spatial one. ... Without the concepts of space and of its production ... power ... cannot achieve concreteness.¹⁷

Each state initiates its own scheme of 'partitioning space, its own particular administrative classification of discourses about space and about things and people in space.'¹⁸ Leaning on the idea of *production*, it is necessary to acknowledge that every sociopolitical and legal organization inevitably and eventually generates its spatial schemes, and this space is always ongoing by being reconfigured through spatial techniques and relations. Therefore, Lefebvre's *space production* refers to the exploration of spatial (re)configurations, mainly of colonial and state spaces, as these two modalities have been predominantly shaping geographies and societies worldwide.

From a similar approach to the entrenched dominion of state space, Margaret Davies defines the orthodox methodology of legal theory and jurisprudence as *methodological nationalism* or *statism* in her use, which is the 'assumption that law is tied to the nation-state (as modelled on the states of Western Europe).'¹⁹ This assumption reveals the connection between territorial fixations and sociolegal boundaries, which is reductively framed within the idea of the nation-state. Similarly, Daniel Chernilo argues that methodological nationalism is linked to explanatory reductionism as a means of building the ideology of a 'natural,' or pre-given, and 'necessary' form and representation

17. Lefebvre, *Production of Space*, 281.

18. Lefebvre, *Production of Space*, 281.

19. Margaret Davies, *Law Unlimited: Materialism, Pluralism, and Legal Theory* (New York: Routledge, 2017), 27.

of modern society.²⁰ It is no coincidence that this methodological reductionism goes hand in hand with the construction of the ideal society, as in the ‘state of civilization’ during the colonial era. Davies likewise draws similar connections between colonial presumptions and constructions. Referring to legal scholar Irene Watson, she claims that the rules of rulers were produced by the methods and perspectives of colonizers that emanated from ‘a white-supremacist euro-centric lens.’²¹ Furthermore, these methods and assumptions constituted the law’s notion of geography as a pre-given and fixed container, as alleged for state territories; therefore, geography is understood as isolated from productive relations and representations.

Lefebvre’s space analysis is based on the idea that ‘every society produces a space, its own space.’²² His notion of *production*, in this manner, refers to the marriage between the social and the spatial. Therefore, in the Lefebvrian sense, one cannot speak of social relations without spatial relations, and vice versa. This link between *space* and *production* in Lefebvre’s space analysis is one of the rare spots in which Lefebvre’s dialectical thinking becomes apparent. Although his thinking seems to be dialectical, Lefebvre’s space production analysis incorporates three main conceptual components. Soja names this notion of Lefebvre a ‘triple dialectic’—*une dialectique de triplicité*, as Lefebvre calls it.²³ Lefebvre’s trialectics undermine the essentialist, Cartesian, or methodologically statist understanding of geography and space. Arguing for the triple relation of space, Lefebvre intends to avoid ideational essentialism and methodological monopolization. In doing so, his approach constructs a theoretical unity or *unitary theory*,²⁴ as he names it. Unlike totality and uniformity, his unitary theory encapsulates various aspects and disciplines in communication.

Urban sociologist Mark Gottdiener regards Lefebvre’s unitary theory as a conceptualization that unsettles fixed dualisms by adding a third dimension to accentuate the complexity and irreducibility of space

20. Daniel Chernilo, ‘The Critique of Methodological Nationalism: Theory and History,’ *Thesis Eleven* 106/1 (2011), 98–99; Daniel Chernilo, ‘Social Theory’s Methodological Nationalism: Myth and Reality,’ *European Journal of Social Theory* 9/1 (2006), 5–6.

21. Irene Watson, *Aboriginal Peoples, Colonialism and International Law: Raw Law* (New York: Routledge, 2015), 132; Davies, *Law Unlimited*, 28.

22. Lefebvre, *Production of Space*, 31.

23. Soja, *Thirdspace*, 7.

24. Lefebvre, *Production of Space*, 11.

in social relations at all levels.²⁵ Soja similarly elucidates the dialectic operation of Lefebvre's trialectics as a theorization that eliminates dominant dialectic thinking:

Lefebvre opens the way ... insisting that each mode of thinking about space, each 'field' of human spatiality—the physical, the mental, the social—be seen as simultaneously real and imagined, concrete and abstract, material and metaphorical. No one mode of spatial thinking is inherently privileged or intrinsically 'better' than the others as long as each remains open to the re-combinations.²⁶

In this sense, only dialectically triple relations can signal conceptual and material processes of space production. That is, the Lefebvrian dialectical triple is a way of conceiving geography/space, which is produced through both conceptual and material processes, despite the idealized socio-spatial modality of state space.

Such productively ever-evolving and transformative processes of space production can originate from abstractions, regulatory regimes, classes, and grassroots movements,²⁷ as they also take part in the same irreducible characteristics of socio-spatial relations. Therefore, they have the potential to effectively produce their own space. As Lefebvre addresses via his unitary theory of space:

Space is at once result and cause, product and producer; it is also a stake, the locus of projects and actions deployed as part of specific strategies, and hence the object of wagers on the future—wagers which are articulated, if never completely.²⁸

While the unitary theory refers to the complexity of space production, it also brings potentially never-ending spatial possibilities to social relations. Soja, for example, theorizes one of those possibilities, namely *thirdspace*, by proposing a materially connected third mode that goes beyond the split between society and space. He argues: 'We traditionally tend to think about space in two ways, one as concrete material forms,

25. Mark Gottdiener, 'A Marx for Our Time: Henri Lefebvre and The Production of Space,' *Sociological Theory* 11/1 (1993), 131.

26. Soja, *Thirdspace*, 65.

27. Molotch, 'Space of Lefebvre,' 887.

28. Lefebvre, *Production of Space*, 141–42.

empirically expressed geographies; and the other as a more mental construct, as imagined geographies.²⁹

His position, aligned with Lefebvre, clearly rejects the disconnection between ‘*things* in space,’ which can be material forms of societal organization in space, and ‘*thoughts* about space,’ conceptual forms of societal organization of space. Such an entangled understanding of socio-spatial processes can also offer a lens for intersectional materiality, including both discourse and practices. In what follows, processes to produce space always occur in a material environment. This account highlights the links between discourse and practices situated in physical space. The active materiality of space can, in turn, disclose that space is constantly and actively reconfigured over the course of sociopolitical, legal, economic, and geographical processes.

In short, Lefebvre’s dialectical trialectics in his notion of space production is a vigorous method to envision and capture space as a product of conceptually and materially transformative processes, including varied combinations of discourse and practices. Therefore, Antarctica, as elaborated later, cannot be spatially analysed without acknowledging the intersectional characteristics of ceaseless socio-spatial *production*. For the goals of this chapter, it is necessary to internalize this way of spatial thinking, in which space production features an ongoing dialogue between physical/concrete/material and mental/abstract/conceptual aspects of world-making. As Keenan writes, with reference to Massey, ongoing interactions constitute the basis of what produces space; that is, space, by definition, is always unfinished and always waiting to be articulated, enacted, practised, and lived.³⁰ This highlights the chapter’s key argument: spatial techniques of claiming, possessing, controlling, and managing geography remain incomplete by virtue of space production. Only such willingly unstable approaches to geography can truly eliminate the hostile tension between humans and their environments.

3.2 Producing Antarctica: From Frozen Land to National Territories

Following the Lefebvrian conceptualization of space production, I draw attention to Antarctica to contextualize this notion. This section

29. Edward Soja, ‘Afterword,’ *Stanford Law Review* 48/5 (1996), 1426.

30. Sarah Keenan, ‘A Prison around Your Ankle and a Border in Every Street: Theorising Law, Space and the Subject,’ in *Handbook on Law and Theory*, ed. Andreas Philippopoulos-Mihalopoulos (Abingdon, UK: Routledge, 2018), 73–76.

begins by arguing that the production of Antarctic geography teems with colonial rhetoric and practices in the supposedly postcolonial era. The section then moves on to detail Antarctic space production, whose techniques have transformed Antarctica from *terra nullius* to states' territories and the global commons. Thereafter, I shed light on the geohistorical proximity of the Australia colonized by the British Empire and the Antarctic territory of the Australian state. The scope of my spatial analysis is limited to the spatial techniques of the Australian state, which produces almost half of the Antarctic geography as the AAT. However, due to the international characteristics of the legal regimes in Antarctica, the plans and activities of other claimant states are not excluded; therefore, an overview of their roles in transforming the continent is also included.

The description of the geohistorical trajectory of Antarctica from *terra nullius* to nation-states' territories is intended to illustrate how Antarctic geography has become the geography it is today. *Terra nullius* and territory, as consecutive land titles, have emerged in Antarctica as they did in Australia. The operations of these land titles, completing each other, have transformed Antarctica in a similar way to how they altered Australia. In the Antarctic land transformation, the speculated potential of Antarctic 'resources,' states' sovereignty disputes, and international cooperation for scientific, economic, and political purposes were central.

The critical argument that Antarctica was/is a colonial frontier of imperial states has already been eloquently examined by several scholars, such as Klaus Dodds, Christy Collis, Adrian Howkins, and Brigid Hains.³¹ In light of these scholars' insights, this section's claims also pivot on the Antarctic imperialism of the Australian state's sovereignty claims,³² which appear to be a continuation of the colonial techniques inherited from British colonialism. I thus endeavour to link the inheritance of British colonialism to the spatial dimensions of Antarctic imperialism. Due to the absence of a native human population on the Antarctic continent, Antarctica is regarded as a 'unique' case in scholarly debates, as it raises the question of whether settler colonialism

31. For instance, see Adrian Howkins, *Frozen Empires: An Environmental History of the Antarctic Peninsula* (New York: Oxford University Press, 2017); Brigid Hains, *The Ice and the Inland: Mawson, Flynn, and the Myth of the Frontier* (Melbourne: Melbourne University Press, 2002); Klaus Dodds, *Geopolitics in Antarctica: Views from the Southern Oceanic Rim* (Chichester, UK: Wiley John and Sons, 1997).

32. See Shirley V. Scott, 'Three Waves of Antarctic Imperialism,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 37–49.

has been an effective impetus in transforming Antarctica. Unlike colonialism in Australia or other colonies, Antarctica's 'peoplelessness,' in the sense of lacking a native human population, indeed draws more attention to geography per se and to the socio-ecological intertwinement of all geographical life forms. In other words, Antarctica's materiality prompts intriguing discussions about the presence and role of colonialism when no human displacement occurs. In this context, the question is how geography in and of itself can be subject to colonial techniques. Antarctic geography enables me to prioritize the geographical dimension of coloniality and to further analyse various colonial techniques within geography.

Given the geohistorical connections between colonialism and the techniques of geo-graphing in Antarctica, I interpret imperial state techniques and processes here as the state mode of space production, propelling sociolegal and spatial transformations in Antarctica. I portray the Antarctic land transformation, from an 'icy bulk' into the AAT and the global commons, via three, non-exhaustive, interrelated spatial techniques. These techniques are informed by the analysis of Christy Collis and Quentin Stevens,³³ which subsumes (1) symbolic space, (2) built environments, and (3) geopolitics and legal territorialities. Molotch similarly understands that 'space is ... neither merely a medium nor a list of ingredients, but an interlinkage of geographic form, built environment, symbolic meanings, and routines of life.'³⁴

Through this analysis, I elucidate how these techniques and their combinations were executed and legitimized in pursuit of producing and defining a territorialized national space, namely the AAT, as well as a seemingly unterritorialized space, namely the global commons. However, spatial analyses of geography remain contested, almost by definition. That is, the way the analysis of Antarctica is depicted here represents only one of many other possible spatial analyses. Leaning on the entanglements of and connections between different segments of sociopolitical, legal, and geographical relations, my spatial analysis here intends to, first, clarify the overarching complexity of geography through an analytical and descriptive approach, while not losing sight of the interdependency of all geographical life forms, and second, reveal the state mode of Antarctic space production in relation to the colonial means and purposes of managing Antarctic life forms and forces.

33. Christy Collis and Quentin Stevens, 'Cold Colonies: Antarctic Spatialities at Mawson and McMurdo Stations,' *Cultural Geographies* 14/2 (2007), 234–54.

34. Molotch, 'Space of Lefebvre,' 888.

3.2.1 *The Spatio-Legal Status of Antarctica: Is Antarctica a Reconfiguration of Terra Nullius?*

I will begin with the icy geography of Antarctica.³⁵ Antarctica is the fifth-largest continent in the world, about one and a half times the size of the United States (US),³⁶ with no permanent native human population. The continent is divided into two main regions, East and West Antarctica, by the Transantarctic Mountains, which extend over 3,500 kilometres.³⁷ It is recorded as the highest continent in the world,

35. The use of icy as if Antarctica were still fully covered by thick layers of ice does not reflect the current reality of the continent. 'Ice losses from the Greenland and Antarctic ice sheets have accelerated since the 1990s, accounting for a significant increase in the global mean sea level. Here, we present a new 29-year record of ice sheet mass balance from 1992 to 2020 from the Ice Sheet Mass Balance Inter-comparison Exercise (IMBIE). ... In Antarctica, the losses have arisen primarily due to ocean-driven melting of ice shelves ... and their collapse ..., which have accelerated the ice flow ..., retreat ..., and drawdown ... of numerous marine-terminating ice streams.' Inès N. Otosaka, Andrew Shepherd, Erik R. Ivins, et al., 'Mass Balance of the Greenland and Antarctic Ice Sheets from 1992 to 2020,' *Earth System Science Data* 15/4 (2023), 1597–1616. Also see 'Antarctic Ice and Rising Sea Levels,' Antarctic and Southern Ocean Coalition, accessed 17 July 2023, www.asoc.org/learn/antarctic-ice-and-rising-sea-levels/; and Damian Carrington, "'Extreme Situation': Antarctic Sea Ice Hits Record Low,' *Guardian*, 15 February 2023, accessed 17 July 2023, www.theguardian.com/world/2023/feb/15/antarctic-sea-ice-hits-record-low-climate-crisis. For a comprehensive assessment, see Oleg A. Anisimov et al., 'Polar Regions (Arctic and Antarctic),' in *Climate Change 2007: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, ed. M. L. Parry et al. (Cambridge: Cambridge University Press, 2007), 653–85. Moreover, 'For the third year in a row, sea ice coverage around Antarctica has dropped below 2m sq km—a threshold which before 2022 had not been breached since satellite measurement started in 1979. The latest data from the US National Snow and Ice Data Center confirms the past three years have been the three lowest on record for the amount of sea ice floating around the continent.' Graham Readfearn, 'Antarctica Sea Ice Reaches Alarming Low for Third Year in a Row,' *Guardian*, 24 February 2024, accessed 14 March 2024, www.theguardian.com/world/2024/feb/24/antarctica-sea-ice-reaches-alarming-low-for-third-year-in-a-row; "Every single day so far in 2023, we've observed sea ice that's been below average," says climate scientist Zachary Labe of Princeton University and the National Oceanic and Atmospheric Administration ... Antarctica lost 168 billion tonnes of ice—the sixth highest year on record—owing to the continued speedup of glaciers in West Antarctica and record melting from the Antarctic Peninsula'; see Matt Simon, 'Antarctic Sea Ice is at Record Lows. Is It an Alarming Shift?,' *WIRED*, 26 May 2023, accessed 17 July 2023, www.wired.com/story/antarctic-sea-ice-is-at-record-lows-is-it-an-alarming-shift/.

36. Susan J. Buck, *The Global Commons: An Introduction* (Washington, DC: Island Press, 1998), 48.

37. Buck, *Global Commons*, 48.

with an average elevation of 1,958 metres, including ice shelves;³⁸ West Antarctica's average height is 2,500 metres and East Antarctica up to 4,500 metres.³⁹ The frozen interior of Antarctica is described as being 'empty of life';⁴⁰ however, in reality, Antarctic geographies vary from ice-free areas, including mountain ranges, valleys, or coastal fringes, to ice-covered areas. One of the meromictic lakes with the greatest concentration of microbial life, for example, is located in the Vestfold Hills in East Antarctica.⁴¹ Corresponding to these diverse landforms and changing climate, native organisms are also varied. To wit, insects and fungi, as terrestrial life forms, can be found in the Antarctic mainland. The Antarctic Ocean is seen as central to 'lively' Antarctica, with extremely rich and flourishing ecosystems. It is home to seals, whales, emperor penguins, and at least forty-three species of birds.⁴² Regardless of how diverse and dynamic life cycles and forms are in Antarctica, this extraordinarily large and 'frozen' continent has, unsurprisingly, been perceived as 'empty' and uninhabited. Based on this assumption of a 'lifeless' Antarctica, the popular vision of Antarctica was thus that of *terra nullius*.

Although there has been no official declaration or recognition of Antarctica as *terra nullius*, the concept has been used as a spatial characterization to describe the continent so as to produce and maintain a specific image of it.⁴³ In its wake, this so-called uninhabited, empty, and remote land mass has received great attention from different states.⁴⁴ Their curiosity to 'discover' and exploit the continent has been the primary catalyst for bringing *terra nullius* into view. The notion of *terra nullius*, in this sense, conceptually captures states' curiosity, which eventually turned to rhetoric and practices to conceive Antarctica as the object of states' contested search for knowledge and resources. Not long after the early expeditions to the continent, Antarctica,

38. 'Antarctic Factsheet,' British Antarctic Survey, 2005, accessed 30 October 2025, www.bas.ac.uk/science/science-and-society/education/antarctic-factsheet-geographical-statistics/.

39. 'The Geography of the Antarctic,' Umwelt Bundesamt, 27 January 2016, accessed 30 October 2025, www.umweltbundesamt.de/en/the-geography-of-the-antarctic.

40. Buck, *Global Commons*, 71.

41. John A. E. Gibson, 'The Meromictic Lakes and Stratified Marine Basins of the Vestfold Hills, East Antarctica,' *Antarctic Science* 11/2 (1999), 175–92.

42. Buck, *Global Commons*, 49.

43. Christy Collis, 'Territories beyond Possession? Antarctica and Outer Space,' *Polar Journal* 7/2 (2017), 290.

44. Christy Collis, 'Australia's Antarctic Turf: Works Cited,' *Media Culture M/C Journal* 7/2 (2004), 1, accessed 30 July 2024, doi:10.5204/mcj.2330.

as a massive ‘resource,’ became a subject of extraction and exploitation. The extermination of seal populations and the dramatic decrease in whale populations, for example, provided hideous proof of the idea that ‘wild’ Antarctica contained unlimited resources for the use of states. It is also no coincidence that the spatial reconfiguration of *terra nullius* for Antarctica involved patterns similar to those involved in overseas colonization, such as discovery, effective occupation, appropriation, extraction, and exploitative land use. That is, the same ‘old’ history of ‘filling an empty space,’ the idea of *terra nullius*, emerged and has been practised in Antarctica as well.

At the time of the first recorded contact with Antarctica—James Cook’s journeys to explore Terra Australis Incognita, meaning the remote and unknown southern land—in 1772–1775,⁴⁵ the Western world was convinced that there was no way to inhabit this remote south due to its massive iceblocks and ice fields.⁴⁶ The entire continent was commonly perceived as a ‘frozen void’ until states started claiming their territorial sovereignty over different sectors.⁴⁷ Perceptions such as *terra nullius*, Terra Australis Incognita, or the *frozen void* were instrumental in creating hope, expectations, and speculations around the ‘unlimited resources’ of Antarctica. Environmental historian Adrian Howkins writes that this seemingly massive void was speculated upon ‘with dreams of a frozen El Dorado brimming with mineral sources.’⁴⁸

Such perceptions eventually led to incremental contestations between states over Antarctica. European states, newly independent states such as Australia, New Zealand, Argentina, or Chile, and other states such as Japan were keen to conduct state-funded expeditions as proof of their national fidelity to international cooperation and scientific pursuit, maturity, and level of advancement.⁴⁹ New states such as Norway and Australia could prove their ‘maturity’⁵⁰ as sovereign states by affording to exist in Antarctica. Antarctica obtained growing geopolitical

45. Roger D. Launius, ‘Establishing Open Rights in the Antarctic and Outer Space: Cold War Rivalries and Geopolitics in the 1950s and 1960s,’ in *Handbook on the Politics of Antarctica*, ed. Klaus Dodds, Alan D. Hemmings, and Peder Roberts (Cheltenham, UK: Edward Elgar Publishing, 2017), 218.

46. Buck, *Global Commons*, 46.

47. It rather speaks about the period of the early expeditions, before the loss of Antarctic ice related to climate change and other ecological catastrophes.

48. W. L. G. Joerg, *Problems of Polar Research* (New York: American Geographical Society, 1928), 266, cited in Howkins, *Frozen Empires*, 44.

49. Peder Roberts, ‘The Politics of Early Exploration,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 318.

50. Collis, ‘Territories beyond Possession?’, 291.

significance, so it is not surprising that by the 1950s, seven states had already claimed and divided up about 80 per cent of the continent.⁵¹ Particularly after World War II, Antarctica became more important in international cooperation and scientific endeavours. This is also why Antarctica's resource and territorial governance is still mainly based on interstate agreements at the international level.

3.2.2 *Terra Nullius in Question: Early Antarctic Explorations*

Understanding *terra nullius* in the Antarctic context requires revisiting explorers' initial perceptions about the continent. The primary point of this section is to present the curiosity-driven anticipation of expeditioners, who questioned whether there an enormous southern continent existed. In other words, speculations about the 'mythical southern continent' resulted in Antarctic expeditions. This initial inquiry led to Antarctica being envisaged and fabricated as *terra nullius*. Terra Australis Incognita was an idea referring to the existence of the southern counterpart of the Arctic.⁵² Explorers had continued to sail to the 'remotest' possible points of Antarctica with the belief that there was a conjectured southern continent.

Until the second voyage of Cook to Antarctica, explorers believed that the places at which they had arrived were parts of Terra Australis Incognita. Raw descriptions of Antarctic explorers were influential and constitutive in forming the initial characteristics of Antarctic regions. For example, Italian explorer Amerigo Vespucci, when observing the coast of Brazil in 1501, claimed that he might have sighted South Georgia, as he described the terrain as 'a rocky coast, but was devoid of inhabitants or a port,' due to the extreme cold in the area.⁵³

51. Collis, 'Territories beyond Possession?,' 292. Also, as an interesting side note to refer to a different position than owning Antarctica: 'In the UN General Assembly in 1956 and then 1958, the recently decolonised India argued that Antarctica should not become another continent divided up between the wealthier, developed states, but it should become a *terra communis*: jointly managed by all states through the UN, but owned by none.' See Sanjay Chaturvedi, *The Polar Regions: A Political Geography*, Polar Research Series (New York: Wiley in association with the Scott Polar Research Institute, 1996), cited in Collis, 'Territories beyond Possession?,' 292–93.

52. It is stated that the term *Antarctica* etymologically emanates from a combination of two words, *anti* and *arktos* in Greek, meaning 'opposite to the Arctic.' See J. G. Hayes, *Antarctica: A Treatise on the Southern Continent* (London: The Richards Press, 1928), 4, cited in Paul Simpson-Housley, *Antarctica: Exploration, Perception and Metaphor* (New York: Routledge, 1992), 1.

53. Simpson-Housley, *Antarctica*, 4.

Cook's second voyage, between 1772 and 1775, advanced knowledge about Antarctica and finally led to the abandonment of the perception of Terra Australis Incognita. One of the highlights of his journey was a description of the 'hostile' Antarctic geography, signalling the continent's inappropriateness for human settlement: 'Tempestuous seas, ice and snow were the elements of high austral regions and had revealed that this part of the earth was uninhabitable.'⁵⁴

The period in which Antarctica was not regarded as Terra Australis Incognita was followed by the voyages of other explorers from different countries. As such, the *discovery* of the existence of the southern continent sparked a race between countries for further exploration. When looking into the rationales behind countries' decisions to travel to the far south, one of the main reasons was based on the idea of *conquering* a piece of Antarctica as the first taker. To carry this out, no ownership or sovereignty should already have been claimed; that is, the claimed areas must have been vacant or under the ownership and control of no one—in short, *terra nullius*. In this respect, the notion of vacant land is viewed as having been fundamental in the era of *high imperialism* or *new imperialism*. This era amounts to the second wave of Antarctic imperialism,⁵⁵ whose main catalysts were based on scientific explorations and whaling, governed by Anglo-European colonizers.

Policies about land governance and environmental authority were put in place from 1830 to 1924 on the grounds of conquering and possessing *terra nullius*.⁵⁶ The perception of vacant land enabled further claims, such as territorial sovereignty, in the continuum of Antarctic explorations and discoveries. This connection between Antarctic explorations and first takers of *terra nullius* remained and reached into the twentieth century in the form of sovereignty claims. For example, on the basis of the expedition of Roald Amundsen, who first reached the South Pole in 1911, Norway claimed a large section of Antarctica as 'named and taken into possession on behalf of the King of Norway.'⁵⁷ In the same way, New Zealand declared itself as "Antarctic firsts": from Tuati, the first New Zealander to sight Antarctic mainland in 1840 ... to Alexander Von Tunzelmann, possibly the first man

54. Simpson-Housley, *Antarctica*, 7.

55. Scott, 'Three Waves', 40.

56. As a side note, in the period of the 1959 Antarctic Treaty, states such as Britain, Norway, France, Australia, Argentina, Chile, and New Zealand put forward their claims on the basis of *terra nullius*.

57. Magnus Hovind Rognhaug, *Norway in the Antarctic* (Tromsø: Norsk Polarinstitutt, published by the Norwegian Ministry of Foreign Affairs, 2014), 7.

to set foot on the Antarctic mainland ... in 1895.⁵⁸ After all, despite the absence of an official declaration of *terra nullius* as the formal status of Antarctica, the dominant perception of the continent grew from the idea of a vacant geography. The more humans visited Antarctica, the greater the ‘necessity’ to define and delimit the status of Antarctica with respect to explorers’ nationalities.

3.2.3 *Terra Nullius in Question: The Antarctic Treaty*

Terra nullius, even without having been explicitly declared, served as the rationale that enabled states to proclaim they were the first takers. Centuries after the era of colonial competition between empires to ‘discover’ and invade geographies, the very colonial idea of land acquisition—‘first come, first served’—was again practised in Antarctica. In turn, the Antarctic continent became an available geography where states’ interests, plans, and activities were orchestrated through international agreements. That is, a relatively contemporary argument, that of seeking international reconciliation and cooperation, veils the proximity between states’ presence on the continent and their colonial presence overseas.

Territorial claims to sectors of Antarctica evolved in accordance with the tensions between states due to conflicting geopolitical concerns. It was even claimed that ‘Antarctica was, in some sense, the southern-most frontier of a Cold War.’⁵⁹ Before the 1959 Antarctic Treaty, two main tensions paved the way for a series of preliminary international meetings, held in 1958 and 1959. The first tension was between Britain, Argentina, and Chile over the Antarctic Peninsula, which escalated when the US took the sides of Argentina and Chile against Britain. The second tension occurred when the Soviets geographically expanded their whaling interests after World War II.⁶⁰ Their territorial expansion in Antarctica was seen as a threat by the US, as the latter was interested in geographies with extremely cold temperatures for military training purposes. Unlike the Arctic, Antarctica was ideal for this, as it was geographically far from the Soviets. Nevertheless, Soviet expansion

58. Alejandra Mancilla, ‘The Moral Limits of Territorial Claims in Antarctica,’ *Ethics and International Affairs* 32/3 (2018), 345.

59. Klaus Dodds and Alan D. Hemmings, ‘Frontier Vigilantism? Australia and Contemporary Representations of Australian Antarctic Territory,’ *Australian Journal of Politics and History* 55/4 (2009), 519.

60. Buck, *Global Commons*, 50.

and the US's concerns eventually resulted in a confrontation on the high seas.⁶¹

The intensified tensions between states about land acquisition in combination with the internationalism after World War II led to the signing of the Antarctic Treaty in 1959 by twelve countries: the United Kingdom, Belgium, France, Japan, South Africa, Norway, Chile, Australia, Argentina, the Soviet Union (Russia), the US, and New Zealand. These twelve original signatory states are still responsible for regulating activities in Antarctica.⁶² The Treaty has two levels of participation: Consultative Parties and Acceding Parties. The Consultative Parties of the Antarctic Treaty System (ATCPs)—twenty-nine states, including the twelve original signatory states—have the right to actively participate in the meetings, called Antarctic Treaty Consultative Meetings (ATCMs), according to Article IX of the Treaty, whereas the Acceding Parties can participate in the ATCMs but not take part in the decision-making. Acceding Parties—forty-five other states—are entitled to participate in the ATCMs ‘during such time as that [Acceding] Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there.’⁶³

It is reported that only seventeen of the Acceding Countries’ research activities have been recognized by Article IX.2, and, thus, there are twenty-eight remaining Acceding Countries which can participate in ATCMs without having voting power.⁶⁴ The structure of the organization, meetings, and agreements, based on the Treaty, constitutes the Antarctic Treaty System (ATS), which is a legal regime designed for Antarctica only. The governing regime of Antarctica, while preserving

61. Buck, *Global Commons*, 6, 50.

62. In addition to the twelve signatories, the total number of ATCPs has reached twenty-nine: Brazil, Bulgaria, Germany, Italy, Poland, Czechia, Ecuador, Finland, Spain, India, the Netherlands, Sweden, Uruguay, Ukraine, China, South Korea, Peru. See Secretariat of the Antarctic Treaty, ‘Parties,’ accessed 18 March 2024, www.ats.aq/devAS/Parties?lang=e.

63. The Antarctic Treaty [1959] 402 UNTS 71 was signed in Washington, DC, and entered into force 23 June 1961, accessed 31 May 2023, https://documents.ats.aq/keydocs/vol_1/vol1_2_at_antarctic_treaty_e.pdf. See Article IX, paragraph 2: ‘Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.’

64. See Secretariat of the Antarctic Treaty, ‘Parties.’

the Antarctic Treaty at its heart, is supplemented by other international agreements, namely the Protocol on Environmental Protection to the Antarctic Treaty (known as the Madrid Protocol), the Convention for the Conservation of Antarctic Seals (CCAS), and the establishment of the Commission for the Convention of Antarctic Marine Living Resources (CCAMLR).⁶⁵ The Antarctic Treaty, Madrid Protocol, CCAMLR, CCAS, and the Measures of the ATCM constitute the core of the Antarctic legal regime.⁶⁶

It should be noted here that a comprehensive analysis of the Treaty is not my aim; instead, I question how the Treaty frames the legal status of Antarctica, what powers and responsibilities it confers on the states, and how it affects the land transformation of Antarctica in light of colonial motives and visions, such as *terra nullius*. The Antarctic Treaty was primarily expected to facilitate a common ground for states to avoid conflicts. Hence, it frames the reasons for and purposes of states' activities limited to scientific and peaceful endeavours. The Treaty also confers, as well as affirms, the authority of the ATCPs as the regulatory power by entitling them to rule the continent in accordance with the treaty. Similarly, states should make sure that their claims align with the Treaty. Such strict governance

involved the attempted monopolization of regulatory powers by an increasingly centralized apparatus, the development of an elaborate, hierarchical bureaucracy that surveyed, mapped, and measured both land and people, the deepening and widening of the administrative and military reach of the state, and a determined reinvestment in epistemic modalities of rule.⁶⁷

65. The Convention for the Conservation of Antarctic Seals 1080 [1972] UNTS 176 was signed in London and entered into force in 1978 (it can be found online here: accessed 1 March 2024, www.bas.ac.uk/about/antarctica/the-antarctic-treaty/convention-for-the-conservation-of-antarctic-seals-1972/). The Protocol on Environmental Protection to the Antarctic Treaty [1991] 30 ILM 1461 was signed in Madrid and entered into force in 1998. The Convention for the Conservation of Antarctic Marine Living Resources [1980] 1329 UNTS 48 was signed in Canberra and entered into force in 1982 (accessed 1 March 2024, www.ccamlr.org/en/organisation/camlr-convention-text).

66. According to Article IX, paragraph 4 of the Treaty, the 'measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties ... in the meetings held to consider those measures.'

67. Goswami, *Producing India*, 31.

Manu Goswami conceptualizes such territorial governing regimes as *territorial consolidation* in the context of India.

Regarding the epistemic importance of Antarctica, the Treaty emphasizes peaceful cooperation and scientific research by ensuring the demilitarization of Antarctica and the creation of the first nuclear-free zone.⁶⁸ The Treaty was therefore interpreted to be in alignment with the mission of the United Nations, and this view helped make states' presence in Antarctica appear to be reasonable and diplomatic. In 1982, a speech by Malaysian Prime Minister Mahathir bin Mohamad at the United Nations General Assembly confirmed this view by announcing that Antarctica belonged to the international community.⁶⁹ Indeed, international acknowledgements led Antarctica and the Antarctic Treaty to receive the interest of the wider international community.⁷⁰ In the wake of such consolidation of states' presence in Antarctica, as expressed by Goswami above, the monopolization of statist conduct became the 'fate' of the entire continent, while a consensus on the territorial sovereignty of the signatory countries remained beyond reach.

Indeed, the Treaty has contributed to a change in the status of Antarctica. Article IV of the Treaty provides signatory states with flexibility, inscribed as: '1. Nothing contained in the present Treaty shall be interpreted as: (a) a renunciation by any Contracting Party of previously asserted rights or claims to territorial sovereignty in Antarctica ... (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.'⁷¹ Accordingly, in case of a signatory state claiming a certain sector of Antarctica, other signatory states do not have to recognize that claim, but also cannot reject any other signatory state's claim. The territorial sovereignty of states is thus not guaranteed by the Treaty. To wit, only four signatory states have recognized Australia's territorial claim, which comprises the vast proportion, 42 per cent, of Antarctica, whereas other states continue to treat Antarctica as a non-sovereign continent without taking account of the Australian claim.⁷²

68. Antarctic Treaty, Articles I and II.

69. Alejandra Mancilla, 'A Continent of and for Whiteness? "White" Colonialism and the 1959 Antarctic Treaty,' *Polar Record* 55 (2019), 317.

70. Klaus Dodds and Kathryn Yusoff, 'Settlement and Unsettling in Aotearoa/New Zealand and Antarctica,' *Polar Record* 41/217 (2005), 143.

71. Antarctic Treaty, Article IV.

72. Christy Collis, 'The Proclamation Island Moment: Making Antarctica Australian,' *Law Text Culture* 8 (2004), 39–40.

Dodds interprets this flexibility as *treaty sovereignty*, which confers a spatial and temporal deferral that originates from Article IV of the Treaty.⁷³ According to him, deferring territorial sovereignty could ease anxieties and disputes about the possession of territories, thereby fostering better cooperation and collaboration in Antarctic science and the ‘future-oriented intervention’ of claimant states.⁷⁴ Despite agreeing with Dodds’ argument, I argue that such treaty sovereignty in practice likely entails confusion and competition for the potential of Antarctic ‘resources’ due to the vague status of the Antarctic sectors, recognized differently by each signatory state. Moreover, the deferring of sovereignty based on the Treaty is understood as *strategic denial*,⁷⁵ which denotes a kind of reassurance that a claimed territory remains contested and is thus accessible in case Antarctic resources are ‘discovered.’

This deferral provision can be interpreted as abstaining from defining territorial boundaries and therefore preserving the vacant status of the continent, namely *terra nullius*. However, my arguments here should not be understood as promoting the establishment of clear regimes and borders for states’ territorially fixed sovereignty, as the classic normativity prescribes. I rather strive to draw attention to the point that the ambiguity of states’ sovereignty has indeed served a specific purpose, which enables entitled states and non-state actors, aligned with the ATS, to pursue their interests and goals. As such, it can be viewed as a suspension of sovereignty based on the yet-to-be-discovered qualities of Antarctica.

First, the lack of a clear and permanent consensus on which sector of Antarctica belongs to which state somehow makes the continent available for further claims. Second, since the ATCPs—states whose explorers participated in the so-called ‘Heroic Age of Antarctic exploration’⁷⁶—

73. Klaus Dodds, ‘Antarctic Geopolitics,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 208.

74. Dodds, ‘Antarctic Geopolitics.’

75. Daniel Bray, ‘The Geopolitics of Antarctic Governance: Sovereignty and Strategic Denial in Australia’s Antarctic Policy,’ *Australian Journal of International Affairs* 70/3 (2016), 269.

76. During the so-called ‘heroic age of exploration,’ from approximately 1895 to 1917, ‘at least fifteen expeditions sailed south in pursuit of geographical discoveries and various Antarctic “firsts.” Roughly half of the heroic age expeditions were connected to Britain and the British Empire, and British explorers such as Captain Scott, Edward Wilson, and Ernest Shackleton ... the expeditions of the heroic age were themselves saturated by the politics of imperialism. ... Almost all expeditions to Antarctica during this period had a significant scientific component’; see Howkins, *Frozen Empires*, 32–33.

hold the power to legally shape Antarctica, it is difficult to confidently argue that the idea of the 'first taker' has vanished. This argument may make more sense when it is considered in conjunction with commercial activities in Antarctica, such as sealing, whaling, mining, and the pharma industry. The flexibility provided by the Treaty allows for the non-recognition of states' sovereignty while letting signatory states pursue their national priorities within the Treaty's framework.

Argentina, Australia, Chile, France, New Zealand, Norway, and Britain are the seven countries that have territorial claims in Antarctica, despite most other countries not recognizing these claims on the basis of Article IV of the Treaty. Additionally, the Soviet Union (Russia) and the US, as semi-claimants, reserved their right to claim their territorial sovereignty for the future.⁷⁷ On this account, Article IV seems to regulate potentially disputable sovereignty claims. Moreover, no state refuses this ambiguous regulation. On the contrary, an enacted international agreement, the Antarctic Treaty, ratifies this ambiguity, which can cause interstate conflicts.⁷⁸ The question of whether Antarctica is *terra nullius*, particularly in the Treaty, becomes intriguing when we try to understand the underlying motivations for Antarctica's deferred status.

Within the framework of the Treaty, either way, whether a sector of Antarctica is claimed by a signatory state or not, Antarctica remains vacant, or *terra nullius*, unless all signatories uniformly recognize existing sovereignty claims.⁷⁹ The agreement on the deferral of sovereignty, as Dodds calls it, appears to be an expression of the potential for further exploration and extraction of the Antarctic geography. In this sense, Article IV of the Treaty serves as a latent recognition of *terra nullius*, and thereby the idea of a blank canvas, leading to the production of an Antarctica in which states are free to own and construct their own territories in alignment with the Treaty. It is also no coincidence that the above-mentioned seven states' claims were based on discovery, exploration, and geographical/cultural proximity, as detailed in subsequent sections.

Sanjay Chaturvedi explains the states' agreed-upon rationale behind this flexibility by claiming that Antarctica has not been 'discovered properly' due to technological shortcomings; thus, knowledge about

77. Klaus Dodds and Christy Collis, 'Post-colonial Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 58.

78. On a side note, such a vague and flexible principle as an intervention of international law can risk peace between states and potentially reinvigorate conflicts.

79. As mentioned earlier, the Treaty does not explicitly refer to the term *terra nullius*.

potential resources is still scarce.⁸⁰ In any case, the signatory states' motivation for flexibility in sovereignty claims leaves the door open to future opportunities to benefit from Antarctic life forms.

In the absence of the knowledge of the resource potential of Antarctica and poor polar technology it was thought prudent as well as practical by all the Antarctic Treaty members to keep the explosive sovereignty issue of Antarctica pending indefinitely, along with the related question of the ownership of its resources.⁸¹

Due to the expectations from Antarctic geography as a resource domain, Antarctica, as *terra nullius*, seems more favourable than the signatories' strictly territorialized boundaries and sovereignty claims. Bearing the risk of conflict between states, the vision of *terra nullius* for the Antarctic continent possibly ensures states' (future) plans to extract Antarctic life forms. Looking at Antarctica from the notion of *terra nullius* can shine a light on the underlying motivations and plans to transform the continent from a 'bulk of ice' into a resource domain for nation-states and on how *terra nullius* and state space or territory—seemingly contradictory land statuses—can overlap for the purpose of land use.

3.3 The Nexus between States' Antarctic Claims and Emperors' Colonial Techniques

Terra nullius and state territory feature similar land transformation trajectories in Australia and Antarctica. The shift from *terra nullius* to state territory has mimicked perpetual patterns of the colonial mode of space production across these two continents. Although *terra nullius* and territory imply two distinct, almost contrary land statuses, they have been complementary stages of land transformations. These two spatial configurations have occurred in Australia and Antarctica during different chronologies and in different geographies. Despite these two continents' spatio-temporal differences in land transformation trajectories as well as

80. Sanjay Chaturvedi, 'Antarctica and the United Nations,' *India Quarterly* 42/1 (1986), 6.

81. Bernard H. Oxman, 'The Antarctic Regime: An Introduction,' *University of Miami Law Review* 33/2 (1978), 291, cited in Chaturvedi, 'Antarctica and the United Nations,' 6.

the discourse about and practices on the land, Australia and Antarctica have evolved within the same, if not a similar, fashion.

