## 1

#### Interp: The affirmative must define “outer space” in a delimited text in the 1AC.

#### “Outer Space” is flexible and has too many interps – normal means shows no consensus

Leepuengtham 17 [Tosaporn Leepuengtham (Research Judge, Intellectual Property and International Trade Division, Supreme Court of Thailand). "International space law and its implications for outer space activities." 01-27-2017, Accessed 12-9-2021. https://www.elgaronline.com/view/9781785369612/06\_chapter1.xhtml // duongie

Those states which favor the precise demarcation of outer space support the spatial approach, whereas those who oppose to such demarcation prefer the functional approach, as the latter allows more flexibility in terms of the development of space technology.34 This lack of a definition and delimitation of outer space is problematic, since certain particular areas are neither explicitly defined as ‘air space’ or ‘outer space’. For example, it is vague whether an area located between 80 km and 120 km above sea level would be classified as either air space or outer space in the absence of demarcation, since 80 km is the maximum attitude for convention aircraft, and 120 km is the lowest attitude in which space activities could be carried out.35 Satellites which are stationed in a geostationary orbit are a good example of this ambiguity. Owing to this lack of any internationally recognized delimitation, equatorial states claim sovereignty over that part of the geostationary orbit which is located over their respective territories;36 whereas technologically developed countries believe that the geostationary orbit is an integral part of outer space.37 This uncertain status of areas leads to legal jurisdictional problems. According to international law, a state has sovereignty over the airspace above its territory.38 However, national sovereignty does not extend into outer space.39 Thus, it is necessary to determine where a state’s airspace ends to ensure that the appropriate legal regime is applied. One possible scenario which might occur and which is relevant to the subject of this book is the creation or infringement of an intellectual work is in just such an ambiguous location. This would cast doubt on the ‘legal’ location of creation or infringement, and the question of which applicable legal regime arises. Should we apply the law of the underlying state or is there no law to apply? For example, would satellite signals transmitted from a satellite stationed in a geostationary orbit located over equatorial countries be considered as works created or, if intercepted, be infringed, in outer space or in the sovereign air space of those respective countries? These hypothetical examples highlight why a boundary is necessary if unpredictability arising from different legal application is to be avoided. While it might be argued that this issue is being overemphasized at this stage, given increasing use of space technology, this problem is worth considering now rather than later.

#### Violation – you don’t.

#### Prefer –

#### 1] Stable Advocacy – they can redefine in the 1AR to wriggle out of DA’s which kills high-quality engagement and becomes two ships passing in the night –our ground is decked bc we lose access to Tech Race DA’s, Asteroid DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### 2] Real World – Policy makers will always define the space that they are regulating. It also means zero solvency, absent spec, private entities can circumvent since there is no delineated way to enforce the aff and means their solvency can’t actualize.

#### 1] DTD on T, since deters future abuse, my prep already skewed, and DTA would be incoherent.

#### 2] Fairness first as a voter – it controls the i/l to education – if the rounds unfair I cant engage – and it the points of debate because of win looses and speaker points

#### 3] Competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] norm setting – reasonability is arbitrary and invites judge intervention C] reasonability causes a race to the bottom.

#### 4] No RVIs: 1] Encourages theory baiting and chills checking real abuse. 2] Illogical b/c don’t win for being fair and logic is meta-constraint on arguments b/c comes lexically prior.

#### 5] T before 1AR theory – A] any neg abuse is mitigated by the fact that they weren’t topical B] outweighs on scope b/c 1ac abuse affects every speech after.

Asking don’t solve – it’s a question of ur burden of clarity on the rez – you decide on normal means

## 2

#### Interpretation: Affirmatives must not defend the implementation of an action.

#### Resolved in context of the resolution is a statement of value.

UPitt n.d. – University Of Pittsburgh Communications Services Webteam, copyright 2015-21, "Basic Definitions," Department of Communication , <https://www.comm.pitt.edu/basic-definitions> CHO

