

Framework

Our world operates on the color line, which controls our subjectivity in relation to the figure of Man. Weheliye 14

Alexander Weheliye, 08-xx-2014, "Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human," Duke University Press,

https://necrocenenecrolandscaping.files.wordpress.com/2018/01/weheliye_habeas-viscus.pdf, //SLC West HZ, brackets in original

Viewing **Wynter's colossal project**, with which Butler does not engage in any sustained way, **both of critiquing the current western instantiation of the human as coterminous with the white liberal subject and of crafting a new humanism should not be reduced to observing the historicity of this concept with the aim of showing how women of color and other groups are excluded from its purview.** Or to put it in Butlerian terms: Wynter is interested in human trouble rather than "merely" woman-of color trouble, even while she deploys the liminal perspective of women of color to imagine humanity otherwise. 15 **In response to Butler and western feminism more generally, Wynter has stated on several occasions that her object of knowledge is not gender but genre—genres of the human: "Our struggle as Black women has to do with the destruction of the genre; with the displacement of the genre of the human of 'Man.'"** 16 For Wynter, **destroying only western bourgeois conceptions of gender leaves intact the genre of the human to which it is attached, and thus cannot serve as a harbinger of true emancipation, which requires abolishing Man once and for all.** It seems as if we have yet to countermand the "unrecognized contradiction" which, as Gayatri Spivak so fittingly diagnosed in 1988, "valorizes the concrete experience of the oppressed, while being so uncritical about [how] the historical role of the intellectual is maintained by a verbal slippage." 17 Rather than contending with Wynter's thinking as an intellectual project in the same manner as she does with Althusser, Hegel, or Irigaray, Butler privileges her concrete experience as a woman of color. 18 In addition to rejecting gender as a category independent of other axes of subjugation, **Wynter states that in her writings " 'race' is really a code-word for 'genre.' Our issue is not the issue of 'race.' Our issue is the issue of the genre of 'Man.' It is this issue of the 'genre' of 'Man' that causes all the '-isms.' ...Now when I speak at a feminist gathering and I come up with 'genre' and say 'gender' is a function of 'genre,' they don't want to hear that."** 19 Thus, Wynter does not privilege race over gender as much as she insists that the master's tools (a universal notion of gender) cannot dismantle the master's house (Man), in Audre Lorde's formulation. Rather, **Wynter's is a feminism typified by a critique of race and coloniality that focuses on the liberation of humans from all "-isms" versus only one specific form of subjection** such as sexism, and it does not contradict the majority of women-of color feminisms, which have not taken gender as an isolatable—or even primary—category of analysis but have instead highlighted the complex relationality between different forms of oppression. 20 Mainstream feminism in contrast sees itself "as an autonomized particularity, rather than as a particularity constitutive of a new non-middle class mode of universality." 21 For Wynter, a feminism that does not aspire to create a different code for what it means to be human merely sketches a different map of Man's territorializing assemblages; however, in order to abolish these assemblages feminism's insurrection must sabotage "its own prescribed role in the empirical articulation of its representations in effect by coming out of the closet, moving out of our assigned categories." 22 Hortense Spillers makes a similar point when she maintains, "we are less interested in joining the ranks of gendered femaleness than gaining the insurgent ground as female social subject." 23 In this context, "gendered femaleness" denotes gender as a "purely natural" and sovereign modality of difference while the revolt of a "female social subject" articulates gender as an integral component in the abolition of the human as Man. As phrased by one of the defining texts in the recent history of black feminism: "If Black women were free, it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all the systems of oppression." 24 Moving away from discourses of inclusion and recognition, the Combahee River Collective dwells on the specific positions of black women within western modernity to launch global critiques, expansive theories, poetic tactics, and relational political projects that spurn the ethnographic encampment of Man's racializing assemblages. 25 Neither **Wynter** nor Spillers asks us to choose between race and gender but, instead, their thinking **demands vigilance about how different forms of domination create both the conditions of possibility and the "semiosis of procedure" necessary to hierarchically distinguish full humans from not-quite humans and nonhumans.** 26 Spillers's and Wynter's ideas have been essential to formulating my arguments, because **they represent systems of thought—both individually and taken together—that tackle notions of the human as it interfaces with gender, coloniality, slavery, racialization, and political violence without mapping these questions onto a mutually exclusive struggle** between either the free-flowing terra nullius of the universally applicable or the terra cognitus of the ethnographically

detained. Wynter's large-scale intellectual project, which she has been pursuing in one form or another for the last thirty years, disentangles Man from the human in order to use the space of subjects placed beyond the grasp of this domain as a vital point from which to invent hitherto unavailable genres of the human. ²⁷ According to this scheme in western modernity the religious conception of the self gave way to two modes of secularized being: first, the Cartesian "Rational Man," or homo politicus, and then beginning at the end of the eighteenth century, "Man as a selected being and natural organism...as the universal human, 'man as man.'" ²⁸ The move from a supernatural conception of world and the self's place within this cosmos, however, does not signal the supersession of a primitive axiomatic with an enlightened and rarefied type of the human. Rather, one genre of the human (JudeoChristian, religious) yields to another, just as provincial, version of the human, and, although both claim universality, neither genre fully represents the multiplicity of human life forms. In the context of the secular human, black subjects, along with indigenous populations, the colonized, the insane, the poor, the disabled, and so on serve as limit cases by which Man can demarcate himself as the universal human. ²⁹ Thus, race, rather than representing accessory, comes to define the very essence of the modern human as "the code through which one not simply knows what human being is, but experiences being." ³⁰ Accordingly, race makes its mark in the dominion of the ideological and physiological, or rather race scripts the elision of the former with the latter in the flesh. In her latest writings, Wynter identifies homo politicus's successor in the long road from "theodicy" to "biodicy" as the liberal "bio-economic man." ³¹ The idea of "bio-economic man" marks the assumed naturalness that positions economic inequities, white supremacy, genocide, economic exploitation, gendered subjugation, colonialism, "natural selection," and concepts such as the free market not in the realm of divine design, as in previous religious orders of things, but beyond the reach of human intervention all the same. In both cases, this ensures that a particular humanly devised model of humanity remains isomorphic with the Homo sapiens species. Wynter's approach differs markedly from arguments that seek to include the oppressed within the already existing strictures of liberal humanism or, conversely, abolish humanism because of its racio-colonial baggage; instead Wynter views black studies and minority discourse as liminal spaces, simultaneously ensconced in and outside the world of Man, from which to construct new objects of knowledge and launch the reinvention of the human at the juncture of the culture and biology feedback loop. Even though the genre of the human we currently inhabit in the west is intimately tied to the somatic order of things, for Wynter, the human cannot be understood in purely biological terms, whether this applies to the history of an individual organism (ontogenesis) or the development at the level of a species (phylogeny). This is where Fanon's important concept of sociogeny comes into play, offering Wynter an approach of thinking of the human—the "science in the social text," to echo Spillers's phrase—where culture and biology are not only not opposed to each other but in which their chemistry discharges mutually beneficial insights. ³² In this scenario, a symbolic register, consisting of discourse, language, culture, and so on (sociogeny) always already accompanies the genetic dimension of human action (ontogeny), and it is only in the imbrication of these two registers that we can understand the full scope of our being-in-the-world. Fanon's concept of sociogeny, arising from the inadequacy of traditional psychoanalytic models in the analysis of racialized colonialism, builds on Freud's appropriation of recapitulation theory. ³³ Thus, according to Fanon, Freud breaks with the strict codes of Darwinism and social Darwinism (phylogenetic theory) in order to analyze the psyche of the modern individualized subject from an ontogenetic vantage point. While the ontogenetic technique yields, depending on your general sympathy for the now very antiquated protocols of Freudian psychoanalysis, abundant results when evaluating white subjects ensconced in the liberal nuclear family, it encounters a roadblock when transplanted to the colonial settlement, which is why "the alienation of the black man is not an individual question. Alongside phylogeny and ontogeny, there is also sociogeny.... Society, unlike biochemical processes, does not escape human influence. Man is what brings society into being." ³⁴ Why does the colonial situation specifically necessitate a reformulation of Freud's and Darwinism's procedural frame of reference? Since colonial policies and discourse are frequently grounded in racial distinctions, the colonized subject cannot experience her or his nonbeing outside the particular ideology of western Man as synonymous with human, or, as Fanon writes, "not only must the black man be black; he must be black in relation to the white man." ³⁵ The colonial encounter determines not just the black colonial subject's familial structure or social and physical mobility and such, but colors his or her very being as he-or-she-which-is-not-quite-human, as always already tardy in the rigged match of the survival of the fittest. Conversely, in this ontological face-off, the white colonial subject encounters herself or himself as the "fullness and genericity of being human." However, he or she only does so in relation to the deficiency of the black subject and indigenous (Wynter, 40). To be precise, Fanon and Wynter locate racializing assemblages in the domain of being rather than the realm of