Based on this connection, I argue that colonial techniques of space production should be considered in Antarctic space production. From a critical perspective on the geohistories of these two continents, I claim that the Antarctic continent is imbued with colonial techniques, thereby carrying a colonial heritage. As Antarctica is sectioned through several states' territorial claims, it is compelling to first consider a broader understanding of the colonial legacy in Antarctica before specifically delving into the geohistorical nexus between the land transformation trajectories of Australia and Antarctica. To provide an overview of the colonial legacy in Antarctic space production, this section briefly looks into (1) the Argentine and Chilean governments' territorial claims based on colonial declarations, (2) nomenclature, and (3) the discourse of the 'advancement' of humanity.

States' methods and justifications for claiming sovereign rights over Antarctica have varied, depending on the reasoning for their presence on Antarctica. Accordingly, the claims could be justified on the grounds of exploration, geographic and cultural proximity to Antarctica, scientific research bases, and colonial inheritance, as in the cases of Australia, New Zealand, Chile, and Argentina.⁸² Interesting examples that can illustrate the colonial heritage of sovereignty claims in Antarctica are Chile and Argentina, as independent, liberal, and sovereign states. Their presence on Antarctica was founded on the colonial declarations of the 1493 Papal Bull and the 1494 Treaty of Tordesillas, which had been used to justify the territorial possession of the 'New World' by the Spanish and Portuguese Empires before their arrival or existence in the so-called New World.⁸³

In addition to their colonial grounds, both Chile and Argentina referred to geographical proximity, geological affinity, and effective occupation to foster their presence and sovereignty in Antarctica.⁸⁴ Despite the claims based on the 1493 and 1494 declarations, the governments of both states, owing to being former colonies, were paradoxically firm in claiming that their territorial claims to Antarctica had no colonial character; in fact, they were allegedly anti-imperial.⁸⁵

82. Patrizia Vigni and Francesco Francioni, 'Territorial Claims and Coastal States,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 241.

83. Collis, 'Proclamation Island Moment,' 40.

84. Buck, *Global Commons*, 53.

85. Howkins, *Frozen Empires*, 133.

It is striking that the ghost of colonial powers emerged in the context of sovereignty acquisition in Antarctica. Howkins draws our attention to the fact that Chilean and Argentinean territorial sovereignty over the Antarctic Peninsula animated a similar expansionist mentality as that which occurred in the expansionism in Patagonia.⁸⁶ By reminding us of the wars against the Indigenous peoples of Patagonia, Howkins highlights, first, the reinvigorated colonial mentality and rhetoric of empty land, 'desert,' or *terra nullius*, and, second, the 'evolutionary process' against the 'biologically inferior' peoples of Patagonia as a reason for state expansion.⁸⁷ Regarding the expansionism of both Argentina and Chile, Howkins also addresses that their allegedly anti-imperial claims in Antarctica were indeed meant to resist British claims over the Antarctic Peninsula as well as British economic domination in their own countries.⁸⁸

Another nexus portraying the legacy of the colonial mode of space-making in Antarctica is the act of assigning names to places, known as nomenclature. The nomenclature of spaces, almost an initial act of appropriation, has been core to the colonial and imperial acts of appropriation.⁸⁹ Columbus, for instance, 'claimed to have named 600 islands on his first trip, and he lamented having left about 3,000 islands without a name, and, therefore, arguably, without an owner.'⁹⁰ This transformative performance, based on re/naming, was not only about giving a new name to places but also about permeating colonized spaces with various ceremonies, traditions, routines, and even lifestyles. Through such performances, colonizers first bestowed colonial names and, in doing so, manufactured familiarity and cultural resonances that fostered their colonial presence. By the same token, the act of re/naming helped the colonial presence dominate and own spaces through further colonial performances, including the establishment of settlements, the construction of identity, and the promotion of societal order.

86. Adrian Howkins, 'Appropriating Space: Antarctic Imperialism and the Mentality of Settler Colonialism,' in *Making Settler Colonial Space: Perspectives on Race, Place and Identity*, ed. Tracey Banivanua Mar and Penelope Edmonds (New York: Palgrave Macmillan, 2010), 42.

87. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 42.

88. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 41.

89. Alvarez-Nakagawa, 'Rituals of (Dis)possession,' 50.

90. Tzvetan Todorov, *The Conquest of America: The Question of the Other* (New York: Harper & Row, 1992), 121, cited in Alvarez-Nakagawa, 'Rituals of (Dis)possession,' 50.

The creation of familiarity through naming has appeared as a complementary and essential aspect of colonial identity construction. Michel de Certeau eloquently depicted how linguistic nomination as a symbolic act of making space could work alongside colonial navigations of places:

To baptize with words designating ... a network of associates, national figures, dream images; to catch the island up in the net of these names of belonging; to turn the island into the 'unfolded map' of a memory that inscribes itself; to turn it into the manipulable page one can read and where one can be read: that is 'to colonize.'⁹¹

By referring to Jules Verne, de Certeau identified explorers as 'name-givers' who contributed to the 'world's genesis' through geographical nomenclature.⁹² This geographical nomenclature was often executed while knowing that spaces had already been named by their local populations. In this sense, the history of geography indeed ought to be rewritten, which denotes the act of linguistic geo-graphing that 'reproduces the origin of all knowing,' in de Certeau's terms.⁹³ Beyond literature, in the present world, explorers' choices of names—mostly Christian names and everyday terms from their native languages—remain as clear echoes, presentations, and reminders of enduring coloniality.

In Antarctica, nomenclature becomes more visible in built environments, specifically at research stations and their sites, where milieu, national, and cultural references act upon a piece of Antarctic land. To wit, one of the built environments, Mawson Station,⁹⁴ is a territorial extension of the Australian national territory on the continent, operating as a research station. This Australian research settlement

91. Michel de Certeau, *Heterologies: Discourse on the Other*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 2000), 144.

92. De Certeau, *Heterologies*, 143.

93. De Certeau, *Heterologies*, 145.

94. Mawson Village is one of Australia's Antarctic stations, running as a small village with its own facilities, including power generation, water-making, general living, and medical and working locations. See 'Station Amenities and Operations,' Australian Antarctic Program, Australian Government, accessed 31 May 2023, www.antarctica.gov.au/antarctic-operations/stations/amenities-and-operations/ and 'Mawson Research Station,' Australian Antarctic Program, Australian Government, accessed 31 May 2023, www.antarctica.gov.au/antarctic-operations/stations/mawson/.

is named after Douglas Mawson, the leader of an expedition group. Mawson Station's 'early occupants assigned the names Market Square, Main Street and Coronation Street to the (relatively) enclosed spaces between the Village's buildings.'⁹⁵ Collis and Stevens claim that the act of name-giving contributed to producing a 'place of familiarity and settlement,' which was subsequently divided into two counterparts: inside and outside or tamed and wild environments.⁹⁶ In this regard, nomenclature serves the idea of domesticating and mastering 'wild' and 'uninhabitable' Antarctic geography. As a result of this construction, Antarctica can be internalized as more hospitable, almost a home for a nation.

In addition to the site of Mawson Station, all geographical units and areas in Antarctica are primarily named in English, but also in Spanish and French, depending on the official language of the claimant state. It is worth addressing here that nomenclature has evolved differently in Antarctica, as the continent never had a human population before the arrival of nation-states. In this respect, nomenclature in the context of Antarctica is an obvious performance of the role of linguistics in geo-graphing or writing geography. Nomenclature, as one of the most effective spatial techniques, has long been at work in constructing spatially informed identities. Bearing in mind that '*nam*ing is a form of *norming*,'⁹⁷ Lawrence Berg and Robin Kearns look at Otago/Murihiku in New Zealand and claim that 'names are part of both a symbolic and a material order that provides normality and legitimacy to those who dominate the politics of (place) representation.'⁹⁸ Therefore, the critique of nomenclature can have the potential to create counterpolitics and raise questions about colonial and imperial formations such as property ownership and nation-state sovereignty, while revitalizing discussions around the politics of representations. The profound topic and literature of nomenclature can of course not be summarized within

95. Collis and Stevens, 'Cold Colonies,' 243.

96. Collis and Stevens, 'Cold Colonies,' 244.

97. Lawrence D. Berg and Robin A. Kearns, 'Naming as Norming: "Race," Gender, and the Identity Politics of Naming Places in Aotearoa/New Zealand,' *Environment and Planning D: Society and Space* 14 (1996), 99.

98. Berg and Kearns, 'Naming as Norming,' 99. In the same vein, on the same page, they refer to "linguistic settlement" to *produces* places,' and they strengthen their arguments with reference to the Golan Heights, Gaza, and the West Bank. For further information about the process of naming places as a mechanism in these territories, see Saul B. Cohen and Nurit Kliot, 'Place-Names in Israel's Ideological Struggle over the Administered Territories,' *Annals of the Association of American Geographers* 82/4 (1992), 653–80.

a couple of paragraphs, as done here. However, it is a crucial praxis, mentally and materially shaping the world, which requires at least a mention.

The final nexus of this section on the colonial legacy in Antarctic space production is the vision of an 'advanced' society. In Antarctica, human advancement, similar to the 'state of civilization,' is the key motivation, even though there are no local inhabitants. Although there were no 'inferior' populations, 'improvement' in Antarctica was considered necessary in an overarching sense, exceeding the geographical limits of the continent. This understanding resonates with the imperialism that the Global North foisted upon the Global South. In the context of Antarctica, although the Antarctic Treaty was signed by 'equally' represented states, it is claimed that the Treaty System could not escape the unjust gap between the Global North and the Global South.⁹⁹ In retrospect, particularly in the 1950s and 1960s, the ATS involved a select group of states, which excluded states from the Global South from decision-making, as those states were, as expected, more concerned about their liberation and anti-colonial agendas.¹⁰⁰

On the other hand, there seem to be countries, particularly from the Global North, that are seen as almost inherently qualified and capable of achieving and offering 'advancement,' using the claim of creating a 'better' humanity. As Howkins writes,

Contemporary scientific claims to legitimacy in Antarctica rest on the idea of doing some good, making use of the landscape in a particular way. This is not so very different from the settler-colonial ideal of improvement that has been used to justify the removal of Indigenous peoples from lands throughout the world.¹⁰¹

The rhetoric around scientific purposes, in the Antarctic context, thus clearly resonates with the rhetoric about 'advancement,' 'common good,' and the 'best interests of mankind.'¹⁰²

99. Dodds and Collis, 'Post-colonial Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 60–61.

100. Dodds and Collis, 'Post-colonial Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 61.

101. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 47–48.

102. Chaturvedi, 'Antarctica and the United Nations,' 6. See the Preamble of the Antarctic Treaty: 'It is in the interest of all mankind that Antarctica shall continue forever

In addition, participation in the Antarctic Treaty negotiations in Washington was oddly difficult,¹⁰³ especially for countries that were not wealthy and technically equipped to conduct expensive scientific research in Antarctica.¹⁰⁴ Howkins underscores the connection between science and sovereignty by highlighting the role of the International Geophysical Year (IGY) in strengthening and affirming the exclusive sovereignty and authority of the member states.¹⁰⁵ The notion of *scientific cooperation* in the Treaty also linked the IGY to the Treaty System, and this became evident when ‘only those countries conducting IGY research in Antarctica were invited to attend the Washington conference,’¹⁰⁶ pointing to imperial sovereignty in Antarctica that was executed by means of science.¹⁰⁷ The missions for scientific projects and research bases, exclusive to signatory states, became the spatial techniques of the Global North by blocking freshly independent states from participating in any political engagements regarding Antarctica. They legitimized the ‘necessary’ presence of selected states in Antarctica while again extracting from the Global South, namely Antarctica.¹⁰⁸ The next section expands on this point and examines how the techniques of settler colonialism shaped and are shaping Antarctica and establishing power relations between states, with an emphasis on geography itself becoming subject to colonialism and imperialism.

to be used exclusively for peaceful purposes and shall not become the scene or object of international discord.’

103. As the Treaty legitimised the ‘necessity’ of states’ presence in Antarctica, the question is why, then, some states’ presence or sovereignty was not seen as necessary.

104. Howkins, ‘Appropriating Space,’ in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 47.

105. Howkins, ‘Appropriating Space,’ in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 47.

106. Howkins, ‘Appropriating Space,’ in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 47.

107. Howkins, ‘Appropriating Space,’ in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 46.

108. As territorial control is one of the primary matters of colonialism, this book agrees with the argument that the mentality of settler colonialism was at work in the case of Antarctica. However, this approach remains debated among scholars. Some scholars claim that imperial and colonial concerns cannot apply to Antarctica since no permanent human population lives on the continent. Furthermore, it is claimed that ‘the term “colonialism” evokes emotional connotations of exploitation which have simply not been relevant in Antarctica.’ See Jim Bleasel, ‘An Australian Perspective,’ in *Australia, Britain, and Antarctica*, ed. T. Miller (London: Australian Studies Centre, 1986), 41, cited in Collis and Stevens, ‘Cold Colonies,’ 237.

3.4 How Spatial Is Antarctic Imperialism?

The term *icy imperialism* is used in an opinion column in *The Guardian*.¹⁰⁹ This controversial piece drew public attention to geopolitics in Antarctica, as it explicitly claims that Antarctic science has evolved through Antarctic imperialism. The article received reactions and provoked polarized opinions. Resembling the article's arguments, my view is also that Antarctic explorations are ideologically similar to the colonial discoveries. It is not easy to convince the public of colonialism in Antarctica. When a geography has no native human population, settler colonialism can often be overlooked in discussions. This is because it is disputable whether colonial techniques have shaped Antarctica. Although there is a growing scholarly interest in the colonial impacts on more-than-humans, the coloniality of nation-states' spatial techniques in Antarctica remains a subject of debate. In parallel with settler colonialism's ambiguous status in Antarctica, there is no clear consensus on the term *Antarctic imperialism* either.¹¹⁰ Such doubts and debates, in the context of Antarctica, signal the significance of the human dimension in colonial studies. Colonialism's overarching effects have disseminated widely across all races, genders, classes, and species, in shaping the earth. In other words, the incapability to grasp colonialism with all its entanglements entails misjudging the far-reaching impacts of colonialism in world-making.

While settler colonialism in Antarctica is still under discussion, the terms *highest phase* and an *ideal form* have been coined to describe it.¹¹¹ What is the logic of assigning these descriptive adjectives to it? How or when can colonialism be *ideal*? What makes Antarctica ideal when the continent is understood as a form of imperial space—a resource domain—produced by and for nation-states? The understanding of colonialism in the rupture between geography and society becomes more evident, particularly in the context of Antarctica. A focus on Antarctica's demographic features—no native human population—can mitigate and even conceal the severe consequences of extractivism and exploitation in the Antarctic geography. In this section, I interpret the term *ideal*, when used to describe the version of settler colonialism

109. Leader, 'Icy Imperialism,' *Guardian*, 18 October 2007, accessed 30 August 2023, <http://www.theguardian.com/commentisfree/2007/oct/18/comment.politics1>.

110. Scott, 'Three Waves,' 37.

111. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 49.

in Antarctica, as confirming two aspects: first, it affirms states' colonial actions; second, it emphasizes the geographical dimension of colonialism, meaning that geography itself could also be affected and transformed by colonial forces.

The term *ideal* to describe colonialism places weight on the absence of affected peoples, thereby claiming that it is ideal because no humans are directly affected. However, the lack of inhabitants in a geography, as one local feature among many others, does not change the fact that colonial and imperial techniques are capable of transforming geography and exploiting geographical life forms by force. Howkins argues that when colonizers prioritized profits obtained through geographical exploitation, colonial violence towards peoples could be overlooked: when 'people do not matter,¹¹² what happens to them does not matter either.'¹¹³ Indeed, colonizers conceived of local peoples without holding any value for life and dignity, as if they were an insignificant problem given the ultimate purpose of land seizure. This is to say, for colonial purposes, geographies' demographics, let alone geography, were invisible details in colonizers' eyes. 'People were incidental to the settler colonial project. The struggle against Indigenous peoples was not central to settler colonialism; rather, it was an unwelcome distraction from the central goal of appropriating space.'¹¹⁴ Therefore, the rupture between geography and society in considerations of colonialism is problematic. Colonial violence over geography and peoples should be understood as intertwined, and endeavours to characterize settler colonialism should not incorporate and lean on any distinctions between the social and the ecological.

Settler colonialism, its mentality, and its practices teemed with justifications that endorsed the virtues of 'civilized' society or signalled the 'highest' values of human advancement. In Antarctic imperialism, justifications also hinge on the 'advancement' of human knowledge, research-based scientific requirements, and the improvement of human living conditions.¹¹⁵ Understanding Antarctica alongside these justifications

112. This articulation should be read as implying that space is indeed more prioritised and that whatever happens to peoples is not taken into account, subsequently culminating in more cruelty and a lack of consideration towards peoples.

113. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 49.

114. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 49.

115. Indeed, there at first seems no immediate harm due to the lack of inhabitants in Antarctica. However, it is misleading to lean on this claim, since it is evident that

shines a light on the geographical projects of imperial techniques and exposes the oddness of the ‘ideal,’ as if justifications for extraction and exploitation can ever be so. How or why are Antarctic projects seen as the *highest phase* of colonialism? Or why do geographical projects tend to be seen as *harmless* or *innocent*, even when they are explicitly conceived as a form of colonialism?

Antarctic geography, in this respect, evidences the spatial inscription of coloniality, which has been naturalized and scientized and therefore kept outside the domains of politics and legal considerations. Although the inextricable nexus between geography, law, and politics is elaborated in greater length in Chapter 4, it is necessary to highlight this connection here, too. As Yusoff eloquently elucidates: ‘As land is made into *tabula rasa* for European inscription of its militant maps, so too do Indigenes and Africans become rendered as a writ or ledger of flesh scribed in colonial grammars.’¹¹⁶ Leaning on this entanglement between geographical, legal, and political projects, the next section examines the political and legal agenda of the Australian state and identifies the spatial techniques employed to produce the AAT.

3.5 Techniques of Antarctic Imperialism: The Australian State Mode of Antarctic Space Production

This section examines the spatial techniques of the state mode of space production, specifically symbolic space, built environments, and geopolitics and legal territorialities, which conceptually and materially produce Antarctic geography as it is today. The term *techniques* here subsumes both narratives and practices generating and facilitating certain forms of authority, knowledge, spatial units, perceptions, entitlements, and geo-managerial governance regimes, thus ultimately legitimizing a certain world view and Antarctic materiality. Antarctica’s material and conceptual aspects enable me to identify the dominant mode of Antarctic space production. The exploration of spatial techniques, in this sense, can indicate the geopolitical aspirations of nation-states with respect to Antarctica. The aim of this exploration

extractivism in relation to climate change has devastating impacts on the cycle of the earth and different life forms. ‘The Antarctic Ice Sheet holds around 90 percent of all the freshwater on the planet. It has the potential to submerge entire coastal cities and reshape entire states on the map, but even a modest sea level rise of only a few feet would displace the roughly 230 million people.’ ‘Antarctic Ice and Rising Sea Levels,’ Antarctic and Southern Ocean Coalition.

116. Yusoff, *Billion Black Anthropocenes*, 43.

is not to formulate a ubiquitous standard for geography but rather to disclose the statist and capitalist mode of space production in the context of Antarctica. Following Lefebvre, the central argument here is that if spatial 'codifications have been produced along with the space corresponding to them, then the job of theory is to elucidate their rise, their role, and their demise.'¹¹⁷

Antarctica is a compartmentalized geography hosting multiple territorial claims to its different sectors. The justification for these simultaneously multiple and deferring territorialities derives from Article IV of the Antarctic Treaty, as detailed earlier. Collis views the sectioning of Antarctica as entailing a 'composite of divergent spatialities' within the same geography.¹¹⁸ This spatial composition embodied in one geography, as Collis points out, is one of the reasons that makes Antarctica unique in space production. As already mentioned, space is always an assemblage of ongoing interactions. On this account, Article IV can be a legal basis for legitimizing this coexistence of spatialities and their interactions with Antarctica. Article IV intentionally or unintentionally opens possibilities for signatory states to construct and, in a way, experiment through their own spatial techniques. Those *divergent spatialities* can imply the heterogeneity of the so-called 'homogeneous wilderness of Antarctica.'¹¹⁹ More precisely, given the deferral of sovereignty and the allowing of different sociopolitical actors to interact with the continent, it seems that political and spatial multiplicity play a productive role in Antarctica, as opposed to the reductive view on Antarctica as a homogenous ice mass. In fact, it is not clear whether the Treaty deliberately instigates this plurality in Antarctic geography, as the existing multiple territorial claims to different Antarctic sectors consolidate the idea of the *parcellation* of the continent.¹²⁰

Regarding the significance of spatial techniques in producing the Antarctic territories of claimant states, the term *techniques* describes a range of conceptual and material means utilized by states to designate sectors of Antarctica as their territories. In this sense, spatial techniques here refer to complex and layered interactions that states can have with the continent. The characteristics of these spatial techniques highlight the relationality within geography, as techniques are always in motion,

117. Lefebvre, *Production of Space*, 17.

118. Collis, 'Territories beyond Possession?', 293.

119. Collis, 'Proclamation Island Moment,' 40.

120. Alessandro Antonello, 'Life, Ice and Ocean: Contemporary Antarctic Spaces,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 167.

depending on geographical factors. Although spatial techniques can serve the same goal over the years, they often have to appear in different forms and methods, as geography never stays the same. The book interprets this dynamism as the state's resistance to geographical forces, discussed in Chapter 4 in relation to the concept of *geopower*. In the state mode of space production, such resistance is often equipped with geo-managerial and technocratic techniques to preserve and intensify the dominant praxis and ideology. In this sense, spatial techniques are understood as both the means and the moment to *contact* geography. Since every contact has to be relational, spatial techniques should signify the never-ending and overlapping space-making processes, rather than a single truth or ever-existing version of space.

Collis and Stevens, for instance, employ a descriptive analysis of spatialities by looking at two particular Antarctic stations, the McMurdo and Mawson Stations. They describe the spatialities of these two stations as 'contingent combinations of built environment, symbolic spaces, and geopolitical and legal territorialities.'¹²¹ Their work and approach inspired this section's analysis of Antarctica. By adapting their analysis, this section provides an investigative spatial analysis of Antarctica. The three aspects that Collis and Stevens list enable this section to interpret and identify the *spatial techniques* that ascribe certain characteristics to specific sectors of Antarctica.

The AAT is the primary example of this section, demonstrating how spatial techniques have been at work to actively transform almost half of Antarctica into the AAT. My analysis attests to the popular vision of geography within the state mode of space production as equivalent to state territory. Through the three spatial techniques—symbolic space, built environments, and geopolitics and legal territorialities—I seek to answer how a part of Antarctica became the Australian frontier. This not only helps contextualize the spatial techniques used to transform Antarctica conceptually and materially but also concretizes Lefebvrian space production and provides an example of the state modality of space production. Before turning to these three techniques' details, it should be noted that I chose Australia here due to its colonial background and its influential and prominent status in Antarctica as a key member of the ATS and the Antarctic governance system. Other claimant states have followed materially and discursively similar patterns to claim their territorial sovereignty and construct their national territories in Antarctica.

121. Collis and Stevens, 'Cold Colonies,' 249.

3.5.1 Symbolic Space

Symbolic space refers to the value of Antarctic geography that has been constructed through language, narratives, and images. In this section, I show how this rhetorical aspect of space production profoundly influences actual and future states of geography. Symbolic space is the rhetoric built for the purpose of capturing land within various formats, such as territory, sacred sites, and natural reserves. Symbolic space this postulates that the value of space is always assigned through symbolic means, namely culture. It occurs where cultural construction collaborates with spatial construction. In other words, symbolic space is a space that is imagined and expressed under the influence of cultural formations. While this signals intertwined relations between space and culture, symbolic space also evidences the variety of spatial production, depending on culture. That is, a space can always potentially be imagined and retrieved differently.¹²²

Symbolic space, as the discourse-based technique in the production of state space, serves to manifest governmental world views, goals, projects, and limits. In other modes of space production, it can in general formally conceptualize the values, imaginations, and codes of existence. With reference to Gearóid Ó Tuathail and Christian Parenti, Eray Çaylı states that ‘symbolic spaces help theorize governmentalities “that make territory and the biosphere accessible, legible, knowable, useable.”’¹²³ In this respect, *meaning-making* and *space-making* go hand in hand, and they together refer to the operation of symbolic space as a productive technique. Accordingly, this section’s question is which symbolic aspirations transformed the six million square kilometres of Antarctica into the Australian state’s territory. As mentioned previously, the popular image of Antarctica has revolved around particular assumptions, such as the remotest continent or a vacant, frozen, and homogeneous land with almost no life.¹²⁴ Nevertheless, such characterizations, emphasizing Antarctic nature in its pristine form, gradually changed and almost expired after the presence of states on the continent and the creation of the ATS.

122. Tor H. Aase, ‘Symbolic Space: Representations of Space in Geography and Anthropology,’ *Geografiska Annaler Series B, Human Geography* 76/1 (1994), 51.

123. Eray Çaylı, ‘The Aesthetics of Extractivism: Violence, Ecology, and Sensibility in Turkey’s Kurdistan,’ *Antipode* 53/5 (2021), 1383; Ó Tuathail, *Critical Geopolitics*; Christian Parenti, ‘The Environment Making State: Territory, Nature, and Value,’ *Antipode* 47/4 (2015), 835.

124. On a side note, similar spatial qualifications are also narrated to describe the deep sea and outer space.

In this sense, the narration and images of Antarctica can be considered in two—before and after the states' presence—which are entangled as consecutive processes. These two stages share common elements. For example, Antarctica was described as uninhabitable and the harshest geography, making it challenging to travel to, let alone live in. This narration led nation-states to prove their level of 'advancement' when they managed to reach and travel across the continent. After the establishment of states' presence in Antarctica through research stations or other built environments for their commercial activities and cultural needs, the rhetoric slightly shifted towards mastery over Antarctic nature for the nations' welfare through domestication, governance, and knowledge production.

Regarding the influence of the ATS, the governing system in Antarctica generates an exclusive status for the continent. According to ATS's rhetoric, Antarctica's so-called emptiness was no longer a universal truth. Within the ATS framework, Antarctica was *terra nullius* for the claimant states only, as a prerequisite for their claims to the sectors of the continent.¹²⁵ What was the underlying motivation for creating this exclusive *terra nullius*? Drawing on Howkins, this was 'based on an almost complete lack of knowledge about the Antarctic interior—the continent could contain vast mineral wealth.'¹²⁶ Straightforwardly, the extractivist gaze of states recognized that Antarctica brimmed with profitable material resources. Circumscribing the number of states in Antarctica seems to imply that these states wanted to benefit from Antarctic 'resources' more. Given this extractivist motivation, the assigning of a qualification and suggestion of 'emptiness' and limited access expose the rationale behind the presence and activities of ATS member states in Antarctica. This is the Antarctic geopolitics at work that describes the vision for Antarctica rather than its physical reality.

Given this geopolitical dimension of (Antarctic) symbolic space, Antarctica's materiality has received attention as a source of wealth. The profitable value of Antarctic geography, by diminishing its diverse and living material life forms into natural resources,¹²⁷ encapsulates

125. See Antarctic Treaty, Article IV, paragraph 2: 'No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.'

126. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 35.

127. The given quality of Antarctica as a resource domain is detailed in Section 3.5.3.1.1, 'Antarctica as Resource Space.'

and demonstrates how Antarctica has been imagined and, thereby, transformed. The illustration of Antarctica as a natural reserve highlights that economic and political visions, imaginaries, plans, and systems are all, indeed, geographical projects.¹²⁸ Parenti writes:

To those who control territory flow the utilities of specific spaces. But the small private monopolies over space and nature that are private property rights depend upon a larger system of political control over space, the state. Thus capitalism is an inherently political-geographic project.¹²⁹

David Harvey reminds us that spatial projects, space-making, or reconfigurations of space have always been central to the political economy of capitalism.¹³⁰ The given value of geography, as a result of symbolic means, is directly related to the measurement of states' wealth, as the ownership and control of geography are directly related to wealth. This argument can also be proven historically. Given the nexus between geography and the capitalist economic system, imagining and narrating Antarctic geography as a profitable material, waiting to be taken, unsurprisingly entails geopolitical competition between claimant states. As such, the way states have imagined, narrated, claimed, and justified their sovereignty over Antarctic sectors has shaped the popular imagination of and expectations from the materiality of Antarctica.

The rhetoric that Antarctica can greatly contribute to nations' wealth has endorsed the idea and practice of 'necessary' land extraction. The narration of Antarctica has reinforced states' interests and goals, built upon Antarctica's below- and above-ground (material) qualities. These are ideological interests, constructed through symbolic means, in the pursuit of extracting Antarctic 'fruits.' That being said, there have also been incremental concerns and worries about Antarctic 'natural resources' due to ongoing planetary urgencies. As a result, there are motivations for environmental conservation, the sustainable use of natural resources, and the sustainable development of sites. Çaylı, for instance, draws attention to terms such as *wilderness*, *wetlands*,

128. Queirós, 'Edward Soja,' 155; Edward Soja, *Postmodern Geographies: The Reassertion of Space in Critical Social Theory* (London: Verso, 1990).

129. Parenti, 'Environment-Making in the Capitalocene,' in Moore, *Anthropocene or Capitalocene?*, 175.

130. David Harvey, 'Globalization and the "Spatial Fix,"' *Geographische Revue* 2 (2001), 23.

or *indigeneity*,¹³¹ often utilized to praise 'pristine' and 'remote' environments and promote environmental protection.

Since there were no plants and land-based animals in the Antarctic inland, the focus of rhetorical aspirations to conserve Antarctic nature revolves around the *necessity* of states' governance in 'favour' of all nations' welfare and the development of humanity. This development-driven promise for humanity has generated deceptive totalization, meaning a claim that every human would get the same benefit. Despite the so-called common interest, Howkins highlights that 'the signatories of the Antarctic Treaty preserve the continent for the sake of people who cannot—by virtue of their education, nationality or economic status—go there.'¹³² The question is why humanity's welfare as a whole is strictly left in the hands of the ATS member states. Based on the 'greater' purpose of human welfare, adjectives such as *uninhabitable*, *hostile*, *wild*, *frozen*, *remotest*, or *unknown* to describe Antarctica's environmental conditions are allegedly indicative of the superiority and level of advancement of the states insofar as they supposedly prove the heroism of their conduct and intervention in the Antarctic 'wilderness.' Antarctic extractivism, as mentioned previously, also signals the same mastery over the Antarctic 'wilderness.' Needing no reservation, such implications confirm that Antarctic imperialism is spatial and presents the *geography of power*.¹³³

The *good of humanity* has been another central rhetoric, exacerbating expectations from Antarctica. Antarctica's role in this rhetoric is developed through its potential contributions to science and human knowledge about the earth. In this sense, Antarctica is seen as a scientific hub—the 'most significant "natural laboratory,"' as Chaturvedi calls it.¹³⁴ This priority is clearly stated in the Antarctic Treaty.¹³⁵ Accordingly, scientific research and related activities are welcomed and acknowledged in Antarctica. This specific designation subsequently

131. Çaylı, 'Aesthetics of Extractivism,' 1384.

132. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 49.

133. Massey, *For Space*, 64.

134. Chaturvedi, 'Antarctica and the United Nations,' 1.

135. Antarctic Treaty, Article I, paragraph 1: 'Antarctica shall be used for peaceful purposes only'; paragraph 2: 'The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose'; Article II: 'Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.'

informs what is considered to be a 'legitimate' use of the continent. The Treaty, as explained previously, lists limited practices permitted for Antarctic land use. This framework derives from particular visions, mentalities, morals, ideals, and traditions. In the case of Antarctic land use, it can be claimed that the Treaty mimics the colonial and imperial mentality, since its content is used to justify the taming of the Antarctic 'wilderness' for scientific purposes and the 'interest of humanity.'¹³⁶

In the wake of the vision and narration of a vacant and wild geography abundant with raw and profitable resources, Antarctica becomes the subject of exploration, research, and control by competent authorities. The rhetoric, in this sense, supports practices such as conquering, taming, appropriating, territorializing, governing, and researching. In Antarctica, the exclusionary narration has enabled the presence of 'advanced' states with financial means and scientific equipment, thereby transforming the continent within a particular modality. It becomes clearer that symbolic space as a spatial technique cannot be considered without its material consequences. A rhetorical design of a space is often complemented by material outcomes in space. Therefore, symbolic space should be considered at the intersection of the rhetorical and material production of space. This means that the built environments constructed on the 'surface' of soils are the material representations of what the rhetoric ascribes to land.

3.5.2 *Built Environments*

Antarctica is often portrayed as a desolate ice mass; yet it is no longer as vacant as it was depicted: 'Over the last 50 years tens of thousands of humans have occupied the continent, most of them living in Antarctica.'¹³⁷ Although humans reside in Antarctica, they do not stay there year-round. According to the annual census, about 5,000 individuals reside at research stations on the continent during the summer, and around 1,000 during the winter.¹³⁸ Research stations, as built environments, are key physical and enabling spaces that provide people with sites and facilities, allowing them to live and conduct

136. 'Recognizing that it is in the interest of all mankind that Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord'; extracted from the Preamble of the Antarctic Treaty.

137. Collis and Stevens, 'Cold Colonies,' 234.

138. Bethan Davies, 'Living and Working in Antarctica,' *Antarctic Glaciers*, 4 February 2022, accessed 20 July 2023, www.antarcticglaciers.org/antarctica-2/people-in-antarctica/living-and-working/.

research in Antarctica. This section does not intend to problematize the stations' research capacities and activities, nor raise inquiries about how much they contribute to science. It rather investigates the impacts of these built environments on Antarctic land transformation by shaping the materiality of Antarctic geography. In this sense, research stations are understood here as a spatial technique of geography-making. My focus is particularly on one of the Australian research stations, Mawson Station, located at 67° 36' 10" S, 62° 52' 23" E. Mawson Station is geopolitically significant for the state of Australia, as it helps Australia attest to its territorial sovereignty by occupying and materially using the mentioned sector of Antarctica.¹³⁹ In other words, Mawson Station is a geographically external and inhabited unit whose material presence stretches the Australian territorial borders beyond the continent of Australia.

Collis, after describing the scene of 'discovery' by Douglas Mawson, leader of the 1911–1914 and 1929–1931 expeditions to Antarctica, asks, 'How, exactly, does this production of Antarctica as a spatial possession work? How does this moment (the act of discovery) initiate the transformation of six million square kilometers of Antarctica—42% of the continent—into Australian space?'¹⁴⁰ Collis' questions draw attention to underlying motivations beyond the act of simply arriving in Antarctica. It is no wonder that physically seeing and arriving at a place is necessary for 'discovering' it. However, the act of 'discovery' has always been followed by consecutive actions, which are often transformative and productive techniques and processes. There is no 'land discovery' in human history for the sake of discovery. Acts of discovery, along with colonial practices, including rituals and documentation—specifically putting a foot on the land, planting a flag, reading a proclamation, and documenting these acts in words and maps—have been constitutive in transforming land and constructing a notion of designating land as a *national treasure*.¹⁴¹ In the same way, 42 per cent of the Antarctic continent was first discovered in the name of Britain.

139. As a side note, around thirty countries run their bases, of which the number is estimated to be around eighty-two; see Davies, 'Living and Working in Antarctica.'

140. Collis, 'Australia's Antarctic Turf,' 2.

141. The Mawson's hut is enlisted as a historical site on Australia's Commonwealth Heritage List. See 'Mawsons Huts Historic Site, Dumont D'Urville Station, EXT, Australia,' Australian Heritage Database, Commonwealth Heritage List, listed place on 15 July 2004, place ID: 105435, accessed 30 May 2023, www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=105435; Collis, 'Australia's Antarctic Turf,' 4.

Later, it was granted to Australia as a result of the legacy of British colonialism; ultimately, it became the Australian national frontier and treasure. Australian writer Robert Arthur Swan proudly describes the legacy of colonial discovery, the moments and the ceremonies of the 1954 expedition, in which expedition leader Phillip Law subsequently established Mawson Station: 'At a special ceremony on 13 February [he] raised the Australian flag and named the station Mawson in honour of Sir Douglas Mawson.'¹⁴²

The way in which territorial proclamations were executed in Antarctica presents similarities between the research-based settlements in Antarctica and the colonial settlements in Australia. The connection between built environments in two different eras highlights the presence of colonialism in the allegedly postcolonial present. In this respect, Mawson Station, as an example of the built environments on the continent, to some extent represents the 'permanent colonization of Antarctica,'¹⁴³ as it is a spatially material testimony that evidences territorial sovereignty and the ongoing occupation of the Australian state.

Effective occupation as a requirement for the organization of space in Europe, which emerged in the sixteenth century,¹⁴⁴ was enacted in the 1885 Berlin Conference by European colonial powers for Africa.¹⁴⁵ According to the Final Act of the Conference, the discovery of land with the status of *terra nullius* was insufficient for land acquisition; declaring a presence on land by exercising effective occupation was necessary to claim authority over the land.¹⁴⁶ In other words, the sovereign

142. Swan, *Australia in the Antarctic*, 269.

143. Collis and Stevens, 'Cold Colonies,' 234.

144. Ó Tuathail, *Critical Geopolitics*, 3.

145. General Act of the Berlin Conference on West Africa, Berlin, 26 February 1885, see Article 34: 'Any Power which henceforth takes possession of a tract of land on the coasts of the African continent outside of its present possessions, or which, being hitherto without such possessions, shall acquire them, as well as the Power which assumes a Protectorate there, shall accompany the respective act with a notification thereof, addressed to the other Signatory Powers of the present Act, in order to enable them, if need be, to make good any claims of their own.' Also see Article 35: 'The Signatory Powers of the present Act recognize the obligation to insure the establishment of authority in the regions occupied by them on the coasts of the African continent sufficient to protect existing rights, and, as the case may be, freedom of trade and of transit under the conditions agreed upon.'

146. Scott, 'Three Waves,' 41; Peter A. Toma, 'Soviet Attitude towards the Acquisition of Territorial Sovereignty in the Antarctic,' *American Journal of International Law* 50/3 (1956), 616.

possession of land depended on the establishment of settlements—built environments—and people actively populating the settlements. If discoveries were not followed, or ‘perfected,’¹⁴⁷ by situated settlements, claimants’ titles as possessors would remain inchoate.¹⁴⁸ Organized spaces or built environments such as settlements have been key indicators of power. As such, claimed lands have become the extension of the ‘main’ land as frontiers. That is, when built environments are understood as a spatial technique of dominance, the operation of built environments is testimony to the actual existence of power on the surface of soils, which indicates a colonial and imperial way of land possession.¹⁴⁹

The colonial notion of *effective occupation* resonates in a relatively more contemporary era, explaining why each state in Antarctica owns and runs at least one permanent research station.¹⁵⁰ As Dodds and Collis write, ‘the permanent research stations helped to indigenize the colonization of the Antarctic as residents began to live there all year round.’¹⁵¹ Given Australia’s creation of its own settled population through research stations, Mawson Station cannot be analysed simply as a research site. Given the station’s historical connections with Britain, it implies more than a collection of buildings providing the necessary conditions for research and living. The spatial organization of Mawson Station, hence, extends beyond its simple function of accommodating a group of scientists and their scientific equipment. Collis and Stevens scrutinize the organizational aspects of the station by drawing on the concept of *colonial spatiality*.¹⁵² They argue that a focus on colonial

147. Christopher Joyner, *Antarctica and the Law of the Sea* (Dordrecht: Martinus Nijhoff, 1992), 50–51, cited in Christy Collis and Quentin Stevens, ‘Living in the Cold Light of Reason: Colonial Settlements in Antarctica,’ in *Proceedings Progress: The 20th Annual Conference of the Society of Architectural Historians, Australia and New Zealand*, ed. Maryam Gusheh and Naomi Stead (Sydney: University of Sydney, 2003), 293.

148. Collis and Stevens, ‘Cold Colonies,’ 236.

149. Additionally, *effective occupation* was interpreted as an imperial technique used by capitalist states to invade other states’ territories. See Toma, ‘Soviet Attitude,’ 623. In a further discussion about effective occupation, this article raises different aspects of international law and the juridical claims of the Soviet Union over Antarctica.

150. Dodds and Collis, ‘Post-colonial Antarctica,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 54.

151. Dodds and Collis, ‘Post-colonial Antarctica,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 56.

152. Collis and Stevens differentiate between *colony* and *colonial spatiality*. For them, colonial spatiality is attached to colonialism and, thus, ‘attends to the ways in which landscape shapes people’s imported ideas, attitudes, behaviours, and buildings,’ as performed by explorers in Antarctica. On the other hand, colony refers to a product of so-

spatiality unveils ‘the ways in which a chosen group of humans organizes physical geography and transforms it to suit specific cultural needs.’¹⁵³ Dwelling on colonial spatiality, geography, in order to produce a specific spatiality, appears to contain two intersecting elements of built environments: first, a certain, or chosen, group of people; and second, the needs and expectations of those people, determined by their cultural specificity. These elements indicate the specificity of a geography that distinguishes it from other geographies. At the same time, specifying a geography by means of cultural affinity justifies those people’s presence in that geography.