Affirmative/Pro. The side that “affirms” the resolution (is “pro” the issue). For example, the affirmative side in a debate using the resolution of policy, Resolved: The United States federal government should implement a poverty reduction program for its citizens, would advocate for federal government implementation of a poverty reduction program. Argument. A statement, or claim, followed by a justification, or warrant. Justifications are responses to challenges, often linked by the word “because.” Example: The sun helps people, because the sun activates photosynthesis in plants, which produce oxygen so people can breathe. Constructive Speech. The first speeches in a debate, where the debaters “construct” their cases by presenting initial positions and arguments. Cross-examination. Question and answer sessions between debaters. Debate. A deliberative exercise characterized by formal procedures of argumentation, involving a set resolution to be debated, distinct times for debaters to speak, and a regulated order of speeches given. Evidence. Supporting materials for arguments. Standards for evidence are field-specific. Evidence can range from personal testimony, statistical evidence, research findings, to other published sources. Quotations drawn from journals, books, newspapers, and other audio-visuals sources are rather common. Negative/Con. The side that “negates” the resolution (is “con” the issue). For example, the negative side in a debate using the resolution of fact, Resolved: Global warming threatens agricultural production, would argue that global warming does not threaten agricultural production. Preparation Time. Debates often necessitate time between speeches for students to gather their thoughts and consider their opponent's arguments. This preparation is generally a set period of time and can be used at any time by either side at the conclusion of a speech. Rebuttal Speech. The last speeches in a debate, where debaters summarize arguments and draw conclusions about the debate. Resolution. A specific statement or question up for debate. Resolutions usually appear as statements of policy, fact or value. Statement of policy. Involves an actor (local, national, or global) with power to decide a course of action. For example, Resolved: The United States federal government should implement a poverty reduction program for its citizens. Statement of fact. Involves a dispute about empirical phenomenon. For example, Resolved: Global warming threatens agricultural production. Statement of value. Involves conflicting moral dilemmas. For example, Resolved: The death penalty is a justified method of punishment. Topic. A general issue to debate. Topics could be “The Civil War,” “genetic engineering,” or “Great Books.”

#### “Is” is a linking verb – no implementation since it’s a description.

GM n.d. – “Linking Verbs," Grammar Monster, <https://www.grammar-monster.com/glossary/linking_verbs.htm> CHO

What Are Linking Verbs? (with Examples) A linking verb is used to re-identify or to describe its subject. A linking verb is called a linking verb because it links the subject to a subject complement (see graphic below). Infographic Explaining Linking Verb A linking verb tells us what the subject is, not what the subject is doing. Easy Examples of Linking Verbs In each example, the linking verb is highlighted and the subject is bold. Alan is a vampire. (Here, the subject is re-identified as a vampire.) Alan is thirsty. (Here, the subject is described as thirsty.)

#### Violation: they defend implementation and passage of a protocol.

#### Negate for limits and ground – justifies infinite unpredictable advantages which overstretches research spiking generics. Precision outweighs – non-topical affs violate tournament rules so the judge doesn’t have the jurisdiction to vote on them and it controls the internal to pragmatic offense in a question of models.

#### TVA – read a whole res phil aff – creates better ethics and critical thinking and outweighs on uniqueness – switching to policy solves your offense.

c/a PI

## 3

#### The aff’s incorporation within the political feeds into the state’s rejection of deviancy from the ideal Man. The ability of the state to rescind ownership of deviant bodies separates humans and non-humans in their inability to attain the personhood that the state inscribes. The Garcia evidence makes it clear the US government is the final authorizer of laws which entrenches its power over legal personhood. We refuse this logic of inclusion and function within liminal spaces to act from the epistemology of the flesh.