epiphenomena, showing how humans create race for the benefit of some and the detriment of other humans. Yet because race is thought to rest in biology, it necessitates different analytic protocols than bare life and biopolitics, namely ones that draw on both ontogeny and sociogeny. Whereas Fanon's mobilization of ontogeny remains rooted in the Freudian paradigm as pertaining to the individual subject, Wynter summons the explanatory apparatus of neurobiology to elucidate how racialization, despite its origins in sociogeny, is converted to the stuff of ontogenesis; this is what Wynter refers to as "sociogenetic." ³⁶ Although human life has a biochemical core defined by a species-specific adaptive reward and punishment mechanism (poison = bad and food = good) that "determines the way in which each organism will perceive, classify, and categorize the world," it is "only through the mediation of the organism's experience of what feels good to the organism and what feels bad to it, and thereby of what it feels like to be that organism" that a repertoire of behaviors, which ensure the continued existence of the species, develops (Wynter, 50). For the human species, because it is defined by both organic and symbolic registers, this is complicated by the way culturally specific sociogenic principles such as what is good or bad work to trigger neurochemical reward and punishment processes, in the process "institut[ing] the human subject as a culture-specific and thereby verbally defined, if physiologically implemented, mode of being and sense of self. One, therefore, whose phenomenology...is as objectively, constructed as its physiology" (Wynter, 54). ³⁷ Phenomenological perception must consequently don the extravagant drag of physiology in order to "turn theory into flesh,...[into] codings in the nervous system," so as to signal the extrahuman instantiation of humanity. ³⁸ Wynter's description of the autopoiesis of the human stretches Fanon's concept of sociogeny by grounding it in an, albeit false or artificial, physiological reality. In other words, Wynter summons neurobiology not in order to take refuge in a prelapsarian field anterior to the registers of culture and ideology, but to provide a transdisciplinary global approach to the study of human life that explains how sociogenic phenomena, particularly race, become anchored in the ontogenic flesh. Also, in contrast to treatments of racialization more squarely articulated from the disciplinary perspective of sociobiology, Wynter does not focus on the origins and adaptive evolution of race itself but rather on how sociogenic principles are anchored in the human neurochemical system, thus counteracting sociobiological explanations of race, which retrospectively project racial categories onto an evolutionary screen. ³⁹ That is to say, Wynter interrogates the ontogenic functioning of race—the ways it serves as a physiologically resonant nominal and conceptual pseudonym for the specific genre of the human: Man—and not its role in human phylogeny. Consequently, racialization figures as a master code within the genre of the human represented by western Man, because its law-like operations are yoked to species-sustaining physiological mechanisms in the form of a global color line—instituted by cultural laws so as to register in human neural networks—that clearly distinguishes the good/life/fully-human from the bad/death/not-quite-human. This, in turn, authorizes the conflation of racialization with mere biological life, which, on the one hand, enables white subjects to "see" themselves as transcending racialization due to their full embodiment of this particular genre of the human while responding anti-pathetically to nonwhite subjects as bearers of ontological cum biological lack, and, on the other hand, in those subjects on the other side of the color line, it creates sociogenically instituted physiological reactions against their own existence and reality. ⁴⁰ Since the being of nonwhite subjects has been coded by the cultural laws in the world of Man as pure negativity, their subjectivity impresses punishment on the neurochemical reward system of all humans, or in the words of Frantz Fanon: "My body was returned to me spread-eagled, disjointed, redone, draped in mourning on this white winter's day. The Negro is an animal, the Negro is bad, the Negro is wicked, the Negro is ugly." ⁴¹ Political violence plays a crucial part in the baroque techniques of modern humanity, since it simultaneously serves to create not-quite-humans in specific acts of violence and supplies the symbolic source material for racialization.

The operation of a sociogenic culture is hardcoded – absent culture, we couldn't recognize our own humanity. Wynter 03

Sylvia Wynter, Fall 2003, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument," Michigan State University Press, https://law.unimelb.edu.au/__data/assets/pdf_file/0010/2432989/Wynter-2003-Unsettling-the-Coloniality-of-Being.pdf, //SLC West HZ

Here, the dimensions of the fundamental paradox that lies at the core of the Darwinian answer to the question of who we are (when seen from the perspective of the goal of unsettling our present coloniality of power, of being) emerges. The paradox is this: that for the "descriptive statement" that defines the human as purely biological being on the model of a natural organism (thereby projecting it as preexisting the narratively inscribed "descriptive statement" in whose terms it inscripts itself and is reciprocally inscripted, as if it were a purely biological being, ontogeny that preexists culture, sociogeny), it must ensure the functioning of strategic mechanisms that can repress all knowledge of the fact that its biocentric descriptive statement is a descriptive statement. Yet that such strategic, Godelier-type mechanisms of occultation, repressing recognition that our present descriptive statement of the human is a descriptive statement, are able to function at all (if outside our conscious awareness) is itself directly due to the fact that, as Terrence W. Deacon points out in his 1997 book *The Symbolic Species: The Co-Evolution of Language and the Brain*, humans have been pre-adapted, primarily through the co-evolution of language and the brain, to be a symbolic and, therefore, a self-representing species.

Man was developed from faulty social applications of "objectivity" that justified atrocities, it produces itself to today. Serynada 15 on Wynter

Serynada (is a writer from Washington, DC), 03-12-2015, "Real Human Being," New Inquiry, <https://thenewinquiry.com/real-human-being/>, //SLC West HZ, brackets in original

Reading Wynter reminds us of the magic of being human: our ability to dream up worlds, and the very concrete, and even ghastly, implications of these imaginative capacities. She approaches race as a dream produced in Western Europe and concretized through colonial extraction and the development of the modern state. In a world of many cosmogonies, Western Europe's cosmogony became over-represented and singularized. This was the worldview that produced the novel idea of a universal Man, concentrated in the figure of the cishet male of European descent. His identity and being first followed the logic of the Church, and later, secularized science. Race was manufactured in Europe as an othering tool, artificially dividing humanity into species to buoy up the interests of the ruling class. A specific kind of human—the western Man—became the basis for what Wynter calls the western world's "referent-we," or whom we mean when we say "human." Wynter wants to move beyond Man. To do so, she goes all the way back to the Big Bang, as she outlines in conversation with McKittrick at the beginning of the collection. According to Wynter's complete history of life, the First Event is the origin of the universe; the second, the explosion of biological life on earth. The Third Event is the emergence of the languaging/storytelling human species, which occurred on the continent of Africa, the very continent that, as Wynter puts it, "has been seen [by the West] as either the site of the biblical Ham's cursed descendants or the site of the missing link between apes and fully evolved Western European humans." Wynter calls these different notions of the human "genres" of humanness. Each genre of the human features its own aspirations and ways of relating—which, taken together, make up what Wynter calls a culture's "descriptive statement." Wynter argues that the West, through imperial expansion and colonial violence, has imposed its genre-specific truths on the world. Its descriptive statement is over-represented. Wynter aims to paint a comprehensive picture of how the West's descriptive statements have changed over time. Before 1492, she argues, scholasticism and the distinction between clergy and laymen were formally similar to later binary conceptions of the human. A transition from religious to secular society marked the period from 1492 to the late 16th century, after the Renaissance. From the 16th century to the 18th, a Copernican leap away from supernatural theology to natural

science took place. In this period, the biological began to be cast by European thinkers as natural, just as the theological before it was cast as supernatural. A biologically grounded social order was deemed beyond human control, absolutely inevitable, and above intervention, just like the God-centered social order that preceded it. These ideas enabled the ostensible full separation of the religious from the natural, and marked the transition to a new dominant notion of Man; Wynter labels the two models "Man1" and "Man2". The theological served as a template for the biological; Man1 provided the mold for Man2. Man's Others under Man1 were heathens, and under Man2, biologically defective. The universe no longer revolved around God: it revolved around the stars. Man was no longer seen as a creation of God but rather the result of biological evolutionary processes. In the mid-18th century, the work of not only Darwin but also Adam Smith and other thinkers articulated and universalized a version of the human driven by the imperative of survival and perfectly embodied in Western Man. Human beings were rendered economic machines that seek to maximize their share of sparse natural resources. The inscription of a bio-evolutionary and thus inevitable impulse behind the ascent of Western Man—"we all want to grab more resources, Europeans just did it better than everyone else"—came to vindicate capitalism, white supremacy, and imperial expansion. The West invented Man and projected Him onto the past as natural and timeless, rather than historical and cultural. Scientific systems of knowledge presented this projection as discovery. For science, Man was not invented, but created by natural processes and discovered through scientific ones.