Built environments, or research settlements, appear as the most vibrant, material, and visible technique of space production. By leaning on Lefebvre’s view on the spatial–social interdependency, Collis and Stevens argue for the significance of built environments in establishing *activated spatiality*,¹⁵⁴ which means that spatial physicality engages with society’s given social formations.¹⁵⁵ That is, ideological, cultural, and regulative dispositions intersect with locally and materially produced spaces in the form of built environments. In this respect, built environments appear at the crossroads of space and society. Despite the perception of Antarctica as being homogeneous, Antarctic research stations signal heterogeneity within their produced spatialities, incorporating groups of people and their cultures, needs, and expectations. This heterogeneity, in fact, emerges in material Antarctica as a result of Article IV of the Treaty, as detailed in Section 3.2.3.

However, the presence of several nation-states based on the ATS does not directly render cultural diversity. The ‘diverse’ territorial occupations of Antarctic sectors, based on mastering Antarctic geography for scientific pursuits, cannot immediately signal the heterogeneity of culture and ideology. Given the mentioned afterlives of colonial space production in Antarctica, heterogeneous spatiality—supposedly free from colonial and patriotic patterns—can be a fallacy in this context. Take Mawson Station as an example. The station was established in 1954 as part of Australia’s sovereignty and territorial control over Antarctica, even though priority is always given to Australia’s scientific contributions. In this sense, Mawson Station, with its primary focus

ciety serving to ‘strengthen the order of that society as a whole.’ See Collis and Stevens, ‘Living in the Cold Light of Reason,’ in Gusheh and Stead, *Proceedings Progress*, 292. 153. Collis and Stevens, ‘Cold Colonies,’ 236.

154. Jane Jacobs, *Edge of Empire: Postcolonialism and the City* (London: Routledge, 1996), 21, cited in Collis and Stevens, ‘Cold Colonies,’ 235.

155. Jacobs, *Edge of Empire*, 21, cited in Collis and Stevens, ‘Cold Colonies,’ 235.

on science, helps Australia 'cement' its territorial claims over the Antarctic soil.

Built environments in Antarctica, such as research stations, schools, museums, churches, and libraries, have been functional in archiving, educating, and preserving the patriotic values of claimant states.¹⁵⁶ Built environments operate as material representations of certain ideologies. They are spatially physical productions that embody and combine rhetoric with geopolitical aspirations.¹⁵⁷ Therefore, settlements, including research stations and other buildings, are sociocultural and ideological constructs. Their emergence in space should denote a composite of spatial, social, and ideological formations, as built environments indeed tailor humans' experience and their relations to landscapes through architectural organization. To capture the architectural organization of Mawson Station, this section moves on to detail the material and cultural constructions of the station site.

Mawson Station, the longest-operated station in Antarctica, was designed taking into account the Australian state's plans, residents' cultural and life-sustaining needs, and residents' values. Regarding its materiality, the entrance of the research site is marked by a large sign stating, 'IT'S HOME / IT'S MAWSON,' with the indication of its coordinates, 67° 36' S, 62° 52' E. A monument for Douglas Mawson is positioned at the centre of the site, and flagpoles are in place around this monument, including the flags of Australia and the Australian National Antarctic Research Expeditions.¹⁵⁸ Living conditions are described as 'very comfortable' on the website of the Australian government's Antarctic Program.¹⁵⁹ According to the details on this website, the Red Shed, the main accommodation building, hosts all inhabitants of the station. The Red Shed contains a kitchen, dining room, lounge, surgery, two communal bathrooms, smaller bathrooms, an indoor climbing wall, a home theatre, a library, and several communal areas; moreover, each bedroom in the Red Shed is air-conditioned and designed for one person. That is, the architecture of the station seems to have prioritized the comfort of expeditioners/scientists.

156. Dodds, 'Antarctic Geopolitics,' 208.

157. As detailed in Section 3.5.3, 'Geopolitics and Legal Territorialities.'

158. As of the 1954 expedition of Phillip Law, flags have been used as a means of territorial claims to reclaim Australia's territorial possession. Collis and Stevens, 'Cold Colonies,' 241.

159. 'Living at Mawson,' Australian Antarctic Program, Australian Government, accessed 22 July 2023, www.antarctica.gov.au/antarctic-operations/stations/mawson/living/.

Such a fully equipped complex, including recreational facilities, demonstrates how once vacant Antarctic land was filled and transformed, both ontologically and epistemologically, in a so-called evolutionary and advanced manner. Lefebvre views built environments as representations of spatial relations; for him, designed buildings, monuments, and other works of art are expressions of power relations in space.¹⁶⁰ Leaning on Lefebvre, built environments appear as spatial signatures or imprints of power, while social space remains under construction and is reproduced through built environments.¹⁶¹

Due to the 'life-threatening' conditions in Antarctica, advanced constructions, buildings, equipment, and other human interventions are seen as necessary for transforming the Antarctic 'harshness' into a habitable, cosy, and welcoming site. Thus, modern and fully equipped buildings were constructed at Mawson Station to guarantee residents' living standards. The increased quality and comfort are understood as an advanced use of Antarctic land. This material and architectural transformation in Antarctica, from a 'hostile' environment into a research base, has contributed to human confidence, meaning that humans are perceived as skilled in the domestication and creation of landscapes and intelligible environments. As Parenti argues, states' scientific and intellectual endeavours are what make nature legible, and thereby accessible.¹⁶² This is also because epistemological techniques, ascribing expertise to space, are important in converting a space to a specific environment, such as a scientific, religious, educational, or political unit.

The way epistemology functions in Antarctica mirrors cultural specificity—the Western Cartesian tradition: the dualism of *men against nature*, or environmental mastery. In this sense, knowledge production in Antarctica resembles the 'heroic' endeavours of explorers. Built environments become material and architectural manifestations of a specific epistemology for managing, measuring, mapping, mediating, taming, and producing a material geography. Regarding Mawson

160. Lefebvre, *Production of Space*, 33.

161. According to Lefebvre, as will be elaborated later, 'social space will be revealed in its particularity to the extent that it ceases to be indistinguishable from mental space (as defined by the philosophers and mathematicians) on the one hand, and physical space (as defined by practico-sensory activity and the perception of "nature") on the other. ... social space is constituted ... is irreducible to a "form" imposed upon phenomena, upon things, upon physical materiality.' Lefebvre, *Production of Space*, 27.

162. Parenti, 'Environment-Making in the Capitalocene,' in Moore, *Anthropocene or Capitalocene?*, 167.

Station, Australia's capacity, resources, and means were invested and amplified for science and the pursuit of knowledge. This motivation, revolving around human knowledge but resulting in land transformation, is interpreted as *scientific colonialism*,¹⁶³ or what I refer to here as *innocent colonialism*.¹⁶⁴ Regarding the latter, the scientific rationale, bloodlessness, and cruelty-free actions, as opposed to colonialism in the so-called New World, create a kind of illusion that excuses states' actions, which occur in the guise of intellectual purposes and human development. While I do not intend to delve into the debates on colonialism in science, Mawson Station, as a research-oriented frontier of Australia, seems to offer and produce a culturally familiar, architecturally convenient, and scientifically advanced site that is built, owned, and claimed by the Australian state.

3.5.3 Geopolitics and Legal Territorialities

After demonstrating how spatial techniques—rhetoric and built environments—are driven by ideological and geopolitical aspirations, this section examines politics' role in geo-graphing, or space production, with a focus on Antarctica: how do politics relate to geography? Highlighting the junction of politics and geography, I seek to respond to, first, how Antarctica has been contingent on politics in the guise of science, and second, how this geopolitics produces Antarctica as an integral part of the nation-state system. When considering Antarctica's relation to politics, we see that Antarctica is perceived as 'pure' nature and an object for scientific research, and thus as an escape from politics.¹⁶⁵ This is why the section begins with the connection between politics and science in Antarctica, as science is interpreted here as one of the key productive forces in Antarctic politics.

Representations of the Antarctic continent as a scientific and, thereby, apolitical and neutral space have led to Antarctica accommodating different nations to peacefully coexist for 'higher' purposes, such as human advancement, knowledge production, and international goodwill. The politics of the ATS is also central in mitigating the influence

163. Collis and Stevens, 'Cold Colonies,' 241.

164. I acknowledge that there is no form of colonialism that can be considered innocent, the term *innocent* should be understood as an irony.

165. Elizabeth Leane, *South Pole: Nature and Culture* (London: Reaktion Books, 2016), 137, cited in Alan D. Hemmings, Klaus Dodds, and Peder Roberts, 'Introduction: The Politics of Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 1.

of politics on Antarctica by aiming at the peaceful coexistence of states in the interest of science. At first glance, international cooperation for scientific purposes may not seem relevant to any political concerns. However, scientific collaborations among states have been used to justify political interests, specifically the presence of the signatory states on the continent. From the very first voyages to Antarctica, all matters, interests, and relations have evolved through contested power relations based on perennial politics informed by colonialism and, thereby, competition for control over the continent.

In the context of Antarctica, science-focused and politically indifferent dispositions and designations are in reality based on political choices. Trying to escape from politics, in its essence, is an act of politics; thus, the chosen language and established vision for Antarctica signal the political agenda of the ATS. Dodds and Collis use the analogy of *political anaesthesia* to describe the ostensible irrelevance of politics in the context of Antarctica. Given the temporary effect of anaesthesia, Antarctica, as the patient, is under the influence of temporary passivity and can become conscious at any moment.¹⁶⁶ Similarly, geographer Yusoff describes extractable matters, or the *inhuman*—including various categories such as race and earthly beings—as passive for the sake of extraction, as they ‘ought to’ be activated through the mastery of white men.¹⁶⁷ That is, Antarctica, as an extractable matter, has been envisioned as a passive object of science, waiting to be examined. The ATS member states are therefore entitled to ‘activate’ Antarctica for the ‘common good of humanity’ by discovering, occupying, researching, and governing the continent. Moreover, all these activities, framed by an interstate regime, are expected to exist outside of politics. However, as the source of wealth and development, ‘natural resources are inherently political; far from being given, they are built up by means of political relations and operations.’¹⁶⁸ Antarctic geography in this sense embodies a junction where science and politics intersect. This means that the continent is not merely an icy bulk, nor a purely scientific object. It incorporates geopolitical interests and values due to the presence of states.

166. Dodds and Collis, ‘Post-colonial Antarctica,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 53.

167. Yusoff, *Billion Black Anthropocenes*, 2–3.

168. Facundo Martín, ‘Reimagining Extractivism: Insights from Spatial Theory,’ in *Contested Extractivism, Society and the State: Struggles over Mining and Land*, ed. Bettina Engels and Kristina Dietz (London: Palgrave Macmillan, 2017), 28.

Ó Tuathail explains that geopolitics is a spatial system rendering a geographical order through transformative techniques of colonial and imperial forces.¹⁶⁹ Leaning on this definition, *geopolitics* is understood as a transformative spatial technique informed by powers' politics in relation to geography. To argue that Antarctic geography is a product of powers' politics, this section draws on the contemporary school of critical geopolitics. This school raises contemporary inquiries in which the relationship between geography and politics is understood as an assemblage of social, cultural, political, and spatial techniques. Critical geopolitics also transcends the traditional understanding of nation-states' world politics; therefore, it can propose a vision for exploring a political space beyond territorial or bordered states. As such, critical geopolitics informs this section about resource sovereignty, national territoriality, states' expansionism, and extraction.

Geopolitics is defined as 'a policy instrument for the state to defend itself and to reach certain goals by using geography to enhance the projection of its national power.'¹⁷⁰ According to Ó Tuathail's view of the system of *closed space*, geopolitics generates a spatial system in a space that is occupied and charted through the projects of expansionist and territorializing states.¹⁷¹ Within the system of closed space, relationality or geopolitics operates in a reflective way, in which 'events in one part inevitably have their consequences in all other parts.'¹⁷² In this understanding, geopolitics leads states to relate to each other by instrumentalizing geography. Although these interstate geopolitics also exist in Antarctica, Antarctic geopolitics incorporates *scientific internationalism* as a prominent component of geopolitics, enacted by the Antarctic Treaty.¹⁷³

Scientific cooperation, as an international endeavour, sprang up after World War II to create a peaceful foundation on which states could exercise their power over geography without competition. Based on the suggested science–peace link, science was seen as an 'overwhelmingly palliative presence ..., which enabled international goodwill

169. Ó Tuathail, *Critical Geopolitics*, 12.

170. Arie M. Kacowicz, 'Geopolitics and Territorial Issues: Relevance for South America,' *Geopolitics* 5/1 (2000), 82.

171. Ó Tuathail, *Critical Geopolitics*, 12.

172. Ó Tuathail, *Critical Geopolitics*, 21.

173. Scientific internationalism is understood as the principal tool produced by the IGY, proposing 'a nonthreatening way to bring territorial rivals together' while aiming to fulfil political goals. See Launius, 'Establishing Open Rights,' 223.

and exchange.¹⁷⁴ Considering the context of Antarctica, scientific internationalism, as a geopolitical means, structures a framework that guides permissible activities of states and prioritizes science in international cooperation. In turn, states are expected to align their activities and presence on the continent for scientific purposes and cooperation. Dodds and Collis view scientific internationalism as the successor to Antarctic colonialism.¹⁷⁵

The First and Second International Polar Years (IPY), in 1882–1883 and 1932–1933, respectively, were milestones in generating historically evolving Antarctic geopolitics. The IPY is a worldwide scientific programme focused on polar regions. The first two IPYs had major impacts on Antarctica, as they led to the 1959 Antarctic Treaty. By the same token, the IGY, listing admissible scientific activities on the continent, was a crucial venture aiming to supposedly depoliticize Antarctica and thus prioritize international scientific cooperation by emphasizing the so-called necessity of science and research. The IGY was an international enterprise centred on science, attracting nation-states and the international community to Antarctica. Internationally coordinated scientific programmes and meetings have been central to legitimizing the international efforts in and for Antarctica. Therefore, scientific arguments have become crucial in claimant states' territorial claims to sectors of Antarctica. Of these scientifically reasoned territorial claims, the first was made by Britain in 1908, and subsequently Australia and New Zealand; France and Norway made their claims in the 1920s and 1930s, respectively; Chile and Argentina made their sectoral claims to Antarctica in 1940 and 1943, respectively.¹⁷⁶

In the wake of a chain of states' territorialization based on research-focused justifications, scientific internationalism, particularly within the IGY, is understood as the 'orbit of national interests' in the context of Antarctica.¹⁷⁷ Scientific internationalism is not the elimination of politics but rather the creation of Antarctic geopolitics. As such, the science–politics intersection can expose the productive relationship between geopolitics and material geography. From the perspective

174. Dodds, 'Antarctic Geopolitics,' 206.

175. Dodds and Collis, 'Post-colonial Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 58–59.

176. Dodds and Collis, 'Post-colonial Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 58–59.

177. Simon Naylor et al., 'Science, Geopolitics and the Governance of Antarctica,' *Nature Geoscience* 1/3 (2008), 145.

of the classical account of geopolitics,¹⁷⁸ first, material geography frames politics within geography, and second, states' involvement and endeavours to control material geography produce instrumentalized geography as 'natural resources.' Ó Tuathail explains the historical developments of classical geopolitics in greater detail in his book *Critical Geopolitics*. He elucidates how geography was disciplined and thus became the object of science's discovery and exploration as part of European spatial expansionism.¹⁷⁹ The exploitation of whales in the name of 'scientific whaling' illustrates instrumentalized geography as part of imperial expansionism.

'Antarctic science has been, and still is, embedded in wider geopolitical contexts.'¹⁸⁰ To capture geopolitics in Antarctica, we need to look for rationalities and relations driven by scientific impetuses. Such an approach should not aim to interrogate individual scientists' intentions and the quality of their work. Instead, it should approach the politics ingrained in Antarctica that emerges from the interdependency between science, nation-states, and international cooperation. As already discussed in Section 3.4, imperialism in Antarctica can be disguised as scientific efforts.¹⁸¹ Geopolitics can help unmask such concealed power relations in geography. Collis and Stevens, for instance, use the term *geopolitical colonialism* to conceptualize scientific colonies, specifically Antarctic research stations, by referring to a *scientific colony*; that is, a colony that is 'not governed by capital stratification, intercultural relations, or resource extraction' but by 'scientific rationality and a scientific relation with the surrounding landscape that govern their evolving spatialities.'¹⁸² By describing a scientific colony, they critically argue that there is a range of colonies that involve the direct or indirect exploitation of lands and peoples. To identify widespread, persistent, embedded, and intersecting patterns of power relations in different guises, such critical conceptualizations and interpretations are always valuable for catalysing critical thinking.

178. Dodds, 'Antarctic Geopolitics,' 200.

179. Ó Tuathail, *Critical Geopolitics*, 20.

180. Naylor et al., 'Science, Geopolitics and the Governance of Antarctica,' 143.

181. See Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London: Routledge, 1992); John Gascoigne, *Science in the Service of Empire* (Cambridge: Cambridge University Press, 1998).

182. Collis and Stevens, 'Living in the Cold Light of Reason,' in Gusheh and Stead, *Proceedings Progress*, 294.

3.5.3.1 Components of Antarctic Geopolitics

This section expands on internationalism and science as essential elements of Antarctic geopolitics by examining two aspects, probably among others, of geopolitically informed space: first, the materiality of Antarctica, becoming an extractable resource as *resource space*,¹⁸³ and second, the turning of the whole continent into a territorial configuration of national sovereignty as *national space*. This twofold examination of resource space and national space aims to demonstrate how capitalist and statist plans and technologies have overlapped in transforming Antarctic materiality. Accordingly, material geography appears as the material conditions framing strategies for geography. Transformations in material geography, such as drought, environmental pollution, deforestation, or coastal erosion, often have geopolitical significance, leading to the creation of policies and programmes for ‘better land management’ and protection. In a more specific example, Antarctic icebergs received the strategic attention of states, as ‘approximately 75% of the world’s fresh water is held in ice, and of that volume, approximately 90% sits in the Antarctic.’¹⁸⁴ Climate change, rising sea levels, and ocean acidification lead to an increasing demand for fresh water. In its wake, it is assumed that Antarctica, as a potential resource, has a strategic and vital potential to offer solutions to the growing fresh water demand.

Although Antarctica is often depicted as a potential resource for humanity or future generations, such resources are envisaged for use by ‘competent’ nation-states. Therefore, states’ anticipatory actions and their national prospects concerning Antarctic resources have been fundamental to Antarctic geopolitics. As a ‘competent’ power administering such managerialism, for instance, British officials, so-called skilled agents for well-managed and advanced environments, claimed

183. Similarly, Antarctica is analysed through the concept of *resource frontier*. See David Sugden, *Arctic and Antarctic: A Modern Geographical Synthesis* (Oxford: Blackwell, 1982). The rhetoric of resource frontier refers to a set of ideas and interests arising from the co-constructed relationality between economy, nature, and society; ‘host governments, international financial institutions and the private sector use this rhetoric to legitimise foreign direct investment, natural resource extraction and commodity production.’ See James Van Alstine and William Davies, ‘Understanding Arcticness: Comparing Resource Frontier Narratives in the Arctic and East Africa,’ in *Arcticness: Power and Voice from the North*, ed. Ilan Kelman (London: UCL Press, 2017), 89.

184. Cory Lewis, ‘Iceberg Harvesting: Suggesting a Federal Regulatory Regime for a New Freshwater Source,’ *Boston College Environmental Affairs Law Review* 42/2 (2015), 440.

that the presence of the British was necessary in Antarctica for the sustainability of Antarctic marine life, for 'it would either be under-exploited (a classic example of natives not improving the land ...) or overexploited as in the case of the South Atlantic sealing industry.'¹⁸⁵

Likewise, in 1954, Australian Minister for External Affairs Richard Gavin Casey expressed Australia's national interests and the reasons for setting up a research station in Antarctica as follows:

The Australian Antarctic sector is of vital importance to Australia. For strategic reasons it is important that this area, lying as it does so close to Australia's back-door, shall remain under Australian control. ... In such a vast area there must be great mineral wealth—in fact huge deposits of coal have already been found and many valuable and useful minerals are known to exist. The possibility of finding uranium in this area must be borne in mind ... In the future it is possible that aircraft flying between South America or South Africa and Australia will take the short route over the Antarctic continent. The Antarctic is of the greatest interest to scientists ... Great food resources in the form of whales, fish, seals, birds and plankton are awaiting exploitation in the prolific seas which surround Antarctica, and the world may soon be forced to turn to this source of supply ... In short, we cannot afford to neglect this important region, for no one can predict what importance it will assume in the next fifty years.¹⁸⁶

On that note, the next two sections elaborate these two intertwined aspects of Antarctic geopolitics at greater length to illuminate Antarctic material geography's impacts on states' politics as well as states' national and economic aspirations, plans, and tools in geo-graphing.

3.5.3.1.1 *Antarctica As Resource Space*

Due to quantitatively limited resources, *resource space* becomes the most competitive and geopolitically influential capitalist form of space, based

185. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 36.

186. Swan, *Australia in the Antarctic*, 264–65.

on the exchange value of space elaborated in Chapter 4. When it comes to Antarctica, the absence of traditional border controls and a single government, with its institutions and currency, means that the scientific significance of Antarctica weighs more heavily than its economic history.¹⁸⁷ However, this does not represent the reality in Antarctica. For instance, large-scale industries exploiting cetaceans shaped Antarctica's materiality for over two centuries, from the late eighteenth century to the late twentieth century.¹⁸⁸ By labelling Antarctica as a *resource space*, I aim to pay close attention to this overlooked aspect of geopolitics in Antarctica: the economic and commercial dimensions of space production, a 'comparatively neglected aspect of Antarctic history.'¹⁸⁹ The general economic history literature is also 'accused' of overlooking the Antarctic economy.¹⁹⁰

To begin, the hunting of seals was one of the leading economic activities on the Antarctic Peninsula, with a dark and impactful history that left irreversible imprints on seal populations. The sealing industry was launched in the mid-eighteenth century by sealers from Britain and the US.¹⁹¹ For accuracy, it is worth noting here that there are different stories about the arrival of sealers in Antarctica. It is often claimed that companies from various countries travelled to the Antarctic region for the seasonal exploitation of maritime resources from 1819 onwards.¹⁹² This also attests that Antarctic 'discoveries' were directly related to the speculative economic interests. Hunting activities almost immediately became a competitive capitalist economy in the search for marine resources in Antarctica. As such, the narration of Antarctica as 'unwelcoming lands placed at the bottom of the world' shifted after the growing global interest in seal and whale products, such as furs and oil.¹⁹³ Industries, in this sense, bridged Antarctica and the global economy. As a result, Antarctic geography became attractive

187. See Bjørn L. Basberg, 'Perspectives on the Economic History of the Antarctic Region,' Discussion Paper 18, Economic History Section/Department of Economics, Norwegian School of Economics and Business Administration, 2005, 3.

188. Dag Avango, 'Working Geopolitics: Sealing, Whaling, and Industrialized Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 425.

189. Robert K. Headland, *Chronological List of Antarctic Expeditions and Related Historical Events* (Cambridge: Cambridge University Press, 1989), 28.

190. As Basberg pointed out; see Basberg, 'Perspectives on the Economic History.'

191. Avango, 'Working Geopolitics,' 425–26.

192. Andrés Zarankin and María Ximena Senatore, 'Archaeology in Antarctica: Nineteenth-Century Capitalism Expansion Strategies,' *International Journal of Historical Archaeology* 9/1 (2005), 44.

193. Zarankin and Senatore, 'Archaeology in Antarctica,' 43.

and inviting, not only to states but also to private companies from all around the world.

As such, the economic interest in Antarctic maritime resources extends beyond the continent's geographical limit. Antarctic industries appear to have overcome the geographical confinement of the narrated 'remote landmass.' The interests of the global capitalist economy in Antarctic 'resources' created geographical proximity, rather than remoteness. As of the eighteenth century, sealing and later whaling industries became major economic activities, leaving a 'substantial footprint' on the continent.¹⁹⁴ Both industries had drastic impacts on seal and whale populations. Seal populations were almost wiped out due to excessive hunting activities, and a spectacular decrease in whale populations was recorded during the twentieth century.¹⁹⁵ In addition to this collapse in seal and whale populations, Antarctic coasts underwent considerable transformations due to the presence of built environments.

Sealers occupied Antarctic lands to process and prepare seal products and set up infrastructures, units, and facilities. For instance, large iron try-pots used to boil seal blubber, along with rock shelters, graves, and open-air shelters, were the most visible material testimony to sealing activity in South Georgia,¹⁹⁶ a region in Antarctica that was actually explored by James Cook in 1775 and has been designated as a British Overseas Territory since then.¹⁹⁷ Historian Dag Avango states that whaling stations, production units, storage facilities, and areas for accommodation and recreation were built on the shore, where strong winds, rough seas, and other severe environmental circumstances could be avoided.¹⁹⁸ Such areas, occupied by whaling stations, became physical places for other life forms to stay. Unlike the popular image of Antarctica as an untouched and frozen wilderness, archaeological field research attests that some of the industrial landscapes on the Antarctic Peninsula remain visible, despite not being used.¹⁹⁹ Those industrial residues mark Antarctica's materiality, which is its *terra firma*, seas, fauna, and more.

194. Avango, 'Working Geopolitics,' 487.

195. Avango, 'Working Geopolitics,' 496.

196. Roberts, 'Politics of Early Exploration,' 323; Avango, 'Working Geopolitics,' 492.

197. Avango, 'Working Geopolitics,' 487.

198. Avango, 'Working Geopolitics,' 494.

199. See Louwrens Hacquebord and Dag Avango, 'Industrial Heritage Sites in Spitsbergen (Svalbard), South Georgia and the Antarctic Peninsula: Sources of Historical Information,' *Polar Science* 10 (2016), 433–40.

One of the most striking as well as peculiar aspects of the Antarctic sealing industry is that the production sites and activities did not directly serve state sovereignty, unlike research stations; they rather legitimized companies' ownership of built sites, resources, and profits.²⁰⁰ In the case of sealing, *effective occupation* was not sought to claim territorial sovereignty. This can be seen as one of the most visible manifestations of capitalism in Antarctica. Accordingly, occupation was necessary as long as 'resources'—more accurately, seals—remained in the land to be exploited. The extinction of seals in a region would lead to a search for other locations with seal populations. In this respect, the extinction of the resource would cease relations with the geography, regardless of the possibly permanent destruction of Antarctic ecologies. Such land use, based on exploitation until extinction, generated a new spatial modality in Antarctica: an 'episodic,' market-oriented, and non-national space.²⁰¹

To illustrate, historians Andrés Zarankin and María Ximena Senatore contextualize the 'archaeology of capitalism in Antarctica' by describing the sealer camps on the Byers Peninsula in the South Shetland Islands of Antarctica.²⁰² According to them, Antarctic exploitation implies 'the expansion of the capitalist system and the development of modern society.'²⁰³ The two archaeological historians are primarily interested in telling the history of a group of workers in Antarctica, whose stories remained mostly untold and overlooked. By analysing a specific campsite from an archaeological perspective, they eventually outline key features of the general economic patterns present in the industrializing Antarctic geography, studying the material culture and spatial organization of the region.

The overall findings of their research, conducted between 1995 and 2000, demonstrate that this 'frozen void,' which was absolutely free from any institutions at the beginning of the nineteenth century, was indeed conquered by capitalist production. First, the shelter space was organized as a single space, which enabled only communal practices, while undermining individual activities; second, they found that there was no standardization of the architectural features of human-built shelters but 'great diversity' in forms, sizes, and building methods. Based on those findings, they state that the built environments for Antarctic productivity in sealing created a seemingly peaceful landscape

200. Avango, 'Working Geopolitics,' 489.

201. Zarankin and Senatore, 'Archaeology in Antarctica,' 44.

202. Avango, 'Working Geopolitics,' 46.

203. Avango, 'Working Geopolitics,' 46.

through diverse architectural designs. However, they conclude that 'the suppression of any material reference to hierarchy and inequality ends up generating an artificial feeling of equality that facilitates the exercise of power by decompressing tension and maximizing workers' productivity.'²⁰⁴ Hence, the production sites in Antarctica appear to have been aligned with the capitalist mode of space production by means of architectural organization. That is, the spatial fabric of economic productivity became a signifier of the capitalist mode of space production.

Unlike sealing, whaling emerged at the intersection of state sovereignty and commercial interests. The Antarctic whaling industry contributed to the idea of Antarctica as the frontier of states. Avango argues that the 'whaling industry ... operated within a framework where the claiming and harvesting of natural resources outside of national borders was normal and desirable for industrial business communities and political elites.'²⁰⁵ In the whaling industry, the global market intersected with the national drives of states. Up until the 1998 Madrid Protocol,²⁰⁶ the onshore production of companies had been regulated in alignment with states' sovereignty claims. Avango exemplifies this alignment by referring to the compliance with the British demand not to waste any parts of whales, and similarly the British authorization of whaling licences for companies in South Georgia.²⁰⁷

In another example of the intersection between states' territorial sovereignty and industries' productive activities, Norwegian-born sea captain Carl Anton Larsen founded Grytviken Station, the first land-based whaling station, in 1904. In 1910, Larsen, who was working

204. Avango, 'Working Geopolitics,' 50.

205. Avango, 'Working Geopolitics,' 492.

206. Article 2 of the Protocol on Environmental Protection to the Antarctic Treaty, under the title 'Objective and Designation,' regulates Antarctica as a natural reserve devoted to peace and science. Article 3 sets four fundamental principles to protect the Antarctic environment effectively. Article 7 bans all activities relating to Antarctic mineral resources with an exception for scientific research: 'Any activity relating to mineral resources, other than scientific research, shall be prohibited.' According to Article 25, paragraph 2, from 2048, ATCPs can request a review conference about the operation of the Protocol. This would mean that any modifications or amendments are possible after 2048 if it is approved by a majority of all parties. In addition to the Protocol, an expert advisory body, the Committee for Environmental Protection, was founded to provide advice and recommendations to the ATCM on issues arising from the implementation of the Protocol.

207. Avango, 'Working Geopolitics,' 495–96.

at the Grytviken whaling station, applied for British citizenship on the basis of his residency in South Georgia. He wrote:

I have given up my Norwegian citizen rights and have resided here since I started whaling in this colony on 16 November 1904 and have no reason to be of any other citizenship than British, as I have had and intend to have my residence here still for a long time.²⁰⁸

This example clearly reveals the nexus between nationalist and capitalist aspirations embedded in the Antarctic whaling industry.

Grytviken Station is the largest settlement in the South Atlantic region. It has been and still is used for a range of different purposes, from sealing and whaling to the South Georgia Museum, the Norwegian Church, a gravesite for British explorers and whalers, and a base for scientists, British administrators, and staff working at the South Georgia Museum.²⁰⁹ Similarly, during the Falkland Islands War between Britain and Argentina, both countries used Antarctic whaling stations as their military bases, and the British military was based at Grytviken Station until 2001.²¹⁰ The British government is still utilizing Grytviken, designating this area as a hub for various projects, such as rewilding the environment or celebrating Britain's cultural heritage.²¹¹ These epitomize that when space's functions and characteristics are designated as a *resource*, even if their specific reason of use changes and appears in different productive forms, the abstract quality of space as a resource remains the same. This denotes the exchange value of capitalist space, which is revisited and conceptualized through Lefebvre's *abstract space* in Chapter 4.

Grytviken Station in South Georgia presents only one embodied example, among others, of different modalities of space production incorporating *resource space*, *scientific space*, and *national space* within the linear trajectory moving from *colonial space* to *nation-state space*.

208. This instance can also be read as the role of nationality in making a certain area of Antarctica belong to a certain nation, as will be particularly elaborated in the next section. Robert K. Headland, *The Island of South Georgia* (Cambridge: Cambridge University Press, 1984), 238.

209. Avango, 'Working Geopolitics,' 500. Also, see 'The Museum at the End of the World,' South Georgia Museum, accessed 15 March 2024, <https://sgmuseum.gs/>; the website includes details of the church and the cemetery in Grytviken.

210. Avango, 'Working Geopolitics,' 498.

211. Avango, 'Working Geopolitics,' 500.

As mentioned above, when Antarctic whaling came to an end, the production sites were mainly described as cultural heritage and national treasures of nation-states. Commercial activities in Antarctica were eventually prolonged as a means of 'national value.' This understanding of layered spaces attests that *resource space* is indeed conjoined with national and cultural aspirations; in turn, this conjuncture manifests dynamic processes of space production.

3.5.3.1.2 *Antarctica as National Space*

After describing Antarctic productivity with regard to valorizing Antarctic life forms as resources, this current section includes two main parts. The first part focuses on how the territorial claims of Britain, Chile, and Argentina to the Antarctic Peninsula have taken place or, more precisely, how the Antarctic Peninsula has been transformed by the political conjunction of British imperialism and the nationalism of Argentina and Chile.²¹² By illustrating the sovereignty disputes between Britain, Argentina, and Chile, I intend to present the characteristics of sovereignty claims in Antarctica. The territorial disputes between Britain, Chile, and Argentina revealed Antarctica's geopolitical importance to the states involved. These territorial disputes over the Peninsula have stretched geographically across and even beyond the continent. The second part of this section delves into the AAT and the geopolitics of the Australian state in relation to Antarctica. To draw attention to Australia's justifications for claiming 42 per cent of Antarctica and its territorial authority, it elucidates (1) the relationship between the state of Australia and Britain's colonial and imperial expansionism, (2) the ATS's contributions to the Australian state's sovereignty claim, (3) the Australian state's construction of cultural affinity by means of national identity, and (4) the significant role of the Australian state in protecting Antarctic ecosystems while affirming the territorial authority of Australia over the AAT.

Until the early twentieth century, the sparseness of knowledge about Antarctic nature was used to speculate on Antarctic resources, which in turn intensified sovereignty disputes, particularly between Britain, Chile, and Argentina, over the Peninsula. This historical background of the Peninsula is relevant to the Australian state's sovereignty claims due to its connection with Britain. British sovereignty claims to Antarctica date back to the early history of Cook's exploration

212. For further information, see Howkins, *Frozen Empires*.

in the late eighteenth century. At about 1820, Antarctica, as a 'frozen El Dorado' and an almost 'mythical' geography,²¹³ became a subject of resource exploitation through the growing sealing industry. During this trend, British sovereignty claims were also made to obtain a resource frontier in Antarctica. Their major arguments were based on two key methods: first, traditional markers of sovereignty, as seen in settler colonies; and second, scientific knowledge, management, and conservation of Antarctica as well as expertise in measuring Antarctic maritime life and mapping Antarctica.²¹⁴ As mentioned earlier, British officials considered themselves the only skilled agents capable of producing scientific knowledge and competent managers of Antarctica's 'hostile' environment. British supremacy, in this sense, connected scientific knowledge to political hegemony in order to strengthen Britain's sovereignty claims. British claims to the Falkland Islands Dependencies were based on a combination of scientific knowledge and political power, rendering *environmental authority*, as Howkins conceptualizes. According to Howkins, environmental authority refers to the imperial imbrication of political power, science, and the environment, which operates by producing scientific knowledge about the materiality of an environment to justify political power.²¹⁵

In 1908 and 1917, Britain issued the Letters Patent to declare its dominion over the Falkland Islands Dependencies in South Georgia, meaning that British governance was claimed and became compelling for the region in all respects.²¹⁶ As a result, British authority was recognized as the source of all acts of administration for commercial whaling in the region. Although the whaling industry was mostly owned and run by Norwegians, British officials were the only authority to issue permits and licences, as well as collect taxes and fees, as British sovereignty was seen as ascendant in the region.²¹⁷ Based on the Letters Patent, the British became a political and environmental authority by setting up administrative structures, thereby demonstrating their effective occupation of the Falkland Islands Dependencies.²¹⁸ Other states and companies were welcomed to the region insofar as they held a permit

213. As previously stated in Section 3.2.2, 'Terra Nullius in Question: Early Antarctic Explorations,' Antarctica was hypothetical, as it was a remote geography that no one had ever seen until the beginning of the nineteenth century.

214. Howkins, *Frozen Empires*, 7–8.

215. Howkins, *Frozen Empires*, 8.

216. Scott, 'Three Waves,' 41.

217. Howkins, *Frozen Empires*, 24; Avango, 'Working Geopolitics,' 493.

218. Howkins, *Frozen Empires*, 45.

issued by the British authorities and paid their taxes and fees to Britain; in turn, industrializing liberal economies became Antarctica's inviting ventures.

One of the primary reasons Britain declared the Letters Patent was the economic potential of Antarctica. British sovereignty was thus initially claimed over Antarctica as a *blank space*²¹⁹ that was believed to hold potential for natural resources. This popular imagination of Antarctica fuelled its contested geopolitical dimension as well. The limited knowledge about Antarctic geography entailed researching the materiality of Antarctica. However, scientific advancement to conduct such research on Antarctica was limited to 'developed' states, similar to the monopoly of settler colonialism. As Howkins elucidates:

British officials claimed that their ability to understand and use the Antarctic environment 'for the good of humanity' brought both practical advantages and a moral foundation to their claims to ownership. ... British scientists and officials initiated an ambitious program of oceanographic research known as the Discovery Investigations, ... funded largely through taxes on the Antarctic whaling industry, and the presence of British scientists in the region helped to demonstrate the legal requirement of effective occupation.²²⁰

There were a few countermovements to Britain's political hegemony in Antarctica. Argentina and Chile took a stance against British environmental authority in the Falkland Islands Dependencies based on their allegedly anti-imperialist nationalism. Chilean sovereignty claims over the Antarctic Peninsula were founded on the rejection of British ownership and control in the region. Their patriotic motives were to defend Chilean national territory and identity against European colonialism. Gabriel González Videla, the twenty-fourth president of Chile, expressed his position against British imperialism in Antarctica by referring to the colonial history of Chile. In a 1948 speech, he voiced that 'we would deny our past, if we were to renounce a single

219. Nicoletta Brazzelli, 'Heroic and Post-colonial Antarctic Narratives,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 69; in the same vein, *blank space* was rhetoric conceived by the Letters Patent of Britain to claim sovereignty over the Antarctic Peninsula. See Howkins, *Frozen Empires*, 23.

220. Howkins, *Frozen Empires*, 25.

piece of our territory, only because there are those who believe that acts of imperialism today constitute a title of sovereignty.²²¹ On the other hand, Argentina initially proclaimed its sovereignty based on the argument of geographic proximity to the Peninsula region; it later also claimed that the Antarctic Peninsula was an integral part of Argentina's national values and identity due to its colonial history.²²²

The way Chile and Argentina claimed their territorial sovereignty over the Peninsula incited a rhetoric and acts of nationalism against imperialism. In turn, nationalism became an ideological standpoint to undermine the legacy of colonialism and acts of imperialism. Howkins conceptualizes this nationalism as *South American environmental nationalism*, which concretizes the nationalist stance, based on geographical proximity and shared geological features, against imperial environmental authority, in this case British.²²³ In this regard, Antarctica was narrated as an integral part of a nation and thereby constructed as a national territory or treasure of Chile, Argentina, and various other nation-states, including Australia.

To illustrate relatively contemporary examples of nationalism and sovereignty disputes over Antarctica, in 1978 and 1984, respectively, pregnant women holding Argentinean and Chilean citizenship travelled to Antarctica to give birth there, so that their babies could become the first Antarcticians.²²⁴ Moreover, the Chilean government still runs a state school, Villa de las Estrellas, in the Chilean Antarctic settlement to create 'geographically informed' future generations and a political imagination by means of 'patriotic education.'²²⁵ In 1992, Chile exported a piece of ice from Antarctica to Seville, Spain, to exhibit at the EXPO as a proud demonstration of its diverse landscapes and national territories.²²⁶ Such examples illustrate that these countries' sovereignty claims were supported by practical gestures that declared and affirmed their presence. After all, the sovereignty disputes reveal that imperial and national interests have had to communicate with the materiality of Antarctica. Since Argentina and Chile are no different

221. Enrique Cordovez Madariaga, 'La Antártica y Sus Posibilidades,' RREE 'Antártida Chilena, Varios, 1940–48,' cited in Howkins, *Frozen Empires*, 9.

222. Howkins, *Frozen Empires*, 11–12.

223. Howkins, *Frozen Empires*, 11–12, 12.

224. Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 47.

225. Dodds, 'Antarctic Geopolitics,' 208; Howkins, 'Appropriating Space,' in Banivanua Mar and Edmonds, *Making Settler Colonial Space*, 47.

226. Dodds, 'Antarctic Geopolitics,' 208.

from other states in Antarctica, the junction between British imperialism and South American environmental nationalism, in Howkins' terms, can indeed shed light on Antarctic geopolitics concerning material and representational Antarctica.

Australia's sovereignty claim to 42 per cent of Antarctica does not differ much from the sovereignty disputes between Britain, Argentina, and Chile. Australian pretensions to ownership and control over almost half of the continent also index both colonial roots and patriotic concerns. The claim of the AAT was officially made in 1933 on the basis of the Australian Antarctic Territory Acceptance Act,²²⁷ which designated specific sectors of Antarctica to fall under the authority of the Commonwealth of Australia. Although Australia's sovereignty was conferred by the Act in 1933, the sovereignty claim actually emanated from the British expeditions to the Antarctic Circle in the nineteenth century. Australian expeditioners were part of the British crew and actively supported the so-called Heroic Age expeditions of Britain, including the very first British Antarctic expedition.²²⁸ That is, the Australian participation in British expansionism led to the geographical expansion of Australia towards Antarctica.