Weheliye

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

Paradoxically, the particular biological material in question remains the property, at least nominally, of all humanity and is not proper to Moore the individual person: “Lymphokines, unlike a name or a face, have the same molecular structure in every human being and the same, important functions in every human being’s immune system. Moreover, the particular genetic material which is responsible for the natural production of lymphokines, and which defendants use to manufacture lymphokines in the laboratory, is also the same in every person; it is no more unique to Moore than the number of vertebrae in the spine or the chemical formula of hemoglobin.”20 So, Law 81 while the court grants personhood to human subjects in an individualized fashion that is based on comparatively distinguishing between different humans, when biological material clashes with the interests of capital, the court appeals to the indivisible biological sameness of the Homo sapiens species. Since the court’s ruling does not place this slice of human flesh in the commons for all humans to share, it tacitly grants corporations the capability of legally possessing this material with the express aim of generating monetary profit. Considering that corporations enjoy the benefits of limited personhood and the ability to live forever under U.S. law, corporate entities are entrusted with securing the immortal life of biological matter, while human persons are denied ownership of their supposed essence.21 My interest here lies not in claiming inalienable ownership rights for cells derived from human bodies such as Lacks’s and Moore’s but to draw attention to how thoroughly the very core of pure biological matter is framed by neoliberal market logics and by liberal ideas of personhood as property. We are in dire need of alternatives to the legal conception of personhood that dominates our world, and, in addition, to not lose sight of what re­mains outside the law, what the law cannot capture, what it cannot magi­cally transform into the fantastic form of property ownership. Writing about the connections between transgender politics and other forms of identity- based activism that respond to structural inequalities, legal scholar Dean Spade shows how the focus on inclusion, recognition, and equality based on a narrow legal framework (especially as it pertains to antidiscrimination and hate crime laws) not only hinders the eradication of violence against trans people and other vulnerable populations but actually creates the condition of possibility for the continued unequal “distribution of life chances.”22 If demanding recognition and inclusion remains at the center of minority politics, it will lead only to a delimited notion of personhood as property that zeroes in comparatively on only one form of subjugation at the expense of others, thus allowing for the continued existence of hierarchical differ­ences between full humans, not-quite-humans, and nonhumans. This can be gleaned from the “successes” of the mainstream feminist, civil rights, and lesbian-gay rights movements, which facilitate the incorporation of a privileged minority into the ethnoclass of Man at the cost of the still and/or newly criminalized and disposable populations (women of color, the black poor, trans people, the incarcerated, etc.).23 To make claims for inclusion and humanity via the U.S. juridical assemblage removes from view that the law itself has been thoroughly violent in its endorsement of racial slavery, indigenous genocide, Jim Crow, the [PIC] prison-industrial complex, domestic and international warfare, and so on, and that it continues to be one of the chief instruments in creating and maintaining the racializing assemblages in the world of Man. Instead of appealing to legal recognition, Julia Oparah suggests counteracting the “racialized (trans)gender entrapment” within the [PIC] prison-industrial complex and beyond with practices of “maroon abo­lition” (in reference to the long history of escaped slave contraband settlements in the Americas) to “foreground the ways in which often overlooked African diasporic cultural and political legacies inform and undergird anti- prison work,” while also providing strategies and life worlds not exclusively centered on reforming the law.24 Relatedly, Spade calls for a radical politics articulated from the “‘impossible’ worldview of trans political existence,” which redefines “the insistence of government agencies, social service pro­viders, media, and many nontrans activists and nonprofiteers that the ex­istence of trans people is impossible.”25 A relational maroon abolitionism beholden to the practices of black radicalism and that arises from the incompatibility of black trans existence with the world of Man serves as one example of how putatively abject modes of being need not be redeployed within hegemonic frameworks but can be operationalized as variable liminal territories or articulated assemblages in movements to abolish the grounds upon which all forms of subjugation are administered.

#### Society constructs a master narrative where color is sub-human and deviant from the ideal Man. The color line is the way whiteness redefines the biological norm and establishes a hierarchy undergirding all forms of oppression. The role of the ballot is to deconstruct the figure of western man, only this is able to open up the world to new lines of flight.

Wynter [Wynter, Sylvia. “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument.” CR: The New Centennial Review, Michigan State University Press, 3 Feb. 2004, muse.jhu.edu/article/51630. ]chsMM