The standard and role of the ballot is to disrupt the Color Line. This necessitates disenchanting our discourse –exposing and rejecting the ways European humanism has clouded and enchanted our epistemology, and to reach beyond to a new human.
ROB spec in doc. Wynter 87

- Both prefat and postfat matter, which matters more can be debated but prefat is the default
- Theory does come before the aff but the aff can weigh theory impacts through our role of the ballot
- The role of the ballot is solely determined by the flow
- Offense can operate a few ways – showing that you remove parts of the Color Line via minimizing oppression, removing extensions of humanism, or that you deconstruct the Man – weighing is normal (magnitude, probability, timeframe, scope, etc)

Sylvia Wynter, Autumn 1987, "On Disenchanting Discourse: "Minority" Literary Criticism and Beyond," JSTOR, <https://www.jstor.org/stable/1354156>, //SLC West HZ

To disenchant discourse will therefore be to desacralize our "cultures" and their systems of rationality by setting upon our literary and cultural heritages and their orders of discourse rather than by continuing to adapt to their generating premises and non-conscious systems of inference as we do now. The "setting upon" process of disenchantment – parallel to Heidegger's definition of "technology" as expressive of the human's new setting upon physical nature rather than adapting to it – into being through the collective behaviors of the systemic subjects which the order of discourse unconsciously orients and regulates. This proposal redefines the dynamics of desire as a new meta-biological object of knowledge constituted by discourse, as the acquired rhetorical motivation systems which are the uniquely human parallel of the species-specific motivation systems characteristic of all mammalian forms of life up to and including the different species of the prehuman hominid. These systems regulate all facets of species-

specific behavior, cognitive and actional, in non-human mammals and linguistically speciated, i.e., group-specific, behaviors in human. It is these acquired/rhetorically **coded**, rather than innate/genetically coded, **motivation systems** that **constitute** the **psychic unity** of the human species. Like Mendel's new object of knowledge, hereditary traits, which functioned as an object irreducible to the species and to the "sex transmitting them," rhetorical motivation **systems** whose function is to **bring** differing **modalities of "human being"** into being, **by** means of enculturating **discourses** generated **from** the **grounding premise of an environmentally "fit" conception of life/death**, must also necessarily **decenter** the human subjects whose behaviors enable the stable replication of their own autopoiesis as systems. That is to say, **their own intentionality and autonomy** as autopoietic systems, once put into discursive play, whilst largely compatible with, **are not reducible** to that of their individual subjects. The discursive system of **each human order** functions as **the** enculturating **machinery by** and through **which** the **motivational system** which **dictates** the **behaviors needed if** **a specific mode of the human is** to be **brought into dynamic being** and stably replicated (even if and where these behaviors are contradictory to the self-realization of human individuals or groups: cf. Black Skins/White Masks, minority skins, majority masks). Thus **orders of discourse** must function so as to **"enchant"** their **human subjects** into desiring in the mode of **desiring needed**, into acquiescing to the effecting of the intentionality of the R.M.S. in question, even at the cost of not affirming their own. Hence **the great moments of** Girardian **conversion**, from Don Quixote to The Invisible Man, **arise where the** novelistic **hero** wakes up, **rejecting** the non-conscious "mimetic" quality of his **former** inculcated **mode of motivation/desire**. It is in the **disenchanted** of the discourses which **brings** into being an existential **reality** experienced as if it were objectively **outside** our **human** control that Minority Discourse will both **find and go beyond** its own paradoxical rationale. For if, as Derrida argues, **the** "very **idea of reason as dominant** . . . in human nature **is** also **a fiction**" since consciousness or **reason** are "effects, traces, the detritus of will" and "man lacks the capacity-to know without motive," it is only **through** the **"disenchanted"** of our true discourses that **we** **will** come to **know** the grounding premise that determines this ostensibly autonomous "will" or "motive" and to **determine then** consciously **what** now **determines us**, determining how we know and act upon the world: **to** **disenchant** the human, then, **enabling** her/his Girardian "waking up" to a consciously chosen intentionality. With **this emerges** the possibility of **a science** of human behavior, and of what Gellner calls **the** **extra-territoriality**, at last, **of human cognition**.

No "humanism has changed" indicts – autopoiesis insures it continues. Wynter 15

Sylvia Wynter, xx-xx-2015, "On Being Human as Praxis," Duke University Press,

<https://mumbletheoryhome.files.wordpress.com/2019/10/katherine-mckittrick-sylvia-wynter-on-being-human-as-praxis-1.pdf>, //SLC West HZ, bracketed for gendered language

The paleontologist **Juan Luis Arsuaga** proposes that the **human is** not only a languaging being but also a **storytelling species**.⁴³ In my own terms, the human is homo narrans. This means that as a species, our hybrid origins only emerged in the wake of what I have come to define over the last decade as the Third Event. The First and Second Events are the origin of the universe and the explosion of all forms of biological life, respectively. **I identify the Third Event** in Fanonian-adapted terms **as the origin of the human as a hybrid-auto-instituting-languaging-storytelling species**: bios/mythoi. **The Third Event is defined by** the singularity of **the co-evolution of the human brain with**—and, unlike those of all the other primates, with it alone—**the emergent faculties of language, storytelling**. This co-evolution **must be understood** concomitantly **with** the uniquely **mythmaking region of the human brain**, as the brain scientists **Andrew Newberg**, **Eugene D'Aquili**, and **Vince Rause** document.⁴⁴ Further, and together with all of the above, as **Ernesto Grassi** adds, is the already presupposed—with the emergence of language — behavior-regulatory phenomenon of religion, together with its vast range of Holy Kosmoi.⁴⁵ Here the insights of both **Maurice Gauchet** and **Ernesto Grassi** are relevant; they **demonstrate that all human societies had instituted themselves from our origin by means of the phenomenon of religion**.⁴⁶ Grassi's point

in this respect was that in the same way that genetic signs function to necessitate the behaviors of purely organic species, religion—with its “what is to be said” and “what is to be done” sacred imperatives—would have been able to necessitate the behaviors of languaging human groups. Gauchet was to later show the way in which, multimillennally later, the monotheistic Christian religion’s concept of Christ’s Incarnation would eventually enable the exit from religion and come to function as secular discourses. Then, R. H. Nelson, an economist, demonstrated the way in which the practitioners of our present master discipline of economics discursively function as a secular priesthood of the U.S. nation-state’s economic system.⁴⁷ As well as, therefore, of the overall globally incorporated world-systemic capitalist economic order in its now neoliberal and neo-imperial, homo oeconomicus bourgeois ruling-class configuration at a world-systemic level — of which the United States is still its superpower hegemon. The master discipline of economics functions now, therefore, according to the same behavior-regulatory imperatives, and/or laws, that the master discipline of theology had functioned, in the past, for the overall societal order of Christendom. The transumptive correlation between the two master disciplines (theology and economics) thus points to N. J. Girardot’s identification of all religions (together with their secular substitutes) as functioning according to a behavior-regulatory formulaic schema of a “significant ill,” on the one hand, and its “cure” or “plan of salvation,” on the other.⁴⁸ Our present episteme’s economic system and its formulaic schema delineate, therefore, (hu)mankind’s enslavement to natural scarcity—which has replaced what had been its/our enslavement to original sin. The new and present plan of salvation is, therefore, that of the unceasing mastery of natural scarcity by means of ever-increasing economic growth!⁴⁹ Our third and hybrid level of existence, as shown in these cases, is therefore a domain specific to Aimé Césaire’s proposed new science of the Word. Such a science would be defined by the fact that the study of the Word would now determine the study of nature.⁵⁰ The implication is this: the study of nature, in this context, will now be specifically a study of the implementing bios agency of the human brain. Here the “first set of instructions” (genetic codes) and the “second set of instructions” (nongenetic codes) emerge; the study of the Word in this light is the study of an agency that functions according to the laws of nature and its genetically programmed “first set of instructions” (biological genetic codes) whose role in this bios/mythoi hybrid context is to neurochemically implement the “second set of instructions” (nongenetically chartered origin stories and myths). This dynamic emerges, for example, in the “imagined communities” of our respective ethno-class nation-states: the genre-specific subjects of each such nation-state are enabled to subjectively experience themselves/ourselves in fictively eusocialized terms—this across all stratified status quo role allocations—as inter-altruistic kin-recognizing member subjects of the same referent-we and its imagined community. As such, kin-recognizing member subjects law-likely and performatively enact themselves/ourselves as “good men and women” of their/our kind according to a nongenetically determined, origin-mythically chartered symbolically encoded and semantically enacted set of symbolic life/death instructions. At the same time, at the level of bios/the brain, the above second set of instructions are genetically (neurochemically) implemented. This implementation occurs according to the “laws of nature” first set of instructions, with the second set of instructions, thereby, being alchemically made flesh! I discuss these “instructions” further later, but with this in mind, what I want to uncover, to reveal, here is that which lies behind the ostensible truths of our everyday reality, but which we normally cannot see. It is that of the dynamic of what I now call the autopoiesis of being hybridly human. I’m getting this concept, autopoiesis, from Maturana and Varela, who wrote the book *Autopoiesis and Cognition*.⁵¹ They were biologists who, for a long while, had been working on the frog’s vision. At that time, the orthodox idea was that the frog’s environment impacted on the frog, determining what it was to see. Maturana and Varela were trying to think outside that paradigm. But they didn’t dare until the sixties, when everything turned upside down, including at the university in Chile. Maturana explains: Early in May of 1968 the University of Chile entered a state of revolution. The students took over the University in an attempt to reformulate the philosophy that had inspired its organization. I joined them. All standard academic activities stopped and students and some members of faculty tried to say something new. It was not easy. Language was a trap, but the whole experience was a wonderful school in which one could discover how mute, deaf, and blind one was. It was easy to be caught in one’s own ego, but if one succeeded in attaining at least some degree of freedom from it, one began to listen and one’s language began to change; and then, but only then, new things could be said.⁵² So you notice we’re now saying that social uprisings have tremendous links to the transformation of knowledge? Okay. So Maturana and Varela said they wanted to find a way to say that the living system that is the frog specifies what is to be known of the environment. They were therefore talking about an entirely different kind of perception of the world, right? They wanted to think about the idea of biological organisms as autonomously functioning, living (i.e., autopoietic) systems. And this is related to our human social systems—a point they also put forward in their later work.⁵³ Now if you look at living systems such as the beehive, they are purely biological eusocial systems. Our human eusocial systems are instead hybrid languaging cum