In the wake of the 1933 AAT Acceptance Act, Britain granted Australia the Antarctic sector containing all islands and territory south of 60° S and between 45° E and 160° E, except Adélie Land between 136° E and 142° E (claimed by France). This became Australia's external territory or frontier. Although the AAT is often considered the largest territory of Antarctica claimed by one nation-state, Australia's sovereignty claim is recognized by only four countries—Britain, France, New Zealand, and Norway—on the basis of Article IV of the Antarctic Treaty.²²⁹ Revisiting the Treaty, Australia was one of the key signatory states, along with eleven other signatory states. At present, Australia is a Consultative Party of the ATS that holds the right to participate actively in the governance of Antarctica. In addition to Australia's firm

227. Australian Antarctic Territory Acceptance Act [1933] NAA: A1559, 1933/8. National Archives of Australia, accessed 25 October 2025, <https://www.naa.gov.au/students-and-teachers/learning-resources/learning-resource-themes/australia-and-world/antarctica/australia-antarctic-territory-acceptance-act>.

228. For instance, physicist Douglas Mawson was a member of Shackleton's team in the 1907–1909 expeditions, geologist Frank Debenham was likewise involved in Scott's 1910–1913 expeditions, and photographer Frank Hurley took part in Shackleton's 1914–1917 expeditions.

229. In return, Australia recognizes their sovereignty claims to Antarctica in the same manner.

involvement in the ATS, the deferring characteristic of the ATS provides Australia with an important opportunity to independently envision plans for the AAT, in other words, to develop Antarctic politics and an agenda in favour of its own national priorities.²³⁰ Therefore, the territorial claims to the AAT as a national territory of Australia, along with the framework of the ATS, hold significant geopolitical importance for Australia.

As mentioned in the example of the disputes between Britain, Chile, and Argentina, geographical proximity has played a significant role in manifesting and strengthening states' geographical and cultural affinities, which have sought to establish a sense of nationality and sociocultural familiarity in Antarctica. Similarly, the AAT is deeply ingrained in the whole vision of Australian nationality. Dodds claims that the design of Australian national identity with respect to the AAT served 'citizens who needed to know and feel an affinity for these southerly territories—recognizing them as part of their national territories even if they never visited them.'²³¹ For instance, Michael Keating Kearney, an Irish-born expeditioner living and working at Australia's Casey Research Station in Antarctica, became entitled to becoming an Australian citizen in 2020. The official website of the Australian Antarctic Program announced this naturalization by titling the event 'The Coolest Way to Become an Aussie.'²³² The news was narrated as an invaluable experience of becoming an Australian citizen in Australia's remotest and unique territory, while surrounded by icebergs, through a special ceremony in Newcomb. This descriptive rhetoric, as a means of geopolitics, conveys and spatializes a vision of Antarctic geography integrated into national identity and pride. In return, the praxis of the 'honourable' acquisition of citizenship also solidifies and contributes to the production of Australia's Antarctic frontier.

Moving on to another aspect, the drive for environmental protection is an integral and essential component of Australia's geopolitics and mission in Antarctica. Australia is one of the leading states that has conducted thorough research on the flora, fauna, and marine life of Antarctica. The growing knowledge and concern about the 'fragile nature' of Antarctica has led Australia's Antarctic plans and activities

230. As it is referred to by Klaus Dodds, as well as mentioned in Section 3.2.1, 'The Spatio-Legal Status of Antarctica.'

231. Dodds, 'Antarctic Geopolitics,' 204.

232. See 'The Coolest Way to Become an Aussie,' Australian Government, Australia Antarctic Program, 26 January 2020, accessed 16 September 2023, www.antarctica.gov.au/news/2020/the-coolest-way-to-become-an-aussie/.

to shift from investigating resource potentials to protecting Antarctic ecosystems from human impacts. It is, however, debated whether Australia is genuinely interested in protection. Taking Marine Protected Areas (MPAs)²³³ as an example, it has been suggested that Australia's proposals for MPAs have been framed along with Australia's Antarctic territorial claims, and therefore, Australia's has been accused of MPAs 'being used as a geopolitical tool rather than for conservation.'²³⁴

On the other hand, Australia has made exemplary efforts and enacted effective regulations to preserve the Antarctic environment. Considering the whaling industry, Australia is one of the top anti-whaling countries.²³⁵ In 1946, the International Convention for the Regulation of Whaling was signed to cease the over-exploitation of whales, which had brought many whale species to the edge of extinction.²³⁶ Likewise, the International Whaling Commission (IWC) was established to make decisions based on the Convention and monitor its implementation. Australia has actively participated in protecting and governing Antarctica in all those initiatives. Three subcategories of whaling based on motivation—commercial, scientific, and Aboriginal subsistence—were defined by the IWC,²³⁷ and Australia, for example,

233. According to the definition given by the International Union for Conservation of Nature (IUCN), 'Marine Protected Areas (MPAs) are ... the only mainstream conservation-focused, area-based measure to increase the quality and extent of ocean protection.' See International Union for Conservation of Nature, *Marine Protected Areas and Climate Change, Issues Brief* (Gland: Switzerland, 2017), https://iucn.org/sites/default/files/2022-07/mpas_and_climate_change_issues_brief.pdf. It is indicated that the global coverage of marine protected areas is 8.17%. See 'Marine Protected Areas,' Protected Planet, accessed 19 October 2023, www.protectedplanet.net/en/thematic-areas/marine-protected-areas.

234. Cassandra M. Brooks and David G. Ainley, 'Fishing the Bottom of the Earth: The Political Challenges of Ecosystem-Based Management,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 431; V. Lukin, 'Russia's Current Antarctic Policy,' *Polar Journal* 4 (2014), 199–222.

235. According to a review of international whaling published by the Parliamentary Library of Australia, in the section 'Australia's Role,' 'Australia is one of the strongest anti-whaling countries. It is committed to non-lethal whale research using technologies such as satellite tagging and biopsy, to demonstrate that killing whale is unnecessary.' See Marguerite Tarzia and Bill McCormick, 'International Whaling,' Science, Technology, Environment and Resources Section, Parliamentary Library, Parliament of Australia, 2010, accessed 15 March 2024, www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook43p/internationalwhaling.

236. International Convention for the Regulation of Whaling [1946] 161 UNTS 72, 62 Stat. 1716, TIAS 1849, signed in Washington, DC.

237. 'Types of Whaling,' International Whaling Commission, accessed 20 September 2023, <https://iwc.int/management-and-conservation/whaling>.

strictly recognizes only one category of whaling, which is Aboriginal subsistence whaling. Whaling for commercial and scientific purposes has been banned in Australian waters since 1979.²³⁸ Australia has also been in close collaboration with other states to ensure that the global moratorium on commercial whaling, enacted by the IWC in 1982, remains in effect.

On the basis of the 1946 Convention and the moratorium, Australia took Japan to the International Court of Justice (ICJ) in 2010 with the claim that Japan was conducting commercial whaling disguised as scientific whaling under the Second Phase of the Japanese Whale Research Program (JARPA II) in the Southern Ocean.²³⁹ In 2014, the ICJ convicted Japan of illegal whaling activities through the seemingly scientific research programme JARPA II, which breached Article VIII of the 1946 Convention and the moratorium.²⁴⁰ Besides Australia's safeguarding efforts in the AAT, the country also conducts and leads important projects in the Southern Ocean to monitor and protect cetacean populations in the region.²⁴¹ These initiatives and missions in conservation, research collaboration, and other projects pertaining to cetaceans in the Southern Ocean underpin Australia's presence and justify its activities in Antarctica globally.

The AAT, as a national space, and Australia's contributions to scientific knowledge about and conservation of Antarctic ecosystems, present a shifting as well as confusing state of geopolitics. On the one hand, Australia appears to be a world leader in Antarctic marine life conservation, serving the good of nature and humanity. This implies that the Australian existence and influence in Antarctica exceed the AAT and extend to a global scale. On the other hand, such conservatism can denote a reincarnation of *environmental authority*, as explained

238. The Australian government, under Prime Minister Malcolm Fraser, ended commercial whaling in Australia by closing Australia's last whaling station, the Cheynes Beach Whaling Company, at Albany in Western Australia. Australia adopted an anti-whaling policy in 1979 to permanently cease whaling in Australian waters.

239. Article VIII of the 1946 International Convention for the Regulation of Whaling, paragraph 1, confers special permits for whaling and states that 'any Contracting Government may grant to any of nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research.'

240. *Australia v Japan: New Zealand intervening*, 'Whaling in the Antarctic,' judgment, International Court of Justice, 31 March 2014, accessed 22 September 2023, www.icj-cij.org/case/148/judgments.

241. For further details on research and activities of the Southern Ocean Research Partnership, see 'Southern Ocean Research Partnership,' Australian Marine Mammal Centre, accessed 20 September 2023, www.marinemammals.gov.au/sorp/.

in the case of British imperialism on the Peninsula, therefore solidifying Australian sovereignty in Antarctica.

These actions and endeavours, driven by nationalism, instil pride in Australian citizens as a nation because of the proficient research skills, advanced knowledge about Antarctic seas, and resourceful Antarctic conduct in the name of the global good. The critical focus on the presence of the Australian state in Antarctica by no means denies or diminishes Australia's contributions to Antarctic marine biology and ecology; on the contrary, Australia's strict prohibition of the whaling industry and its endeavours of and commitments to non-lethal whale research on the continent are evident. However, this does not change the fact that the composition of multiple motives, plans, and goals for Antarctic geography inscribes the patriotic values and motivations of claimant states into Antarctica's materiality, thereby shaping the continent.

3.5.3.2 Geopolitics Meets Territoriality: Is Antarctica Contested or Shared?

This section's title should not be misinterpreted as meaning that its purpose is to determine whether Antarctica is contested or shared. Instead, I intend to identify the intersection of geopolitics and law that produces Antarctica as a contested and shared geography. By drawing on power relations based on territoriality, resource management, and capitalist productivity, I focus on the legally defined and geopolitically designed territorialities that produce both conceptual and material Antarctica. Although I do not provide thorough insights into the concept of territoriality, I begin by recapturing this concept in relation to geopolitics as a spatial technique. Following this, as international law recognizes Antarctica as a global commons, I raise questions about whether the status of Antarctica as a global commons changes its contested characteristics and nullifies states' sovereignty claims over the continent, therefore producing Antarctica as the common heritage of all humans rather than states' claimed frontiers.

The section later moves on to discuss the unresolved status of Antarctica, including its overlapping governing regimes, namely the ATS, the 'common heritage of mankind' (CHM) principle, and the AAT as an example of a state's territorial jurisdiction. The section's ultimate purpose is to disclose that any promises, such as land title or governing regime, can possibly end up reiterating prior concerns and patterns insofar as they are products of the same (capitalist state) mode of space

production. After discussing the claimant states' territories, global commons, the CHM principles, the ATS, and the AAT, I propose a more nuanced conceptualization, namely *territorialized geo-managerialism*, informed by Moore. I invoke this concept to better describe the actual circumstances and ideologies that predominantly shape governance in Antarctica. This endeavour to differently as well as accurately conceptualize Antarctica's governance can be seen as evidence of, as well as a response to, the absent imagination at the institutional level of space production. Straightforwardly, 'it is hard to imagine that government could be organized any other way' in any geography.²⁴²

The section differentiates *territoriality* from *territory*, defining territoriality within two main aspects: (1) the behavioural aspect and (2) the aspect of exclusive authority. Territoriality, formed by exclusionary behaviours, is fundamental to the creation of territory. This means that territoriality becomes a defining characteristic of a territory. As an exclusionary behaviour, territoriality banishes others' unauthorized presence and actions in a bounded space.²⁴³ In this sense, territoriality appears as a means of creating, maintaining, and controlling a specified space or territory that is often studied in the field of animal ethology. Benefiting from observations on animal behaviours, this concept takes 'the human notion of territory to relate to animal behavior; which was then turned back to make sense of human behavior.'²⁴⁴ Besides its use in animal ethology, territoriality in relation to geopolitics is about the individual, human group, or state behaviours, namely *territorializing behavior*,²⁴⁵ as Stuart Elden calls it. Territorializing behaviours of individuals or human groups generate bounded spaces at different scales and in various forms.

By paying more attention to the relationship between territoriality and geopolitics, if geopolitics is conceived as an impetus, a source, and a drive of territorializing behaviours, then territoriality should be inextricably tied to geopolitical concerns and strategies for constructing and controlling territorial affairs within and beyond territorial borders. Territoriality is, in this sense, informed and constituted by the political choices of a certain group of people concerning a particular

242. Richard T. Ford, 'Law's Territory (A History of Jurisdiction),' *Michigan Law Review* 97/4 (1999), 843.

243. Peter J. Taylor, 'The State as Container: Territoriality in the Modern World-System,' *Progress in Human Geography* 18/2 (1994), 151.

244. Stuart Elden, 'Territory/Territoriality,' in *The Wiley Blackwell Encyclopedia of Urban and Regional Studies*, ed. Anthony M. Orum (Hoboken, NJ: Wiley, 2019), 1.

245. Elden, 'Territory/Territoriality,' 1.

geography. Take the AAT as an example: the notion of territoriality explains the rationale behind Australia's geostrategic behaviours in Antarctica. Australia's Antarctic involvement has been geopolitically consolidated based on the idea of an enclosed Antarctic territory as part of the Australian mainland. The updated version of the 2016 Australian Antarctic Strategy and 20-Year Action Plan (the Strategy and Action Plan, in short) affirms Australia's national interests in and plans for Antarctica until 2036.²⁴⁶ To wit, the major 'progress' achieved between 2016 and 2021 is detailed in the Strategy and Action Plan as Australia having:

- Designed and commenced commissioning Australia's world leading new icebreaker, RSV Nuyina
- Developed Australia's inland traverse capability to ... ensure Australia has a leading role in the international quest for a million-year ice core
- Commenced investment to upgrade the sub-Antarctic Macquarie Island research station
- Demonstrated excellence in Antarctic science and environmental management, including to reinforce Australia's position as a leader and influencer of governance and decision-making in the ATS and other international forums such as the intergovernmental Panel on Climate Change.²⁴⁷

This quotation demonstrates that Australia has been actively and assertively playing a significant role in Antarctic governance in the form of Australian territorializing behaviour based on the above-listed politics and strategies to produce the AAT within the Australian jurisdiction and in alignment with the national agenda.

Sociologist Saskia Sassen defines *territoriality* in relation to the legal regime as *exclusive authority* or *territorial jurisdiction* over a claimed space.²⁴⁸ Combining territoriality with jurisdiction, she argues

246. Australian Antarctic Program, Australian Antarctic Strategy and 20 Year Action Plan, Update 2022 (Australian Government, 2022), 4, accessed 1 October 2023, https://www.antarctica.gov.au/site/assets/files/53156/2022_update_20yearstrategy.pdf.

247. Australian Antarctic Program, *Australian Antarctic Strategy*.

248. Saskia Sassen, 'When Territory Deborders Territoriality,' *Territory, Politics, Governance* 1/1 (2013), 24.

that territorial jurisdiction is a designed technique, a legal construct.²⁴⁹ Legal scholar Richard T. Ford similarly defines territorial jurisdiction as a spatial structure and a governmental technique,²⁵⁰ consisting of ‘two innovations, one technological—the science of cartography, and one normative—the ideology of rational humanist government.’²⁵¹ Both innovations of territorial jurisdiction are fundamental to understanding the concept of *territoriality* as a working technique of power. This is also because territorializing behaviours are often legitimized by the law, serving as the constitutive apparatus of a power to create its exclusive authority and sovereignty over an enclosed geography or territory. The above-mentioned Strategy and Action Plan of Australia, for example, addresses Australia’s governance priorities. Accordingly, Australia governs the AAT by protecting its territorial sovereignty in the geographically specific Antarctic region, conducting scientific research consistent with Australia’s national priorities and maintaining the ability to influence Antarctic governance.²⁵²

Similar to territorializing behaviours, defined by territorial jurisdiction, cartography also operates as an exclusionary behaviour within the framework of territoriality. It conceptually draws borders between geographical units, visualizes the limits of geography, and determines the borders of territorial jurisdiction. Cartography, in this manner, features a regime of governance and management and thus legitimizes territorial autonomy within the cartographic limits of geography. Such cartographic designation also creates territorial proximity and therefore a sense of belonging or affinity; that is, a sense of territorial belonging in which people can feel a connection to a single nation within a bordered geography. The perception of a bordered region or cartographic boundaries can subsequently prompt justifications for territorial sovereignty through geographical proximity, as seen in the territorial claims of Chile and Argentina to Antarctica. In short, a bounded spatial unit as a territory is often produced and legitimized by the coexistence of two aspects of *territoriality*: (1) the geopolitically informed behaviours of a group of people and (2) their exclusive authority to govern the cartographically designated geography.

249. Sassen, ‘When Territory Deborders Territoriality,’ 25.

250. Ford, ‘Law’s Territory,’ 846.

251. Ford, ‘Law’s Territory,’ 866–67.

252. See ‘Australian Antarctic Strategy,’ Australian Antarctic Program, Australian Government, accessed 1 October 2023, www.antarctica.gov.au/about-us/antarctic-strategy-and-action-plan/.

Following this brief introduction to the notion of territoriality, I focus on *exclusive authority* or *territorial jurisdiction*. The notion of exclusive authority can elucidate the characteristics of Antarctica as a contested geography in claimant states' national jurisdictions.²⁵³ The lack of consensus on exclusive authority in Antarctica has led to Antarctica being described as a contested geography. Although the ATS enacts a strict governing system, unresolved disputes as to the status of Antarctica still leave uncertainty regarding states' territorial claims. Such governmental ambiguities can subsequently lead to a suspension of compliance with and a questioning of the legitimacy of claimant states' authority. That being said, the claimant states maintain their exclusive privileges and authority to design and control their access to the bounded sectors of Antarctica. As such, geographical and ideological assertions without a consensus are indeed the main characteristic of Antarctic territoriality.

This impasse on a single Antarctic sovereignty, or exclusive authority, may exacerbate geostrategic tensions among ATS member states, although the Treaty clearly outlines how the states can be involved in Antarctic governance. This shelving of exclusive authority based on the Antarctic Treaty has opened the door to a relatively innovative legal construction of Antarctica, namely the *global commons*. This concept appears to be an exception to the modern understanding of territoriality, as established by the 1648 Treaty of Westphalia.²⁵⁴ This Treaty gave rise to the authority of states by encroaching on the supreme sovereignty of monarchs.

Given the Westphalian system, which emphasizes the sovereignty of states, the concept of *global commons* is an exceptional form of governance that transcends the sovereignty of any single state. In fact, the idea of the global commons is rooted in traditional forms of common property, mainly built on the heritage of Dutch jurist

253. For example, rivalries between Argentina, Chile, and Britain—that is, 'after World War II, the geographic delimitation of Antarctic claimed territories highlighted some overlaps between the Argentine, British and Chilean claims. ... serious disputes that risked leading to an armed conflict.' See Vigni and Francioni, 'Territorial Claims and Coastal States,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 241. The war between Argentina and Britain erupted on the Falkland Islands in 1982. The war ended ten weeks later and at the expense of the lives of 800 to 1,000 Argentinians and 250 Brits. See Joseph S. Roucek, 'The Geopolitics of the Antarctic: The Land is Free for Scientific Work but its Wealth of Minerals Has Excited Imperialist Claims,' *American Journal of Economics and Sociology* 45/1 (1986), 75.

254. Scott J. Shackelford, 'The Tragedy of the Common Heritage of Mankind,' *Stanford Environmental Law Journal* 28 (2009), 113.

Hugo Grotius' *mare liberum*.²⁵⁵ In our contemporary era, the global commons is primarily concerned with the global management of so-called natural resources. However, the historical and theoretical background of the global commons in relation to property can reveal 'immature' or early ideas about the global commons. Such a historical trajectory also highlights the conceptual connection of global commons with the traditional tenets of property and state governmentality, although the former is often viewed as an innovation of international law.

The administrative and legal formations of commons lie in the Roman law concepts of *res nullius* (nobody's property), *res publica* (public property), and *res communis*—or *res communis humanitatus* (common possession). Grotius' arguments for common property mainly pivoted on identifying these three Roman law concepts concerning the sea and the air.²⁵⁶ For Grotius, referring to Cicero, 'there is nothing private by nature';²⁵⁷ hence, the air and the sea were held in common and could not become a possession of either a nation or a person.²⁵⁸ Grotius viewed the sea as not subject to private ownership, as its occupation was not attainable due to its limitless nature and its public use.²⁵⁹ In this regard, occupation, seizure, or enclosure was fundamental to his notion of property, and this was also because the ocean or the air had to be free to everyone.²⁶⁰ However, Grotius' understanding of the sea as a common property does not seem to be applicable to recent global activities, particularly regarding commercial fishing, or the reasons, technological methods, and frequency of maritime transport. Also, the idea of indefinite resources emerging from *res nullius* has obviously become outdated.

For the 'origin' of global commons, *res publica* and *res communis* may be more relevant, as the idea of managing so-called *resource areas*

255. See Hugo Grotius, *Mare Liberum* 1609–2009, ed. Robert Feenstra (Leiden, Netherlands: Brill, 2009).

256. See Grotius, *Mare Liberum*, chapter V: 'That the Sea Leading to the Indians or the Right of Navigation Thereon Does not Belong to the Portuguese by Title of Possession,' 49–95; chapter VI: 'That the Sea or the Right of Navigation Thereon Does not Belong to the Portuguese by Title of Papal Donation,' 95–99; Hugo Grotius, 'Defense of Chapter V of the *Mare Liberum*,' in *The Free Sea*, ed. David Armitage, trans. Richard Hakluyt (Indianapolis, IN: Liberty Fund, 2004), 80–84.

257. Grotius, 'Defense of Chapter V,' 85.

258. Grotius, 'Defense of Chapter V,' 85; Nico Schrijver, 'Managing the Global Commons: Common Good or Common Sink?,' *Third World Quarterly* 37/7 (2016), 1254.

259. Shackelford, 'Tragedy of the Common Heritage of Mankind,' 123.

260. Shackelford, 'Tragedy of the Common Heritage of Mankind,' 123.

can be historicized by referring to these two concepts. *Res publica* refers to things, such as highways and territorial seas, of which only governments hold property rights for public use. Such resources cannot be acquired by any individuals or groups of people. On the other hand, *res communis* is conceived as the mature version of *res nullius*.²⁶¹ That is, by following the idea that nothing is limitless and immortal, *res communis* signals things, such as light and air, which do not belong to any individual, company, or nation but to all nations and their citizens.²⁶² Thus, the use of resources in the status of *res communis* is open to everyone. As no one can appropriate those resources, it is contradictory to *res nullius*, which allows anyone to use resources until they are taken into possession by someone.²⁶³ In this sense, *res communis* may be understood as a version of *res nullius* within the interest of commonality.

Commons are generally defined as resource areas and resources beyond the sovereignty of any state.²⁶⁴ However, there is no single and agreed-upon definition of the commons. Political scientist Susan Buck claims that these three Roman concepts are insufficient for explaining the extraction of resources from their situated locations or resource domains. She refers to the concept of *common pool resources* as 'subtractable resources managed under a property regime in which a legally defined user pool cannot be efficiently excluded from the resource domain.'²⁶⁵ According to her definition, common pool resources are situated at the intersection of territoriality, including exclusive authority and users bound to a particular unit, and resource management. For resource domains, she differentiates between international commons and global commons. Accordingly, if resource domains are shared by several states, on the regional level, it indicates *international commons*,²⁶⁶ whereas resource domains belonging to all nation-states signal

261. Shackelford, 'Tragedy of the Common Heritage of Mankind,' 115–16; Buck, *Global Commons*, 4.

262. Shackelford, 'Tragedy of the Common Heritage of Mankind,' 116; Buck, *Global Commons*, 4; Grotius, *Mare Liberum*, chapter V 'That the Sea Leading to the Indians or the Right of Navigation Thereon Does not Belong to the Portuguese by Title of Possession.'

263. Buck, *Global Commons*, 4.

264. Schrijver, 'Managing the Global Commons,' 1252.

265. Buck, *Global Commons*, 5.

266. Buck argues that international commons are governed at regional scales—for example, the Mediterranean Sea, which is governed only by Mediterranean governments. See Buck, *Global Commons*, 6.

global commons.²⁶⁷ In the context of Antarctica as a resource domain, governed by the ATCPs, a limited number of states are entitled to decide on matters related to Antarctica's management. Antarctica is thus technically an international commons. However, it has no territorial division and no administration agreed upon at the regional scale.

Although Antarctica's status remains disputable, whether it is an international commons or a global commons, Antarctica can be redefined according to *common pool resources* and *resource domains*. This endeavour may subsequently clarify the significance of Antarctica with respect to the states' underlying geopolitics. Antarctica, as a *resource domain*, appears to be a resource-rich geography with shared *common pool resources* such as minerals or krill, which are accessible only to the ATS member states. When reconsidering Antarctica within Buck's conceptual framework, its exclusive geo-managerial regime and the exchange value of Antarctic life forms become more apparent. Subsequently, this regime and Antarctica's profitable value attest to the capitalist state mode of Antarctic space production, even when the names of the legal statuses and governing regimes differ.

Regarding the classic approach to the global commons, international law recognizes Antarctica, oceans, the atmosphere, and outer space as the global commons,²⁶⁸ and the latter's numbers seem to be increasing—cyberspace, for example, is considered to be included.²⁶⁹ In those areas, governance transcends a state's exclusive sovereignty and its national jurisdiction. The Organisation for Economic Co-operation and Development (OECD), for instance, defines global commons as *natural assets*: 'global commons are *natural assets* outside national jurisdiction

267. Buck, *Global Commons*, 6.

268. Buck makes a point that these specific areas are selected as exceptions to the general principle of a state's sovereignty over natural resources within its borders (see Principle 21 of the Report of the United Nations Conference on the Human Environment, known as the Stockholm Declaration: 'States have, in accordance with ... the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility,' Report of the United Nations Conference on the Human Environment, A/CONF.48/14/Rev.1, Stockholm, 5–16 June 1972), since access to those areas has been difficult, and the value of their resources has not been fully measured. See Buck, *Global Commons*, 7.

269. 'More recently, ... cyberspace and the Internet have been depicted as the new electronic global commons. ... Ideas of a global cyber commons are not fully developed, with a recent study claiming that a global commons exists "as a set of norms" but ... has physical elements, in the shape of infrastructure which may be owned by governments or private corporations.' Buck, *Global Commons*, 63.

such as the oceans, outer space and the Antarctic.²⁷⁰ The OECD's definition demonstrates the kernel value of the global commons, that is, 'not natural, but financial. Consequently, these global commons are labeled as such not in the hopes of maintaining pristine treasures, but for extracting the most profit over the longest period.'²⁷¹ Political scientist John Vogler argues that it is important to be mindful of the global commons, which are sociopolitical constructs within the current market economy and the nation-state.²⁷² Based on these aspects, the primary characteristic of the global commons within international law seems to be closely associated with neoliberal governmentality, which suspends national jurisdictions when it comes to resource management.

When a resource domain is identified as a global commons, the governing regime of the global commons is said to have two fundamental goals: (1) sharing and (2) preserving resources.²⁷³ Although these goals are not adequate to explain the turbulence in identifying the governing regime of Antarctica as a global commons, the following parts aim to briefly explore the governing regimes of global commons in general and later discuss why they do not sufficiently explain current geopolitics in Antarctica. The first regime is the CHM principle. The CHM suggests open access to and the redistribution of resources based on communal interests within the framework of property. This principle was first proposed by Arvid Pardo, a Maltese diplomat and United Nations ambassador, in November 1967.²⁷⁴ It is based on the idea that the ownership of all resources with the status of global commons cannot be legally claimed by any state or individual; therefore, resource exploitation and its benefits should be shared among all states, irrespective of the nation-states' contributions to extraction processes.²⁷⁵ For instance, this principle was explicitly enacted in Articles 136 and 137 of the 1982 United Nations Convention on the Law of the Sea

270. Emphasis added. See the Organisation for Economic Co-operation and Development, *OECD Glossary of Statistical Terms* (Paris: OECD Publishing, 2008), 228.

271. Erin A. Clancy, 'The Tragedy of the Global Commons,' *Indiana Journal of Global Legal Studies* 5/2 (1998), 601.

272. John Vogler, 'Global Commons Revisited,' *Global Policy* 3/1 (2012), 62.

273. Surabhi Ranganathan, 'Global Commons,' *European Journal of International Law* 27/3 (2016), 694.

274. UN General Assembly, First Committee Debate, UN Doc A/C.1/PV.1515–1516, 1 November 1967. See Arvid Pardo, 'Who Will Control the Seabed?,' *Foreign Affairs* 47 (1968–1969), 123; Arvid Pardo, 'Sovereignty under the Sea,' *Commonwealth Journal of International Affairs* 58 (1968), 341, cited by Ranganathan, 'Global Commons,' 694.

275. Buck, *Global Commons*, 29.

(UNCLOS),²⁷⁶ designating the regime of the seabed and ocean floor as CHM.²⁷⁷ Communal interests in the seabed, for example, were to 'ensure peaceful and orderly exploitation of the seabed' on the basis of CHM.²⁷⁸

The CHM principle is designed to ensure the participation of all states in sharing the benefits of exploited resources, particularly the so-called developing states.²⁷⁹ Buck writes that since resource stocks are finite and since those states can be in a disadvantageous position for conducting deep-seabed and outer-space mining, 'developing' states intend to take measures to guarantee resources available for their use and to secure their right to participate in resource exploitation through the CHM principle.²⁸⁰ This illustrates that the CHM principle is more concerned with the distribution of exploited resources among states. Thus, it has been criticized: 'The focus of CHM is not how states can work together to protect these areas, but how states can divide the profits of *exploitation*.'²⁸¹ This implies maximizing resource exploitation through excessive access by states.

In conflict with CHM, Garrett Hardin's arguments do not favour the idea of the commons being available to all. Hardin's famous article, 'The Tragedy of the Commons,'²⁸² had a significant impact on discussions about commons governance, raising concerns about the increasing

276. Article 136 of UNCLOS states that the 'Area (the seabed, ocean floor and sub-soil thereof—see Article 1) and its resources are the common heritage of mankind'; Article 137 of the same Convention frames the legal status of the area and its resources as follows: '1. No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights nor such appropriation shall be recognized. 2. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals recovered from the Area, however, may only be alienated in accordance with this Part and the rules, regulations and procedures of the Authority. 3. No State or natural or juridical person shall claim, acquire or exercise rights with respect to the minerals recovered from the Area except in accordance with this Part. Otherwise, no such claim, acquisition or exercise of such rights shall be recognized.' See United Nations Convention on the Law of the Sea [1982] 1833 UNTS 397, 21 ILM 1261.

277. Vogler, 'Global Commons Revisited,' 67.

278. Ranganathan, 'Global Commons,' 706.

279. Ranganathan, 'Global Commons,' 708; Buck, *Global Commons*, 29.

280. Buck, *Global Commons*, 29. Nevertheless, Bucks notes that the so-called developing states 'have not seen many measurable benefits from the CHM principle. The seabed mineral regime was modified in 1994 to satisfy the developed nations.'

281. Emphasis added. Clancy, 'Tragedy of the Global Commons,' 607.

282. Garrett Hardin, 'Tragedy of the Commons,' *Science* 162/3859 (1968), 1243–48.

human population, unmanaged commons, and the over-exploitation of resources. His arguments concern the causes and effects of overpopulation, freedom for the so-called unlimited commons²⁸³ and unmanaged commons,²⁸⁴ and tragedies such as pollution, extinction, and over-exploitation. He suggests *privatism*, in which commons become units of private property, and *socialism*, in which commons are a single unit governed by agents of the community, specifically bureaucrats, as the appropriate ways to manage commons.²⁸⁵ Legal scholar Surabhi Ranganathan criticizes Hardin's selectivity in what counts as *good* and *bad*²⁸⁶ and his ambiguity about safeguarding the commons by 'targeting the poor.'²⁸⁷ She finds similarities between Hardin's view and Anthony Anghie's theory of *the dynamic of difference*.²⁸⁸ Anghie's dynamic of difference sits between 'rich Western and poor and Third World peoples, targeting the latter as agents of TOC [the Tragedy of the Commons], and recommended policies to overcome their predilections for the sake of the universal good of ecological sustainability.'²⁸⁹ Similarly, Vogler problematizes the principle of 'open access to global commons,' as it is central to 'tragedies' of overconsumption, environmental destruction, and the structural imbalance between countries.²⁹⁰

Open access to the global commons can be understood as the suspension of the territorial sovereignty of any nation-state in particular resource areas, while suggesting a management of resource redistribution among all nations. As such, all states, their citizens, and future generations can allegedly have equal rights to benefit from those resources. However, open access to the global commons would likely exacerbate the exploitation of resources, structural imbalance

283. 'Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited. Ruin is the destination toward which all men rush, ... in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all.' See Hardin, 'Tragedy of the Commons,' 1244.

284. Garrett Hardin, 'An Ecolate View of the Human Predicament,' *Alternatives* 7/2 (1981), 243.

285. Hardin, 'Ecolate View,' 244.

286. Ranganathan, 'Global Commons,' 702.

287. Ranganathan, 'Global Commons,' 698–99.

288. Ranganathan refers to Anthony Anghie's notion of the *dynamic of difference*, describing distinctions between civilized European and uncivilized non-European peoples in international law. See Anthony Anghie, 'The Evolution of International Law: Colonial and Post-Colonial Realities,' *Third World Quarterly* 27 (2006), 739, cited in Ranganathan, 'Global Commons,' 700.

289. Ranganathan, 'Global Commons,' 700–701.

290. Vogler, 'Global Commons Revisited,' 61, 64.

between societies, and dispossession of humans and more-than-humans. As Vogler states, the CHM, in this sense, 'is blind to the distributional consequences of commons utilisation and enclosure.'²⁹¹ This concern differs from Hardin's critique, with its selectivity, suggesting open access to the global commons only for 'competent' actors and states.

Against open access, the property rights paradigm and national sovereignty, as other forms of governing regimes, have also become stressors in resource management. For instance, nation-state sovereignty ensures that citizens of a state can exercise a bundle of property rights within the state's territorial borders and, to some extent, the international realm. In this respect, state sovereignty implies states' rights to hold exclusive authority and autonomy against other states and non-state actors.²⁹² Nevertheless, planetary issues emerging from environmental pollution, transboundary resources, the hole in the ozone layer, ocean acidification, and the depletion of marine animal populations, particularly the decrease in fish stocks, have already recalibrated regulatory discourses at national and international levels.

As a result, interstate resource management is suggested to prevent the accelerated consequences of such socioecological urgencies. For example, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer,²⁹³ the International Convention for the Regulation of Whaling,²⁹⁴ and UNCLOS²⁹⁵ were brought into force. While it remains open to discussion whether such treaties contribute to or restrict open access to the global commons, these efforts demonstrate that environmental degradation as a 'tragedy,' as Hardin formulates it, is becoming a greater concern. Therefore, governing regimes for resources tend to focus on more sustainable approaches to resource management through

291. Vogler, 'Global Commons Revisited,' 66.

292. To wit, exploitation of natural resources within the sovereign borders of a nation-state is permissible and guaranteed according to Principle 21 of the Stockholm Declaration. 'States have the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of the other States or of areas beyond the limits of national jurisdiction.' See United Nations, 'Report of the UN Conference on the Human Environment.'

293. The depletion of ozone was caused by the release of chlorofluorocarbons and other greenhouse gases into the atmosphere, which were used as an absorbent. See the Vienna Convention for the Protection of the Ozone Layer [1987] 1513 UNTS 293, 26 ILM 1529; the Montreal Protocol [1987] 1522 UNTS 3, 26 ILM 1541, 1550.

294. See the International Convention for the Regulation of Whaling.

295. See the United Nations Convention on the Law of the Sea.

conservation measures, which are often guaranteed by regional and international treaties.

In this sense, the global commons appears to be a means to reinstitutionalize *territoriality* through geoengineering and geo-management, denoting geopolitical strategies in international law. Designing effective geostrategies and resource management becomes central to the legal architecture of the global commons. Territoriality, in parallel with the evolving governance of the global commons, also seems to shift in response to the contemporary world's anxieties and urgencies, such as climate change, the depletion of atmospheric quality, the ozone hole, ocean acidification, and other planetary events.

That being said, the question of whether such 'new' tendencies and necessities entail the elimination of territoriality and geopolitics of the claimant states in Antarctica remains open. Indeed, territorial claims in Antarctica are still considered national rather than common heritage. For example, the legal status of Australia's Mawson Station is explicitly indicated as Australia's national heritage in the Commonwealth Heritage List (CHL), which appears to contradict the CHM principle if Antarctica is a global commons.²⁹⁶ Another example is that Antarctica's status as a global commons does not mitigate the exclusive authority of the ATS member states, namely ATCPs, in governing Antarctica. Additionally, the claimant states' economic endeavours to get the best out of the continent in terms of 'exploiting resources' somehow continue to exist.²⁹⁷

296. 'Mawson Station, Mawson Station, EXT, Australia,' Australian Heritage Database, Commonwealth Heritage List, listed place on 15 July 2004, place ID: 105444, Place File No: 9/01/002/0006, accessed 1 October 2023, www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;search=place_name%3Dmawson%2520station%3Bstate%3DEXT%3Bkeyword_PD%3Don%3Bkeyword_SS%3Don%3Bkeyword_PH%3Don%3Blatitude_1dir%3DS%3Blongitude_1dir%3DE%3Blongitude_2dir%3DE%3Blatitude_2dir%3DS%3Bin_region%3Dpart;place_id=105444.

297. Although whaling activities fall under the control of the International Whaling Commission and the Convention for conservative purposes, and commercial whaling is thus banned, it is claimed that Japan, for example, in the disguise of 'scientific whaling,' has been pursuing commercial whaling, as whale meat is present on the Japanese domestic market. See Hanne Nielsen, 'Selling the South: Commercialisation and Marketing of Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 185. In addition to that, as previously noted, Australia took Japan to the ICJ based on the claim that Japan breached the International Convention for the Regulation of Whaling by conducting commercial whaling. Particularly after the Court decided that Japan had breached several provisions of the Convention in 2014, it is no coincidence that Japan withdrew from the Convention in 2019. See 'Statement on Government of Japan Withdrawal from the IWC,' International Whaling Commission,

Thus, Antarctica's vague status as a global commons leads this section to reinterpret *territoriality* in the context of Antarctica as the 'territoriality of the international jurisdiction.' What is distinct about this suggested territoriality? Regarding Antarctica, this understanding describes territoriality within states' exclusive authority, recognized by the international community. This means that states are allowed to operate their territorial affairs beyond their cartographically defined territories, specifically their claimed Antarctic sectors, through exclusionary territorial behaviours without seeking the consensus of other states. For example, even though Antarctica is considered a global commons, the ATCPs refuse 'open access' to Antarctica and strictly limit the participation of states in the ATS. According to the Preamble of the Antarctic Treaty, Antarctica's open-access regime is limited to the ATS's exclusive international community. In the 1980s, the UN General Assembly proposed the CHM as a governance regime for Antarctica; however, this proposal was never accepted by the ATCPs. This demonstrates the determination of the ATCPs to monopolize authority, despite the fact that the ATS, a widely accepted legal framework,²⁹⁸ is directly 'linked to some United Nations treaties that do have global applications.'²⁹⁹ Likewise, the claimant states still utilize their built environments as spatial testimonies or tokens to prove their exclusive authority within their claimed sectors, particularly within the national heritage or resource frontier scheme.³⁰⁰ Therefore, it can be deceptive to stoutly assert that the global commons regime can mitigate the power of the ATS in Antarctic governance. This is to say, geopolitics appears to be more arbitrary in Antarctica, unlike the seabed or outer space.

As the governance regime of the global commons is still a matter of debate and the 'resources' of the planet are now understood as finite, there seems to be potential for new regimes to emerge at any time.

14 January 2019, accessed 19 October 2023, <https://iwc.int/resources/media-resources/news/statement-on-government-of-japan-withdrawal>.

298. As a side note, such a regime of global commons also inspired the Arctic Council. In 1996, Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the US, along with the permanent participants of six Indigenous peoples' groups living in the Arctic, formed the Arctic Council to address environmental protection and sustainable development. The role of the Indigenous peoples' groups is limited because they are not voting members. Other countries and groups can also apply or be nominated for observer status. In this sense, the Council does not include non-Arctic countries. See Erika Lennon, 'A Tale of Two Poles: A Comparative Look at the Legal Regimes in the Arctic and the Antarctic,' *Sustainable Development Law and Policy* 8/3 (2008), 32–66.