The Argument proposes that the new master code of the bourgeoisie and of its ethnoclass conception of the human - that is, the code of selected by Evolution/dysselected by Evolution- was now to be mapped and anchored on the only available "objective set of facts" that remained. This was the set of environmentally, climatically determined phenotypical differences between human hereditary variations as these had developed in the wake of the human diaspora both across and out of the continent of Africa; that is, as a set of (so to speak) totemic differences, which were now harnessed to the task of projecting the Color Line drawn institutionally and discursively between whites/nonwhites - and at its most extreme between the Caucasoid physiognomy (as symbolic life, the name of what is good, the idea that some humans can be selected by Evolution) and the Negroid phys- iognomy (as symbolic death, the "name of what is evil," the idea that some humans can be dysselected by Evolution)- as the new extrahuman line, or projection of genetic nonhomogeneity that would now be made to function, analogically, as the status-ordering principle based upon ostensibly differ- ential degrees of evolutionary selectedness/eugenicity and/or dysselected- ness/dysgenicity. Differential degrees, as between the classes (middle and lower and, by extrapolation, between capital and labor) as well as between men and women, and between the heterosexual and homosexual erotic preference - and, even more centrally, as between Breadwinner (job- holding middle and working classes) and the jobless and criminalized Poor, with this rearticulated at the global level as between Sartre's "Men" and Natives (see his guide-quote), before the end of politico-military colonial- ism, then postcolonially as between the "developed" First World, on the one hand, and the "underdeveloped" Third and Fourth Worlds on the other. The Color Line was now projected as the new "space of Otherness" principle of nonhomogeneity, made to reoccupy the earlier places of the motion-filled heavens/non-moving Earth, rational humans/irrational animal lines, and to recode in new terms their ostensible extrahumanly determined differences of ontological substance. While, if the earlier two had been indispensable to the production and reproduction of their respective genres of being human, of their descriptive statements (i.e., as Christian and as Mam), and of the overall order in whose field of interrelationships, social hierarchies, system of role allocations, and divisions of labors each such genre of the human could alone realize itself- and with each such descriptive state- ment therefore being rigorously conserved by the "learning system" and order of knowledge as articulated in the institutional structure of each order - this was to be no less the case with respect to the projected "space of Otherness" of the Color Line. With respect, that is, to its indispensability to the production and reproduction of our present genre of the human Man, together with the overall global/national bourgeois order of things and its specific mode of economic production, alone able to provide the material conditions of existence for the production and reproduction of the ethnoclass or Western-bourgeois answer that we now give to the question of the who and what we are. It is in this context that the Negro, the Native, the Colonial Questions, and postcolonially the “Underdeveloped” or Third/Fourth-Worlds Question can be clearly seen to be the issue, not of our present mode of economic production, but rather of the ongoing production and reproduction of this answer—that is, our present biocentric ethnoclass genre of the human, of which our present techno-industrial, capitalist mode of production is an indispensable and irreplaceable, but only a proximate function. With this genre of the human being one in the terms of whose dually biogenetic and economic notions of freedom both the peoples of African hereditary descent and the peoples who comprise the damned archipelagoes of the Poor, the jobless the homeless, the “underdeveloped” must lawlikely be sacrificed as a function of our continuing to project our collective authorship of our contemporary order onto the imagined agency of Evolution and Natural Selection and, by extrapolation, onto the “Invisible Hand” of the “Free Market” (both being cultural and class-specific constructs). The challenge to be confronted at this conjuncture is this: While from the Renaissance onwards, Western intellectuals have, by means of the development of the natural sciences, enabled us to obtain nonadaptive knowledge of our nonhuman levels of reality, we have hitherto had no such parallel knowledge with respect to ourselves and the nature-culture laws that govern our modes of being, of behaving, of mind, or of minding. The buck for such knowledge (one able to open up a new frontier of nonadaptive human self-cognition, and therefore the possibility of our nonheteronomously and now consciously ordered/motivated behaviors, beyond the ethnoclass limits of our contemporary ones) stops with us. While the prescriptive guidelines of how we are to set about this challenge lie in the paradox of the new Darwinian descriptive statement of the human: Man in its second, purely secular, biocentric, and overrepresented modality of being human. What then had been the contradiction at the heart of the Darwinian Revolution, at the core of its paradigm of Evolution that was to give rise to, on the one hand, the continuing dazzling successes of the biological sciences and, on the other, not only to the obsessive ethno-biological beliefs in the genetic inferiority of nonwhite natives, in the barely evolved near-primate status of black-skinned peoples (as matrix beliefs that would logically make possible the “life unworthy of life” extermination credo of the Nazis), but also at the same time to C. P. Snow’s “Two Cultures” division of knowledge? That is, to the natural-scientific disciplines on the one hand, and to the rigorous yet adaptive, and therefore ethno-disciplines of the humanities and social sciences on the other? Although Foucault, in his analysis of the processes by means of which the classical episteme was replaced by our own, had proposed that these epistemes be seen as being