storytelling (if biologically implemented) living systems; but they function according to laws analogous to those regulatory laws of the supra-autopoietic system, which is the beehive. So I call these the laws of hybrid human auto-speciation, thereby of autopoiesis. Yet what we also find is that these laws, as the very condition of their ostensibly extrahumanly mandated functioning, are nevertheless ones that have hitherto been enacted outside of our conscious awareness—even though we ourselves have always rigorously and behaviorally adhered to them as indispensable to our respective genre-specific praxes of being hybridly human! And this is precisely the fact with which we must now come to grips: given that as an already postnuclear cum post-cracking-the-code-of-our-genome species, we are now faced with an additional climate crisis situation in which it becomes even more imperative that these laws, for the first time in our species' history, be no longer allowed to function outside our conscious awareness. More specifically, while it is clear that as a species we humans ourselves are, with respect to our eusocial behaviors, no longer subordinated to our genetically coded “first set of instructions”—no longer subordinated as are the also highly eusocial bees in a beehive, right?—what we nevertheless normally overlook is the following: that, from our Third Event origin until today, the hybrid laws that engender the empirical reality of our own always genre-specific fictively eusocializing are storytellingly chartered, symbolically encoded, thereby self-organizing living autopoietic systems; these regulatory laws function at our uniquely third level of hybrid bios/mythoi existence and, while we ourselves behaviorally enact them, are nevertheless ones of which we have remained unaware. With this, and taking into account our Third Event origin, the following questions emerge: What had been the cost that had to be paid for the bringing into existence of the above, uniquely human, non-primate-like level of existence? What had been the cost of its law-likely mandated mutational singularity that, as a species, wherein, with respect to all our behaviors, we alone no longer had to remain subordinated to the sole set of instructions of our genome's dna code? The answer to the above is one of which we must now for the first time in our existence imperatively become aware. The cost of that exchange? That of our subordination, instead, to our genre-specific storytelling codes of symbolic life/death! Their Words—or, in Bateson's terms, their descriptive statements. Put differently, we need to think about the way in which, for example, our present transnational world-systemic social order must itself continue to be known in the terms of a rigorously elaborated order of knowledge whose truth of solidarity is itself prespecified by our present now globally hegemonic purely secular biocentric descriptive statement of the human: its Code, its Word. Thus, our contemporary now globalized order of knowledge, its truths of solidarity, are always already preprescribed by the storytelling-chartered code of symbolic life/death of homo oeconomicus and its descriptive statement. We must therefore now think about why it must be so! We must think about why, for example, our present Darwinian descriptive statement—that we are purely biological beings—is a descriptive statement about which our present globally extended and hierarchized, Western world-systemic societal order enacts and replicates itself as a self-organizing and autonomously functioning autopoietic eusocial system. This, at the same time as the latter system is itself, circularly encoded / re- encoded, enacted by means of a discursively elaborated order of truth / knowledge, which itself, while partly natural- scientific on the one hand (this with respect to its bios dimensions), must, on the other hand, paradoxically deny the storytelling origins of the “ground” that constitutes it as such an order of truth / knowledge.

Prefer additionally:

1] The Color Line is the root cause of climate change via “civilizing.” Wynter and McKittrick 15

Sylvia Wynter and Katherine McKittrick (a professor in Gender Studies at Queen's University. She is an academic and writer whose work focuses on black studies, cultural geography, anti-colonial and diaspora studies, with an emphasis on the ways in which liberation emerges in black creative texts (music, fiction, poetry, visual art)), xx-xx-2015, "On Being Human as Praxis," Duke University Press, <http://joshualubinlevy.com/uploads/3/5/3/6/35367669/katherine-mckittrick-sylvia-wynter-on-being-human-as-praxis.pdf>, //SLC West HZ

This is an episteme that functions, with respect to the knowledge of our contemporary world and its systemic reality, according to the same cognitively closed descriptive statement and its sociogenically encoded truth of solidarity as that of the theo-Scholastic knowledge system of the medieval order of Latin-Christian Europe. So this is what gives me the urgency, do you see what I mean? For we cannot allow ourselves to continue thinking in this way. This way of thinking is linked to the same ethno-class mode of behavior-regulatory and cognitively closed order of knowledge that has led to our now major collectively human predicament: the ongoing process of global warming, climate instability, and ecosystemic catastrophe. Regarding the above, a 2007 report in Time magazine on global warming tells us two things: first, that global warming is a result of human activities; and, second, that this problem began in about 1750 but accelerated from about 1950 onward.²⁹ Now, the date 1750 points to the Industrial Revolution. But the article, which builds on the expertise of a U.N. climate panel, fails to explain why global warming accelerated in 1950. What happened by 1950? What began to happen? The majority of the world's peoples who had been colonial subjects of a then overtly imperial West had now become politically independent. At that time, we who, after our respective anticolonial uprisings, were almost all now subjects of postcolonial nations, nevertheless fell into the mimetic trap of what Jean Price-Mars calls, in the earlier nineteenth-century case of Haiti, "collective Bovaryism"³⁰—because the West is now going to reincorporate us neocolonially, and thereby mimetically, by telling us that the problem with us wasn't that we'd been imperially subordinated, wasn't that we'd been both socioculturally dominated and economically exploited, but that we were underdeveloped.³¹ The West said: "Oh, well, no longer be a native but come and be Man like us! Become homo oeconomicus!" While the only way we could, they further told us, become un-underdeveloped, was by following the plans of both their and our economists. The catch was that our economists, like the distinguished Caribbean economist Sir Arthur Lewis, had been educated in British imperial universities, like many of us. This is the same kind of model as in the Roman Empire: all the elites of the imperially subordinated populations were educated in Roman imperial schools! And so these mimetically educated elites, proud to be incorporated as Roman citizens, had helped to keep the Roman Empire going; and then when the Roman Empire was going to break down, among such elites you had a scholar like Augustine, who before his conversion to Christianity had been a professor of rhetoric and of the imperial Roman theory of high and low styles. After his conversion he had then taken all of that knowledge, then shifted the above rhetorical strategies to reinforce the revolutionary sermo humilis of the then new "gaze from below," postpagan, postclassical monotheistic religion of Christianity—this latter as one whose projected promise of eternal salvation in the City of God will far outstrip the glories of the cities of Man, including that of Rome itself. This is what I call an Augustinian turn, the taking and revising of an existing system of knowledge, in order to create that which is imperatively emancipatorily new.³² There is one profound difference here, however. Rome's empire was Roman. Instead, as studies of contemporary neocolonialism as well as of its predecessors colonialism and postcolonialism reveal, the West, over the last five hundred years, has brought the whole human species into its hegemonic, now purely secular (post- monotheistic, post- civic monohumanist, therefore, itself also transumptively liberal monohumanist) model of being human. This is the version in whose terms the human has now been redefined, since the nineteenth century, on the natural scientific model of a natural organism. This is a model that supposedly preexists—rather than coexists with—all the models of other human societies and their religions / cultures. That is, all human societies have their ostensibly natural scientific organic basis, with their religions / cultures being merely superstructural. All the peoples of the world, whatever their religions / cultures, are drawn into the homogenizing global structures that are based on the-model-of-a-natural-organism world-systemic order. This is the enacting of a uniquely secular liberal monohumanist conception of the human—Man- as- homo oeconomicus—as well as of its rhetorical overrepresenting of that member-class conception of being human (as if it is the class of classes of being human itself).

Warming is a threat multiplier and controls the internal link – means it comes first.