299. Buck, *Global Commons*, 67.

300. See Section 3.5.3.1, 'Components of Antarctic Geopolitics.'

Evolving waves of various international agreements on the management of global commons attest to such potential. Within this dynamism, *geo-managerialism* is proposed as a meaningful framework, not to solve the problem but to highlight and problematize power relations within the legal architecture of regimes such as the CHM, the ATS, and other treaty-based systems. As already pointed out in the context of some of the mentioned regimes, it has been crucial to determine who is entitled to access and benefit from the global commons. Such anxieties in governance regimes and Antarctica's ambiguous status illustrate that the current legal architecture of the global commons indeed revolves around the relationship between territoriality and geopolitics. Hence, the notion of a *managerial regime* of the global commons emphasizes the primary concern of states' geopolitics.

As the final point of this section, a framework named *territorialized geo-managerialism* is proposed to identify the current governing regime in Antarctica. The term *geo-managerialism* is based on Moore's insights into resource exploitation through capitalist production.³⁰¹ Moore argues that the rise of capitalism, within its abstract structure of linear time, flat space, and external nature, renders the initial forms of geo-managerialism.³⁰² The idea of resource management is understood as closely associated with capitalism and its processes for reproducing geographies. Although the connection between governance regimes and the capitalist production of geography is discussed in Chapter 4, the insights proposed here, alongside those in Chapter 4, aim to explain Antarctica's current configuration at the junction of capitalism and resource management.

The *geo-managerial regime* of resource areas is considered here in terms of three aspects: (1) reproducing geographical and geological knowledge, (2) identifying and prioritizing productive potentials of nature, and (3) organizing the so-called order of geography and its relations. Moore elaborates that a geo-managerial regime is based on 'the great weakness of capital'; in other words, 'capitalists are victims of their own success.'³⁰³ This understanding sheds light on the upsurge in demand for new resources, while capital on its own is not sufficient to meet this incremental demand, as it is not capable of facilitating and conducting the advanced search for those new sources.³⁰⁴ Moore further argues that this is where the state and science hold

301. Moore, 'Capitalocene Part II.'

302. Moore, 'Capitalocene Part II,' 246.

303. Moore, 'Capitalocene Part II,' 245.

304. Moore, 'Capitalocene Part II,' 245.

geopolitical power and collaborate as complementary components at the centre of modern capitalism.³⁰⁵ He introduces the concept of *geopower*³⁰⁶ to connect science to state affairs and capitalist productivity. Subsequently, this connection creates abstract social nature,³⁰⁷ which seems to be equivalent to the global commons in the context of Antarctica. This perspective explains why and how modern states, with the support of science, advocate for 'open access' and prioritize resource management.

Indeed, scientific exploration, technological developments, and knowledge production have been preeminent in exploring areas beyond national territories such as on the high seas, in the two polar regions, and in outer space. Vogler argues that during the period of discovery, those areas were treated similarly to *terra nullius*, 'undiscovered land' in his terms, based on the colonial principle of 'first come, first served.'³⁰⁸ However, mining polymetallic manganese nodules on the deep ocean seabed, for instance, led to international debates in the 1960s and 1970s, on whether those who had access to the seabed could be entitled to its exploitation.³⁰⁹ That is, having the appropriate technology, equipment, and skills to access and exploit those areas, as well as having scientific knowledge, has played a profound role in determining who can access and benefit from those areas.

Therefore, investments in endeavours equipped with technological tools and scientific knowledge induce geopolitical consequences that pivot on capitalist productivity in those areas, based on acquisition and exploitation. Bioprospecting in Antarctica, as detailed in Chapter 4, is one example of a collaborative production of science and capital that is facilitated by the state. The capitalist production of geography, in collaboration with knowledge and new methods, therefore requires effective, long-lasting, and 'realistic' environmental management, policies, strategies, and maintenance. When such ongoing capitalist production of geography is understood as *geo-managerialism*—territorial behaviours driven by geopolitics ensuring capitalist pursuits—it becomes more apparent that neither the CHM nor the ATS can propose a true commonality as long as the way in which the capitalist state modality re/produces geographies is not uncovered and challenged.

305. Moore, 'Capitalocene Part II,' 245.

306. It should be noted that Moore's understanding of *geopower* mentioned here is slightly different from what I discuss and propose in Chapter 4 regarding this notion.

307. Moore, 'Capitalocene Part II,' 245.

308. Vogler, 'Global Commons Revisited,' 62.

309. Vogler, 'Global Commons Revisited,' 63.

4

Geo-Materializing the Legal Imaginary

Hinging on the notion of space production, different combinations of concepts and practices as spatial techniques have been previously exemplified to demonstrate the production of Antarctica at various scales and forms. This book's spatial analysis is only one of the possible analyses of and approaches to geography. It is important to acknowledge that spatial analyses at any scale and in any form cannot be easily and technically reduced to a single framework due to possibly never-ending spatial complexities. Recognizing the differential vestiges of spatial techniques and, thereby, space production, the central claim of this chapter is that principles and patterns of spatial techniques are influenced by socio-spatial power relations, which in turn drive spatial re/configurations.

Spatial re/configurations often reflect the ideology or imaginary of the prevailing socio-spatial constellation. Therefore, it is necessary to expose ideologies or imaginaries rooted in power relations to understand which mode of space production directly shapes geography and spatial relations within that geography. The historicized trajectory of material geographies, obtained by tracing land transformations as explored in Chapter 2, can reveal imaginaries commonly held by societies. According to Lefebvre, such historical investigations of material space imply the reconciliation between space and time as integral aspects of spatial practice and social products: 'Space and time do not exist universally. As they are socially produced, they can only be understood in the context of a specific society. In this sense, space and time are not only relational but fundamentally historical.'¹

1. Christian Schmid, 'Henri Lefebvre's Theory of the Production of Space: Towards a Three-Dimensional Dialectic,' trans. Bandulasena Goonewardena, in *Space, Difference, Everyday Life: Reading Henri Lefebvre*, ed. Kanishka Goonewardena et al. (New York: Routledge, 2008), 29.

Given historical, political, and legal tendencies, land statuses such as *terra nullius*, state territory, and the global commons signal geographical abstractions constructed by the dominant socio-spatial relationality. This means that the earth has been ‘formally’ coded and instrumentalized for and by worldwide sociopolitical and cultural assumptions and aspirations. For example, the land status of *terra nullius* was employed to justify the colonial and imperial imaginary in both Australia and Antarctica. The colonial imaginary operated in a way that both the continents of Australia and of Antarctica were constructed as homogeneously vacant landmasses, disregarding their geographical and societal realities. This is to say that historically and conceptually structured land statuses have relied on the absence and totality of material geography. They have failed to recognize the unevenness and diversity of geographies over time and across locations.

By approaching the absence of material geography, this chapter reconceptualizes land, geography, or nature,² specifically Australia and Antarctica, through the lens of legal geography rather than immediately relying on the law’s prevailing epistemic construction. The aim of reconceptualizing these two continents is to expose ideologies that have actively designed socio-spatial relations. Next, I conceptually capture the prevailing understanding of geography by drawing on Lefebvre’s notion of *dominant space*. This concept is employed to argue that the law relates to geography based on its politics. As Lefebvre theorizes dominant space to refer to the sociopolitically dominant modality of space production, the chapter also applies his conceptualization to reveal the dominant mode in which geography is wielded as a political project by means of compartmentalizing, managing, controlling, subduing, and even obliterating material geography.

Lefebvre’s concept of dominant space enables me to claim that there is an unavoidable interplay between geography and power, shaping all kinds of relations within geography through domination. In this sense, *dominant space* is used to describe geography produced by the state/empire. For instance, Australia’s colonial land transformation is a historical example of dominant space, annihilating material originality to produce a nation-state geography by force. Similarly, in Antarctica, spatial techniques, mainly using science, have been applied to produce

2. The terms *space*, *geography*, *land*, and *nature* are utilized here interchangeably, and all refer to above and below the surface of the earth, including all life forms. By using a more comprehensive approach, I intend to go beyond statist cartography and broaden spatial considerations beyond the limits of geology and the nation-state.

nation-states' external territories. This shows that such a state modality of space production results in the abstraction of originality, heterogeneity, and complexity in material geography by fixing these within linear time and universal values. Identifying the working modality of space production within the conceptual framework of dominant space connects Australia to Antarctica with respect to underlying imaginaries.

Lefebvre's concept of *abstract space* is also introduced here to discuss the capitalist space attached to the state space. I suggest a Lefebvrian interpretation of capitalism, which is Marx's abstract labour and value theory on space, to explain the Antarctic land transformation from a 'frozen void' to states' territories and the global commons, based on the given significance of Antarctica's potential as a resource. Following this outlining of abstract (capitalist) space, I ask what ensures such land transformation and the delivery of land to capital accumulation. Employing the concept of *geopower*, I draw attention to the junction of technocratic governance, science, law, economy, and geography.

Subsequently, I underscore the state-capital-geography prism, meaning that I foreground the role of each party equally in the relationality created, while highlighting capitalism as a geographical ideology that is achievable by means of state governance. Moreover, the state-capital-geography prism signals the transcendence of the Cartesian world view by adding geography to power relations. Hinging on the concept of *geopower*, the relationality between state, capital, and geography is claimed to be present in any mode of space production, including (capitalist) state production. Accordingly, states' roles in capitalist value relations are explained within the framework of *geopower*. I first conceptualize states' capitalist ventures across geographies that result in spatial alienation or dispossession, with the aim of demonstrating the impact of capitalism, or the capitalist value relation, in collaboration with the law. Second, the notion of *geopower* helps me present material geography as an impactful participant in power relations. Through this analysis, I capture reflexive and subversive interactions of geography with the dominant ventures, tools, plans, and purposes of capitalist state production.

Building the arguments upon the concept of *geopower*, the chapter extends considerations of dispossession beyond the human dimension. As of the era of colonialism, dispossession has significantly constructed our contemporary world systems and the planet itself. Therefore, I particularly focus on spatial alienation, which is a conceptualization

that encapsulates various forms of violence in capitalist production. Spatial alienation is understood here as the forceful transformation and delivery of geography at the expense of losing its life forms altogether. In this sense, spatial alienation has to occur in locatable geography as a violent means and consequence of capitalist production.

Regarding the specific interest of this book, the chapter illustrates spatial alienation in relation to Antarctica while grounding its theoretical foundation in Hannah Arendt's notion of *alienation*. Following the acknowledgement of geography as the subject of dispossession, earthly changes are finally interpreted in the chapter as the struggles and resistance of geographical life forms against capitalist production. As such, by revisiting *geopower*, I ultimately argue that geography, as *lived space* in Lefebvre's terms, always has the potential and power to reproduce a new spatial organization, called *differential space* by Lefebvre. Dwelling on this interpretation of the book, which combines *geopower* with Lefebvre's notions, the last section of the chapter discusses how pivotal geography and geographical forces or life forms are to space production.

4.1 The Non-Geographical Legal Imaginary

The importance of spatiality in law has long been overlooked, despite the growing number of arguments made by legal geographers since the 1990s. Geography has been understood as if it were a fixed unit, a universally scientific background, and an ineffectual detail, thereby not requiring any consideration. Soja describes such abstraction of geography as 'a world of passivity and measurement rather than action and meaning.'³ Aspatiality or non-geography, in this context, means that all geographical features are supposed to be easily legible, universal, and stable, despite the lively diversity of forms, ecosystems, territories, and people(s) in time. In its general operation, the law sets abstract and universal values, brought to bear on society and geography, and operates accordingly as if space and time do not, and even should not, matter in any degree. Given this, this section examines how law and geography in fact do bear upon each other. This examination to elucidate the existing relationship between geography and law is nothing new. As mentioned in the introduction, critical inquiries have already

3. Soja, *Postmodern Geographies*, 37.

been raised by many scholars across a range of fields,⁴ and geographers have also paid particular attention to legal systems.⁵

Blomley propounds that the law is portrayed as an ‘autonomous instrument’ that can be imposed upon society, as if the law occupies a more ‘important’ section of life, which only experts can access.⁶ Therefore, the law is often imagined as segregated ‘from political rhetoric, poetry, or late night conversations with friends.’⁷ Geography, on the other hand, appears as a pre-political surface and is often seen as being unable to offer an appropriate foundation for sociopolitical analyses.⁸ That is, the legal domain is presumed to be highly discursive. It is deeply embedded in the exclusionary idea that specific expertise is required to access words in order to maintain the distinctiveness or ‘autonomy’ of the legal domain. In fact, the legal discourse is deliberately made exclusive and inaccessible, even though it is very much about society and everyday life.

Similarly, this exclusiveness or ‘autonomy’ generates another, parallel exclusionary view: the legal domain ought to transcend the material world, in which everyone and everything exist. That is, the law is founded on, as well as limited to, rationale, reason, human will, written words, doctrines, principles, and their interpretations. In this sense, the law has almost proudly evolved through its divorce from materiality. To overturn the law’s disembodiment, many scholars from the fields of feminist theory, race theory, gender theory, and queer theory have problematized the law’s immaterialization or abstraction. In the same vein, geographical features, or the ‘stuff’ in geography, as David Delaney calls it—including place, space, landscape, and nature—has not been seen as constituting the law’s discursive world but as the (scientific) material world.⁹ By referring to the work of Pheng Cheah

4. For example, see Irus Braverman et al., eds., *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford, CA: Stanford University Press, 2014); Jane Holder and Carolyn Harrison, eds., *Law and Geography: Current Legal Issues*, vol. 5 (Oxford: Oxford University Press, 2003); Graham, *Lawscape*; Robyn Bartel et al., ‘Legal Geography: An Australian Perspective,’ *Geographical Research* 51/4 (2013), 339–53; Blomley, *Law, Space, and the Geographies of Power*.

5. Bartel et al., ‘Legal Geography,’ 340.

6. Nicholas Blomley, ‘From “What?” to “So What?”: Law and Geography in Retrospect,’ in Holder and Harrison, *Law and Geography*, 20.

7. Blomley, ‘From “What?” to “So What?”,’ 20.

8. Blomley, ‘From “What?” to “So What?”,’ 21.

9. David Delaney, ‘Semantic Ecology and Lexical Violence: Nature at the Limits of Law,’ *Law Text Culture* 5/2 (2000), 79.

and Elizabeth Grosz,¹⁰ Delaney draws a resemblance between the Cartesian dualism of mind–body and ‘law as anti-geography,’¹¹ which also inspired the term ‘non-geographical’ used in this section’s title. The resonance between the Cartesian dichotomy and the non-geography of law can help this section claim that perceptual and epistemological biases about geography influence the law at present. Hence, an emphasis on the geographical dimension can elucidate the absence of geography within the legal framework and highlight the law’s role in constructing geography as an abstract mediation.

Blomley summarizes the *anti-geography* of the law by stating: ‘If the law is autonomous and asocial, and space is an uninteresting static surface, there would indeed appear to be deeply entrenched obstacles to any sustained conversation between law and geography.’¹² This section, therefore, outlines the law’s indifference to geographical materialities from a critical perspective. The way the law operates keeps it superior to material, geographical, and cultural influences through its separation from these.¹³ Indeed, this separation is widely upheld and almost praised among many jurists and legal scholars. Legal historian Wesley Pue interprets this ‘common sense’ of the law as *geographical nonsense* or *anti-geography*,¹⁴ as geographical specificity or the ‘geography of the mundane’ inevitably collides with the abstraction of law, contrary to the idea of passive geography.¹⁵

Irus Braverman conceptualizes the non-geography of law by employing the term *taken-for-grantedness*.¹⁶ Braverman summons this concept to draw attention to the visibility and invisibility of law in geography, particularly regarding the spatial organization of power.¹⁷ She writes:

10. See Pheng Cheah and Elizabeth Grosz, ‘The Body of the Law: Notes Toward a Theory of Corporeal Justice,’ in *Thinking Through the Body of the Law*, ed. Pheng Cheah, David Fraser, and Judith Grbich (New York: New York University Press, 1996), 3: ‘law as *nomos*, has always been predicated as a function of the mind and therefore in a hierarchical opposition to materiality which law serves to order and govern,’ quoted in Delaney, ‘Semantic Ecology,’ 79.

11. Delaney, ‘Semantic Ecology,’ 81.

12. Blomley, ‘From “What?” to “So What?”,’ 21.

13. Jane Holder and Carolyn Harrison, ‘Connecting Law and Geography,’ in Holder and Harrison, *Law and Geography*, 3.

14. W. Wesley Pue, ‘Wrestling with Law: (Geographical) Specificity vs. (Legal) Abstraction,’ *Urban Geography* 11/6 (1990), 568.

15. Pue, ‘Wrestling with Law,’ 578.

16. See Irus Braverman, ‘Hidden in Plain View: Legal Geography from a Visual Perspective,’ *Law, Culture and Human* 7 (2010), 173–86.

17. Braverman, ‘Hidden in Plain View,’ 173.

Physical and legal matters lend to each other. Indeed, more than any other ‘law and ...’ pairing (e.g. law and economics, law and history, law and society, etc.), the pairing of law and geography is about the hidden stuff that lies behind the physical or spatial site. Natural landscapes and built environments ... all seem to exist out there—as empty and static terrains upon which power is exercised—and are less realized as power constructs in themselves.¹⁸

Braverman’s understanding of *taken-for-grantedness* suggests an acknowledgement of material geography by arguing that geography is presumed to be deprived of effect, despite its visibility. In other words, geography is constructed as nothing more than a surface, background, and canvas for powers’ sociopolitical and legal dispositions and aspirations. Similarly, Derek Gregory, referring to Donna Haraway, expresses these two—visible and invisible—vestiges of power in space: ‘Vision is always partial and provisional, culturally produced and performed, and it depends on spaces of constructed visibility that ... are always also spaces of constructed invisibility.’¹⁹ It is no coincidence that the representation of Antarctica was also conceived as ‘not-quite-land,’²⁰ similar to the other popular fixation of the ‘frozen void.’

By claiming the passiveness of space as politics, all spaces have

been fashioned and molded from historical and natural elements, but in a political way. ... space, which seems homogeneous, which appears given as a whole in its objectivity, in its pure form, such as we determine it, is a social product.²¹

After all, the view of impoverished and passive geography—a ‘frozen void’ in the case of Antarctica and being sparsely populated in the case of Australia—eventually generates an epistemological ‘purity’ of space and, therefore, the refusal of its complexities, diversity, and particularities.

18. Braverman, ‘Hidden in Plain View, 175–76.

19. Haraway, ‘Situated Knowledges.’

20. Olivia Barr, *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place* (London: Routledge, 2016), 197.

21. Henri Lefebvre, ‘Reflections on the Politics of Space,’ in *State, Space, World: Selected Essays*, ed. Neil Brenner and Stuart Elden, trans. Gerald Moore, Neil Brenner, and Stuart Elden (Minneapolis: University of Minnesota Press, 2009), 171.

Braverman argues that the law's reductionist perspective on material geography, as if geography is static, homogeneous, and atemporal, exposes 'inevitable and immutable' power 'appearing neutral, fixed, and a-temporal' in geography.²² This is one of the significant indications that 'taken-for-granted' geography, or 'not-quite' land, has been cemented through techniques of power. As such, the passive purity of geography should be understood as a product generated, endorsed, inscribed, and imposed by power, by deploying historical, conceptual, and practical techniques to postulate the idea of a passive, neutral, objective, and thereby not political but almost innate and innocent geography.

Although the muted characteristics of geography within legal frameworks do not reflect the reality of geographies, the endurance of such characteristics signals power and its techniques at work to reorganize the materiality of geographies. That is to say, groups, individuals, and life forms across geographies have been actively and materially affected by the notion of absent geography. Pue rightfully claims that a true emancipatory victory can be achieved by people and places when geographical specificities prevail over the belief of the law's non-geography.²³ Non-geography, in this sense, does not plainly denote the lack of geographical considerations; more than that, it is the acknowledgement of the geographical construction produced by the law as a product of power relations. Thus, *non-geography* renders the existing politics of the law in relation to geography. Being mindful of so-called monolithic, fixed, and even absent geography in the law can hence lead to critically rereading, rethinking, and expanding on further reflections about contemporary structures of power relations, their histories, and their geographically informed ideologies. The following sections critically approach colonialism, capitalism, and the liberal stance on emancipation, primarily employing the Lefebvrian lens. In so doing, I seek to conceptualize modes of geographies produced by power relations. This, hopefully, suggests a profound comprehension to contrast with the absence of temporal and spatial materialities in power relations.

22. Braverman, 'Hidden in Plain View,' 179. I detail and discuss what is meant by *power* in the context of geography in Sections 4.4, 'Lefebvrian Thinking of Capitalist State Space's Promise,' and 4.5, 'Re-Visiting Geopower.'

23. Pue, 'Wrestling with Law,' 578.

4.2 Lefebvrian Thinking of Capitalist State Space

Capturing the non-geographical materialization of the law as well as other social formations can raise questions on whether geography can ever cease to exist in the societal realm, including the law, or, put differently, whether geography can ever become ruptured from society. If so, how does this rupture affect members of the complex web of life? What kind of ideology or imaginary does this rupture signify? Lefebvre's notion of *dominant space* is employed here to conceptualize ideological space, producing a rupture between society and geography. Massey argues that 'space is by its very nature full of power and symbolism, a complex web of relations of domination and subordination, of solidarity and cooperation.'²⁴ In light of her definition, ideological domination in space, based on a deliberate abandonment of socio-spatial imbrication, should result in a specific kind of space-making. The underlying ideologies of space-making are conceptualized here by employing a Lefebvrian lens. Lefebvre's approach helps me conceptually clarify what kind of geography contemporary statehood produces, namely (capitalist) state space—*l'espace étatique*, as Lefebvre calls it. Thus, the interplay between geography, politics, and power is central to the understanding of dominant space.

Although Lefebvre draws on different aspects of spatiality to analyse politics in space,²⁵ such as political struggle, his concept of *dominant space* portrays one mode of space in which nature/land/geography disappear by separating the spatial realm from the societal realm. Dominant space serves as a political project within a geographical context. The chapter seeks conceptual explanations of how the Australian state territory and the AAT have been produced. Therefore, Lefebvre's concepts of *dominant space* and *abstract space* are explained to provide a conceptual framework for the current understanding of geography, which is homogenized, compartmentalized, and quantified. Drawing on these two Lefebvrian concepts, the section connects the material geographies, Australia and Antarctica, to these concepts, particularly dominant space—or state space.

24. Doreen Massey, 'Politics and Space/Time,' *New Left Review* 1/196 (1992), 81.

25. Lefebvre, 'Reflections on the Politics,' 168.

4.2.1 *Introducing Dominant Space*

The reason for drawing on Lefebvre's concept of *dominant space* is to explore how capitalism's regulatory strategies are manifested within the state space—dominant space. In this context, the non- or anti-geography of the law signifies the very geography of the law as its politics and power relations. Dominant space, therefore, indicates a particular type of space within capitalism as an ideology, the state as a power and facilitator, and the law as an apparatus of power. According to Lefebvre, dominant space implies a specific 'space[,] transformed—and mediated—by technology, by practice,'²⁶ and in it, the 'dominated space is usually closed, sterilized, emptied out.'²⁷

Dominant space is elaborated here by explaining what it is not, namely Lefebvre's concept of *appropriated space*. For Lefebvre, appropriated space is more inherent to society and spatial particularities than dominant space. He thinks that each society has its 'own—*appropriated*—space,'²⁸ meaning that *appropriation* signals inevitable and intrinsic relations between space and society.²⁹ Appropriated space also indicates the authenticity or originality of every society and space. In this sense, how a society inhabits a space should be unique and original. As each society produces its own space, each society has its own mode of space production. As a result, space production should innately subsume variant modes of space.

Lefebvre's understanding of appropriation entails the inherent desire and urge of individuals and groups of people(s) to become a situated societal form, going beyond a single form of society. This urge occurs in space in one way or another. As such, people appropriate space throughout their *lived time*.³⁰ In this context, Lefebvre's notion

26. Lefebvre, *Production of Space*, 164.

27. Lefebvre, *Production of Space*, 165.

28. Lefebvre, *Production of Space*, 31.

29. One of Lefebvre's initial propositions is that '(social) space is a (social) product.' See Lefebvre, *Production of Space*, 30. By looking back to spaces in the past, he further claims the omnipresent imbrication of socio-spatial relations in all spatial units across history. He puts forward that the 'city of the ancient world cannot be understood as a collection of people and things in space; nor can it be visualized solely on the basis of a number of texts and treatises on the subject of space.' See Lefebvre, *Production of Space*, 31.

30. Lefebvre formulates *lived time* as the time of space users—everyday time—which denotes a diverse and complex time. See Lefebvre, *Production of Space*, 97, 356. The idea of time innately attached to life also gives time a fundamental use value, which disappears in capitalist space, since 'economic space subordinates time, whereas polit-

of appropriation differs from the immediate and capitalist sense of appropriation. Appropriation here encapsulates the temporal and spatial dimensions of his critical space theory. He writes that 'appropriation itself implies time (or times), rhythm (or rhythms), symbols, and a practice';³¹ that is, appropriation is a spatial practice combining time and space. Based on the notion that 'time is our life,'³² the *lived time* in an appropriated space amounts to the time belonging to actual users of that space.³³ For instance, before the arrival of British explorers in Australia, within the Aboriginal peoples' lived time, their lands were their appropriated space. Since Lefebvre understands the idea of appropriation as a spatial practice of a society, peasant houses, igloos, or oriental straw huts,³⁴ for example, constitute spatial means (built environments) of appropriated space production. While they all serve the fundamental need for housing, these built environments preserve the originality of their respective geographical and cultural situatedness.³⁵

This shows that an appropriated space cannot coexist with any societal domination over space. Instead, as 'each society offers up its own peculiar space,'³⁶ 'the very notion of social space [as an object of analysis] resists analysis because of its novelty and because of the real and formal complexity.'³⁷ Appropriation without domination thus refers to the originality of space in the most unfixed sense, given various forms of socio-spatial originality. Lefebvre claims that radical changes in society can be achieved only if space has been appropriated in society.³⁸ It should be noted that although Lefebvre primarily speaks of society and develops arguments concerning societal forms and struggles, his

ical space eradicates it, because it is threatening to existing power relations.' See Henri Lefebvre, 'Space: Social Product and Use Value,' in Brenner and Elden, *State, Space, World*, 191. As a side note, the concept of *lived time* should not be confused with Lefebvre's other concept of *lived space*, which is elaborated in Section 4.4.1, 'The Actualization of Land Users through *Lived Space*.' Despite the mentioned conceptual nuance between lived time and lived space, these two concepts are, in fact, interconnected.

31. Lefebvre, *Production of Space*, 356.

32. Lefebvre, 'Space: Social Product,' in Brenner and Elden, *State, Space, World*, 191.

33. Lefebvre, *Production of Space*, 356.

34. Lefebvre, *Production of Space*, 165.

35. Additionally, although he mentions such concrete examples, he also invites us to be cautious and warns about the difficulty of making a clear definition or decision 'in what respect, how, by whom and for whom they [spaces] have been appropriated.' See Lefebvre, *Production of Space*, 165.

36. Lefebvre, *Production of Space*, 31.

37. Lefebvre, *Production of Space*, 32.

38. Lefebvre, 'Space: Social Product,' in Brenner and Elden, *State, Space, World*, 186.

ideas are perfectly applicable to capture all life forms in geography, as this chapter aims to do.

The Lefebvrian take on appropriation acknowledges and appreciates originality by recognizing diverse societal forms depending on time and space. What does Lefebvre understand by the *originality*, which also means *nature* in the Lefebvrian sense? Lefebvre understands nature as the origin of all social processes.³⁹ 'All social space has a history that begins from this natural base: indeed, nature is always and everywhere characterized by particularities (climates, topologies, etc.).'⁴⁰ Similarly, 'nature appears as the vast territory of births.'⁴¹ Besides nature's ubiquity, according to Lefebvre we now know 'that nature is also created, modeled, transformed, to a large degree a product of action, that the face of the earth itself (in other words, the landscape) is a human creation.'⁴² In this respect, the knowledge of how to understand and live within nature is a product of ideologies. For example, if an ideology sees nature as a simple object of science and an ineffective background to society, nature eventually disappears. By dominating lived time and subvariants of each society's modes of space production, power, with the endorsement of knowledge and technology, 'crushes time by reducing differences to repetitions or circularities' and imposes a single form of (nation-oriented) society on potentially plural forms and relations between nature and societies.⁴³ Subsequently, a power's knowledge-making interventions, by harnessing originality, flatten the creative capacities of societies and geographies.

By dwelling on temporality and locality, Lefebvre however doubts the existence of universal knowledge or a single truth, supposedly valid for every society and every mode of space production.⁴⁴ His notion of *appropriated space* suggests various modalities of space in service of the needs and possibilities of peoples as well as more-than-humans. Both creation and nature are what forge, nurture, and keep all life forms alive and connected to space, whereas dominant space conflicts

39. Lefebvre, *Production of Space*, 30.

40. Lefebvre, 'Space: Social Product,' in Brenner and Elden, *State, Space, World*, 187.

41. Lefebvre, *Production of Space*, 70.

42. Lefebvre, 'Reflections on the Politics,' 173.

43. Lefebvre, *Production of Space*, 23.

44. Lefebvre asks, 'How much can we really learn, for instance, confined as we are to Western conceptual tools, about the Asiatic mode of production, its space, its towns, or the relationship it embodies between town and country?' See Lefebvre, *Production of Space*, 31–32.

with this creative force of originality.⁴⁵ That is, dominant space is where the creative force of originality disappears. Lefebvre defines this as a *negative neuter* that reduces nature's originality to a homogeneous product.⁴⁶ Homogeneity and creativity in Lefebvrian space production have two irreconcilable connotations. When 'primary nature,'⁴⁷ in Lefebvre's words, is not patronized or wiped out, people of each society can become authentic creators and users of their own space. In other words, the creative forces of societies in space constitute a process in which societies constantly engage with generative space production,⁴⁸ denoting multiple appropriated spaces depending on engagements.

In reality, social space 'incorporates' social actions, the actions of subjects both individual and collective who are born and who die, who suffer and who act. ... their space is at once vital and mortal; within it they develop, give expression to themselves, and encounter prohibitions; then they perish, and that same space contains their graves.⁴⁹

That is to say, space production incorporates actual users' unfixed acts of inhabiting their space throughout their lived time. This refers to the most dynamic and creative production of space. As space users are essential components of space, when a society 'appropriates' its own space in the sense of Lefebvre, this should not lead to the depletion of nature in any degree or form. In appropriated space, space users align themselves with the originality of geography. In other words,

45. Henri Lefebvre, 'Space and Mode of Production,' in Brenner and Elden, *State, Space, World*, 213.

46. Lefebvre, 'Space and Mode of Production,' in Brenner and Elden, *State, Space, World*. He also lists the remaining ancient monuments, buildings, and unspoiled landscapes in diverse historical towns as the creative force of nature.

47. Although Lefebvre does not propose a particular definition of *primary nature*, his use seems to denote a condition or state of nature before the understanding of milieu enters the view. Just to give a sense of what Lefebvre means by primary nature, 'A mode of production ... depends on the relations of production, but also on the constitution and political power. So-called "primitive" societies, which have been defined at times by the absence of writing, at others by the absence of a State (Pierre Clastres), move within primary nature, a space that is empty yet full of dangers.' See Lefebvre, 'Space and Mode of Production,' in Brenner and Elden, *State, Space, World*, 217.

48. I elucidate this understanding in Sections 4.4.1, 'The Actualization of Land Users through *Lived Space*,' and 4.4.2, 'Antarctica: Material Force of the Capitalist Value-Relation.'

49. Lefebvre, *Production of Space*, 33–34.

appropriated space can exist only when societies creatively act to relate themselves to originality or nature ‘by means of self-presentation and self-representation.’⁵⁰

Since resisting dominant space calls for space users who spatially regain their generative and active forces, this chapter, in several sections, revisits and explores the Lefebvrian notions of *appropriated space*, *space users*, and the *originality of space*, which encapsulate not just human users or societies but also more-than-humans,⁵¹ with a focus on the original materiality of geography, signalling geological and climatic differences as well as variety in vegetation and animals, and more.⁵²

4.2.2 *Australia and Antarctica as Dominant Space*

This section intends to contextualize the characteristics of *dominant space* in relation to Australia and Antarctica. Despite Lefebvre’s space theory being influential for many scholars, his theory is, in a way, incomplete for not incorporating colonial considerations.⁵³ Here, by revisiting my focus on Australian colonial history, I extend Lefebvre’s theory to colonial space. The colonial land history of Australia provides an example of the societal shift from the celebration of originality—Aboriginal life—to the permanent loss of this originality through spatial techniques of dominant space production. Prior to the arrival of British colonizers, Aboriginal populations had established their societal forms and dwelt in their lands in accordance with their ways. In the sense of the Lefebvrian concept of *appropriated space*, Aboriginal peoples had produced their own space through their own mode of space production, which was not based on the ideas of territorially homogeneous and scientifically purified space.

Aboriginal peoples’ lands, in this sense, are what Lefebvre means by appropriated space: Each society is inherently capable of creating its own mode of space production and, thereby, its own space—appropriated space. This understanding also affirms the connection between the diverse forms and characteristics of geographies and societies,

50. Lefebvre, *Production of Space*, 34.

51. For further elaboration, see Section 4.4.1, ‘The Actualization of Land Users through *Lived Space*.’

52. See Sections 4.3.3.2, ‘The Dispossession of Antarctica,’ 4.4, ‘Lefebvrian Thinking of Capitalist State Geography’s Promise,’ and 4.5, ‘Re-Visiting Geopower.’

53. For example, see Claudia Fonseca Alfaro, ‘The Land of the Magical Maya: Colonial Legacies, Urbanization, and the Unfolding of Global Capitalism’ (PhD thesis, Malmö University, Malmö, 2018), 48–49.

despite long-standing subordination, oppression, and struggles. Overlooking this vital connection can mean the detrimental neglect of coexistence in geographies, self-determination, and agency of inhabitants or space users, including all geographical life forms, as discussed at the end of this chapter.

Returning to Australia, the continent was conceived as vacant land—*terra nullius*. This spatial abstraction was introduced by British explorers through their reports, including their impressions of the continent and the Aboriginal peoples inhabiting it. Australia's colonial land history, in this respect, illustrates a land transformation from appropriated space to dominant space. As such, it becomes conceptually clear that the British Empire reconfigured the entire web of life in Australia at the expense of originality, specifically Aboriginal peoples, their space, and other life forms on the continent. In this sense, *terra nullius* was a product or spatial invention of the colonial imaginary to 'sterilize,' empty out, subjugate, and eventually 'fill' the land for and through colonial goals, values, and ideologies. In the wake of this land transformation, the Australian state's territory was built upon the disappearance of Aboriginal peoples and their space.

The Australian state territory, as one example of dominant space, is recognized at national and international levels as well as formalized and guaranteed for the territorialized society, namely the nation of Australia. Interpreting Lefebvre's concepts in relation to the land transformation in Australia, dominant space—permeated with colonial techniques of the British colonizers—disrupted Aboriginal presence, sovereignty, and their appropriated space, by eliminating their agency and thereby originality. Aboriginal originality, in the Lefebvrian meaning of the term, was in fact used to justify the so-called necessity of 'advanced' land management and a 'civilized' form of space and society. In short, spatial practices aiming to clear pre-existing realities created dominant space.

On the other hand, Antarctica provides an interesting illustration of dominant space without pre-existing and permanent inhabitants. On the Antarctic continent, spatial techniques permanently changed the materiality of Antarctic geography. The geographical coexistence of the materiality of Antarctica with its actual life forms or *space users*, in Lefebvrian terms, has been significantly, even detrimentally, affected by the activities of states and companies. The human presence in Antarctica has mostly revolved around activities such as exploring, managing, building, researching, mastering, and extracting for commercial and scientific purposes. Australian writer Robert Arthur Swan, in his

book *Australia in the Antarctic*, quotes the speech of Richard Gavin Casey, the minister for external affairs of Australia, to illustrate the significance of the Australian state's presence in Antarctica in relation to scientific endeavours:

The 1954 expedition will be a landmark in the history of Australian exploration and scientific enterprise. ... it will be developed in 1955 into a full-scale scientific station by the addition of projects in geomagnetism, cosmic rays, ionosphere research, biology, seismology and glaciology.⁵⁴

Lefebvre refers to fragmentations in the act of space-making by virtue of knowing and surveying: 'Architects are assigned architectural space as their (private) property, economists come into possession of economic space, geographers get their own "place in the sun," and so on.'⁵⁵ Accordingly, every discipline produces its own knowledge about space and assigns its own space, or *parcel*. The parcellation of things in space, aligned with expertise, also implies the isolation of things in space, making them disconnected from each other. Similarly, Yusoff, looking at the discipline of geology, explains how central the field of geology is to the structural inscription and transformation of spatial subjects into matter objects. She employs the terms *compartmentalization* and *thingification*, corresponding to the above-mentioned term *parcellation*, to define the productive activity that entails the categorization or fragmentation of matter, and thereby the fungibility of things, including humans, in space.⁵⁶ To wit, Swan writes that 'some four hundred miles of Antarctic coast had been surveyed and photographed from the air; oceanographical work had been carried out, and magnetic observations made which added to the data collected by Dr. Mawson in 1912.'⁵⁷ This statement shows that the techno-scientific practices for measuring and exploring Antarctica between 1898 and 1922 contributed to Antarctic space production, aligned with states' interests.

Therefore, knowledge-producing activities can result in the production of abstract geography as a container within a totality or homogeneity, which incorporates supposedly individual elements, categories, properties, and things, ready to be used and examined

54. Swan, *Australia in the Antarctic*, 267.

55. Lefebvre, *Production of Space*, 89.

56. Yusoff, *Billion Black Anthropocenes*, 69.

57. Swan, *Australia in the Antarctic*, 270.

respectively. In this respect, spatial knowledge or epistemic constructs about space operate as a technique of a dominant power to produce its dominant space. In other words, the dominant space is codified by its own epistemology, *science*, or *knowledge of space*, to generate a spatial abstraction.⁵⁸ This epistemological aspect of dominant space becomes more evident in the context of Antarctica, a research-focused geography, which hosts research bases as the spatial token of the permanent presence of states. Additionally, the fragmentation and formalization of Antarctic life forms are to some extent endorsed by the Antarctic Treaty for peaceful knowledge production and the creation of taxonomic systems of Antarctic life.

It should be noted that I do not tackle the curiosity about and motivation for understanding the ecologies in Antarctica here. Instead, I focus on drawing attention to the biases of knowledge production that inscribe the values of dominance into space. This argument will be revisited and detailed in subsequent sections. It is necessary to highlight the significance of knowledge and values, which are often used to legitimize spatial interventions of dominance in the form of reorganizing space. Lefebvre refers to the ideology in scientific endeavours as the 'abuse of reductionism':⁵⁹

Reductionists are unstinting in their praise for basic scientific method, but they transform this method first into a mere posture and then, in the name of the 'science of science' (epistemology), into a supposed absolute knowledge. Eventually, critical thought ... wakes up to the fact that systematic reduction and reductionism are part and parcel of a political practice.⁶⁰

Similarly, Dodds and Collis critically examine Australian scientific activities and policies for preserving the Antarctic environment, noting that 'love (for Antarctica) does not cancel colonialism.'⁶¹ Thus, even though Australia's current interests and claims are centred on understanding and protecting the Antarctic environment, it is worth addressing that some of Australia's initial claims to Antarctica encompassed

58. Lefebvre, *Production of Space*, 104–8.

59. Lefebvre, *Production of Space*, 106.

60. Lefebvre, *Production of Space*.

61. Dodds and Collis, 'Post-colonial Antarctica,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 52.

concerns about Antarctic minerals and whale stocks.⁶² In other words, Australia is indeed the leading state in Antarctica due to its favourable and positive policies for the conservation of Antarctic marine life and ecology, as explained in Section 3.5.3.1.2. However, this appraisal should not hinder critical examinations, especially when studies, like this one, aim to capture a more comprehensive, complex, and fundamentally challenging notion of space within the context of law and other forms of socio-spatial relations. Critical approaches can elucidate the operation of *knowledge of space* in the production of dominant space. Yusoff, for example, understands the sense of responsibility for the world and the stewardship of the West together. She describes the ‘Anthropocenic “history lesson”’ as a ‘sudden realisation of the violent and repressive dimensions of coloniality’ and that this realization ‘puts these violences firmly in the past, while continuing to perpetuate them through an ongoing settler-colonial present.’⁶³

Take the arguments of two scientists, Paul Crutzen and Christian Schwägerl, as an example to understand Yusoff’s point. They suggest that

teaching students that we are living in the Anthropocene, the Age of Men, could be of great help. ... this name change would stress the enormity of humanity’s responsibility as stewards of the Earth. It would highlight the immense power of our intellect and our creativity, and the opportunities they offer for shaping the future. ... With countries worldwide striving to attain the ‘American Way of Life,’ citizens of the West should redefine it—and pioneer a modest, renewable, mindful, and less material lifestyle. ... We also need to develop geoengineering capabilities in order to be prepared.⁶⁴

62. Dodds and Collis, ‘Post-colonial Antarctica,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 52.

63. Yusoff, *Billion Black Anthropocenes*, 26.

64. Paul J. Crutzen and Christian Schwägerl, ‘Living in the Anthropocene: Toward a New Global Ethos,’ *Yale Environment* 360, Yale School of the Environment, 24 January 2011, accessed 8 November 2023, https://e360.yale.edu/features/living_in_the_anthropocene_toward_a_new_global_ethos, taken from Yusoff, *Billion Black Anthropocenes*, 26–27.