discontinuous with each other, what he oversaw was that such a discontinuity, like the earlier discontinuity that had been effected by the classical episteme itself, was taking place in the terms of a continuous cultural field, one instituted by the matrix Judeo-Christian formulation of a general order of existence. That, therefore, these shifts in epistemes were not only shifts with respect to each episteme’s specific order of knowledge/truth, but were also shifts in what can now be identified as the “politics of being”; that is, as a politics that is everywhere fought over what is to be the descriptive statement, the governing sociogenic principle, instituting of each genre of the human. With the result that as Christian becomes Man1 (as political subject), then as Man1 becomes Man2 (as a bio-economic subject), from the end of the eighteenth century onwards, each of these new descriptive statements will nevertheless remain inscribed within the framework of a specific secularizing reformulation of that matrix Judeo-Christian Grand Narrative. With this coming to mean that, in both cases, their epistemes will be, like their respective genres of being human, both discontinuous and continuous. This was the fact that Jacob Pandian brought to our attention when he noted that the Untrue Christian Self as the Other to the True Christian Self of the Judeo-Christian conception was to be re-inscripted, from the sixteenth century onwards, as the new Untrue Human Others to the “true” human that is Man, in its two forms. Firstly as subrational Indian, Negro Others to Man1, then, secondly, as native and nigger Others to Man2. It is with this proposal that he also provides the answer to the why of the imperative signifying role that will continue to be placed by the secular West upon what seems to its subjects, from the perspective of their somatic norm, to be the alien features of the Negroid physiognomy. The answer also as to the why the negative connotations that will continue to be placed on it should, while now effected in purely biologized terms, still carry over, if in new post-sixties terms, the “undeserving” “name of what is evil” ordering principle that still reenacts the matrix stigma that had been placed by medieval Christianity on the Negroid physiognomy (Gans 1999). With the consequence that because now made to embody and actualize the example of the human, not now as fallen to the status of the ape, but rather as barely evolved from it (and, as such, an undeserving race because dysselected-by-Evolution within the logic of the Darwinian paradigm), it was now not only the peoples of the Black ex-slave Diaspora, but all the peoples of Black Africa who would be also compelled to confront the inescapable fact (one attested to by the infamous 41-bullet shooting death of Amadou Diallo) that, as put succinctly by Frantz Fanon, “wherever he[/she] goes in the world, the Negro remains a Negro” (Fanon 1967)—and, as such, made to reoccupy the signifying place of medieval/Latin-Christian Europe’s fallen, degraded, and thereby nonmoving Earth. The Argument here redefines Marx’s class struggle in the terms of a “politics of being”: that is, one waged over what is to be the descriptive statement of the human, about whose master code of symbolic life and death each human order organizes itself. It then proposes that it was precisely because of the above political dynamic—which underpinned the Darwinian Revolution, making it possible—that it was also compelled to function as a half-scientific, half-mythic theory of origins, at least as it had to do with the human. Since it was to be in the context of the political struggle for hegemony that was being waged by a then increasingly wealthy but non-landed bourgeoisie against the established ruling elite of the landed gentry elite that Darwin would be impelled to put forward a new theory with respect to the origin of all species, including the human species (one able to move outside the terms of the “Argument from Divine Design”), that had functioned to legitimate both the ruling status of the landed gentry and the order of knowledge of the classical episteme, and that had provided the mode of adaptive truth-for indispensable to the legitimation of the ruling gentry’s hegemony. It was in order to deconstruct the “Argument from Divine Design” that Darwin was to put forward his brilliantly innovative new paradigm that would lead to the rise and development of the biological sciences, at the same time as it would also elaborate a new origin narrative in place of Genesis (Isaacs 1983). Blumenberg reveals the central role that will be played in this reformulation by the clergyman-economist Thomas Malthus (Blumenberg 1983). This is the new form of the “absence of order” that Malthus will elaborate in his 1798 Essay on the Principle of Population. For Malthus, it is the “autonomous lawfulness of population growth,” projected as a “universal law of life,” which predetermines a new modality of the “absence of order”: this time, the ostensibly fundamental contradiction posed by the fact that men’s increase in numbers is a geometric progression, whereas the increase in the quantity of food can only be an arithmetical progression. With the result that given the widening gap between the two progressions, the law of selfregulation that follows logically calls for the state’s noninterference with the ostensibly extrahuman regulatory effect of the supposed “law of nature”—a law that also calls for the category of the Poor to be left by themselves, unaided by any measures taken by the state, in order that its members can be weeded out by the “iron laws” of nature. What Malthus puts in place, therefore, is the second transumed reformulation of the matrix Judeo- Christian formulation. Enslavement here is no longer to Original Sin, or to one’s irrational nature—with, in the case of the latter, the threat or “significant ill” of the political state falling into the chaos and nonpredictability of a state-of-nature. Rather, enslavement is now to the threat of Malthusian overpopulation, to its concomitant “ill” of Natural Scarcity whose imperative “plan of salvation” would now be postulated in economic terms as that of keeping this at bay—of material, in the place of the matrix spiritual, Redemption. The