Torres 16

Phil Torres (Affiliate Scholar at the Institute for Ethics and Emerging Technologies, and founder of the X-Risks Institute), 7/22/16, "Op-ed: Climate Change Is the Most Urgent Existential Risk," Future of Life, <https://futureoflife.org/2016/07/22/climate-change-is-the-most-urgent-existential-risk/>, //recut SLC West HZ

Climate change and biodiversity loss may pose the most immediate and important threat to human survival given their indirect effects on other risk scenarios. Humanity faces a number of formidable challenges this century. Threats to our collective survival stem from asteroids and comets, supervolcanoes, global pandemics, climate change, biodiversity loss, nuclear weapons, biotechnology, synthetic biology, nanotechnology, and artificial superintelligence. With such threats in mind, an informal survey conducted by the Future of Humanity Institute placed the probability of human extinction this century at 19%. To put this in perspective, it means that the average American is more than a thousand times more likely to die in a human extinction event than a plane crash.* So, given limited resources, which risks should we prioritize? Many intellectual leaders, including Elon Musk, Stephen Hawking, and Bill Gates, have suggested that artificial superintelligence constitutes one of the most significant risks to humanity. And this may be correct in the long-term. But I would argue that two other risks, namely climate change and biodiversity loss, should take priority right now over every other known threat. Why? Because these ongoing catastrophes in slow-motion will frame our existential predicament on Earth not just for the rest of this century, but for literally thousands of years to come. As such, they have the capacity to raise or lower the probability of other risks scenarios unfolding. Multiplying Threats Ask yourself the following: are wars more or less likely in a world marked by extreme weather events, megadroughts, food supply disruptions, and sea-level rise? Are terrorist attacks more or less likely in a world beset by the collapse of global ecosystems, agricultural failures, economic uncertainty, and political instability? Both government officials and scientists agree that the answer is “more likely.” For example, the current Director of the CIA, John Brennan, recently identified “the impact of climate change” as one of the “deeper causes of this rising instability” in countries like Syria, Iraq, Yemen, Libya, and Ukraine. Similarly, the former Secretary of Defense, Chuck Hagel, has described climate change as a “threat multiplier” with “the potential to exacerbate many of the challenges we are dealing with today — from infectious disease to terrorism.” The Department of Defense has also affirmed a connection. In a 2015 report, it states, “Global climate change will aggravate problems such as poverty, social tensions, environmental degradation, ineffectual leadership and weak political institutions that threaten stability in a number of countries.” Scientific studies have further shown a connection between the environmental crisis and violent conflicts. For example, a 2015 paper in the Proceedings of the National Academy of Sciences argues that climate change was a causal factor behind the record-breaking 2007-2010 drought in Syria. This drought led to a mass migration of farmers into urban centers, which fueled the 2011 Syrian civil war. Some observers, including myself, have suggested that this struggle could be the beginning of World War III, given the complex tangle of international involvement and overlapping interests. The study’s conclusion is also significant because the Syrian civil war was the Petri dish in which the Islamic State consolidated its forces, later emerging as the largest and most powerful terrorist organization in human history.

2] Survival Strategy – Wynter offers a method for minorities to understand violence – insofar as their theory can’t do that, it’s epistemically bankrupt

3] Lexical Prerequisite – entry into normative frameworks requires subjectivity that isn’t granted under the Color Line

Plan Text

Put away your framework shells, I affirm, Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

I'll defend the resolution as a general principle, means PICs don't negate because penguins don't disprove birds can fly.

I'll specify anything you want in CX but the doc has a list if you really want to know right now

The WTO is all but 14 countries. Amadeo 20

Kimberly Amadeo (is an expert on U.S. and world economies and investing, with over 20 years of experience in economic analysis and business strategy. She is the President of the economic website World Money Watch. As a writer for The Balance, Kimberly provides insight on the state of the present-day economy, as well as past events that have had a lasting impact), 11-19-2020, "6 Steps to Join the World Trade Organization," Balance,
<https://www.thebalance.com/how-does-a-country-become-a-wto-member-3306362>

The WTO has 164 members. 128 countries were members of the General Agreement on Tariff and Trade.⁵ These countries symbolically joined the WTO on January 1, 1995 and quickly transitioned official business to the new structure. The remaining countries went through the six-step process to become WTO members. Here are the five newest members: Afghanistan was accepted on July 29, 2016. Liberia was accepted on July 14, 2016. Seychelles was accepted on April 26, 2015. Kazakhstan, on November 30, 2015. Yemen became a member on June 26, 2014. There are 25 observer countries currently in this application process. They have five years to complete it unless they request an extension.¹ They are Algeria, Andorra, Azerbaijan, Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Comoros, Curaçao, Equatorial Guinea, Ethiopia, the Vatican, Iran, Iraq, Lebanon, Libya, Sao Tome and Principe, Serbia, Somalia, South Sudan, Sudan, Syria, Timor-Leste, Turkmenistan, and Uzbekistan.⁶ Only 14 countries are not WTO members. These nations do not wish to become members. They are Aruba, Eritrea, Kiribati, Kosovo, Marshall Islands, Micronesia, Monaco, Nauru, North Korea, Palau, the Palestinian Territories, San Marino, Sint Maarten, and Tuvalu.

Enforcement is abolition of patent via laws with some modifications. Weissman 12

Jordan Weissmann (is a former senior associate editor at The Atlantic), 9-27-2012, "The Case for Abolishing Patents (Yes, All of Them)," Atlantic,
<https://www.theatlantic.com/business/archive/2012/09/the-case-for-abolishing-patents-yes-all-of-them/262913/>, //SLC West HZ, bracketed for ableist language

Our patent system is a mess. It's a fount of expensive litigation that allows aging companies to linger around by bullying their more innovative competitors in court. Critics have suggested plenty of reasonable reforms, from eliminating software patents to clamping down on "trolls" who buy up patent portfolios only so they can file lawsuits. But do we need a more radical solution? Would we be possibly be better off without any patents at all? That's the striking suggestion from a Federal Reserve Bank of St. Louis working paper by Michele Boldrin and David Levine, professors at Washington University in St. Louis who argue that any patent system, no matter how well conceived, is bound to devolve into the kind of quagmire we're dealing with today. Here's the (slightly jargony) core of their argument, which we'll unpack together in a moment: A closer look at the historical and international evidence suggests that while weak patent systems may mildly increase innovation with limited side-effects, strong patent systems retard [decrease] innovation with many negative side-effects. Both theoretically and empirically, the political economy of government operated patent systems indicates that weak legislation will generally evolve into a strong protection and that the political demand for stronger patent protection comes from old and stagnant industries and firms, not from new and innovative ones. Hence the best solution is to abolish patents entirely [emphasis mine] through strong constitutional measures and to find other legislative instruments, less open to lobbying and rent-seeking, to foster innovation whenever there is clear evidence that laissez-faire under-supplies it. In plain-speak, the authors are arguing that, yes, the evidence suggests that having a limited amount of

patent protection makes countries slightly more innovative, presumably by encouraging inventors to cash in on their great ideas without fear of being ripped off. But patent protections never stay small and tidy. Instead, entrenched players like intellectual property lawyers who make their living filing lawsuits and old, established corporations that want to keep new players out of their markets lobby to expand the breadth of patent rights. And as patent rights get stronger, they take a serious toll on the economy, including our ability to innovate. We can see that cost today as tech companies like Google spend billions on "defensive patents," which are essentially useless other than as a protection against lawsuits. We see it whenever a cool startup firm is forced to license a bogus patent from a litigious troll. And we see it in the untold dollars spent on legal fees and unnecessary patent filings for ludicrously broad or impractical ideas. The authors' extreme case in point: Somebody out there actually patented a method for moving information through the fifth dimension.* As in faster than the speed of light. What do we get from all this? Precious little, the paper argues. They find virtually no statistical evidence that rising patent applications actually make our economy more productive. Eliminating patents altogether, Boldrin and Levine say, would also have fewer negative consequences than most of us assume. Most industries, they argue, only resort to patent litigation once their pace of innovation has slowed. As long as they still cranked out out new, popular products, companies like Apple would continue to profit by being the first to market, which often confers a long-term advantage. The poster child for strong patent protection is usually the pharmaceutical industry, as drugs are easily copied and can cost upwards of a billion dollars to develop. Here, Boldrin and Levine admit that the government would likely need to step in. But rather than giving companies a legal monopoly over their formulas, the authors suggest we should modify the drug approval process to let makers start recouping their costs faster. They would also set up a prize system to reward companies that invent the new medicines we need. Because ending all patent protections immediately would be impractical, Boldrin and Levine advocate several transitional steps, such as shortening patent terms. "The aim of policy, in general, should be that of slowly but surely decreasing the strength of intellectual property interventions," they write, "but the final goal cannot be anything short of abolition." Again, it's a somewhat radical idea -- but maybe one that deserves a place in the debate.