Yusoff identifies their position as ‘a desire to overcome coloniality without a corresponding relinquishing of the power,’ which merely keeps planning for and making promises about the future.⁶⁵ References such as ‘Western modernity’ and ‘citizens of the West’ as the ‘guarantors of intellect and creativity’ are clear testimonies to the current system of thought. Thus, as Yusoff highlights, the responsibility for/of the world can mean ‘the white man’s burden—a paternalism that is tied to a redemptive narrative of saving the world from harm on account of others while maintaining the protective thick skin of innocence.’⁶⁶

Lefebvre writes that ‘if space has an air of neutrality and indifference with regard to its contents and thus seems to be “purely” formal, the essence of rational abstraction, it is precisely because this space has already been occupied and planned.’⁶⁷ The praxis of the *knowledge of space*, therefore, neutralizes and veils dominant ideologies. This often results in the loss of the original quality of space, as seen in Australia’s colonial history and contemporary Antarctica. Lefebvre defines such loss in the dominant space as a self-destruction process, as “man” turns against it [nature].⁶⁸ Following the exploration of Lefebvre’s dominant space by contextualizing it in Australia and Antarctica, the next section delves into a specific form of dominant space, referred to as *abstract space* by Lefebvre, based on the capitalist world view.

4.2.3 Abstract Space as the Capitalist Dominant Space

Lefebvre’s notion of *abstract space* as a product of capitalism assembles a range of—sometimes contradictory—aspects of the *dominant space*. Lefebvre suggests there is a proximity between space and capitalism through abstract space. The literature has discussed the connections between the theories of Marx and Lefebvre, particularly in the context of abstract space. It is claimed that Lefebvre’s ‘abstract space bears an uncanny resemblance’⁶⁹ to Marx’s value theory and his notion of *abstract labour*. That is, Marx’s understanding of the commodity informs the theoretical basis of Lefebvre’s abstraction in space, or abstract space.’

65. Yusoff, *Billion Black Anthropocenes*, 27.

66. Yusoff, *Billion Black Anthropocenes*, 27.

67. Lefebvre, ‘Reflections on the Politics,’ 170.

68. Lefebvre, ‘Reflections on the Politics,’ 173.

69. Andy Merrifield, *Henri Lefebvre: A Critical Introduction* (New York: Routledge, 2006), 111.

Marx conceptualizes the notion of commodity as *sinnlich-übersinnliches Ding* in German, or sensual-suprasensual thing in English.⁷⁰ The duality refers to two commodity values—*use value* and *exchange value*—produced by two types of labour, *concrete labour* and *abstract labour*, respectively. In capitalist production, qualitatively differentiated labour (concrete labour) is transformed and condensed into a single quantitative (abstract) measurement: capital or currency. In the wake of this transformation, the *use value* of the commodity, produced by *concrete labour*, is replaced with the *exchange value*, which is the universal and monetary standardization or abstraction of *concrete labour* and the commodity. As Merrifield summarizes, ‘money becomes the common denominator of all concrete things, of every labor activity that creates commodities.’⁷¹

Lefebvre adapts Marx’s notion of *abstract labour* to space by using a wider form of abstraction, namely *abstract space*. He argues that ‘the fetishism of an abstract economics is being transformed into the fetishism of an abstract economic space.’⁷² Lefebvre’s interpretation of Marx’s abstraction of labour and commodity emphasizes spatially informed abstraction. That is, it expands the Marxian abstraction to historical and geographical particularities, socio-economic relations, and technologies of power. Thus, Lefebvre invokes Marx’s abstraction not solely for labour and the commodity but also for spatial elements within their overarching and complex relations.

Lefebvre understands capitalism as abstract economics in relation to space, which renders *abstract space*. He applies abstract space to identify the (capitalist) state mode of space or the capitalist form of *dominant space*. The Lefebvrian pair of *dominant space* and *appropriated space* can be connected to abstract space as follows: dominant space prioritizes the exchange value of space to measure, regulate, and control spatial forms, assigning them the reductive and homogeneous value of the commodity, which signals the form of space based on capitalist production—abstract space. Appropriated space, on the other hand, pivots on the use value of space and *living labour*, as Lefebvre calls it, or *concrete labour*, as Marx terms it. Given this formulation, Lefebvre promotes the use value of appropriated space and living labour,

70. Karl Marx, *Das Kapital*, 46, cited by Lukasz Stanek, ‘Space as Concrete Abstraction: Hegel, Marx, and Modern Urbanism in Henri Lefebvre,’ in Goonewardena et al., *Space, Difference, Everyday Life*, 70.

71. Merrifield, *Henri Lefebvre*, 111.

72. Lefebvre, *Production of Space*, 351.

as opposed to the exchange value of dominant space and abstract labour. He writes that 'living labour can produce something that is no longer a thing, nor simply a set of tools, nor simply a commodity. ... use value may gain the upper hand over exchange value: appropriation ... may (virtually) achieve dominion over domination.'⁷³ The way Lefebvre depicts the use value produced by living labour reveals a set of priorities, such as quality over quantity, use value over exchange value, and appropriation over consumption and domination.

Lefebvre's notion of *abstract space* thus enables this chapter to theoretically frame how the development of capitalism structurally and perpetually shapes geographies as (capitalist) state space. Lefebvre roots abstract space in a 'real ontological status and ... objective expression in specific buildings, places, activities, and modes of market intercourse over and through space.'⁷⁴ In so doing, he connects abstract space to materiality, showing that his theories are inextricable from material substances. Similarly, he argues that space is produced through historically specific material, concepts, and the 'rhythm of daily life.'⁷⁵ This understanding of space also renders the 'concretization of abstract space.'⁷⁶ Referring to Marx's notion of *concrete abstraction*, architectural historian Lukasz Stanek writes that the 'abstraction became true in practice.'⁷⁷ Considering both the concrete and the abstract, or the material and the conceptual, this perspective is fundamental to grasping spatial contradictions, which contain concurrent processes of abstracting and concretizing in space production.⁷⁸

The Marxist analysis of the dual characteristic of a commodity, namely *concrete abstraction*, informs the dual characteristics of Lefebvre's abstract space. The duality in the concretization of abstract space leads to two contradictory aspects. On the one hand, to commoditize or quantify space, abstract space divides space into

73. Lefebvre, *Production of Space*, 349.

74. Merrifield, *Henri Lefebvre*, 111–12.

75. The 'rhythm of daily life' can be read in correspondence with *lived time*. It signals a particular time/times of a particular space, which is appropriated space in the Lefebvrian sense. See also Stanek, 'Space as Concrete Abstraction,' 62.

76. Japhy Wilson, 'Plan Puebla Panama: The Violence of Abstract Space,' in *Urban Revolution Now: Henri Lefebvre in Social Research and Architecture*, ed. Lukasz Stanek, Christian Schmid, and Ákos Moravánszky (Farnham, UK: Ashgate, 2014), 122.

77. Stanek, 'Space as Concrete Abstraction,' 62.

78. Lefebvre also explains abstract space through its contradictions, one by one, in particular contradictions between quantity and quality, production and consumption, and the homogeneous and fractured character of space. See Lefebvre, *Production of Space*, 352–56.

fragmented pieces—compartmentalization or parcellation; on the other hand, abstract space makes space a homogeneous part of the universal system.⁷⁹ It is also no coincidence that the notion of the concretization of abstract space aligns with the practice of geography as a field of study, applied by administrative and scientific experts as a worldwide epistemic formation. The idea of nationally bordered territories through the cartographic construction of a universally fixed globe can be seen in parallel with the same contradictory characteristic of abstract space. Lefebvre articulates this paradoxical characteristic of the concretization of abstract space as ‘the space that homogenizes thus has nothing homogeneous about it.’⁸⁰

To compartmentalize and homogenize space, abstract space should encompass capitalist and state-governed relationships and products, such as the monetary system. The production and maintenance of abstract space hinge on particular values, ideologies, and relations. The production of abstract space is thus contingent upon the production of an ‘administratively controlled and even a policed space’⁸¹ through domination, aiming at the global standardization of capitalism by removing conflicts within space. As such, abstract space can remain insofar as power and its productive relations are concealed to hinder conflicts. This is because the capitalist space, or abstract space, appears ‘as innocent, as free of traps.’⁸² This is what Lefebvre calls the *illusion of transparency*.⁸³ For Lefebvre, this illusion means that abstract space becomes fetishized as a commodity in the sense of Marx. Commodified or fetishized space therefore functions to ‘reduce possibilities, and cloaks conflicts and differences in illusory coherence and transparency.’⁸⁴

In this sense, as the ‘concentration of “everything” that exists in space subordinates all spatial elements and moments to the power that controls the centre,’⁸⁵ homogeneity appears to be a violent instrument that eliminates spatial particularities and differences. This illuminates that abstract space is not absolute or innate, but rather suppresses contradictions and counterpotentials, which continue to have the potential to arise in space, by means of homogeneity. Through homogeneity, abstract space repressively singularizes material and representational

79. Stanek, ‘Space as Concrete Abstraction,’ 70–71.

80. Lefebvre, *Production of Space*, 308.

81. Lefebvre, ‘Space: Social Product,’ 188.

82. Lefebvre, *Production of Space*, 28.

83. Lefebvre, *Production of Space*, 27.

84. Lefebvre, *Production of Space*, 393.

85. Lefebvre, *Production of Space*, 356.

realities. As such, the homogeneity of abstract space appears as an *inherently violent process* that enables the dominant power to control ceaseless counterpotentials and differences in space. That being said, this aspect of abstract space also signals its fragile operation, meaning that capitalist states' techniques always have to be counter-adapted against ever-evolving forces of space. This exposes the ongoing potential and abilities to produce a new counterhegemonic space.⁸⁶ Lefebvre conceptualizes such a space as *differential space*, as detailed in Section 4.4. Leaning on the Lefebvrian interpretation of capitalism, based on Marx's value and labour theories and embodied as capitalist state space, the following sections delve into the conceptual aspects of the interplay between geography, state, and capitalism.

4.3 Capitalist State Space: Homogenized and Quantified Geography

This section focuses on the question of how homogeneity brings hegemonic abstraction to space and subsequently produces *abstract space* or capitalist state space. Homogeneity transforms space by reducing all spatial particularities to the same quantitative measurement. This can be understood as the quantifying process of abstract space. The acts of quantifying and homogenizing go hand in hand to produce the capitalist state space. How does quantification work within geography? Despite the diversity in landforms and ecosystems, a singular measurement of exchange value is utilized to imagine and categorize life forms as the source of capital and wealth for respective uses and needs.

The combination of homogenization and quantification in this context creates the socio-economic value of the earth within the capitalist state space. To delve into this argument, I look into the creation of universal knowledge, built upon human mastery and technology, as a spatial means of power. I seek to understand how knowing and describing the earth contribute to the process of fabricating the exchange value of life forms. In a similar manner, Yusoff connects the quantification of nature to the discipline of a field of study—in this case, geology—by drawing on geology's system of value and classification. She argues:

Geology quickly established itself as an imperial science that organized the extraction of the Americas, ... Australia ... as material resources and markets

86. Stefan Kipfer, 'Urbanization, Everyday Life and the Survival of Capitalism: Lefebvre, Gramsci and the Problematic of Hegemony,' *Capitalism Nature Socialism* 13/2 (2002), 137.

for Empire, and the geologic practices ... continued to underwrite current neocolonial extraction processes ... The ownership of strata and the surface-subsurface bifurcation in Australia and Canada by the Crown continue to unsettle native title and reservation lands.⁸⁷

There has been a common tendency to overlook the deeply entangled connections between 'universal' knowledge and the exchange value of geographical qualities. For Lefebvre, the collaboration between *knowledge of space*, as elaborated previously, and the exchange value of space is part of the same *productive activity* in space.⁸⁸ He puts forward that 'when knowledge of space (as a product, and not as an aggregate of objects produced) is substituted for knowledge of things in space, such enumerations and descriptions take on another meaning ... [as] a "political economy of space."' ⁸⁹ In this sense, while ways of knowing, and thereby the things to be known, become homogenized, the value or measurement of acts and things becomes a matter of capital. The act of knowing for and through 'universal' knowledge in collaboration with capital appears to be a perpetual technique and productive mode of abstract space. Gregory also remarks on the productive means of combining science and capital for space production: 'The world had been measured, mapped, and made over in the image not only of Science but also of Capital.'⁹⁰

Briefly revisiting Antarctica, the acts of exploring and knowing the Antarctic continent have generated the idea of the economic value of Antarctica as a whole. That is, the scientific surveys that were conducted have significantly contributed to Antarctica becoming a homogeneous resource with the potential for human knowledge and 'advancement' as well as to fulfil human needs. One obvious indication of the connection between homogenizing and quantifying in the context of Antarctica can be found in an article written in 1913 for the newspaper of the Australasian Antarctic Expedition, *The Adelie Blizzard*, by Australian geologist and explorer Douglas Mawson. Throughout his expeditions to Antarctica, he carried his particular ways of understanding, seeing, and assessing the Antarctic geography, which had, no doubt, been socioculturally influenced by his own origins. In the series

87. Yusoff, *Billion Black Anthropocenes*, 82–83.

88. See Lefebvre, *Production of Space*, 104.

89. Lefebvre, *Production of Space*, 104.

90. Derek Gregory, *The Colonial Present* (Oxford: Blackwell, 2004) 6.

The Commercial Resources of Antarctica, Mawson and his crew describe Antarctica's potential resources and value by listing profitable activities that could suit the characteristics of the continent, such as 'whaling, sealing, fox farming, wind power, "sanatoria, ice sports and sight seeing."'”⁹¹ Although the ATS came into force on the promise of protecting the environment of Antarctica, Mawson's suggestions and visions were influential and fundamental in setting the initial value of the continent. Since then, those values have to some extent remained as Antarctic reality and can still be observed through activities, built environments, and other societal materialities on the continent.

In the wake of this, Antarctica's 'fate' seems to have been decided a long time ago by the Western (colonial and imperial) tradition of exploring, knowing, and mapping out, in collaboration with capitalism. This epistemological tradition has operated to homogenize the value of Antarctic life forms through a single measurement, namely the exchange value of Antarctic resources. It should be noted here that the designation of the profitable value of Antarctica predates the expeditions of Mawson and his team. The history of resource extraction in Antarctica can be traced back to the very first contact of sealers in the eighteenth century.⁹² As detailed in Chapter 3, the Antarctic continent has long been subject to resource extraction. Seals and whales were hunted to the brink of extinction, sports activities were hosted, wind turbines were installed to provide energy for research stations, and the continent has turned into a tempting attraction for tourists due to its unique landscapes, climate, and other natural features. Also, since Antarctica is a part of the world, it cannot be conceived as being detached from the ruling ideologies that have effectively shaped almost every domain of life across the world.

Take whales as an example. They were used for garment manufacture, margarine, and machinery lubrication, and to light the street lamps of cities in Europe and the US; likewise, penguins and krill were used for oil, as Antarctic resources to be extracted.⁹³ The detrimental use of marine and land-based animals for commerce eventually led to the limiting, if not halting, of such commercial activities on the continent, especially after the enactment of the Antarctic Treaty. The IWC

91. Nielsen, 'Selling the South,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 183.

92. Nielsen, 'Selling the South,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 184.

93. Nielsen, 'Selling the South,' in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 184.

and the CCAS banned whaling and sealing activities for commercial purposes.⁹⁴ In the same vein, the CCAMLR came into force to regulate and limit fisheries on the continent.⁹⁵ When it comes to the minerals found in the subsurface of the Antarctic soil, such as cobalt, chromium, nickel, gold, iron ore, coal, and hydrocarbons, their use was restricted to scientific purposes by the 1988 Convention on the Regulation of Antarctic Mineral Resources Activities.

Indeed, these policies are positive developments, promising to protect the Antarctic environment and ensure a supposedly fair and equal distribution of Antarctic resources among all nations. However, dwelling on the Lefebvrian concept of *abstract space*, the question arises as to whether such protection mechanisms and limits to the market can overturn the idea of the fungibility or exchange value of Antarctic life forms, such as penguins, krill, whales, or minerals, which appear as commodities of the so-called equal distribution. Perhaps this question will remain unanswered as long as the relations and means of abstract space predominantly organize geographical relations.

The materiality of Antarctica illustrates the interconnectedness between science or *knowledge of space*, in Lefebvre's terms, and homogeneity, which is related to quantification or capitalist measurement. An example by Hanne Nielsen is worth addressing here to delve further into this connection. She explains *biological prospecting* or *bioprospecting* as a 'hybrid activity—part science, part industry' with the intention of extracting living organisms for commercial goals.⁹⁶ An interesting consequence of such collaborative activities is a specific skincare cream Nielsen refers to, Antartilyne Plump by Skin Doctors,

94. The IWC is a global body, including eighty-eight member countries, specializing in regional fisheries management. It is responsible for managing whaling and conservation. It was established in 1946 by the International Convention for the Regulation of Whaling. See 'Commission Overview,' International Whaling Commission, accessed 15 March 2024, <https://iwc.int/commission>. The CCAS prohibits the killing of listed species of seals and includes specific measures with respect to the conservation, scientific study, and rational and humane use of seal resources (Article 3), and special permits (Article 4); see Convention for the Conservation of Antarctic Seals. Even though there are such international agreements and clear stances on the conservation of Antarctic seals and whales, I pointed to the example of Japan to draw attention to how parties of the agreements can instrumentalize science for their economic purposes and therefore breach international agreements. As detailed in Section 3.5.3.1.2, 'Antarctica as National Space,' after whale meat was found in the Japanese domestic market, Japan was convicted by the International Court of Justice of breaching IWC rules on scientific whaling. Also see Nielsen, 'Selling the South,' 185.

95. See the Convention for the Conservation of Antarctic Marine Living Resources.

96. Nielsen, 'Selling the South,' 186.

which contains ‘Antarcticine, a glycoprotein that was discovered at the bottom of a glacier in the Admiralty Bay by scientists from the University of Barcelona.’⁹⁷ It is no coincidence that a combined form of production is found in the pharmaceutical and cosmetic industries with the support of research centres. She highlights that the collaborative involvement of companies and research institutes is intensifying: ‘With an estimated 200 companies and research institutes involved in biological prospecting, including organisations from Du Pont and Unilever to the University of Oxford, this is a growing field.’⁹⁸

The number and kinds of examples of collaborations between different sectors, organizations, and research fields to extract resources from below and above the surface of the earth for economic purposes are almost inexhaustible. As Lefebvre’s critical understanding of space suggests, it is crucial to be cautious of the system of knowing, which can be intertwined with capital’s exchange value system. This can also underline the significance of *natural resources* serving as assets for capital.

Regarding capital’s relationship with geography through knowledge production, the next sections are concerned with (1) valorizing geography, (2) delivering geography, and (3) capitalist value relations in geography. They explore the questions of which imaginaries quantify geography; what ensures the delivery of geographical life forms to capital; how descriptions of the world, or descriptive knowledge, occur in capitalist production processes; and finally, how the state contributes to the creation of a value relation concerning geography and thereby the production of *abstract space*. In short, the upcoming sections mainly revolve around theoretical discussions of the relational prism created by state, capital, and geography, hereinafter referred to as *geopower*, with relevant illustrations from Antarctic geography to support and mature the arguments. In other words, the significance of state, capital, and geography, respectively, will be surveyed to elucidate the complex processes of space production.

4.3.1 *The State as an Arbiter of Value Relations within Geopower*

I begin by quoting Christian Parenti: the ‘modern state makes and delivers “nature” through its place-based property regimes, production of infrastructure, and its geographically oriented forms of biopower.

97. Nielsen, ‘Selling the South,’ 187.

98. Nielsen, ‘Selling the South,’ 186.

The state's manifold scientific, juridical, and economic practices facilitate conjuring, knowing, and managing the utilities of non-human nature.⁹⁹ Parenti seems to argue that the state appears to be both a geographical power and a project. In other words, the state is both an ontology and an epistemic construction. Therefore, the operation of the state within geography can affirm or re-establish the state per se. How the state produces and manifests itself within geography and through the reproduction of geography for its own maintenance is central to this section. To shed light on the state's ontological role in transforming geography within capitalist production, I employ the concept of *geopower* in combination with Moore's notion of *world-ecology*. They are applied here to underscore the ontological relation between capital, state, and geography in a complementary manner.

Geopower is often understood as a subset of *biopower*.¹⁰⁰ However, *geopower* does not refer to or resemble the idea of *biopower*,¹⁰¹ as Elizabeth Grosz points out, referring to Foucault's 1980 work, *Questions on Geography*.¹⁰² Bearing the conceptual connection between *geopower* and *biopower* in mind, *geopower*¹⁰³ explains the capitalist statecraft that produces the biosphere as legible, manageable, usable, and knowledgeable. Conceptual endeavours such as *world-ecology* and *geopower* can thus illuminate the state's role in capitalism through geo-graphing. Indeed, if neither nature nor biophysical qualities existed, there cannot be capital or the state as it is known today.¹⁰⁴ In thinking through the link between value relations and geography, produced

99. Parenti, 'Environment-Making in the Capitalocene,' in Moore, *Anthropocene or Capitalocene?*, 170.

100. Christian Parenti, 'Environment Making State,' 834.

101. Biopower is more about harnessing, controlling, and exercising the power of bodies. For details, see Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977–1978*, trans. Graham Burchell, ed. Michel Senellart (London: Palgrave Macmillan, 2007).

102. Elizabeth Grosz, Kathryn Yusoff, and Nigel Clark, 'An Interview with Elizabeth Grosz: Geopower, Inhumanism and the Biopolitical,' *Theory, Culture, and Society* 34/2–3 (2017), 134.

103. The concept of *geopower* is revisited and particularly elaborated in Section 4.5, 'Re-Visiting Geopower.'

104. 'Capital as a process ... always has an outside upon which it is dependent. It is as if we were viewing the logic of the enclosures at the molecular level. The seizure of external nature's utilities is actually at the heart of the valorization process.' See Parenti, 'Environment-Making in the Capitalocene,' in Moore, *Anthropocene or Capitalocene?*, 168.

by statecraft, the notions of world-ecology and geopower can capture a meaningful theorization of the valorization of geography via spatial techniques of state power. In other words, such theoretical accounts can inform us about the politics behind the prevailing power relations in space.

Considering the geographical dimensions of capitalism when discussing state power, the notion of *geopower* helps us understand that state policies make it possible for capitalism and its apparatuses to emerge in space. This is to say, geography inevitably compels both capital and the state to act upon earthly life forms and their relations. Moore's notion of *world-ecology*¹⁰⁵ sheds light on this relationality of the state, capitalism, and geography. He understands the modern world system as a capitalist world-ecology that transcends Cartesian ontology,¹⁰⁶ meaning that there is no domain in the world outside of the accumulation of capital. Therefore, capitalist production or quantification processes likely emerge and expand across spaces, from forests to shopping malls. This argument unfolds capitalism as part of environmental history. Connecting ecological catastrophes to catastrophes of capitalist civilization, he writes, 'farming, mining, and toxification are indeed central to environmental history, but so is the housing question, financialization, state sovereignty, and family policy.'¹⁰⁷ This entangled understanding of capitalism as part of world-ecology offers a more comprehensive and critical view of the capitalist value of the biosphere as determined by state power.

Just as nothing remains outside of capitalist production in the current world system, as claimed by Moore, the implications of the state-capital-geography prism can invert the prevailing idea that geography is innocent, bearing no marks from history and politics but representing pure nature. The prism can potentially disclose the blind spots of the so-called objective disciplines and, moreover, propose a grasp of relations that is informed by concepts, histories, and materialities. Ó Tuathail points out that 'imperial systems throughout history, from classical Greece and Rome to China and the Arab world, exercised their power through their ability to impose order and meaning upon space.'¹⁰⁸ *Geopower*, in this sense, deals with power relations

105. Jason W. Moore, 'Ecology, Capital, and the Nature of Our Times: Accumulation and Crisis in the Capitalist World-Ecology,' *Journal of World-Systems Research* 17/1 (2011), 108–47.

106. Moore, 'Ecology, Capital,' 115.

107. Moore, 'Ecology, Capital,' 117.

108. Tuathail, *Critical Geopolitics*, 1.

and emphasizes the geographical aspects of this relationality by identifying geography as a constitutive component of power dynamics. Therefore, the idea of innocent and irrelevant geography, or the non-geography of sociopolitical relations, cannot be true within the framework of geopower.

Revisiting Lefebvre, the prism of state–capital–geography that I suggest in this section through the framework of geopower is developed by its theoretical resemblance to Lefebvre’s *abstract space*, as detailed in the previous section. Similar to abstract space, *geopower* or *world-ecology* demonstrates how the state functions in favour of capital accumulation and how this leads geography to disappear. In capitalist production processes, the transformation of value from immensely diverse qualities to the exchange value of natural resources implies the loss of the *intrinsic value of nature* or *originality*, in the Lefebvrian sense. As a result, capital accumulation and states’ wealth or the maintenance of abstract space, which is capitalist space, become dependent on the exchange value of natural resources. In other words, the use value or originality of geographical qualities in capitalist states is quantified and transformed into the exchange value of a commodity or natural resource for the capitalist state to exist.

As capital on its own cannot accomplish the creation of a single quantifying system for geographical qualities and, thereby, the transformation in value, capital needs the state’s power and forceful arbitration.¹⁰⁹ Drawing on Lefebvre’s abstract space, animating the shift from use value to exchange value in space, we see that the state appears as an arbiter of this shift in value relations. In this sense, the state plays a crucial role in transforming the use value of geographical qualities into the exchange value of commodities or resources. This shift rests on the processes of exploring geography, compartmentalizing geographical qualities, and subduing those qualities through homogenization. Concerning geography and geographical qualities, this transformation becomes more apparent in capitalist governance and the management of natural resources.

To deliver the biosphere to capital production, the state generates and implements technologies such as the creation of property regimes, spatial infrastructures, and scientific knowledge.¹¹⁰ Ó Tuathail depicts *geo-graphing* as ‘an active writing of the earth by an expanding,

109. Capital’s relationship with nature is defined as capital’s metabolic relationship with the state. See Parenti, ‘Environment Making State,’ 830.

110. Parenti, ‘Environment Making State,’ 829.

centralizing imperial state.¹¹¹ Accordingly, the emergence of geographical hegemony can occur after actions of *world-praxis*, borrowed from Moore,¹¹² or geo-graphing, as Ó Tuathail calls it. In such actions, state power becomes one of the key figures in singularizing or, more straightforwardly, diminishing inexhaustible spatial qualities, relations, and realities by means of regulatory policies, strategies, and currency. Indeed, the overwhelmingly heterogeneous qualities of the planet endlessly challenge state power and capital and their ability to control and usurp everything in the world. In the previous section, I referred to this as the ‘fragile operation of abstract space.’ Therefore, homogenization by designing a global world system based on ‘universal’ knowledge and measurements is called forth to respond to those planetary challenges. In this respect, violence has been a common practice of governing regimes and economies to regulate, organize, and control the very existence of uneven life on earth. As historically proven, this oppressive organization of geographies often occurs with the violent help of military forces; this is explained by the critiques about states becoming ‘new monarchs’¹¹³ of our contemporary world system. On this basis, the state, as an interlocutor, can mediate or, more accurately, dominate the relationship between capital and geography as a substantial actor in the prism of *geopower*.

The capitalist state is always seen as an inherently environmental entity and a fundamentally territorial institution.¹¹⁴ Which new aspects does world-ecology or *geopower* bring into view, or, better formulated, how do these notions reconceptualize capitalist statecraft in remaking geographies? The way the capitalist state is seen within *geopower* emphasizes that the state and its capitalist drives are biophysical, meaning that capital’s engine can only work as long as nature keeps providing substantial ‘resources’ to nation-states. This understanding can also explain why states’ governing regimes of so-called natural resources at the national and international levels are seen as necessary. Based on the state’s role as a geo-graphing institution, *geopower* signifies the state’s underlying motives and techniques in collaboration with capitalist production to territorialize geographies.

111. Ó Tuathail, *Critical Geopolitics*, 1.

112. Jason W. Moore, ‘The Value of Everything? Work, Capital, and Historical Nature in the Capitalist World-Ecology,’ *Review (Fernand Braudel Center)* 37/3–4 (2014), 281.

113. Ó Tuathail, *Critical Geopolitics*, 1.

114. Parenti, ‘Environment-Making in the Capitalocene,’ in Moore, *Anthropocene or Capitalocene?*, 166.

As such, spatial techniques to survey, explore, measure, conquer, research, map out, create a lexicon, regulate, assess, manage, and conserve geography become directly related to the operation of the state–capital–geography prism. Along with Parenti, I argue that spatial techniques for transforming value in geography and, therefore, geo-graphing must contain a wide range of techniques, from military policing to cadastral mapmaking and producing applied sciences, such as botany and geology.¹¹⁵ In Section 3.5, the analysis of spatial techniques in Antarctic space production contextualized or provided a concrete example of a range of spatial techniques, and thereby the operation of geopower. In this regard, when scrutinizing states' techniques applied to geography, the creation of property regimes, infrastructures, and managerial apparatuses to shape geography can be intellectualized by drawing on geopower. In doing so, it can become easier to grasp and more apparent which techniques and/or actors are able to deliver the biosphere to capital's use by transforming value relations. This section presented a specific critical notion, namely *geopower*, to understand the state's capitalist ventures, mobilized across geographies to produce different spatial configurations for capitalist production. The following section will delve into the relational characteristics (value relations) of the capitalist configuration of geography.

4.3.2 Capitalist Value Relations in State Space

This section focuses on the relational aspect of capitalism within state space. Based on *abstract space* as a conceptualization of capitalist space, value and the transformation in value are captured here to reveal the capitalist motivations and consequences of space production. Why is value-focused thinking in socio-spatial relationships important? The focus on *value* in spatial interactions can revitalize debates about capitalist structures in contact with geography, including more-than-humans. In other words, value within the state–capital–geography prism can elucidate that geography, with its compartmentalized elements, actively participates in relationships with the state and capital and thus plays a substantial role in socio-spatial configurations. This aspect of geography's involvement in geopower will be particularly revisited and detailed in Section 4.4.2.

This section examines capitalist value relations by focusing on capital and its production. Geography, including all geographical forms, is

115. Parenti, 'Environment-Making in the Capitalocene,' in Moore, *Anthropocene or Capitalocene?*, 171.

understood here as subject to capitalist production, revolving around socio-spatial constructs. Similar to the displacement of peoples throughout history, in capitalist relations, more-than-humans or geographical life forms are also systematically and violently harnessed for capital accumulation. Capitalist accumulation as a catalyst shaping spatialities is called *primitive accumulation*.¹¹⁶ This section, however, does not intend to capture or explain capitalism's productive relationality through Marx's concept of primitive accumulation.¹¹⁷ I am instead inspired by Shela Sheikh's term of *original accumulation*, meaning the dispossession of Aboriginal land,¹¹⁸ to engage with sociopolitical and geographical relations when pondering *accumulation*. This relational understanding enables me to identify and expose the prevalent relationality in capitalist state space.

Having said that, Marx's conceptualization of *accumulation* is acknowledged here as a significant source for sketching a historical and, to some extent, critical analysis of capitalist production's trajectory. The most relevant and useful aspect of *primitive accumulation* for this book is the *concentration of capital*.¹¹⁹ Moore makes a connection between primitive accumulation and the 'geographical expansion of capitalism,' arguing that primitive accumulation is not only about the relation between bourgeois and proletarian, but also 'equally about the restricting of the relations of reproduction—human and extra-human alike—so as to allow the renewed and expanded flow of Cheap labor, food, energy, and raw materials into the commodity system.'¹²⁰ If one aims to demonstrate the transformative and productive violence of capital through commodification, Marx's concept of primitive accumulation can always inform and strengthen arguments about the socio-spatial implications of capitalist production. Acknowledging the potential contribution of Marx's primitive accumulation,

116. See Neil Smith, *Uneven Development: Nature, Capital, and the Production of Space* (Oxford: Basil Blackwell, 1990).

117. For more information, see Karl Marx, *Capital, Volume 1*, trans. Ben Fowkes (London: Penguin, 1990), 873–76.

118. Shela Sheikh, 'Translating Geontologies,' in *And Now: Architecture against a Developer Presidency: Essays on the Occasion of Trump's Inauguration*, ed. James Graham (New York: Columbia Books on Architecture and the City, 2017), 169.

119. Smith, *Uneven Development*, 119–21. Also 122: 'Spatial centralization is the physical centralization of use-values. The social centralization of capital both produces and requires a certain spatial centralization of capital, ... this provides the primary impetus toward the geographical differentiation of the conditions and levels of production.'

120. Moore, *Capitalism in the Web of Life*, 104.

this section primarily intends to focus on the constitutive role of capital through spatial examinations.

Drawing on Moore instead of Marx's primitive accumulation, even though Moore's views are also substantially influenced by Marxian value thinking, I intend to shed light on socio-spatial transformations that are not the result of capital accumulation but of relations between geography and capital's practices and lexicon for accumulation. That is to say, value relations effectively generate different kinds of socio-spatial organization and realities. Value relations, produced by capital's means for the capitalist organization of geography, signal the basis of capitalist space's relationality. This means that value relations based on anything other than capitalism would result in a different form of relationality in space and subsequently produce a different organization of space.

Geographical forms, as 'natural resources,' have been assessed within the framework of economic value and assets of capitalism. In the wake of this, geographical life forms have become the central value of capitalist production, as 'necessary' resources for nations' wealth. As mentioned throughout this book, geography, with its compartmentalized nature, has long been exploited in various ways for prosperity and improvement. The value at the heart of system-making should therefore be key in critically inquiring about any system. Moore illustrates that capitalism's value is determined by labour productivity and feudalism's value by land productivity to claim that every ruling system has its own understanding of value.¹²¹ Concerning the value attributed to geography in capitalist relationality, the explorations and geographical expansionism of the nineteenth and twentieth centuries indeed set the basis for the idea of cheap natural resources, such as coal, oil, or metals.¹²² By the same token, frontiers, as an expansion of territorial limits, have become essential, particularly in the period of exploration of 'new' geographies, to prove the 'advancement' and 'maturity' of empires and states.

Territorial sovereignty over 'new' geographies and resources has thus become an expression of power on land. Historically, the rise of capitalist power has consistently led to its geographical extension into previously uncommodified or 'vacant' geographies, where dominant powers have sought to conquer, enclose, control, appropriate, transform, and use. Similarly, frontiers, following the substantial impetus of capitalism, have transformed geographies which are often conceived as abundant natural resources for human use, knowledge, and wealth. Moore highlights the importance of frontiers in relation to imperialism

121. Moore, 'Value of Everything?', 248.

122. Moore, 'Value of Everything?', 251.

for the sake of accumulation: 'Significant enlargements in the zone of appropriation resolve capitalism's crises by simultaneously reducing the value composition of production, expanding physical output, and opening new spheres of capital investment.'¹²³ This affirms that capital is capable of producing space by expanding the scope of commodity production to areas beyond where capitalism was born. Put differently, capitalism always demands new domains and areas to increase production. As such, it opts to decrease exchange value by means of new commodity frontiers in the form of so-called untouched and 'abundant' geography, or 'cheap nature,' as Moore calls it.¹²⁴ In the spirit of quantitative growth, frontiers or territorial expansion reveal the indispensable place of geography in capitalist value relations. This clearly indicates the geographical dimension of capitalism. However, geographical life forms, permeated by the capitalist value system, are utilized and transformed not only by capitalist production but also by scientific, political, and cultural rationales, which justify, map, institutionalize, and valorize geography, as observed in Antarctica. Such bundles appear in capitalist production as what Moore calls a *repertoire of strategies*.¹²⁵

While capitalism expands its contact with nature by increasing its scope of productivity, it simultaneously develops strategies for maintaining accumulation and adapts its accumulation in response to ever-evolving geographical conditions. Concisely, capitalism becomes the ideology of a constant reorganization in and of geography, as the emergence of value relations remains in motion, depending on unfixable geographical conditions. Moore uses climate change as an example, which is an impetus directly influencing agricultural productivity and therefore directly affecting the value relation in agricultural production.¹²⁶ That is, climate change highlights the vital role of climate in capitalist productivity by complicating and bringing instability into value relations.

If a certain value relation tends to be transformed after every contact with nature/geography, then geography cannot be merely an external

123. Moore, 'Value of Everything?', 271.

124. 'Capitalism's "law of value" was, it turns out, a law of Cheap Nature. It was "cheap" in a specific sense, deploying the capacities of capital, empire, and science to appropriate the unpaid work/energy of global natures within reach of capitalist power.' Jason W. Moore, 'The Rise of Cheap Nature,' in Moore, *Anthropocene or Capitalocene?*, 89.

125. Moore, 'Value of Everything?', 271.

126. Moore, 'Value of Everything?', 264.

and static object. Each moment of contact with geography should lead to a new structure, condition, and organization of value relations. Each contact of capital with geography has the potential to promise a new relational composition of value that potentially generates or transforms a mode of space production. It becomes clearer that capital's determinism, condensing nature as an object of labour and a resource of accumulation, suppresses and conceals the fact that every contact with nature is indeed spatio-temporal and has to configure the value relation differently. As Moore proposes, value relations should be understood as similar to space production; in his words, 'a way of organizing nature, and therefore a new way of organizing the relations between work, reproduction, and the conditions of life.'¹²⁷

The characteristics of value relations inform us about how capital interacts with geography as well as how geography responds to capital within the capitalist value relation or capitalism's relational structure.¹²⁸ If we recognize the reciprocity in value relations, it no longer suffices to solely detect so-called malfunctions in geography, such as rising sea levels and melting ice, and propose solutions to 'fix' these within the geo-managerialism of the same capitalist relationality. Such seemingly ecological and sustainable solutions or interventions, in fact, remain embedded in capitalism and often preserve the core premise of expanding capitalist production geographically. Therefore, these promises and interventions act in the guise of *new trade regimes* or *geopolitical arrangements* whilst endorsing 'commodity-centered labor productivity,'¹²⁹ as they do not fundamentally challenge the capitalist value relation. Moore, in this context, points out: 'A view of capitalism that proceeds from nature in general tends to flatten not only our understanding of nature ..., but also our conception of capitalism.'¹³⁰

A promise to 'fix nature' through sustainability, without grasping geography's participation in the capitalist value relation, can only serve to sustain the paradigm of capitalism based on the vision of the 'flattened' value relation. By showing that relations themselves become space, speaking for itself, the so-called malfunctions of nature actually manifest geography's active participation in the capitalist value relation. Such a dynamic understanding of value relations signals the necessity for better cooperation with nature. Even if nature or geography

127. Moore, 'Rise of Cheap Nature,' 85.

128. Moore, 'Value of Everything?', 247.

129. Moore, 'Value of Everything?', 272–73.

130. Moore, 'Value of Everything?', 275.

is never seen as equal to capital, but rather as passive, ready, and malfunctioning, value relations can attest that geography indeed responds to capital and the state. In this respect, the vision of *passive geography* appears to be a trick of capitalism that misleads the living participation of more-than-humans, which relates to capital's patterns and objectives.

Against capital's production of geography by concealing geography's active involvement in the capitalist value relation, the value relation of capitalism signals the active participation of all parts of relationality, or the prism, including more-than-humans, as equally responsive agents. This perspective provokes the idea of the agency of geography, which equally engages with capital, the state, and the capitalist system. This understanding will be particularly developed in Section 4.4. Following this elaboration of value relations central to capitalist production of geography, the violence of capitalist production will be discussed in the next section, focusing on the notion of *spatial alienation* informed by Hannah Arendt's understanding of alienation.

4.3.3 *The Delivery of Geography: Spatial Alienation*

Drawing on the state–capital–geography prism, or *geopower*, the primary effort of this section is to conceptually explore and describe processes for delivering land to power by emptying or eliminating its geographically specific originality. This practice is termed *spatial alienation*. The section foregrounds spatial practices of the capitalist state space by focusing on the loss or disappearance of originality in land. For instance, Alvaro Sevilla-Buitrago describes *enclosure* as a mode of spatial alienation that separates commoners' originality, meaning their communal particularity, from their territorial basis.¹³¹ Drawing on the loss of originality in Lefebvre's abstract space, in this section I conceptually concentrate on the delivery of geography to capital accumulation, resulting in the dispossession of material geography, which includes the web of life, the particularities of life forms, and local knowledge. In this context, delivering geography to capital and 'filling' it through capitalist production homogenizes geography according to ideological measurements. While Chapter 2 delves into colonial land transformation in Australia, highlighting the loss of originality or the dispossession of Aboriginals through the application of *terra nullius*, this historical example also demonstrates that 'emptying' land

131. Alvaro Sevilla-Buitrago, 'Capitalist Formations of Enclosure: Space and the Extinction of the Commons,' *Antipode* 47/4 (2015), 1003.

has always been followed by ‘filling’ the land with imported ideologies to accomplish the land transformation.