above reformulations were all part of the then intellectuals’ struggle to redescribe both the human, and its human activity, outside the terms of the description of the human on whose basis the owners of landed wealth had based their hegemony. What is usually overlooked, however, is that their redescription will be one that carried in its turn a new descriptive statement able to legitimate the rise to hegemony of the non-landed, capital-owning bourgeoisie as the new ruling elite. While it will be in the lineaments of the new criteria defining of Man2, in the terms of this new descriptive statement, that the lineaments of its negative Human Others are also already outlined. Seeing that if at one level Man2 is now defined as a jobholding Breadwinner, and even more optimally, as a successful “masterer of Natural Scarcity” (Investor, or capital accumulator), what might be called the archipelago of its modes of Human Otherness can no longer be defined in the terms of the interned Mad, the interned “Indian,” the enslaved “Negro” in which it had been earlier defined. Instead, the new descriptive statement of the human will call for its archipelago of Human Otherness to be peopled by a new category, one now comprised of the jobless, the homeless, the Poor, the systemically made jobless and criminalized—of the “underdeveloped”—all as the category of the economically damnés (Fanon 1963), rather than, as before, of the politically condemned. With the result that if inside Europe, it will be the Poor who will be made to reoccupy the earlier proscribed interned places of the Leper and the Mad, in the Euro-Americas, it is the freed Negro, together with the Indians interned in reservations, or as peons on haciendas, who will now be interned in the new institution of Poverty/Joblessness. That is, in an institution now made to actualize the idea of the human overcome by Natural Scarcity, and therefore in the process of being swept away by Malthus’s “iron laws of nature,” because unable, as the regular jobholding Breadwinners and Investors are so clearly able to do, to master the “ill” of this scarcity. This at the same time, as Fanon shows in The Wretched of the Earth, as the “native” rural agro-proletariat interned in colonial institutions would be made to actualize the category most totally condemned to poverty and joblessness, ostensibly because of the represented bio-evolutionarily determined incapacity of its members to do otherwise. Since, like the medieval Leper, whose proscribed role had called for him/her to actualize the realization of the effects of mankind’s enslavement to Original Sin, so this new archipelago of Otherness will be made to signify the realization of the new reformulation’s posited “absence of order,” or postulate of “significant ill,” defined now in economic terms. And “curable,” therefore, only in economic terms. What can be seen as at work here is the positive aspect of the political project that, however nonconsciously so, drove Darwin’s intellectual enterprise. In that it is going to be in the wider context of the intellectual revolution of Liberal or economic (rather than civic) political humanism that is being brought in from the end of the eighteenth century onwards by the intellectuals of the bourgeoisie, together with their redefinition of Man1 in the purely secular and now biocentric terms of Man2 that these new sciences are going to be made possible. Since the new genre of being human, in its now purely degodded conception, is one that no longer needs to know the world of organic life in the ostensibly supernaturally ordered, adaptive truthfor terms in which it had to be known by the subject-bearers of Man1—as it had been known, therefore, in the terms of Foucault’s classical episteme, with these terms serving to validate the hegemony of the owners of landed rather than of moveable wealth, or capital. Yet it is also in the terms of this specific political project that the fundamental paradox of the Darwinian Revolution emerges, one that links the imperatively secured bottom role of the Black Diaspora peoples—as well as the systemic expendability of the global Poor, of the jobless, the homeless, the underdeveloped—to the issue raised earlier with respect to the imperative “Two Culture” organization of our present order of knowledge. To sum up: it is in this context that a new principle of nonhomogeneity, that of Dubois’s Color Line in its white/nonwhite, Men/Natives form (i.e., as drawn between the lighter and the darker races), will now be discursively and institutionally deployed as a “space of Otherness” on which to project an imagined and extrahumanly (because ostensibly bio-evolutionarily) determined nonhomogeneity of genetic substance between the category of those selected-by-Evolution and the category of those dysselected-by-Evolution. The Color (cum Colonial) Line would, therefore, be made to reoccupy the places earlier occupied by the Heaven/Earth, supralunar/sublunar, and by the rational humans/irrational animals premises of nonhomogeneity in order to enable the selected/dysselected, and thus deserving/undeserving status organizing principle that it encoded to function for the nation-state as well as the imperial orders of the Western bourgeoisie, in the same way as Jacques Le Goff documents the enslaved to the flesh/Redeemed-in-the- Spirit, deserving/undeserving status-organizing principle had functioned for the ecclesiastical-cum-medieval aristocratic order of Latin-Christian Europe (Le Goff 1988). So that where the ranking rule of superiority/inferiority accepted and internalized by all the subjects of the medieval order of Europe had been that of differential degrees of redemption from enslavement to the Fallen Flesh, degrees therefore of religious merit (with the “learned” scholars of the order, as Le Goff points out, obsessively priding themselves on their ability to keep themselves chaste and sexually continent on feast days, at the same time as they stigmatized the peasants as people who, unlike them, gave in to their lustful and carnal desires, thereby falling to the level of beasts [Le Goff 1988]), in the case of the bourgeoisie, the ranking rule would be a transumed form of the first. As such, therefore, it would come to be based on degrees of selected genetic merit