Offense

1] The very concept of intellectual property is intertwined with Enlightenment humanism. Hesse 02

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The concept of intellectual property – the idea that an idea can be owned – is a child of the European Enlightenment. It was only when people began to believe that knowledge came from the human mind working upon the senses – rather than through divine revelation, assisted by the study of ancient texts – that it became possible to imagine humans as creators, and hence owners, of new ideas rather than as mere transmitters of eternal verities. Besides being distinctively modern, intellectual property is a dense concept, woven together from at least three complex strands of jurisprudence – copyright, patent, and trademark –

each with its own sources in premodern custom and law, and each with its own trajectory into our own era. Still, copyright, and the complementary concepts of authors' rights and literary property, in continental law – the focus of this essay – are at the core of the modern concept of intellectual property. It was here in the eighteenth century that the language of "ideas" and "property" first came into contact with one another and first forged a legal bond. And it was here, too, that the very idea of a property right in ideas was most sharply contested – at the outset, and to the present day. From the Heliconian Muses let us begin to sing. . . ." Thus begins Hesiod's Theogony, and many other texts of the ancient Greek world. The poet spoke the words of the gods, not his own creations. Knowledge, and the ability to make it manifest to man, was assumed to be a gift, given by the muses to the poet. Alternatively, Plato thought that all ideas were held

from birth in the mind, where they had transmigrated from earlier souls. Ancient Greeks did not think of knowledge as something that could be owned or sold. A scribe could be paid fees for his labor, an author awarded prizes for his achievement, but the gift of the gods was freely given. And thus the libraries of the ancient academies were not sold, but were instead transmitted as gifts to the teacher's most worthy successor.

Socrates held the Sophists in contempt for charging fees for their learning. A tour of the other great civilizations of the premodern world – Chinese, Islamic, Jewish, and Christian – reveals a striking absence of any notion of human ownership of ideas or their expressions. In the Lun-Yi, or Analects, compiled in China in the fifth century b.c., the philosopher Confucius is recorded as saying, "I transmit rather than create; I believe in and love the

Ancients.” The measure of the greatness of a Chinese scholar was not to be found in innovation, but rather in his ability to render or interpret the wisdom of the ancients, and ultimately God, more fully and faithfully than his fellows. Wisdom came from the past, and the

task of the learned was to unearth, preserve, and transmit it. Confucian thought despised commerce and thus also writing for profit; authors practiced their craft for the moral improvement of themselves and others. Reputation, and especially the esteem of future generations, was its own reward, even if it might, incidentally, bestow the worldly gifts of patrons upon its bearer.¹ This is not to suggest that there was no commerce in books in China. In

the land that invented movable type, a book trade flourished as early as the eleventh century. Still, Chinese authors had no property right to their published words. The contents of books could not be owned. Not even the particular expressions an author might employ could be claimed as his. Chinese characters were thought to have come from nature, and no human being could make a claim upon them that would exclude their usage by others. Only the paltry vessel – the paper and ink of a manuscript or a printed book that bore the ideas and expressions – could be bought or sold.² Throughout the Islamic lands ,too, there was no concept of

intellectual property for many hundreds of years. All knowledge was thought to come from God. The Koran was the single great scripture from which all other knowledge was derived. A text that embodied the word of Allah, it belonged to no one. There were guardians of its true meaning, to be sure – the great Imams who formed schools at the sites of the most important temples. But the principle means of transmitting Koranic knowledge was oral recitation – from teacher to student, in an unbroken lineage from Muhammad himself to his disciples, and from these chosen few forward through the generations. The word “Koran” itself means “recitation,” and oral transmission of the living word was always to be preferred over a written transcription. The book was merely an instrument, a lowly tool, to facilitate faithful memorization of the word, and manuscripts were continuously checked and rechecked against oral memory to ensure their accuracy and the authority of their lineage. The Islamic belief that oral recitation, rather than written transcription, best preserved the word of God and kept it pure across the generations meant that the technology of printing was very slow to penetrate into Islamic lands, and it was only widely adopted throughout the Middle East with the advent of the mass newspaper press in the nineteenth century.³ To be sure, a certain notion of legal “authorship” did emerge from Islamic scribal practices. But a concept of intellectual property did not. shari‘a law against “imposture” or “fraud” was used to prevent the unauthorized appropriation of the reputation or authority of a great teacher through false attribution

written texts.⁴ But the teacher did not own the ideas expressed within his books. A thief who stole a book was thus not subject to the punishment for theft – the amputation of his hand. Islamic law held that he had not intended to steal the book as paper and ink, but the ideas in the book – and unlike the paper and ink, these ideas were not tangible property.⁵ The Judeo-Christian tradition elaborated a similar view of knowledge. Moses received the law from Yahweh and freely transmitted it to the people chosen to hear it. And the New Testament sanctified the idea of knowledge as a gift from God in the passage of the Book of Matthew in which Jesus exhorts his disciples, “Freely ye have received, freely give” (10:8). Medieval theologians interpolated this passage into the canon law doctrine “Scientia Donum Dei Est, Unde Vendi Non Potest” (Knowledge is a gift from God, consequently it cannot be sold). Selling something that belonged to God constituted the sin of simony. University professors, lawyers, judges, and medical doctors

were thus admonished not to charge fees for their services, although they might receive gifts in gratitude for the wisdom they imparted.⁶ Indeed the language of gift-giving permeated all forms of knowledge exchange in the premodern period, and nowhere more so than in the dedicatory prefaces to books through which authors sought patronage in recompense for the symbolic offering of their

works. Thus, even as books were increasingly bought and sold after the advent of print in Europe in the fifteenth century, and even as writers began to sell their manuscripts to printers for a profit, there remained a dimension of the book, its spiritual legacy, that lay beyond the grasp of market relations.⁷ The author might lay claim to the

manuscript he created, and the printer to the book he printed, but neither could claim to possess the contents that lay within it. The Renaissance elevated the poet, the inventor, and the artist to unprecedented social heights, but their “genius” was still understood to be divinely inspired rather than a mere product of their mental skills or worldly labors. In the sixteenth century, Martin Luther could thus preach confidently in his Warning to Printers, “Freely have I received, freely I have given, and I want nothing in return.” Well into the eighteenth century the idea of the writer as God’s handmaiden held sway. Alexander Pope, in 1711, still conceived of the poet as a reproducer of traditional truths rather than an inventor of new ones, and Goethe could write fairly of the German poets of the early eighteenth century that “the production of poetical works was looked upon as something sacred. It was considered almost simony to accept or to bargain for payment of them.” This theologically informed moral revision to the idea of an individual profit motive in the creation and transmission of ideas continued to circulate in the United States well into the nineteenth century. Francis Wayland, the president of Brown University in the 1830s, wrote in his college textbook The Elements of Moral Science that “genius was given not for the benefit of the possessor, but for the benefit of others.”⁸ And an intellectual of no less stature than George Bancroft added a Hegelian twist to the Christian tradition, writing in 1855 that: Every form to which the hands of the artist have ever given birth, spring first into being as a conception of his mind, from a natural faculty, which belongs not to the artist exclusively, but to man. . . . Mind becomes universal property; the poem that is published in England, finds its response on the shores of Lake Erie and the banks of the Mississippi.⁹ The virtually universal proscription of private ownership of ideas in the premodern world did not, of course, mean that ideas flowed freely within premodern regimes. It fell to God’s agents upon the earth to determine how much of the knowledge putatively transmitted from God was actually divine in origin, as well as how widely and by whom such knowledge should be circulated within their kingdoms, empires, and cities. Rulers forged alliances with religious authorities to control the production and circulation of ideas and information – both spiritual and technical – within their realms. Throughout the world, the early modern period witnessed the emergence of elaborate systems of prepublication censorship, state-licensed monopolies to control the burgeoning printing and publishing trades, and the use of royal letters of patent or “privileges” to give exclusive monopolies for the printing and publication of authorized texts. Technical inventions came to be regulated by a similar system of exclusive state licensing. In China, as early as the Tang dynasty (A.D. 618–907), the legal code prohibited the transcription and distribution of a wide range of literature in order to protect the emperor’s prerogatives and interests. The first known ordinance regulating publication was that of the Emperor Wen-tsung, in 835, forbidding the private publication of almanacs. An extensive regulatory apparatus was created around the industry of printing under the Sung dynasty (960–1179), and official government printing houses were established in the major cities. Exclusive state privileges were implemented for categories of sensitive literature, from astrological charts, prognostications, and almanacs to official promulgations, dynastic histories, and civil-service examination literature. Private printing houses could register a particular work with

Imperial officials and receive an exclusive privilege to print and sell it. But privileges were not a form of property right in the modern sense. They were a grace, extended by the pleasure of the authorities, and they were revocable at any time. By the eighteenth century a comprehensive system of prepublication censorship and licensing, even of private writing, was in place throughout Imperial China.¹⁰ European monarchies, empires, and city-states created similar legal and institutional structures in response to the introduction of the new technology of printing in the