Operating from Lefebvre’s point of view, the section reinterprets *spatial alienation* as the loss of originality in *appropriated space* by means of *dominant space* production. Although Lefebvre’s concepts inform the understanding of space production by transforming space from *appropriated* to *dominant*, I elaborate spatial alienation here beyond Lefebvre. The concept of *alienation* is not under-researched; on the contrary, it has been widely studied in a range of different fields, from psychology to sociology and economy. Here, I employ alienation in a geographically sensitive manner. Inspired by Sevilla-Buitrago, I use Arendt’s concepts of *earth alienation* and *world alienation* to conceptualize the idea of *spatial alienation*.

Arendt’s understanding of alienation strengthens my arguments, which claim that the modern state’s mode and techniques of space production have profoundly influenced and resulted in processes of compartmentalizing, homogenizing, and quantifying or commodifying geographies. The deployment of Arendt’s alienation liberates discussions of dispossession from the domination of the anthropogenic dimension. Arendtian alienation offers a clearer understanding of, for example, what happened to Antarctic geography through the politics of scientific research and resource governance, as detailed in Chapter 3. This perspective also enables me to conceptualize *spatial alienation*, specifically the dispossession of Antarctic life forms, by extending the subject of dispossession beyond humans.

4.3.3.1 Arendt’s *Alienation* in Conjunction with Lefebvre’s *Loss of Originality*

The concept of alienation is often associated with Marx and his labour theory. Although Arendt’s understanding does not contradict Marx’s theory of alienation, her view differs from Marx’s, as she does not see the world as the labour of human bodies; rather, she is concerned with the actualization of humans and their experience and actions in the world.¹³² She prioritizes the conditions of human life and the societal relationship with the earth, which ‘is the very quintessence of the human condition, and earthly nature, for all we know, may be unique

132. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), 208.

in the universe in providing human beings with a habitat'.¹³³ According to her, new human conditions have occurred through the alienation of human life, meaning the separation of human existence from 'earthly nature' through the human artifice.¹³⁴ Arendt's understanding of alienation erodes the distinction between scientific and social space; thus, her view allows science to be seen not as a purely objective, innocent, and neutral domain but as socially and politically defined. In the wake of Arendt's call for expansive examinations of spatiality, it becomes clearer that geography, even in the sense of an objective discipline and the omnipresent description of the world, is hardly neutral and historically and politically situated and formalized.

Arendt's notion of alienation is based on the recognition of this collaborative production of scientific and sociopolitical space. This is also because her notion of alienation can describe how and why alienation matters in Antarctica, despite the absence of a permanent human population. Before delving into this point, I first introduce Arendt's insightful and extensive notions. Arendt deploys two intersecting kinds of *alienation*: *earth alienation* and *world alienation*. The former draws attention to scientific praxis and processes that supposedly enhance human capacity and knowledge for managerial and instrumental uses of nature; the latter is about a twofold process: first, dispossessing the population, including humans and more-than-humans, and second, accumulating wealth through capitalist production processes and a property regime.¹³⁵

Alienation is central in Arendt's perspective. It refuses the anthropocentric view of the earth and removes the earth from the principles, categories, and ideologies inherent merely in the human mind and experience.¹³⁶ Her conceptualization of *earth alienation* departs from the critique of natural science in the modern age. As such, earth alienation revolves around the idea that scientific developments interrupt the human subject's earthly connection and experience; in other words, scientific developments and investments in human knowledge lead to disconnections, thereby creating a dichotomy between society and nature within the ideology of human superiority.¹³⁷ For Arendt, such dichotomies are endorsed by science's arrogant language

133. Arendt, *Human Condition*, 2.

134. Arendt, *Human Condition*, 2.

135. Arendt, *Human Condition*, 248–68.

136. Hannah Arendt, 'Man's Conquest of Space,' *American Scholar* 32/4 (1963), 527.

137. Arendt, 'Man's Conquest of Space,' 532.

and its dominant and unchecked authority based on presumed objectivity.¹³⁸

She argues that modern science has been useful in delivering nature as a whole to the use of science through homogenizing the earth. According to her, a new mental instrument was produced by modern science and coincided with the idea of mastering nature through human capacity and scientific tools:

The new mental instrument, ... opened the way for an altogether novel mode of meeting and approaching nature in the experiment. ... man realized his newly won freedom from the shackles of earth-bound experience; instead of observing natural phenomena as they were given to him, he placed nature under the conditions of his own mind.¹³⁹

In this new mental stage, she intriguingly illustrates the mathematical understanding of the earth, namely geometry, as an articulation of terrestrial measurements and an abstraction that describes the structure of geography.¹⁴⁰

World alienation, on the other hand, implies ‘the atrophy of the space of appearance and the withering of common sense.’¹⁴¹ Arendt understands world alienation as existing in the organization of modern societies. When the *common world* is transformed to be used by *homo faber*¹⁴² for wealth accumulation, it comes to an end, as social reproduction is transformed through processes of denaturalizing nature.¹⁴³ Lefebvre’s *appropriated space* helps elucidate Arendt’s notion of common world to some extent. For Arendt, the

138. Arendt, ‘Man’s Conquest of Space,’ 528–29.

139. Arendt, *Human Condition*, 265.

140. Arendt, *Human Condition*, 265.

141. Arendt, *Human Condition*, 209.

142. To briefly explain *homo faber* in Arendt’s words: ‘Material is already a product of human hands which have removed it from its natural location, either killing a life process, as in the case of the tree which must be destroyed in order to provide wood, or interrupting one of nature’s slower processes, as in the case of iron, stone, or marble torn out of the womb of the earth. This element of violation and violence is present in all fabrication, and *homo faber*, the creator of the human artifice, has always been a destroyer of nature.’ See, Arendt, *Human Condition*, 139.

143. Oliver Belcher and Jeremy J. Schmidt, ‘Being Earthbound: Arendt, Process and Alienation in the Anthropocene,’ *Environment and Planning D: Society and Space* 39/1 (2020), 110.

only character of the world ... is its being common to us all, and common sense occupies such a high rank in the hierarchy of political qualities because it is the one sense that fits into reality as a whole our five strictly individual senses and the strictly particular data they perceive. ... A noticeable decrease in common sense in any given community and a noticeable increase in superstition and gullibility are ... infallible signs of alienation from the world.¹⁴⁴

The common world, therefore, represents plural and pre-capitalist modes of societies in which individuals and things gather in a public realm by dwelling in their originality. Similarly, Lefebvre views appropriated space as a form of spatiality without dominance, thereby a spatial configuration before capitalism, in which the originality of nature and society remains. For Arendt, the loss of the common world, in this sense, means earth alienation. It is accompanied by the transformation of politics and the creation of the modern world's political organization, based on the regime of property, namely world alienation, as Arendt calls it. Accordingly, individually held property, for instance, increases the monetary value of land and therefore makes it important to prioritize and protect private property and wealth accumulation. By the same token, Arendt problematizes the discoveries in the seventeenth century as the 'modern age's triumphal world alienation.'¹⁴⁵ She writes, 'when wealth became capital, whose chief function was to generate more capital, ... private property [became] equal or ... [came] close to the permanence inherent in the commonly shared world.'¹⁴⁶

Braiding the Lefebvrian and Arendtian concepts suggests a comprehensive definition of *spatial alienation*: *appropriated space* or the *common world* is the original form of societies and geographies occurring within their immanently heterogeneous congruence before the capitalist or modern world system.¹⁴⁷ *Earth alienation* frustrates the extraordinarily diverse socio-geographical qualities of appropriated space or the common world by imposing symbolic and material techniques of dominance, leading to the production of *dominant space*

144. Arendt, *Human Condition*, 208–9.

145. Arendt, *Human Condition*, 264.

146. Arendt, *Human Condition*, 68.

147. While Lefebvre's referenced concepts are *appropriated space* and *dominant space*, Arendt's concepts are *common world*, *earth alienation*, *homo faber*, and *world alienation*.

or *homo faber*, which predominantly appears as a universal configuration of socio-spatial organization based on quantified wealth and its accumulation by means of *world alienation*.

When describing spatial transformation through spatial alienation, these concepts seem entwined and meaningful together, despite their differences. This proximity between Arendt's conceptualization of *alienation* and Lefebvre's space also points to the space production of capitalist states, or what Lefebvre calls *abstract space*, or the space of *homo faber* in Arendt's terminology, which is developed through both symbolic and practical techniques of power. It is worth noting that I deliberately chose their theories for this book, as they are both sensitive to spatiality and therefore provide meaningful theoretical analyses of the Antarctic geography. Otherwise, concepts describing pre-capitalist societal organizations and their socio-spatial transformations are not limited to the notions of Arendt and Lefebvre.

4.3.3.2 The Dispossession of Antarctica

Through the lexicon and practices of capitalism, the intrinsic value of socio-spatial life forms becomes an asset of the capitalist state, with its exchange value. The transformation in value or the valorizing of geographical life forms according to capital's demands results in spatial alienation or dispossession, which encompasses practices of categorizing geography as a natural resource and extracting it for human use and prosperity. Value transformation, in this sense, eradicates species from their lands and poses other dire threats to terrestrial and marine life through changes in climatic conditions, landforms, patterns of glaciation, and sea levels. This section contextualizes dispossession within the context of capitalist production in Antarctica, specifically in the fishing industry and tourism. Many of these commercial and scientific activities have disrupted the Antarctic life cycle and irreversibly altered Antarctic natures. To conceptually discuss this, I situate such capitalist space-making practices in relation to spatial alienation or the loss of originality in Antarctica.

Given the vision of Antarctica as a 'natural laboratory' awaiting exploration, scientific endeavours have been a fundamental justification for the human presence on the continent. However, current findings demonstrate that the objects of science in the context of Antarctica have faced detrimental alterations over the years. Despite these life-threatening consequences, dispossession has not been a popular characterization for Antarctica; rather, it has remained debatable. One

of the main factors behind this tendency to overlook dispossession in the Antarctic context is its ‘unhabitable’ characteristics due to its climate and geological features. Indeed, as early as the first Antarctic expeditions, the geo-climatic features of Antarctica have posed dangers to explorers’ and scientists’ journeys and lives, despite the fact that Antarctica is home to many other life forms.

The notion of *land users* or *local inhabitants* in the context of dispossession in Antarctica slightly differs from the widely held arguments and concerns about dispossession in the literature. Dispossession in the context of Antarctica does not exclude the displacement of people(s) but rather connects experiences of humans and more-than-humans. Collapsing glaciers and rising oceans are already threatening residents and their habitats in, for example, the Torres Strait Islands in Australia; there is also an anticipated risk for Aboriginal and Torres Strait Islander people and communities to become climate refugees.¹⁴⁸ Bearing in mind the important link between climate and socio-economic injustices, my interpretation of dispossession or spatial alienation in relation to Antarctica reveals the violence of the capitalist state space, leading to its coercive appropriation and valorization of geography.

A historical examination of Antarctica enables me to propose dispossession in the Antarctic context. However, I am not primarily interested in delving into a history of Antarctica or any geography. Scholarly debates about whether Antarctica’s history is part of the history of Anglo-European colonial expansionism are still far from reaching a consensus,¹⁴⁹ although the way history is agreed upon and conveyed often risks overriding the histories of more-than-humans. In this sense, such disagreements can actually be beneficial, as a unique opportunity to critically examine dispossession by showcasing the impacts of exploitative practices and their consequences in a geography, particularly one that is never seen as convenient for human habitation.

Geography contains histories involving humans and more-than-humans, as it is endlessly formed by irregular–regular, unplanned–planned, and untold–told interactions across life forms. Those histories can be unpacked only as long as their narration is stretched out towards all life forms on earth. Hence, it is never sufficient to look at only

148. See ‘What Does Antarctica Have to Do with Climate Change?’, Climate Council, 17 March 2023, accessed 29 February 2024, www.climatecouncil.org.au/antarctica-climate-change/.

149. This issue is elaborated at length in Section 3.4, ‘How Spatial is Antarctic Imperialism?’

the human presence to tell the history of geography. Given this, the rhetoric of colonial history often focuses on the practices and ideas revolving around land use, meaning that it analyses how colonial periods led to alterations in the land, the implementation of land reforms and enclosures, and the dispossession of people(s). How land has been used no doubt illuminates historical aspects of geography. That is, the act of using Antarctic land and the ocean in pursuit of scientific goals and commercial activities provides a history of Antarctica. Yet, such history would be incomplete as far as the relational and complex histories of Antarctic life forms are concerned. Material changes in land, including geomorphologies above and below seas and soils, can also tell the histories of people(s) interacting with geographical forms at different levels and scales. That is to say, the history or temporalities of Antarctica can be better understood when incorporating the dispossession of more-than-humans as much as the dispossession of people(s).

The transformation of Antarctica into the exclusive domain of humans, leading to the dispossession of Antarctic life forms, is understood here on the basis of Arendt's notion of *alienation*. Accordingly, the reconfiguration of Antarctica into a scientific research facility is interpreted as *earth alienation*, while its exploitation as a resource pool by companies in support of states is seen as *world alienation*. Therefore, the violence of capitalist production, with the support of state permissions and monitoring, has transformed the value of more-than-humans in Antarctica, such as minerals, marine biological entities, and hydrocarbons, among others, into the exchange value of natural resources and market assets. Thus, value transformation remains core to interpreting Antarctica's spatial alienation.

Moving on to the examples, the Antarctic fishing industry is seen as one of the leading and most enduring commercial actors in the continent, and its detrimental impacts on marine life have been evidenced. It is of great concern that overhunting nearly led to the extinction of the whale population, as it did for the seal population. Indeed, the decline in the whale population subsequently led to an increase in the krill population, since whales are predators of krill. Such imbalances induced by overfishing consequently disrupted Antarctic ecologies at different scales. It is no coincidence that international efforts were made to regulate fisheries on the continent and conserve Antarctic maritime natures. The IWC has played an active role since 1946, and the CCAMLR was signed in 1980 and ratified less than two years later by the members of the ATS. I bypass the details and politics of and disputes about the structure and effectiveness of such regulatory efforts, focusing here on harvesting marine organisms as a form of dispossession.

Antarctic krill fishery has been ongoing for over fifty years and is now concentrated in the South Atlantic Ocean.¹⁵⁰ Regarding the history of commerce in the Southern Ocean, exploitation has shaped this maritime geography for two centuries, based on the fishing of krill, cod, and toothfish.¹⁵¹ Various methods, such as large pelagic trawls or continuous pumping, have been utilized to catch krill. Interestingly, the catching method has also ‘evolved’ over time and become known as “eco-friendly trawling” because of its selectivity and because it is able to deliver the required quantities for processing with no wasted catch and the ability to reduce by-catch.¹⁵² Krill is used predominantly for aquaculture, pharmaceutical, and nutraceutical products by companies from Norway, China, Russia, and Korea.¹⁵³

Krill, as a so-called nourishing resource, is estimated to provide ‘millions of tons of food a year for human and agricultural consumption’ on the one hand; on the other hand, it is vital for all marine life of the Southern Ocean—including penguins, seals, whales, and birds and fish.¹⁵⁴ In addition to fatal threats to the cycle of marine life and anxiety caused by krill fishery, there is also evidence that ocean acidification and climate change, leading to a rise in sea temperature and a decline in winter sea ice, enable predators and fisheries to access krill more easily.¹⁵⁵ As expected, changes in the Southern Ocean’s marine life have impacted not just krill populations but also other marine mammals and birds.¹⁵⁶ The exchange value and exploitation of krill constitute only one example among other alterations and destructions of Antarctic life forms.

Since the struggle and suffering of Antarctic life forms are not solely caused by the fishing industry, I also briefly draw attention to another economic area in Antarctica: tourism. Antarctic tourism is a striking illustration of dispossession in terms of both the lexicon and the practices of capitalist production. Antarctica has attracted tourists through marketing based on catchphrases such as ‘impenetrable wilderness,’ ‘one of the most untouched and remote destinations in the world,’ ‘a place

150. Stephen Nicol, Jacqueline Foster, and So Kawaguchi, ‘The Fishery for Antarctic Krill: Recent Developments,’ *Fish and Fisheries* 13/1 (2012), 30–31.

151. Antonello, ‘Life, Ice and Ocean,’ in Dodds, Hemmings, and Roberts, *Handbook on the Politics of Antarctica*, 177.

152. Nicol, Foster, and Kawaguchi, ‘Fishery for Antarctic Krill,’ 32.

153. Nicol, Foster, and Kawaguchi, ‘Fishery for Antarctic Krill,’ 32–33.

154. Howkins, *Frozen Empires*, 174.

155. So Kawaguchi et al., ‘Risk Maps for Antarctic Krill under Projected Southern Ocean Acidification,’ *Nature Climate Change* 3/9 (2013), 846.

156. Kawaguchi et al., ‘Risk Maps,’ 846.

to see before you die,' 'the trip of a lifetime,' or a 'surreal vacation.' Although it is argued that tourism in Antarctica is not the most consequential industry in terms of changing Antarctic natures,¹⁵⁷ especially in comparison to Antarctic fisheries, tourist visits to Antarctica can still pose a risk to Antarctic wildlife, potentially causing stress among the native mammals and birds in their natural habitats as well as carrying non-native and invasive species to the continent.

To prevent the foreseeable risks and potential impacts of tourist visits, such as environmental pollution, noise and light pollution, and bringing non-native and invasive species to Antarctica, tourism in Antarctica has been regulated under several international agreements, such as the Protocol on Environmental Protection of the Antarctic Treaty—Madrid Protocol, and the International Code for Ships Operating in Polar Waters of the International Maritime Organization.¹⁵⁸ The International Association of Antarctic Tour Operators (IAATO) has also been established to represent the industry as a whole, regulate the tourism industry in Antarctica, and standardize the industry with respect to shared measures and resolutions, particularly for protecting the Antarctic environment.¹⁵⁹ In this sense, tour operators, as entrepreneurs, have gained power in Antarctic politics through their unification under IAATO.¹⁶⁰ This indeed plays a role in, as well as elevates, the process of commodifying Antarctic geography through value transformation, which this section interprets as dispossession.

On another note, the political power of tourist companies can be viewed as a challenge that the Antarctic tourism industry poses to the environmental authority of ATS member states.¹⁶¹ Although ATS members classify tourism as a secondary activity, coming after scientific activities, it remains striking to observe cooperation between tourist companies and Antarctic research centres to educate tourists about the scientific values of Antarctica through educational programmes offered by tour operators.¹⁶² This attests to the coexisting interests of companies, the scientific sector, and the ATS member states in Antarctica.

In conjunction with the operation of tourism as one of the leading economic activities in Antarctica, tourism generates a perception

157. Howkins, *Frozen Empire*, 106.

158. International Code for Ships Operating in Polar Waters (Polar Code) [2017] MEPC 68/21/Add. 1, International Maritime Organization, accessed 13 January 2024, www.imo.org/en/MediaCentre/HotTopics/Pages/polar-default.aspx.

159. Howkins, *Frozen Empire*, 206.

160. Howkins, *Frozen Empire*.

161. Howkins, *Frozen Empire*, 195.

162. Howkins, *Frozen Empire*.

of Antarctica which, to some extent, conveys the world view of colonial and imperial practices. More precisely, it contributes to the vision of human superiority and strength in skills, capacity, and knowledge by demonstrating to people that they can reach the world's so-called remotest and harshest wilderness. In the same way, the interrelation between human skills or superiority and the so-called vulnerable status of a melting Antarctica renders another perception of Antarctica as being in danger—as if humans, the saviours or guardians of the planet, should save Antarctica owing to their capacity and knowledge, given the narration of Antarctica as a victim of climate change.¹⁶³ This twisted double vision of Antarctica is captured and described here as *alienation within alienation*.

4.4 Capitalist State Space's Promise: *Differential Space*

Following the unfolding of the capitalist value relation captured within the framework of *geopower*, this section combines the interpretation of value relations with Lefebvre's concept of *differential space*. This conceptual combination aims to include material geography in the processes and relations of space production so it is on a par with state and capital. Lefebvrian *differential space* elucidates geography's materiality as a constitutive impetus in the state–capital–geography prism, or *geopower*. In this context, differential space signifies productive relations in space and the potential for inexhaustible modes of space production that are always ready to emerge. To recapitulate the capitalist value relation, capital's initial contact with geography is often permitted as well as monitored by state power. Moore formulates this as *nature-in-capitalism*: the way capital perceives and acts upon nature:¹⁶⁴

Nature as 'out there' ... as a set of resources and extra-human relations [is] to be mobilized and treated sustainably or unsustainably. ... It is capital's civilization project to bring reality into line with this vision. Its geography is the geography of nature-in-capitalism.¹⁶⁵

163. Howkins sees this perception of Antarctica's victim position caused by anthropogenic climate change as a relatively recent phenomenon. See Howkins, *Frozen Empire*, 202.

164. Moore, 'Value of Everything?', 266, 272.

165. Moore, 'Value of Everything?', 272.

Nevertheless, nature-in-capitalism represents one of the possibly varied configurations of value relations, signalling capitalism's interaction with geography based on the exchange value of geographical forms. As this encapsulates only the capitalist value relation, other value relations based on world views other than capitalism can also occur, manifesting different forms of spatial organization and different spatial relations.

Given this approach, the question is what causes different forms of value relations. To reflect on this, I focus on the antagonistic characteristics of capitalist space. Based on homogeneity and quantification, the value relation of *abstract space*, or capitalist space, is forged on the single monetary system of commodities within states' territorial jurisdictions. In the relationality driven by capitalism, as already discussed, the state and capital often collaborate and re/organize spatialities through domination and transformations involving assimilation, alienation, and annihilation. As such, the characteristics of how capital and the state relate to geographies appear to be forceful in maintaining and optimizing capitalist space through capitalist production. Due to the coercive quality of the capitalist value relation, contradictions become the core of relations in the capitalist state space, which thereby brims with conflicts calling for a 'logic' that masks conflicts and 'neutralizes whatever resists it [the existence of capitalist state space] by castration or crushing.'¹⁶⁶ Given the binary characteristics of space—it is simultaneously homogeneous and fragmented¹⁶⁷—the homogeneous aspect of space removes conflicts and differences from space or 'conceals the violence inherent in abstraction,'¹⁶⁸ while the same space appears as 'a container ready to receive fragmentary contents, a *neutral* medium into which disjointed things, people and habitats might be introduced ... [within] incoherence under the banner of coherence.'¹⁶⁹

However, shining a light on contradictions as the core of capitalist value relations can reveal that all components of capitalist value relations engage in reciprocal acts of receiving and reacting. Although capitalist value relations are described here as conflictual, engagements in value relations do not have to be solely oppositional; yet, they should contain a form of response from one part to another, which is always productive and transformative. That is, if contact is based on domination and force at one moment, this forceful contact and moment should

166. Lefebvre, *Production of Space*, 23, 326.

167. Lefebvre, *Production of Space*, 355.

168. Lefebvre, *Production of Space*, 306.

169. Lefebvre, *Production of Space*, 308–9.

comprise other possibly emerging contacts and moments at any time, as the oppressed, homogenized, and quantified part of the capitalist value relation also engages within the same relationality. I interpret this as the *constitutive subversion of value relations*, signalling a relational ontology within space, which I will elaborate on later.

Lefebvre writes about a *seed of abstract space*, as this space has the potential for a new space to emerge, regardless of how oppressive or forceful it is. This points to the ever-evolving production of space. In this productive cycle, *differential space* amounts to a new space that stems from contradictions arising in and from abstract space.¹⁷⁰ The constitutive subversion of capitalist space revolving around the capitalist value relation is conceptually captured here as a promise of a new spatial configuration, informed by Lefebvre's notion of differential space.¹⁷¹ I expand on differential space in the subsequent section in relation to Lefebvre's other concept, *spaces of representation*—also known as *lived space*, the third component of Lefebvre's trialectics. I aim to illuminate the implications of capitalist space's contradictions.

To briefly introduce Lefebvre's notion of the *differential space*, this concept offers a potential for a new kind of relation, and therefore space. Unlike *abstract space*, it is open to being filled by various world views other than capitalism. As it denotes one mode of space deriving from dynamic and relational processes of space production,

170. Lefebvre, *Production of Space*, 52.

171. Lefebvre, in his voluminous book *The Production of Space*, explains the contradictions in *abstract space* by elaborating on each contradiction; see *Production of Space*, 352–400. Although it is insufficient to distil his comprehensive elaboration on the contradictions in abstract space, he starts with the quantity–quality contradiction (e.g. movement from the space of consumption to the consumption of space via the space of leisure, such as a holiday of travellers from industrial Europe on the Mediterranean coast; ‘nostalgia for towns dedicated to leisure, spread out in the sunshine, continues to haunt the urbanite of the super-industrialized regions’); see *Production of Space*, 353. Another contradiction, between production and consumption, functions to mask contradictions by making the contradiction a structure or the bureaucratic space controlled by state power: ‘consumption necessitating the reproduction of things, and the *space of production*, which is traversed, and hence used and consumed’; see *Production of Space*, 354. Avoiding the details, for example, the global–fractured space and the use–exchange contradiction are some other contradictions in abstract space that Lefebvre points out. It should be noted that Lefebvre's personal and political interests in Nietzsche's thoughts had major impacts on the conceptualization of his differential space. As such, within differential space, Lefebvre does not offer a system or a systematic approach. On the contrary, this concept aims to be unsystematically disruptive. To wit, “I mistrust all systematizers,” Nietzsche said; “I don’t build a system,” Lefebvre concurred, on the page and in politics. Nothing here even remotely resembles a system.’ See Merrifield, *Henri Lefebvre*, 117.

differential space as a concept expands the imaginary beyond imaginaries that continue to exist. After problematizing the lack of imagination at the institutional level, it is necessary for me to point to this promising and creative conceptualization. Therefore, I concentrate in this section on the question of how the capitalist value relation can lead to the production of differential space.

The transformation from abstract space to differential space is conceptualized as *the concretization of abstract space*,¹⁷² as mentioned in Section 4.2.3. Recalling the insights of Section 4.2.3, the concretization of abstract space means that concrete (capitalist) relations emerging at a particular moment produce abstract space. Accordingly, while dominant practices of capitalism quantify socio-spatial relations through homogeneity, a counterpractice should remain as a response, due to the very nature of relationships. The response to dominant practices in the form of counterpractices should intentionally or unintentionally generate socio-spatial conditions and organizations. In other words, when abstract space becomes concrete through relational encounters, this signals the moment in which differential space appears as a somewhat metamorphosed or distorted space in response to abstract space, and it has a strong potential to propagate a new spatial organization.

This interpretation of differential space requires conceding the relational aspect of all possible modes of space production. This means endless configurations of relations. If relational encounters—contradictions in the case of abstract space—are seen as the constitutive impetus for setting the tone of a new space, contact or ways of relating within space re-enter discussions as a vital component of space production. Since abstract space and contradictions are the characteristics of how capital and states act upon geography, the moment of the act of connecting becomes embodied in contradictions. As only connections can accommodate contradictions, contradictions should substantially depend on connections. This *dialectical* intertwinement of contradictions and connections within the same unity can lead considerations about society to pay more attention to material relations or to what physically occurs in space.¹⁷³

172. Wilson, 'Plan Puebla Panama,' in Stanek, Schmid, and Moravánsky, *Urban Revolution Now*, 113. Also, for a better understanding of the conceptualization of the concretization of abstract space in relation to Marxist thought, I recommend revisiting Section 4.2.3, 'Abstract Space as Capitalist Dominant Space.'

173. Lefebvre, *Production of Space*, 353.

In the wake of Lefebvre's relational thinking, space holds both relations and products of relations. Thus, space should transcend the scope of any analytic scrutiny that classifies and fragments it. Instead, space has to

be engendered by and within theoretical understanding. Theory reproduces the generative process—by means of a concatenation of concepts ... the 'etymology' of locations in the sense of what happened at a particular spot or place and thereby changed it ... becomes inscribed in space. ... Thus production process and product present themselves as two inseparable aspects, not as two separable ideas.¹⁷⁴

If we interpret contradictions in capitalist space using Lefebvre's notions, each contradiction leaves transformative imprints on a particular location, thereby holding the potential to activate confrontations and subsequently produce a new kind of situated spatial arrangement, connection, system, and reality.

4.4.1 *The Actualization of Land Users through Lived Space*

The relationship of the state and capital with material geography often exists through travelling, exploring, examining, experimenting, building, harvesting, or trading for purposes of capital and the state. Hence, alterations in material geography, such as the impending extinction of species, are the outcomes of relationality in capitalist space. Although this may be the most straightforward and logical explanation of current socio-ecological collapses, a cause-and-effect and input-and-output structure to explain relationality within geography is, in fact, inadequate. Such a simplistic understanding, even if it is not entirely incorrect, may promote the notion of *passive geography*, as if geography is a container that only receives. Therefore, the section's focus on lived space aims to foreground geography's active role and significance in relationality by expanding the notion of *space users* or *land users* to include geographical life forms. To this end, I argue that the capitalist state's practices for quantifying geography within the capitalist value relation indeed unleash and retrieve geography's own agency through its situated materiality.

174. Lefebvre, *Production of Space*, 37.

Given the relational aspect of space production within the framework of geopolitics, contradictions in abstract space emerge as the type of relationality inherent in the capitalist value relation. Within this relationality, geographical forms' responses to the spatial practices of capital and the state, whether they constitute contradiction or resilience, become a catalyst for a spatial re-arrangement, which potentially embodies *differential space*. I interpret these conflictual moments as the *spatial actualization* of geographical forms that occurs through challenging, resisting, and reorganizing space. In this context, spatial actualization refers to a specific moment of spatial reconfiguration in a particular location. I propose that, in light of Lefebvre, such a moment refers to his notion of *lived space*. Lefebvre's lived space depicts the significance of everyday experiences and material changes within space, which encompass and transcend symbolic space, involving discourses, images, perceptions, and other symbols that people use. Merrifield describes lived space as the 'nonspecialist world of argot rather than jargon.'¹⁷⁵ Lived space thus amounts to a space other than the administratively ruled and conceived space, or abstract space.

Lived space as a living and uneven mode of space eventuates inconsistently and even abruptly, depending on actual materialities in space; thus, lived space appears as a constitutive momentum or force of materiality that ontologically manifests or re-establishes itself within space. The dynamic characteristics of lived space inevitably lead abstract space to contact and attempt to control and transform it through regulations, knowledge production systems, and the inscription of values.¹⁷⁶ However, even if lived space or daily life experiences are homogenized, mastered, and thereby harnessed, daily experiences, material actuality, or lived space still exist, particularly in the embodied forms of forces. Therefore, concealing the yet-to-manifest tension within lived space is vital for capitalist space, or abstract space. Put differently, the 'well-designed' and enforced structures of abstract space must appear to be the neutral bearer of life for the maintenance of capitalist state power.

Forces and struggles, gradually or abruptly emerging from antagonistic contacts within abstract space, denote a concrete relation and moment of the 'proliferation of place-based struggles in and against abstract space, characterized by assertions of diversity against homogenization, territorial *autogestion* against state domination,

175. Merrifield, *Henri Lefebvre*, 109–10.

176. Merrifield, *Henri Lefebvre*, 110.

and commonality against privatization and fragmentation.¹⁷⁷ Merrifield explains the link between *abstract* and *concrete* by referring to the impacts of abstract space on material space: 'Abstract space has real ontological status and gains objective expression in specific buildings, places, and modes of market intercourse over and through space.'¹⁷⁸ As such, the materiality of lived space becomes unavoidable in abstract space. That is, space is always experienced and felt insofar as life forms inhabit it. This means an endless dialogue between space and its users. Therefore, space cannot be detached from its relations to users, no matter what consensus, administration, or status may be designated for it.

The violence of capitalist state power in abstract space must be relational; therefore, it is felt and experienced materially. Yet, depending on interpretations of the 'surveyor' who is examining spatial configurations, this relational aspect of capitalist space is either overlooked and concealed or highlighted and disclosed. For instance, the spatial practices of capitalist states in Antarctica have been examined to determine whether those practices represent violence. As mentioned earlier, scholarly debates about colonial and imperial violence on the continent have looked at different angles, with consideration given to the absence of a native human population in Antarctica. By the same token, inquiries about who/what holds the agency, as well as sovereignty, to avoid being subject to quantification or *thingification*¹⁷⁹ or who/what is immune to commodification has been debated.

This book fundamentally relies on the perspective that every life form, from micro to macro, has an inherent capacity to be affected by spatial practices of capital and state power. Therefore, the notion of *users of space* or *inhabitants* should be understood more inclusively as extending beyond humans. Lefebvre addresses the vagueness of the terms *users* and *inhabitants*, arguing that they are not well defined with clear connotations; thus, activities and signs of their conditions should signal the presence or ontology of space users.¹⁸⁰ He proposes a perspective based on the connection between the *concretization of spatial relations* and the subjectivity of life experiences; in other words, the connection between the concrete and the subjective. He writes:

177. Wilson, 'Plan Puebla Panama,' in Stanek, Schmid, and Moravánsky, *Urban Revolution Now*, 115–16.

178. Merrifield, *Henri Lefebvre*, 111–12.

179. Aimé Césaire, *Discourse on Colonialism* (New York: Monthly Review Press, 2000), 42, cited by Yusoff, *Billion Black Anthropocenes*, 32.

180. Lefebvre, *Production of Space*, 362.

The user's space is lived—not represented (or conceived). When compared with the abstract space of the experts (architects, urbanists, planners), the space of the everyday activities of users is a concrete one, which is to say, subjective. As a space of 'subjects' rather than of calculations, as a representational space, it has an origin, and that origin is childhood, with its hardship, its achievements, and its lacks. Lived space bears the stamp of the conflict between an inevitable, if long and difficult, maturation process and a failure to mature that leaves particular original resources and reserves untouched.¹⁸¹

Although Lefebvre's arguments are primarily related to social relations and human experience in space, his rich point of view, based on an experience-focused understanding of users and inhabitants signalling everyone and no one, can be relevant when considering more-than-human experiences in space. As human environments cannot be insulated from the spatially situated, material, and subjective experiences of humans, humans' experiences should exceed relations between humans. In fact, their experiences and relations also respond to their environments, which make environments or other-than-humans experience space as well. The implication of this is that contradictions in space, involving spatial and material interests and experiences, reach beyond sociopolitically designed realms. Spatial experiences and relations, such as contradictions, resistance, and other engagements, can be traced and detected in a range of geographical forces, from changes in climate to evolving landforms and infinite interactions within geographies. I understand these lively forces as the *spatial actualization of space users* through the materiality of lived space. The next section will apply this perspective to the materiality of Antarctica. I reinterpret relational encounters and spatial experiences in and of Antarctica through the conceptual framework of *lived space*, with the aim of strengthening the claim that Antarctic life forms as geo-material forces hold the potential to reconfigure relations and, thereby, space, despite having been delivered to the processes of capitalist production.

181. Lefebvre, *Production of Space*.

4.4.2 *Antarctica: Geo-material Force of Capitalist Value Relations*

This section revisits the materiality of Antarctica, which consists of global warming, collapsing ice shelves, changes in sea levels and ocean temperatures, ocean acidification, and the possible extinction of native species. They are identified here as Antarctic forces and Antarctic life forms' ways to relate to capitalist state power. I argue that Antarctica challenges the techno-governmental interventions of states through its materiality. Therefore, Antarctic materiality, or *lived space*, has the potential to undermine capitalist state space, or abstract space, and produce a new spatial arrangement, or differential space, on the Antarctic continent.

Differential space in the context of Antarctic materialities has already been observed, felt, and experienced through changes in built environments, human lives and activities, and states' concerns and policies based on sustainable and preventive measures to navigate ecological changes in Antarctica. Specific examples of Antarctic lived space, namely stratospheric ozone depletion, ocean acidification, and the decline in the krill population, are illustrated in this section to highlight the capitalist value relation in Antarctica as well as Antarctica's material forces that conflict with capitalism and the territorial jurisdictions of nation-states.

Along with the changes in oceanic and atmospheric circulation and the effects of global warming across the planet, the material transformations in Antarctica have brought the continent to public debates, environmental discourses, international negotiations, and policymaking mechanisms. Howkins, for instance, illustrates the topical 1980s issue of the hole in the ozone layer, which, as has been proven, is no longer significantly growing.¹⁸² While this example is not particularly timely, it remains striking, as it shows the close dialogue between politics, economics, geography, and science in this matter. It is known that industries and their activities using fossil fuels are responsible for the increasing levels of chlorofluorocarbons (CFCs) in the atmosphere, which are influencing global temperatures. This butterfly effect directly

182. It is reported by the Copernicus Atmosphere Monitoring Service that 'the 2023 Antarctic ozone hole finally closed on 20 December, becoming the 7th latest closing observed, according to our data. ... with a series of rebounds that delayed the final closure until 20 December. The longest-lived ozone hole in our data record dating back to 1979 was in 1999 and 2020; both lasted until 27 December.' See 'Large and Persistent 2023 Ozone Hole Closes,' Copernicus Atmosphere Monitoring Service, 21 December 2023, accessed 1 March 2024, <https://atmosphere.copernicus.eu/large-and-persistent-2023-ozone-hole-closes>.

threatens life in Antarctica, particularly Antarctic ice, which is critical for scientifically measuring human impact on the planet retrospectively. Delving into the issue of the ozone hole, with reference to the British Antarctic Survey's (BAS) 1984 Annual Report, Howkins states that the protective ozone layer, which keeps harmful solar radiation away from the earth, was significantly damaged by the activities of various economic industries responsible for producing and releasing CFCs into the lowest layer of the earth's atmosphere, namely the troposphere.¹⁸³ Scientific research conducted on the Antarctic Peninsula discovered a growing hole in the ozone layer, which was confirmed by NASA satellites.¹⁸⁴

British Prime Minister Margaret Thatcher and her government utilized this scientific discovery by BAS to claim the British Antarctic Territory and praise the British state's presence in Antarctica. She proudly declared:

In the aftermath of the Falklands conflict we were able to strengthen Britain's presence in the South Atlantic by increasing our scientific effort. This paid off remarkably quickly in a totally unexpected way with the discovery by the British Antarctic Survey ... This brought home to the whole world the potentially dangerous changes ... mankind's activities are bringing about and led to the first measures to control pollution on a global scale.¹⁸⁵

Thatcher's nationalist pride in scientific activities, or her 'triumphalist response,'¹⁸⁶ as Howkins calls it, of course echoed in the realm of international diplomacy and therefore had geopolitical outcomes, such as strengthening Britain's environmental authority in the region as well as its sovereignty claims among the ATS member states.¹⁸⁷ Additionally, the 'discovery' of the ozone hole raised an important concern on the agendas of international negotiations, as atmospheric conditions

183. British Antarctic Survey, *Annual Report 1984–1985*, 41, cited by Howkins, *Frozen Empire*, 196.

184. Howkins, *Frozen Empire*, 197.

185. G. E. Fogg, *A History of Antarctic Science*, Studies in Polar Research (Cambridge: Cambridge University Press, 1992), x, cited in Howkins, *Frozen Empire*, 198.

186. Fogg, *History of Antarctic Science*, x.

187. Fogg, *History of Antarctic Science*, x. Also, see Sections 3.5.3.1, 'Components of Antarctic Geopolitics,' and 3.5.2.1.2, 'Antarctica as National Space.'

had to be protected. Subsequently, this international concern culminated in the signing of the 1987 Montreal Protocol, which restrained industries' production of CFCs. This particular example of the ozone layer attests to the connections between economic industries, the physicality of the earth, and politics in science.

Along with stratospheric ozone depletion, ocean acidification is another illustration of Antarctica's active involvement or, more accurately, intervention in states' economic activities. It has been scientifically proven that increasing greenhouse gases directly heat seawater, as oceans absorb significant amounts of heat caused by the consumption of fossil fuels.¹⁸⁸ Amidst global warming, the function of oceans has become more vital than ever. As a storage or almost 'dump' for human activities, oceans mitigate atmospheric effects and increased levels of carbon dioxide in the atmosphere; in turn, these effects have changed oceans' 'surface boundary conditions [and] altered the ocean circulation and heat content.'¹⁸⁹ Notably, the Southern Ocean is considered to play a prominent role in the circulation of carbon between the atmosphere and the ocean, with important implications for the global carbon cycle and climate; similarly, the Southern Ocean absorbs a substantial amount of global anthropogenic heat and carbon dioxide.¹⁹⁰

However, the rise in seawater temperatures has led to ocean waters being less likely to absorb carbon dioxide. The increasingly needed function of the ocean as a carbon sink also causes a decrease in the pH level of the seawater. Subsequently, since one of the main elements of seawater is alkaline, the combination of alkaline and the lower pH exacerbates seawater's acidity, leading to ocean acidification. The low pH level can also negatively affect the development of marine organisms and their shells and skeletons.¹⁹¹ It is reported that ocean acidification has already 'reached the levels predicted for the year 2100.'¹⁹² Furthermore, ocean acidification, in combination with

188. Molly E. Menzel and Timothy M. Merlis, 'Connecting Direct Effects of CO₂ Radiative Forcing to Ocean Heat Uptake and Circulation,' *Journal of Advances in Modeling Earth Systems* 11 (2019), 2163.