(or eugenics) versus differential degrees of the dysselected lack of this merit: differential degrees of, to use the term made famous by The Bell Curve, “dysgenicity.” It is this new master code, one that would now come to function at all levels of the social order—including that of class, gender, sexual orientation, superior/inferior ethnicities, and that of the Investor/Breadwinners versus the criminalized jobless Poor (Nas’s “black and latino faces”) and Welfare Moms antithesis, and most totally between the represented-to-be superior and inferior races and cultures—that would come to function as the dually status-organizing and integrating principle of U.S. society. So that if, before the sixties, the enforced segregation of the Black population in the South as the liminally deviant category of Otherness through whose systemic negation the former Civil War enemies of North and South, together with the vast wave of incoming immigrants from Europe, would be enabled to experience themselves as a We (that is, by means of the shared similarity of their nowcanonized “whiteness”), in addition, their segregated status had served another central function. This had been that of enabling a U.S. bourgeoisie, rapidly growing more affluent, to dampen class conflict by inducing their own working class to see themselves, even where not selected by Evolution in class terms, as being compensatorily, altruistically bonded with their dominant middle classes by the fact of their having all been selected by Evolution in terms of race.

#### The alternative is habeas viscus. We must reconstruct what it means to be human through the hieroglyphics of the flesh and diverge from focus on legal personhood and the Human body. The alternative functions as an assemblage of humanity that dismantles oppression through collective action that embraces deviance away from the Western Man.