1450s. Less than a hundred years later, the Reformation rent western Christendom. With the spread of ideological division, regulation of the printed word intensified rapidly. Rulers granted commercial monopolies, or “privileges,” in exchange for submission to state censorship and control. The earliest European initiative occurred in the Republic of Venice in 1469, where Johann Speyer was granted an exclusive monopoly on printing in Venetian territories for a period of five years.¹¹ The practice of granting exclusive privileges to print in a particular city, to print a particular text, or to print a particular category of texts (schoolbooks, laws, Latin texts, etc.) spread rapidly from Venice throughout the Italian states, and from there to France and England. England presents an exemplary case. The first royal grant of a privilege to the book trade was the creation of the title of “King’s Printer,”

which was given to one William Facques in 1504. This position afforded him the exclusive right to print royal proclamations, statutes, and other official documents. By 1557 the English crown reorganized the guild of printers and publishers known as the “Stationers’ Company” and gave them a virtual monopoly over printing

and publishing, both in London and in the kingdom as a whole. In 1559, as part of her attempt to resolve the religious controversies that wracked the realm, Elizabeth I issued an injunction against publication of any text unless it had been licensed by censors appointed by the crown. The Stationers’ Company kept a registry of licensed books and the crown could, in principle, extend or revoke a license at will and limit it for whatever term it deemed appropriate. Rights to profit from a book derived not from a “privilege” extended by royal “grace” alone.¹² These licenses were “copies” into the registry book of the guild and soon came to be treated by members of the guild as exclusive rights to print a particular work, a “copy.” Though created by royal prerogative, these “copy” rights were bought, sold, and traded amongst guild members, as though they were a form of perpetual property. By the 1570s, four prominent members of the Stationers’ Company came to have a monopoly control, through “letters patents” that they claimed as their perpetual property rights, over the most lucrative books in print: Christopher Barker, the Queen’s Printer, controlled the Bible, the New Testament, the Book of Common Prayer, and all statutes, proclamations, and other official documents; William Serres had a monopoly on private prayer books, primers, and schoolbooks; Richard Tottel had a monopoly on common law texts; and John Day laid claim to alphabet books, the Catechism, and the Psalms in meter. A similar process of consolidation of great publishing empires, founded upon monopolistic claims rooted in royal privileges, occurred throughout Christian Europe. By the middle of the seventeenth century, the Paris Book Publishers and Printers Guild, like its brethren in London, had used its strategic proximity to the royal court to achieve a monopoly on the most valued ancient and religious texts as well as the most lucrative contemporary publications.¹³ Each of the more than three hundred German principalities and cities developed its own particular mechanisms to censor books, distribute privileges, and regulate guilds. An author might sell a manuscript to a licensed publisher for a one-time fee, but the real material rewards for the composition of a book came from the anticipated royal or aristocratic patronage that might redound, indirectly, to the writer from its publication. Authors could not publish their own books, and unless they obtained a privilege in their own name, they were denied any profits from the sale of their books. These went to the publishers alone. State-licensed monopolies on texts, on technical inventions, and on the means of reproducing them successfully wedded the commercial interests of publishers, printers, and other technical entrepreneurs to the ideological needs of absolutist states to control the knowledge that circulated in their realms. Throughout the early modern world the development of commercial printing and publishing thus first occurred through a system of state-licensed monopolies, sanctioned by religious ideologies, that made no mention at all of intellectual property rights. The prevailing theories of knowledge and of political legitimacy made such rights inconceivable. In the 1700s, cultural life in Europe underwent a dramatic transformation. A shift from intensive to extensive reading and the rise of a middle-class reading public led to an explosion of print commerce in the eighteenth century. In England, it is estimated that annual book production increased fourfold over the course of the eighteenth century. France, too, saw a marked increase in the literacy rate and a dramatic increase in the demand for modern secular literature. Everywhere, observers noted the change. Whereas in 1747 Johann Georg Sulzer lamented that in Berlin “the general public does little reading,” a half-century later Immanuel Kant recorded a literary world transformed: “This incessant reading has become an almost indispensable and general requisite of life.” Kant’s observations were confirmed by others: “People are reading even in places where, twenty years ago, no one ever thought about books; not only the scholar, no, the townsman and craftsman too exercises his mind with subjects for contemplation.” Increasing literacy and the emergence of a large middle-class readership throughout Europe in the first half of the eighteenth century put unprecedented strains upon a system of publication that had been predicated on the notion that there was a fixed amount of divine or ancient knowledge to be known, transmitted, and interpreted.¹⁴ These developments put enormous pressure on traditional notions of authorship. The increased demand for printed matter, and especially for modern secular literature (in particular, novels, theatrical works, and self-help manuals of various sorts), tempted an increasing number of young men (and women) to aspire to become writers. And they were writers of a new sort – oriented more toward the commercial

potential of their contemporary readership than toward eternal glory. For the first time, in the eighteenth century, writers like Daniel Defoe in England, Denis Diderot in France, and Gotthold Lessing

in Germany began to try to live from the profits of their pens rather than from elite patronage. And, not surprisingly, they began to make claims for better remuneration for their products. Older notions that a fixed

“honorarium” or fee was an appropriate reward for the composition of a manuscript gave way to bolder assertions that the author deserved a share in the profits earned from his creative labor. Rather than selling a manuscript to a publisher, authors increasingly sought simply to sell the “rights” to a single edition. With greater frequency, secular authors began to claim that they were the creators of their own works rather than the mere transmitters of God’s eternal truths. As they came to view themselves as the originators of their work, they also began to claim that their creations were their own property

as susceptible to legal protection and as inheritable or saleable as any other form of property. Daniel Defoe wrote in 1710, “A Book is the Author’s Property, ‘tis the Child of his Inventions, the Brat of his Brain: if he sells his Property, it then becomes the Right of the Purchaser.” Authors thus began to assert that their works were their own property, transmissible by contract to others if the authors desired, but that authors should no longer be constrained to sell their manuscripts in order to see them

published. The rise in public demand for printed matter also led to a dramatic expansion in the practice of literary piracy. Sensing unsatisfied market demand and acutely aware of the artificial inflation in the price of some books due to publishers' perpetual privileges, less-scrupulous printers and booksellers throughout Europe paid diminishing heed to the claims to exclusive perpetual privileges on the best-selling and most lucrative works. Cheap reprints, produced most frequently across national frontiers or in smaller provincial cities, began to flood urban markets. Publishers of pirate editions successfully represented themselves as champions of the "public interest," against the monopolistic members of the book guilds. Why, they argued, should any particular publisher have an exclusive claim on a work whose authors or heirs were no longer living – indeed, on many works composed before the invention of printing? Did not the greater good of making enlightening works widely available at a low cost eclipse the selfish interests of individual publishers? By the middle of the eighteenth century, the traditional system of publication was everywhere in shambles. First in England, and then in France and Germany as well, calls for reform of the regulation of the book trade were coming from all parties involved. Readers wanted cheaper books. Government legislators sought to increase commerce and to encourage a more educated population within their realms. Foreign and provincial publishers – most notably in Scotland, Switzerland, and secondary French cities like Lyon – clamored against the perpetual monopolies of the London and Paris Book Guilds on the most lucrative books. Authors wanted their property rights in their compositions recognized as absolute and perpetual. And even the privileged guild publishers, especially in Hamburg, Leipzig, Frankfurt am Main, London, and Paris, hoped to see their traditional privileges recognized as perpetual property rights that could be defended against pirates in the courts. Satisfying and sorting out these conflicting claims provoked a host of pressing new questions: Were ideas in fact a gift from God, as traditional authorities had claimed, or were they the property of those who made them manifest, as authors now asserted? Was a "privilege" a "grace," or was it rather the legal ratification of an anterior, natural right to property? Upon what basis could the governments of nations or cities restrict or confirm traditional privileges? Could a secular foundation be articulated for the regulation of the

publication and circulation of ideas? **The reform of the publishing industry in Europe thus entailed a rethinking of the basis and purpose of knowledge.** A variety of European thinkers entered into a momentous debate about the origins and nature of ideas. As a result, a series of philosophical (or, more specifically, epistemological) problems were shown to lie at the heart of what at first glance seemed merely to be questions of commercial policy. **One**

influential **view – that authors have a natural property right in their ideas – was** articulated first in England and **associated with** two key texts: John **Locke's** Second Treatise ⁽¹⁶⁹⁰⁾ **and** Edward **Young's** Conjectures on Original Composition ⁽¹⁷⁵⁹⁾. In his Treatise, **Locke** famously **wrote** that **"every Man has a Property in his own Person. This no Body has any right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his."** ^{Three}

generations later, the poet **Edward Young** writing with the assistance of the novelist Samuel Richardson, **asserted** that the **author** contributed more than simply his labor to a book – he **imprinted** its **contents with his original personality.** According to Young, the labor of an author was thus of a higher order than the labor of an inventor, never mind the labor of a farmer, for **the author** not only worked upon nature, but **produced something from himself, which bore the indelible stamp of a unique personality.** While limits might be imposed upon patents for mechanical inventions, products of the mind – bearing the personhood of their author – ought to belong perpetually to their creator.

