

Abstract

This diploma thesis critically examines traditional positivist interpretations concerning the birth of four core norms of the current legal regime governing activities of states in Outer Space: a) non-militarization, b) peaceful use, c) non-appropriation, and d) freedom of access. Traditional interpretations often explicate the emergence of the aforementioned principles in static terms, either as a result of universal aspirations of mankind to peacefully explore the final frontier, or alternatively as a product of rational calculations of self-interested states. Analysis of the first decade of the space age through the lens of post-structural genealogical method proposed by Richard Price reveals a much more complex picture. Application of critical genealogical approach indicates that the emergence of the four norms in question was contingent on the presence of particular historical circumstances and cognitive structures of the Cold War: a) fear of nuclear weapons, b) policy of containment, c) trauma of the Second World War, and d) highly politicized outer space discourse due to the presence of the space race. The findings also indicate that without the presence of the particular historical circumstances and cognitive structures that necessitated their emergence, the four principles in question are unlikely to survive into the future, at least not in their current form.