Weheliye 2 [Alexander Weheliye; Professor of African American Studies and English at Northwestern University; 2014; “Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”] //chsMM

The poetics and politics that I have been discussing under the heading of habeas viscus or the flesh are concerned not with inclusion in reigning precincts of the status quo but, in Cedric Robinson’s apt phrasing, “the continuing development of a collective consciousness informed by the historical struggles for liberation and motivated by the shared sense of obligation to preserve [and I would add also to reimagine] the collective being, the ontological totality.”31 Though the laws of Man place the flesh outside the ferocious and ravenous perimeters of the legal body, habeas viscus defies domestication both on the basis of particularized personhood as a result of suffering, as in human rights discourse, and on the grounds of the universalized version of western Man. Rather, habeas viscus points to the terrain of humanity as a relational assemblage exterior to the jurisdiction of law given that the law can bequeath or rescind ownership of the body so that it becomes the property of proper persons but does not possess the authority to nullify the politics and poetics of the flesh found in the traditions of the oppressed. As a way of conceptualizing politics, then, habeas viscus diverges from the discourses and institutions that yoke the flesh to political violence in the modus of deviance. Instead, it translates the hieroglyphics of the flesh into a potentiality in any and all things, an originating leap in the imagining of future anterior freedoms and new genres of humanity. To envisage habeas viscus as a forceful assemblage of humanity entails leaving behind the world of Man and some of its attendant humanist pieties. As opposed to depositing the flesh outside politics, the normal, the human, and so on, we need a better understanding of its varied workings in order to disrobe the cloak of Man, which gives the human a long-overdue extreme makeover; or, in the words of Sylvia Wynter, “the struggle of our new millennium will be one between the ongoing imperative of securing the well-being of our present ethnoclass (i.e. western bourgeois) conception of the human, Man, which overrepresents itself as if it were the human itself, and that of securing the well-being, and therefore the full cognitive and behavioral autonomy of the human species itself/ourselves.”32 Claiming and dwelling in the monstrosity of the flesh present some of the weapons in the guerrilla warfare to “secure the full cognitive and behavioral autonomy of the human species,” since these liberate from captivity assemblages of life, thought, and politics from the tradition of the oppressed and, as a result, disfigure the centrality of Man as the sign for the human. As an assemblage of humanity, habeas viscus animates the elsewheres of Man and emancipates the true potentiality that rests in those subjects who live behind the veil of the permanent state of exception: freedom; assemblages of freedom that sway to the temporality of new syncopated beginnings for the human beyond the world and continent of Man. German r&b group Glashaus’s track “Bald (und wir sind frei) [Soon (and We Are Free)]” performs this overdetermined idea of freedom as disarticulated from Man both graphically and sonically. Paying tribute to both the nineteenth-century spiritual “We’ll Soon Be Free,” written on the eve of the American Civil War, and Donny Hathaway’s 1973 recording, “Someday We’ll All Be Free,” Glashaus’s title “Bald (und wir sind frei)” enacts the disrupted yet intertwined notions of freedom, temporality, and sociality that I am gesturing to here.33 In contrast to its predecessors, which are resolutely located in the future via the use of soon/someday and the future tense, Glashaus’s version renders freedom in the present tense, albeit 138 Chapter Eight qualified by the imminent future of “bald [soon]” and by the typographical parenthetical enclosure of “(und wir sind frei) [and we are free].” The flow of the parentheses intimates both distance and nearness, ragging the homogeneous, empty future of “soon” with a potential present of a “responsible freedom” (Spillers) and/as sociality. The and and the parentheses are the conduits for bringing-into-relation freedom’s nowtime and its constitutive potential futurity without resolving their tension. The lyrics of “Bald (und wir sind frei)” once again exemplify this complementary strain in that the words in the verses are resolutely future oriented, ending with the invocation of “bald” just before the chorus, which, held in the potential abyss of the present, repeats, “und wir sind frei.” Likewise, in the verses, Glashaus’s singer Cassandra Steen, accompanied only by a grand piano, just about whispers, whereas she opens up to a more mellifluous style of singing in the chorus; as a result, the verses (bald/future) sound constricted and restrictive but only when heard in relation to the expansive spatiality of the chorus (present). What initially looks like a bracketed afterthought on the page punctures the putatively central point in the sonic realm. It is not a vacant, uniform, or universal future that sets in motion liberty but rather the future as it is seen, felt, and heard from the enfleshed parenthetical present of the oppressed, since this group’s now is always already bracketed (held captive and set aside indefinitely) in, if not antithetical to, the world of Man. The domain of habeas viscus represents one significant mechanism by which the world of Man constrains subjects to the parenthetical, while at the same time disavowing this tendency via recourse to the abnormal and/ or inhuman.