189. Menzel and Merlis, 'Connecting Direct Effects,' 2174.

190. Stephen R. Rintoul, 'The Global Influence of Localized Dynamics in the Southern Ocean,' *Nature* 558 (2018), 212.

191. Alyce M. Hancock et al., 'Effects of Ocean Acidification on Antarctic Marine Organisms: A Meta-Analysis,' *Ecology and Evolution* 10/10 (2020), 4504.

192. Quirin Schiermeier, 'Earth's Acid Test,' *Nature* 471 (2011), 154, 155–56, cited in Rosemary Rayfuse, 'Climate Change and Antarctic Fisheries: Ecosystem Management

the critical consequences of climate change, pollution, and overfishing, threatens maritime life and thereby the fishing industry. Due to the dependency of fisheries on healthy marine ecosystems and biodiversity, adverse impacts on marine life profoundly alter fish stocks and global food security.¹⁹³

As detailed in Section 4.2.3, Antarctic krill is one of the primary fishery 'resources' in Antarctica. It is anticipated that krill populations in the Southern Ocean, which have been declining since the 1970s,¹⁹⁴ may be depleted by 2300 if carbon emissions are not mitigated.¹⁹⁵ This anticipation will impact not only Antarctic krill but also other species dependent on them, such as whales, seals, albatrosses, squid, and penguins. That is, any disruption in the krill population will have severe consequences for the whole ecosystem of the Southern Ocean. It has been reported that the temperature of the Southern Ocean is already rising, and thus sea ice cover has been decreasing.¹⁹⁶ 'If ocean temperatures continue to rise, and sea ice formation decreases further, it is very possible that the krill population will see significant further declines. This has broader implications for the regional-scale ecosystem, for which krill is a key species.'¹⁹⁷

Indeed, this scientific prediction is playing out, and an increase in the temperature of the Southern Ocean has already been recorded, impacting the Antarctic krill population in some regions.¹⁹⁸ This has raised concerns about the future of krill harvesting. By extension, it is claimed that growing demands for krill may generate competition between different species, 'between predators and humans engaged in krill fisheries as well.'¹⁹⁹ In addition, changing temperature trends

in CCAMLR,' *Ecology Law Quarterly* 45/1 (2018), 57.

193. Rayfuse, 'Climate Change,' 54.

194. Michael P. Meredith and John C. King, 'Rapid Climate Change in the Ocean West of the Antarctic Peninsula during the Second Half of the 20th Century,' *Geophysical Research Letters* 32/19 (2005), 4.

195. Kawaguchi et al., 'Risk Maps,' 843.

196. Kawaguchi et al., 'Risk Maps,' 846; Meredith and King, 'Rapid Climate Change,' 4.

197. Meredith and King, 'Rapid Climate Change,' 4.

198. Additionally, 'changes 1–2 °C are likely to have a significant impact on the physiological performance, distribution, and behaviour of krill. Adults are more flexible than larval or juvenile krill and can exist in different aggregation states, use a wide variety of food sources, and can express various overwintering strategies.' See Margaret M. McBride et al., 'Krill, Climate, and Contrasting Future Scenarios for Arctic and Antarctic Fisheries,' *ICES Journal of Marine Science* 71 (2014), 1944.

199. McBride et al., 'Krill, Climate,' 1939, 1944, cited in Rayfuse, 'Climate Change,'

and glacial meltwater accelerate the appearance of new areas in Antarctica or cause marine species' migration. In turn, fish production varies, and different kinds of marine organisms enter the industry as 'resources.'

In the wake of the current stressors of climate change and ocean acidification, international actions were taken. The CCAMLR has enacted regulations for fishing strategies and management, including precautionary catch limitations and spatial management. Bound by the CCAMLR, the 'conservation' and 'rational use' of 'Antarctic marine living resources' are prioritized in harvesting and other relevant activities:

(c) prevention of changes or minimisation of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects [sic] of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.²⁰⁰

Attention from the international community and regulatory restrictions imposed on the way capital and states relate to Antarctica attest that Antarctic life forms are unavoidable, and Antarctic materiality bears the power to reorganize relations within Antarctica. The anxieties and administrative efforts, despite not ceasing capitalist production based on the exchange value of Antarctic 'resources,' demonstrate that states cannot be blind to Antarctic life forms' actualization or lived space on the continent.

The most common way to engage with Antarctica, if it is not extraction and research, is to conserve Antarctic 'resources' through measures, calculations, and regulations to manage the ecosystems sustainably. The nuance I aim to provide in this section is the actualization of geographical forms or *space users*. I understand their active participation in relations as the actualization of material geography,

59.

200. See Convention for the Conservation of Antarctic Marine Living Resources, Article II, paragraph 3.

in which they contradict, resist, and respond within their exchange value as resources or commodities. From this perspective, destructive or conflictual exchanges signal more than consequences; they are crucial symptoms and events of the state–capital–geography prism, or *geopower*. Therefore, the constellation of state–capital–geography should be revisited and discussed, instead of the adverse effects of industries being merely recognized, as such recognition will be limited to the anthropogenic management of the environment. This understanding also encourages me to further explore a conceptualization of geography captured within the framework of *geopower* as well as outside the capitalist value relation. The next section identifies geography within the state–capital–geography prism. The discussion of *geopower*, whether it serves as an alternative vision to territorialized managerialism, sustainable geoengineering, and liberal emancipative efforts, is proposed for its relevance to Lefebvre’s space production.

4.5 Revisiting *Geopower*: Does ‘Melting’ Antarctica Interrupt the Colonial Imaginary?

The state–capital–geography prism, with its inexhaustible and generative potential for space production, reveals the state-oriented capitalist mode of space production. Following the sections on the roles of state power and capital in geo-graphing, this section focuses on the notion of *geopower* with a particular emphasis on the third part of geo-graphing, or space production, which is the materiality of geography. I draw on *geopower* to unleash material geography as an effective participant, equal to other actors, forces, and layers of capitalist state space. In this context, the section aims to integrate material geography, with all its components, into conceptual discussions, particularly the notion of space production within the framework of *geopower*. The section’s primary objective is to propose a critical perspective on material geography and a meaningful imaginary based on the dialogue between material and conceptual geography.

The first part of the section explains *geopower* and suggests an understanding of the relational ontology of *geographical forces* within *geopower* as a nuanced geopolitics. Briefly referring to scholars from the field of political geography, material geography—with its forces in the capitalist value relation—is described by evoking the notions of *dead matter*, *non-life*, the *category of inhuman*, and a *new regime of power*. All these notions are highly profound, and this section’s arguments are rather limited; therefore, by referring to these notions, I only

point to what geography's materiality can mean when we think of it in terms of Lefebvre's *lived space* in the production of *differential space*. The second part, in line with the main framework of Elizabeth Grosz's conceptualization of geopolitics, contextualizes geographical forces and discusses Antarctica by drawing on Yusoff. As such, the book covers all the main components of the state–capital–geography prism in terms of actors, forces, layers, and processes of space production.

Following the premises of this book, I look at different junctions by raising socio-spatial, political, and legal inquiries to scrutinize whether geography is a sociopolitical and legal project. I look for the dominant modality of space production and examine its spatial techniques, capturing the capitalist state mode of space production as the dominant mode within the framework of geopolitics. Bearing in mind this section's limits on the scope of critical perspectives and discussions of political geography,²⁰¹ geopolitics is specifically selected here to address the substantial role of material geography in space production.

Michel Foucault, Gilles Deleuze, and Felix Guattari are the most cited philosophers on the *outside* and power relations and have formulated the conceptual roots of the concept of *geopolitics*. Grosz's take on geopolitics, in conversation with Foucault and Deleuze and Guattari, is closest to what this section means by the concept.²⁰² Geopolitics indexes the 'collaborative junctures between metaphysical designations of the human and the geophysical praxis that bring subjective forms materially into being.'²⁰³ In this sense, geopolitics signals incessant power dynamics layering different times, forces, and spaces in the most unstable form. Therefore, it cannot include nor focus solely on technocratic and market-oriented configurations of space.

The notion of geopolitics acknowledges the rhetorical and practical techniques of the capitalist state mode of space production while conceding the political significance of material geography. Geopolitics thus appears as a radical understanding of geopolitics. Yusoff captures the central promise of geopolitics, as this book also primarily claims it:

201. Povinelli, *Geontologies*; Elizabeth Grosz, *Chaos, Territory, Art: Deleuze and the Framing of the Earth* (New York: Columbia University Press, 2008); Frantz Fanon, *Black Skin, White Masks*, trans. Charles Lam Markman (London: Pluto Press, 2008); Fanon, *Wretched of the Earth*.

202. See Chapter 1, 'Chaos, Cosmos, Territory, Architecture', in Grosz, *Chaos, Territory, Art*.

203. Kathryn Yusoff, 'The Inhumanities,' *Annals of the American Association of Geographers* 111/3 (2021), 665.

Geopower is political in a very particular way, as a politics that organizes social life from the 'outside' ... It is the conversions, contractions and enclosures of that geopower that form the traditional modes of political attention on institutions, actors, borders, states and so on. But geopower is already active before these bodies of capture give these forces agency.²⁰⁴

Geopolitics, along with other spatial techniques, using law, engineering, urban planning, architecture, economy, or scientific research, constructs actors and relations of space. In this, sociopolitical and legal constructs—such as borders, natural resources, their management systems, property rights, and land registries—designate who is capable of holding agency in space. In turn, these constructs become artefacts of power that arrange and assign a status of *acceptable social death*²⁰⁵ or *thingification*.²⁰⁶ For instance, *terra nullius*, is a legal doctrine assigning a spatial configuration or status that conceptually and performatively posits the recognition of the land's non-recognition. This imaginary instigates the commodification of land through the valorizing processes of geography, meaning homogenizing and quantifying geography, to ensure nation-states' wealth and natural resource governance. In this context, *terra nullius*, even by its name, appears as the *death of terrain* with its milieu, if existing, in a linear history of the dominant imaginary.

Leaning on Frantz Fanon's vigorous understanding of *death* and *life-and-death struggle*,²⁰⁷ those whose lives have been permanently changed through the colonial and imperial imaginary and its techniques have become *dead matter* of power. Those lives become *death in life* in the form of territories, commodities, resources, the enslaved, workers, and objects in general. This signifies powers' techniques of geo-graphing that generate and impose a form of life in which all agents are deliberately repositioned. That is, powers' detrimental techniques imply quantification, homogenization, extraction, exploitation, and alienation, while constructing the category of dead matter.

204. Kathryn Yusoff, 'The Anthropocene and Geographies of Geopower,' in *Handbook on the Geographies of Power*, ed. Mat Coleman and John Agnew (Northampton: Elgar, 2018), 208, emphasis in original.

205. Yusoff, 'Anthropocene,' 210.

206. Césaire, *Discourse on Colonialism*, 42, cited by Yusoff, *Billion Black Anthropocenes*, 32.

207. See Fanon, *Black Skin, White Masks*; Frantz Fanon, *A Dying Colonialism*, trans. Haakon Chevalier (New York: Grove Press, 1965); Fanon, *Wretched of the Earth*.

Non-life,²⁰⁸ as conceptualized by Povinelli, or the *zone of non-being*²⁰⁹ as Fanon calls it, both denote the quantified quality of being, lacking life and agency and therefore ‘innately incapable’ of participating in sociopolitical and spatial life. However, such ‘death’ does not represent any truth or reality, but rather a twisted or illusionary categorization and relationship based on pretending.

The notion of *geopower* or *geontological power* or *geontopower*,²¹⁰ in Povinelli’s terms, has a strong potential to bring geographical forces to ‘life’ conceptually. This means *geologic life*, theorized by Yusoff as a *new regime of power*.²¹¹ Calling for a more sophisticated understanding of power relations, Yusoff states that a regime based on geologic life ‘brings the structures of exchange between geologic forces and social worlds into view’²¹² within and beyond a milieu. Various terms are suggested within several formulations, such as *inhuman forces*,²¹³ *the politics of nonlife*²¹⁴ and *geontopower*.²¹⁵ Expanding on these profound concepts, Povinelli, for example, writes that:

[Geontopower] does not operate through the governance of life and the tactics of death but is rather a set of discourse, affects, and tactics used in late liberalism to maintain or shape the coming relationship of the distinction between Life and Nonlife ... geontology is intended to highlight, on the one hand, the biontological enclosure of existence (to characterize all existents as endowed with the qualities associated with Life). And, on the other hand, it is intended to highlight the difficulty of finding a critical language to account

208. Povinelli formulates the dichotomy between life and non-life as ‘Life (Life {birth, growth, reproduction} v. Death) v. Nonlife’; see Povinelli, *Geontologies*, 9.

209. ‘Zone of nonbeing, an extraordinarily sterile and arid region, an utterly naked declivity where an authentic upheaval can be born.’ See Fanon, *Black Skin, White Masks*, 2. As a further note, his understanding of an *authentic upheaval* can be considered alongside this chapter’s arguments about resistance.

210. Povinelli, *Geontologies*.

211. Povinelli, *Geontologies*, 203.

212. Yusoff, ‘Anthropocene,’ 205.

213. See Grosz, Yusoff, and Clark, ‘Interview with Elizabeth Grosz,’ 137; Elizabeth Grosz, ‘(Inhuman) Forces: Power, Pleasure, and Desire’ in *Time Travels* (Durham, NC: Duke University Press, 2005).

214. See Yusoff, ‘Inhumanities,’ 668.

215. It examines the ontological categorizations of life and non-life in late liberalism’s governance and explains how agency is conferred between two main categories: *dead matter* and *lived subject*. See Povinelli, *Geontologies*.

for the moment in which a form of power long self-evident in certain regimes of settler late liberalism is becoming visible globally ... the point of the concepts of geontology and geontopower is not to found a new ontology of objects, nor to establish a new metaphysics of power, nor to adjudicate the possibility or impossibility of the human ability to know the truth of the world of things ... they are meant to illuminate the cramped space in which my Indigenous colleagues are forced to manoeuvre as they attempt to keep relevant their critical analytics and practices of existence.²¹⁶

All these linguistic choices and conceptualizations substantially encapsulate geographically informed power relations beyond the spatial configuration of the capitalist state.

Given this background, geographical forces, or the *lived space* in Lefebvre's understanding, are recaptured here to shed light on their agency in creating *a new regime of power*, as Yusoff calls it, through the reorganization of geo-social power constellations. For example, the increased temperature of seawater, ocean acidification, and alterations in krill populations, as geographical forces or lived space, impact the fishing industry, particularly in the Southern Ocean. Such geographical forces also lead to the restructuring of policies on Antarctic marine life, the adjusting of scientific and commercial activities out of concern for the Antarctic oceanic ecosystems, and subsequently the governing of Antarctica according to preventive measures and sustainable geostrategies. Such geo-managerial and strategic adjustments in administration demonstrate that geographical life forms, long seen as dead matter, come back to 'life' in the form of geographical forces. That is, Antarctica's krill, whales, albatrosses, penguins, invertebrates, Antarctic fungi, glaciers, atmosphere, melting ice, seawater temperature, and more, through their ontological manifestations as lived space, are most directly and effectively involved in the production of differential space, a new mode of space.

Based on this, Antarctica's material geography, within the framework of geopower, rejuvenates geographical life forms in terms of their own substance and subjectivity. The notion of geopower helps intellectualize dialogues and processes of space production by taking into account all material confluences—if this is possible at all in scholarly work

216. Povinelli, *Geontologies*, 4–6.

such as this book. The emphasis on material geography within geopower challenges the *ecosystem approach*, *ecosystem management*, *spatial management*, and ways to *emancipate non-humans*, which are promoted by currently operating constellations of power relations. Antarctica, in this book, thus illustrates the relational ontologies of Antarctic life forms and their political agency. In other words, the notion of geopower signals the materiality of Antarctica as the constitutive force of power relations, which indeed interrupt the perpetual colonial and imperial imaginary and its space production, namely capitalist state space or abstract space, in this neoliberal era.

One of the implications of capturing geographical forces or lived space within geopower is that material geography is a reference point instead of taking ‘white natural philosophers of reason’²¹⁷ as the basis for reasoning. This is therefore an intellectual endeavour to transform the conceptual rationale into something material, earthy, situated, and spatially emergent from ‘outside.’ Yusoff articulates such an understanding by referring to Grosz’s view on the commercialization of the earth’s forces as a condition of both humans and non-humans.²¹⁸ Grosz suggests a profound perspective to capture a web of life involving multifaced forms and forces in its most open, physical, and complex sense:

Life in its vegetative and animal forms, as attuned to a milieu or environment as it might be, brings new forces into existence that harness the forces of the earth. These new forces are ways of living, modes of framing and organising the earth’s spatial and temporal qualities so that they intensify and transform living forms—a kind of diversion of these imperceptible terrestrial forces through the delays and transformations life elaborates.²¹⁹

Given the interconnected forces of the earth, *geo* in the concept of geopower should be understood in relation to the power or forces of the earth. This understanding extends beyond the simple sense of the planet where humans exist. Envisioning life ‘as coming from the earth and its forces—gravitational, magnetic, electrical and so on—is perhaps

217. Yusoff, ‘Inhumanities,’ 671.

218. Kathryn Yusoff, ‘Introduction,’ in Kathryn Yusoff et al., ‘Geopower: A Panel on Elizabeth Grosz’s *Chaos, Territory, Art: Deleuze and the Framing of the Earth*,’ *Environment and Planning D: Society and Space* 30/6 (2012), 973.

219. Elizabeth Grosz, ‘Geopower,’ in Kathryn Yusoff et al., ‘Geopower,’ 974.

the most powerful and direct to destabilize our concepts of identity and agency.”²²⁰ Grosz further interprets that ““geo” is an inversion of the “ego.””²²¹ In thinking through geo, as opposed to the historically and genealogically specific form of power, geopolitics is a firm foundation to overcome relations and forces of capitalist production based on quantification, subjugation, and other forms of colonial and imperial violence.

After all, uneven and incessant forces of geography, in its most general but also spatially specific sense, manifest themselves as confrontation and contradiction, often as a challenge to sociopolitical and legal formations. Combining Lefebvre and Yusoff, *lived space* or the experienced and felt space is interpreted here as a *new regime of power*. *Differential space*, in this sense, is informed by lived space or this new regime of power. The potential for emerging differential space can be detected and observed in organizations, structures, and initiatives such as sociopolitical movements, grassroots resistance, policymaking trends, renewable technologies, legislations extending legal personhood to nature, sustainable market strategies, and scholarly engagements in new research directions. Such endeavours and interests evidence ontologies of lived space or a new regime of power as cognized and experienced geographical forces that bear a potential to reconfigure space.

Geographical forces actively engage with/in sociopolitical life by reorganizing the entire set of politics and creating socio-spatial relations, meaning they have the capability of space-making; this affirms that state-crafted capitalist production continually grapples with lived space to eliminate the emergence of differential space and maintain the capitalist state space. Space production is thus not attributed solely to the agency of humans nor to the state as the only organizational form for society. *Dead matter, the category of inhuman, non-life*, or specifically Antarctic life forms challenge techniques of abstract space by relating to other parties within the capitalist power relation. Therefore, geographical forces act to grapple with the historically specific and higher-valued Anglo-European subjectivity.

Such a moment, in which dead matter manifests its ontology within space, attests to the latter’s politics. In other words, dead matter is an indispensable part of politics. The colonial and imperial imaginary, as the politics of coloniality, is also built on (in relation to) the category of dead matter. This means that the category of death in fact never dies.

220. Grosz, Yusoff, and Clark, ‘Interview with Elizabeth Grosz,’ 132.

221. Grosz, Yusoff, and Clark, ‘Interview with Elizabeth Grosz,’ 132.

The colonial imaginary generates and develops its politics around techniques which aim to accommodate the category of dead matter. Therefore, it needs this category to reclaim its power and its sovereign life and presence, which are based on the proclamation of 'death.' Accordingly, dead matter or 'death' continues to exist with a ready potential to become life again. This potential is interpreted here within the conceptual framing of differential space as the capitalist state space's promise.

Relying on the ceaselessness of differential space and lived space, the notion of *geopower* suggests an understanding of power relations in which lived space remains in one way or another and leaves imprints on processes of space production. Dwelling on the ontological significance of geographical forces in power relations, as Yusoff states, *geopower* acknowledges geography as a political 'resource' rather than the geologically determined institution and a set of resources for capitalist production.²²² She defines this acknowledgement as the '*prepolitical condition of geopower.*'²²³ As such, politics informed by material geography stretches sociopolitical and legal formations, thereby geo-graphing towards geographically situated and material relations. The approach of *geopower* to power relations liberates political and legal regimes, titles, and categories from the hegemony and monopoly of humanism, capital, and state power. *Geopower* is a far-reaching conceptual registry that offers insights to retrieve the significance and potential of material geography in complex production processes. As a result, this approach potentially unlocks diverse modes of space production, including (capitalist) state space.

222. Yusoff, 'Anthropocene,' 210, 212.

223. Yusoff, 'Anthropocene,' 208.

5

Conclusion: Layers of Connections

By dwelling on how deeply the law is embedded in capitalist nation-states and their politics, a series of connections on various levels was explored throughout this book. In this concluding section, my final endeavour is to recapture the connections explored throughout the book within a layered structure. This chapter presents two layers of connections. The first layer represents the background of the second layer. To be more precise, the first layer informs the second one by capturing a pair of connections: *connections in geohistories* and *connections in geo-graphing*. The second layer's connections are between colonialism, capitalism, and liberalism, which are described in such separate categories only for this section. Accordingly, the second layer's connections between colonial legacies, capitalist value relations, and their echoes in regimes and policies find their concreteness in the first layer; that is, geohistories and technologies of producing those spaces, or geo-graphing.

5.1 Connections of the First Layer: Geohistories and Geo-Graphing

In this book, I employed geohistorical trajectories to portray socio-geographical processes and changes over time. I examined the geohistories of Australia and Antarctica to illustrate the mobilization of prevailing ideologies, whose techniques have produced abstract space, in Lefebvre's terms, or the capitalist state mode of space. This resulted in conceptual geographies such as *terra nullius*, settlements, state territory, and the global commons. My argument is that conceptual geography cannot exist in isolation; it rather affects and is affected by material geography. Hence, *connections in geohistories* shine light on the material specificity of socio-geographical contexts in opposition to the abstraction of geography in the law. This is also why, by focusing on two continents, I strove to demonstrate that legal concepts and their applications

are formed by geographical and sociopolitical particularities rather than the universally applicable characteristics of law. In this sense, geohistorical connections help legal doctrines, titles, and regimes become spatially as well as socially concrete or situated. Following this argument, I analysed connections in geo-graphing with regard to spatial techniques and their interactions in geography-making processes, which produces geohistories. I conducted this analysis in particular to obtain an understanding of Antarctic space production.

5.1.1 *Australia–Antarctica: Connections in Geohistories*

The geohistory of Australia enabled me to investigate the legacy of colonialism in the pursuit of science and capitalist production in the AAT. I illustrated the geohistory of Antarctica by tracing colonial Anglo-European, particularly colonial British imperial, history and connecting it to Antarctic geopolitics. Although Australia and Antarctica are clearly different, their geohistories exhibit similar patterns. Those geohistorical similarities drew my attention to the link between colonialism, capitalism, and liberalism, with a focus on the role of geography.

The continent of Antarctica is widely perceived as a frozen continent with no permanent human population, whereas Australia has always been home to humans. These two continents are distinct in terms of their climatic, terrestrial, and oceanic features, but I endeavoured to highlight that the processes of geo-graphing in Australia and Antarctica share similar geohistorical trajectories. Speculations on the material realities of both continents—whether Australia was ‘sufficiently’ inhabited or, in parallel, whether Antarctica was rich in minerals—impacted their ‘fate’ and conditions of existence. These speculative narratives led to permanent alterations in both continents.

The inhabitation status of Australia and Antarctica was a primary concern and subject to debate following the shared speculative question of whether these continents were *terra nullius* when explorers arrived.¹ Despite chronological differences, the continents’ suggested geohistorical trajectories began from the same perceived status, *terra nullius*, which evolved to state-owned territories. That is, the description of Antarctica’s ‘emptiness’ as a frozen void resembles the perception of Australia’s ‘sparsely’ inhabited status, a waste land. In both continents, the acts of appropriating so-called empty or waste land, occupying and extracting it, dispossessing its life forms, and exploiting them

1. See Sections 2.3.2, ‘Australia as *Terra Nullius*,’ and 3.2, ‘Producing Antarctica.’

until their extinction in the name of allegedly ‘advanced’ land use, (scientific) improvement, and wealth accumulation have been practised and justified.

Based on these similarities in land transformation trajectories, I argued that the Australian state has mimicked the British Empire’s colonialism in Australia when claiming 42 per cent of Antarctica as the AAT. The geohistorical trajectories of these two continents helped me highlight the legacy of colonial politics, specifically, *filling empty land*, within contemporary nation-state modalities,² and thus the connection between the emergence of the Australian state territory and the AAT.³ Both the British colonial expeditions and the age of Antarctic exploration, in which Australian scientists and explorers actively took part, led to the ‘discovery’ of Antarctica. Likewise, the AAT historically emerged from Britain’s conferral of the ‘discovered’ Antarctic sectors to Australia in 1933, as the Australian state was inherited by the Crown.

Another geohistorical similarity emerges in the dispossession or nullification of prior geographical existence during and after the process of establishing colonial settlements and, later, nation-states. I traced geohistories and expanded the scope of *land users* beyond humans and to all geographical life forms and forces to argue that the dispossession or alienation of Aboriginal peoples and their relations to their lands in Australia resonates with the dispossession or alienation of Antarctic flora, fauna, maritime life, and climate—in short, Antarctic materialities.⁴

5.1.2 Conceptual–Material Geography: Connections in Geo-Graphing

In the book, the connections in geo-graphing were primarily informed by Lefebvre’s notions of space and space production.⁵ I analysed geo-graphing by examining the interplay between concepts and materials in relation to particular locations. My main argument is that every produced space/geography has both conceptual and material dimensions, and those dimensions explain the processes and patterns of producing space (geo-graphing). Within this argument, I drew

2. For further details, see Section 3.3, ‘The Nexus between States’ Antarctic Claims and Emperors’ Colonial Techniques.’

3. Chapter 3 details this connection.

4. See Section 4.4.2, ‘Antarctica: Material Force of Capitalist Value-Relation.’

5. See Sections 3.1, ‘Hinging on Lefebvrian Space-Production,’ 4.2, ‘Lefebvrian Thinking of State Space,’ and 4.4, ‘Lefebvrian Thinking of Capitalist State Space’s Promise.’

on an investigative approach to explore rhetorical and practical aspects of space production or geo-graphing, which concurrently encapsulate conceptual and material geography. In this sense, the two dimensions of geo-graphing sit alongside these two kinds of geography. Accordingly, legal doctrines, titles, and policies, which frame the status of geography through concepts such as *terra nullius*, national territory, the global commons, and the common heritage of humanity, are in dialogue with geo-material lifeforms, including soil, rivers, ice, oceans, the atmosphere, and so on.

Despite the ostensibly de-spatialized or universal characteristics of such legal concepts, the connections in geo-graphing highlight that legal concepts that define the status of geography are informed by geo-material particularities. Space production or geo-graphing must thus comprise ceaseless relationships between conceptual and material geographies. I presented this understanding of space production—following the book’s methodological commitments, which do not conform to a strict taxonomy of disciplines⁶—as three non-exhaustive spatial techniques: symbolic space, built environment, and geopolitics and legal territoriality that produced the AAT as a capitalist state space.⁷ Thereinafter, I sought to conceptualize and explain the interactions of material geography with the capitalist state space. The underlying argument is that any configurations of geography cannot be innate but are a product of uneven and competing interactions between concepts and materials.

5.2 Connections of the Second Layer: Colonialism, Capitalism, and Liberalism

Some legal values are universally shared across different legal systems, regardless of socio-geographical differences. Those values are presumed to be narrated in the same vision and grammar; therefore, there is a long-standing consensus on the ubiquity of certain legal concepts, such as legal personhood, rights, and property. The abstraction of these concepts also fuelled the initial drive for this book, which has demonstrated—by analysing land transformation trajectories in two specific continents’ geohistories—that these processes of system-making were particular and situated. For this reason, understanding space production through spatial analysis means to specify socio-geographical

6. See Introduction, specifically Section 1.3, ‘Methodological Commitments.’

7. In particular, see Section 3.5.3.1.2, ‘Antarctica as National Space.’

particularities while revealing the underlying ideologies behind the processes of system-making. As such, space production can reveal the connections between colonialism, capitalism, and liberalism in world-making formations, including law.

5.2.1 *Colonial Legacies through Space Production*

The Antarctic land transformation from a frozen void, considered *terra nullius* but never officially proclaimed as such, to national territories resonates with the land transformation trajectories during the colonial age of the so-called New World. Antarctica's transformation presents mobilized colonialism. More precisely, Antarctica's geohistory echoes the same 'old' history of nullification to 'fill an empty space' as that of the Anglo-European colonies.⁸ The connection between Australia and Antarctica thus evidences the legacy of colonialism in contemporary geo-graphing.

In a more contemporary context, the colonial legacy operates to preserve the monopoly of landownership, considered the historically ideal form of societal organization as nation-states, and territorial sovereignty based on the dispossession of pre-existing life forms and relations. I demonstrated this by outlining the history of socio-spatial nullification in Australia and its impacts on Aboriginal peoples, referencing colonial justifications. I also highlighted that territorial disputes over Antarctica emerged from competing claims of sovereignty and ownership, similar to the colonial justifications in Australia. Such disputes over enclosed state territories in Antarctica and the lack of consensus on governance systems for the Antarctic region attest to how states' claims to territorial sovereignty led to the nullification and dispossession of Antarctic life forms by defining the latter as natural resources of claimant states and making them available for the use of industries.

5.2.2 *Capitalism through Space Production*

I understand capitalism as an extension of colonialism and thereby as having occurred before the Industrial Revolution. Land transformation within the geohistorical trajectory from *terra nullius* to state territory is the primary context that enabled me to ponder the history of interactions of the capitalist state with geography beyond the 'Anthropocene's

8. See Sections 3.2, 'Producing Antarctica,' and 3.4, 'How Spatial is Antarctic Imperialism?'

shallow historicization.⁹ When surpassing the dominant discourse of the Anthropocene, land transformation appears as an essential enabler in the history of land–people relations. In tracing land transformation trajectories, the significance of spatial relations, techniques, and processes helps contextualize as well as illustrate the connection between system-making and socio-ecological crises.

The insights of Gear, Yusoff, and Moore are essential to this book, as they provide critical perspectives on the long-lasting effects of land transformation.¹⁰ Drawing on their viewpoints, I argue that the origins of the epoch of the Anthropocene are found in the ‘Columbian exchange biota,’ meaning the conquest of the Americas, which represented an epochal transition in land¹¹ that occurred in the sixteenth century, rather than during the nineteenth century’s Industrial Revolution.¹² Moore writes:

Anthropocene, at its core, is a fundamentally bourgeois concept. It tells us that behind the current disastrous state of world affairs is the Anthropos. It is a trick as old as modernity—the rich and powerful create problems for all of us, then tell us we are all to blame. But are we? And just who, in any case, is ‘we’?¹³

The shift in the origin of the Anthropocene from *carbon capitalism* to colonial land transformation also led me to conduct further analyses of spatial techniques to identify similarities in land transformations across geographies and chronologies.

Avoiding assigning responsibility to ‘undifferentiated Humanity’ or the ‘human species as a whole,’¹⁴ I identified the underlying problem in the dominant way societies are organized, aligned with the pursuits of capitalism and nation-states, which actively and continuously transform and structure relations to geography. As such, I outlined the production of the ‘New World’ by looking into the characteristics of the colonial imaginary, which are industrious labour and agricultural productivity in the name of so-called civilized and advanced land use through

9. Moore, ‘Capitalocene, Part I,’ 594.

10. See Section 2.1, ‘Resetting the Golden Spike for Colonial Land Transformation.’

11. Moore, ‘Capitalocene, Part II,’ 243.

12. See Section 2.1, ‘Resetting the Golden Spike for Colonial Land Transformation.’

13. Moore, ‘Capitalocene, Part I,’ 598.

14. Moore, ‘Capitalocene, Part I,’ 597.

enclosure and cultivation.¹⁵ Unsurprisingly, the colonial roots of land use for ceaseless exploitation have paved a linear path for neoliberal production models and processes, which also explain Antarctic space production, transforming the Antarctic geography into scientific objects and natural resources.

By looking at Antarctica, I paid attention to the capitalist state mode of space production and its political agendas, based on the alienation of geographical life forms. I conceptualized the spatial operation of the capitalist state mode through Lefebvre's concepts of *dominant space* and *abstract space*.¹⁶ Lefebvre's notions demonstrate how capitalist value-producing relations transform geographies. Connecting Marxist *abstract labour* to Lefebvrian abstract space sheds light on the processes that valorize geographical life forms within value-producing relations.¹⁷ On the one hand, Lefebvre's dominant space amounts to an emptied space, in which actual land users and their relations with material (realities in) geography are wiped out through dominant powers' techniques. On the other hand, Lefebvrian abstract space, the capitalist form of dominant space, denotes capitalist space. By interpreting Marx's abstract labour for spatial matters, abstract space unveils the abstraction of heterogeneous spatial qualities. Since Lefebvre expands the Marxian abstraction to geohistorical realities, abstract space is a useful conceptualization for identifying capitalist state space and its spatial technologies. The transformation from the use value of geography to its exchange value conceptually elucidates the quantification of geographical life forms by means of parcellation, extractivist knowledge production, and the creation of a universal regulatory system.

Within the same conceptual fashion, Antarctica is regarded as if there is a single version of the continent, which reduces geographical particularities and their diverse qualities to one quantitative measurement within the monetary system of capitalism. In this book, Antarctica illustrates that the system of knowing by means of scientific endeavours, which reduces geographical life forms to objects of science, aligns with the system of capitalism by measuring geographical qualities with their exchange value. This shift in value brings about the extractable quality of geographical life forms, or, in a way, *undifferentiated extra-human natures*.

15. Chapter 2 details this argument.

16. See Section 4.2, 'Lefebvrian Thinking of State Space.'

17. See Section 4.3.1, 'The State as an Arbiter of Value-Relation Regarding Geopower.'

Such a shift, in which quantification and homogenization are orchestrated together, is what I understand as the delivery of geography, meaning the transfer of geographical life forms to capital accumulation.¹⁸ The question of what ensures the delivery of geography to capital accumulation led me to further investigate ongoing power relations. I argue that the junction between technocratic governance, science, law, economy, and geography reveals the complex relationality between the state, capital, and geography. I propose the constellation of state, capital, and geography through the concept of *geopower* to acknowledge that capitalism and its techniques, involving states' policies, are geographical. This argument is also important if we are to make capitalism part of geohistory.

5.2.3 *Liberalism through Space Production*

I identified dispossession as the violence inherent in capitalist production, enabled by statecraft. Capital's violence segregates socio-natural originality from its own situated geography. The emphasis on geography enabled me to further examine dispossession or alienation, specifically concerned with spatiality. The spatial understanding of alienation makes capitalist production's violence geographically informed. Accordingly, alienation in parallel with nullification becomes both the means and the outcome of the capitalist state mode of space production. In this regard, Arendt's concepts of *earth alienation* and *world alienation* provided a conceptual background to expand on spatial alienation.¹⁹ Her concepts offer an intriguing approach to spatial alienation within sociopolitical life.

I interpreted the capitalist state mode of space production, or Lefebvre's *abstract space*, in relation to Arendt's notion of *alienation*. This conceptual combination also explains land transformations, particularly in Antarctica, which emerged as a result of scientific activities and resource governance. I understood scientific and administrative endeavours in Antarctica as impetuses reinforcing spatial alienation due to the structure of the existing capitalist value relation in Antarctica. Although the last two chapters of the book specifically focused on the continent of Antarctica, the dispossession of Aboriginal peoples in Australia was also briefly elaborated in this context.

18. See Section 4.3.3, 'The Delivery of Geography.'

19. See Section 4.3.3.1, 'Arendt's *Alienation* in Conjunction with Lefebvre's *Loss of Originality*.'

Accordingly, colonial formations generated a single Aboriginal identity, as ‘uncivilized’ or ‘savage’ people, who were presumed to be incapable of having sovereignty and holding property.²⁰ This creation, supported by colonial laws, conferred entitlements to colonial settlers to occupy Australia and remove Aboriginal sovereignty and presence, which was the originality of the land. In the sense of Arendt’s alienation, the forcefully imposed societal organization and social ideals and norms, brought to Australia by the colonial power, manifested as the nullification and dispossession of Aboriginal originality in Australia.

There have been liberal endeavours in Australia to acknowledge the colonial past and liberate legal institutions from their colonial legacy through liberal governance in the form of the recognition of entitlements. However, my critical approach taken in this book entails that the focus of such endeavours should be on the relational ontologies within situated geographies.²¹ I examined the Mabo decision by the Australian High Court to elaborate and foster this argument.²² The judgment of the Australian High Court rejected the legal doctrine of *terra nullius* and conferred native title and property rights to Aboriginal individuals. In Chapter 2, I examined the argumentation of the judgment and whether such legal decisions and regimes can culminate in resetting existing power relations or whether the decision can only ensure property title for Aboriginals, created by non-Aboriginal knowledge and systems, which have nothing to do with Aboriginal sovereignty.

Expanding the understanding of *land users* to include the dispossessed originality or all geographical life forms and forces, I discussed *geopower* and spatial alienation together in consideration of Antarctica’s qualities, such as krill populations, seals, whales, ice, and maritime ecosystems.²³ I understand the disappearing or changing Antarctic geography, due to capitalist states’ pursuits based on value-producing relations, as the dispossession of Antarctic life forms. To unearth the power relations leading to the alienation of Antarctic life forms,

20. See Section 2.2, ‘The Lockean Roots of Denial of Land Possession.’

21. In this concluding section, the term *liberalism* is used to describe the complementary mobilization of colonialism and capitalism. Liberalism is presented here as the third pillar related to liberal emancipatory endeavours in normativity. In this regard, liberalism is used as a shortcut to indicate the current law’s rhetorical and practical efforts that supposedly free states from their colonial past and also emancipate other-than-humans or extra-human natures from being seen as non-legal subjects.

22. See Section 2.4, ‘Reconfigured Australia.’

23. See Sections 4.4.1, ‘The Actualization of Land Users through *Lived Space*,’ and 4.4.2, ‘Antarctica: Material Force of Capitalist Value-Relation.’

I turned my focus to value-producing relations. As in the Mabo decision, liberal governance in Antarctica, in the form of resource governance at both national and international levels, has prioritized efforts to protect Antarctic nature and scientific improvements. Through the critique of these liberal governing efforts, I problematized the bestowing of legal subjectivity and rights to more-than-humans as part of the same liberal governance. In line with Aboriginal individuals' property title, Antarctica's lived space has nothing to do with legal recognitions of subjectivity, ownership, and sovereignty, which are in fact the products of *abstract space*. That being said, this critical approach does not aim to undermine initiatives and efforts to find solutions for Antarctica, or nature in general, but to highlight the problem in the existing system, which still does not fully confront the enduring state–capital–geography power dynamics.

After all, dwelling on the perspective that there is *non-liberal* between liberal and illiberal,²⁴ which should signal a space to imagine alternatives, I highlighted my final argument by drawing attention to the notion of *geopower*.²⁵ Instead of relying on any emancipatory liberal visions of the current state–capital–geography constellation, geographical forms and forces such as ocean acidification, melting ice, or changes in krill populations emerge from interactive encounters between the materiality of geographies and states/industries. Such encounters must be considered seriously and understood beyond the liberalism of the capitalist state mode of space production. Leaning on uneven and incessant forces within geopower, space production based on relational ontologies is always underway. As such, the notion of space production within the framework of geopower can enable us to imagine power constellations differently, affirming the active participation of geography in system-, world-, or reality-making.

Geographical forms and forces, continuously engaging in sociopolitical life, can draw our attention to their unstable and substantial impacts on law, politics, and societal life. For instance, ocean acidification and the destruction of marine ecosystems are indeed alarming and, moreover, signal the constitutive significance of the category of *dead matter* or *end-of-the-world* circumstances. Instead of calling for band-aids to deal with socio-ecological urgencies, the politics of dead matter, *inhuman*

24. The use of *non-liberal* was inspired by the discussions in one of the sessions at the Intensive Doctoral Week at Science Po in Paris that I attended between the 10 and 14 June 2024.

25. See Section 4.5, 'Re-Visiting Geopower.'

or *non-life*, geographical forces, or *lived space*, as the constitutive as well as subversive forces within capitalist state space, enter into relationality. Such a political ontology grounded in relations promises a new configuration of space, or *differential space*,²⁶ as Lefebvre terms it. Therefore, I understand geographical forces, widely acknowledged as crises or catastrophes, as the political agents of power relations, which become more visible within *geopower*. My ultimate argument is that such an understanding therefore has a strong potential for geo-materializing our imaginary, rather than leaning on the non-geographical imaginary of law and politics.

26. See Section 4.4, 'Capitalist State Space's Promise: Differential Space.'