Intellectual property, an invention of the eighteenth century, thus burst into the world **claiming to be real** property in its purest form. Young's reflections, like those of John Locke before him, constituted a dramatic secularization of the theory of knowledge. If all knowledge was derived from the senses working upon nature, as Locke

had argued in the Essay Concerning Human Understanding (1689), there was no role left for divine revelation. In the secular epistemology of Locke, inspiration is internalized and redefined as cognition. **Young** in turn **applied Locke's** epistemology to **argue** that **cognition emanates from** the workings of a **unique mind.** ^{The individual personality supplanted God as the divine font of knowledge. The new British accounts of knowledge began circulating almost immediately on the Continent. Young's on Original Composition was rapidly translated into German and went through two editions there in the two years after it first appeared in English. Meanwhile, in France, both Locke and Young were widely influential. In 1726, for example, the French jurist D'Hericourt seized upon Locke's critical passage to argue in court on behalf of perpetual book privileges for authors, asserting that products of the mind are "the fruits of one's own labor, which one should have the freedom to dispose of at one's will" and forever. One could own one's ideas just as one owned land that one had cleared with one's own labor. D'Hericourt concluded that a royal book privilege was not merely a grace accorded by the king, to be granted or revoked at his will, but rather a legal confirmation of an anterior natural property right, secured by the author's labor.¹⁵ The author could sell or retain those rights as he or she wished. Once sold, they belonged to the publisher in perpetuity. The same argument was taken up again by the encyclopedist Denis Diderot in 1763, after he was commissioned by the Paris Book Guild to write a Letter on the Book Trade. In Diderot's words, we can hear the resonance of both Locke and Young: What form of wealth could belong to a man, if not the work of the mind . . . if not his own thoughts . . . the most precious part of himself, that will never perish, that will immortalize him? What comparison could there be between a man, the very substance of a man, his soul, and a field, a tree, a vine, that nature has offered in the beginning equally to all, and which the individual has only appropriated though cultivating it?} ¹⁶ Like Young, Diderot argued that products of the mind are more uniquely the property of their creator than land acquired through its cultivation. Literary property should, therefore, be even less susceptible to social regulation than

land. It was **Gotthold Lessing**, the greatest writer **of the German Enlightenment**, who most forcefully **developed** the **notion of the author's unique personality as a source of property rights in ideas.** In a 1772 essay, Live and Let Live, Lessing proposed a reorganization of the German book trade that attacked the foundations of the old system. He challenged directly the traditional ban on profits received from writing: What? The writer is to be blamed for trying to make the offspring of his imagination as profitable as he can? Just because he works with his noblest faculties he isn't supposed to enjoy the satisfaction that the roughest handyman is able to procure? . . . Freely hast thou received, freely thou must give! Thus thought the noble Luther. . . . Luther, I answer, is an exception in many things. From Lessing forward, German writers clamored insistently for recognition of their claims upon their writings as a form of unique, perpetual, and inviolable property.

2] IP protections allow price-gouging that disproportionately harms black and brown communities – this is the Color Line at its finest. BP-Weeks 20

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We're still in the thick of a global pandemic, and racial disparities in our healthcare system have never been more apparent. Usually, when we talk about the high cost of health care, we focus on the greedy executives behind our for-profit insurance system. But there's another insidious factor at play that we must expose: big pharma's drug pricing. To dismantle racism in our healthcare system, we must address outrageous drug pricing by pharmaceutical companies, which is extracting health and wealth from Black and Brown folks. We must hold Wall Street and elected leaders accountable, and work to undo the systems that allow them to exploit our communities. Time after time, Black and Brown people pay the price—either with our lives or through pain and suffering—because of systemic racial discrimination and the continued extraction of dollars from us. Nothing illustrates this truth more than COVID-19, which has been killing Black, Latinx and Indigenous people disproportionately because of lack of access to healthcare, safe housing and overrepresentation in what is now recognized as

“essential work.” As researchers race to find potential cures for COVID-19, it’s already becoming clear that yet again, only certain people will have access to them. Before it even hits the market, Gilead Science set a heinous price for proposed COVID-19 treatment Remdesivir—over \$3,000 per patient. This is just one example of the myriad of life-saving medication which Black and Brown people are denied via pricing. A new report, “Poi\$on,” shows that Black folks have twice the rate of hypertension, and twice the mortality rate for diabetes compared to white people. Additionally, Latinx people also have twice the rate of diabetes and are more likely to experience preventable diabetes-related kidney failure and vision loss. On top of this already glaring health disparity, the report finds that Black and Latinx people are more likely to ration medication due to cost, which causes a slew of other issues including heart disease, strokes, and kidney disease. Often, diabetic patients who ration medication have to undergo amputations that are completely preventable with reliable access to affordable medication, leading to what ProPublica has deemed an “epidemic of amputations” in Black communities. The high cost of medication is not a coincidence. It’s the result of pharmaceutical companies having total control over their pricing. Of course, in the capitalist hellscape we live in, they always choose to put profits over people without oversight from our government. “Poi\$on” also finds that there are some clearly identifiable bad actors here. Eli Lilly hiked the price of its insulin, Humalog, 30 times in just 20 years, including a 585 percent increase between 2001 and 2005. After buying the patent rights to two blood pressure drugs, Nitropress and Isuprel, Valeant Pharmaceutical immediately raised their prices by 212 percent and 525 percent, respectively. A Valeant spokesperson referred to its duty to “maximize the value” for shareholders as justification for this egregious and arbitrary leap in price. If it seems bananas that they’re able to do this, it is. The reason why? These pharmaceutical corporations have the authority to monopolize patents, and then do everything they can to abuse them. With no oversight on drug pricing, greedy pharma executives can gouge prices on a whim, willfully killing countless Black and Brown people in the name of profit. On top of abusing an already corrupt patent system, pharmaceutical companies assemble tangled webs of intellectual property protection that stifle truly innovative medical research, while keeping already hyper-inflated drug prices high. It hasn’t always been this way. Patent monopolies giving pharmaceutical companies control over pricing weren’t introduced until the 1960s, when right-wingers worked to empower corporations and wealthy investors by weakening public-sector regulations and consumer protections. These days, the excuse for the high prices of drugs is attributed to innovation or keeping the market competitive. But the truth is that government-funded research has always been the backbone of medical breakthroughs—pharmaceutical companies profit by buying the patents and monopolizing public knowledge.

It’s inextricable – IP is inherently racist – it prioritizes the Western rendition of ownership. Parthasarathy 20

Shobita Parthasarathy (is professor of public policy and director of the Science, Technology, and Public Policy programme at the University of Michigan in Ann Arbor and author of Patent Politics), 11-2-2020, "Racism is baked into patent systems," Nature.com, <https://www.nature.com/articles/d41586-020-03056-z>, //SLC West HZ

In July 1999, representatives of Amazonian Indigenous groups arrived at the headquarters of the US Patent and Trademark Office in Alexandria, Virginia, to challenge a patent on the ayahuasca vine. Indigenous peoples had cultivated ayahuasca for its medicinal and other properties for generations. How could someone in the United States have ‘invented’ it? This might seem like cultural miscommunication, or the past meeting the future. But this year’s wake-up call to the ravages of social injustice are a reminder that this was also about racism and power. Many people are trying to address systemic biases in science and technology through training, grants and better job pipelines for researchers from marginalized groups. But the tentacles of racism are institutional, embedded and endemic. In The Color of Creatorship, law scholar Anjali Vats focuses on how racism has shaped intellectual-property systems. Patent, copyright and trademark laws and policies have, she argues, imagined whiteness and creatorship as synonymous while consistently devaluing the ingenuity of people of colour. This is particularly pernicious because it is cloaked in technical legal language and in seemingly objective categories such as invention, novelty and infringement. So it goes unchallenged, and shapes our understanding of who can participate in science, technology and markets — and how. Vats’s powerful analysis draws mainly from laws and legal cases in the United States, moving roughly chronologically from the eighteenth century to the present. But her argument has international reach. US law shapes global industries and markets, and many countries have adopted the US approach to intellectual property. They see it as a model in stimulating innovation and economic growth. Most histories of US intellectual

property emphasize that the idea was so central to the founding of the country that it appears in Article I, Section 8 of the Constitution: “To promote the Progress of Science and useful Arts, by securing for limited Times for Authors and Inventors the exclusive Right to their respective Writings and Discoveries”. They also often observe that the US system was intentionally more democratic than its European predecessors, with low barriers to participation. They rarely mention that this access was limited to free persons. Enslaved people created inventions, often in agricultural technology, but could not receive intellectual-property protection through patents. After the abolition of slavery, many Black Americans held patents — including Lewis Latimer and Granville Woods, who worked on electricity and telegraphic communications. Yet, well into the twentieth century, racists used low rates of patenting to argue that people of colour lacked ingenuity and could not fully participate in the US project of technological progress. The problem is not just one of systematic exclusion. Vats argues that it is one of fundamental orientation. The rules and procedures of the patent system embody approaches to knowledge production that promote a “vision of inventorship as a process that unfolds in a laboratory, at the hands of expert scientists”. It has little truck with the creative fruits of the kitchen, forest, farm or workshop. She cites a landmark case at the beginning of modern biotechnology. In 1980, Diamond v. Chakrabarty focused on the patentability of a genetically engineered bacterium capable of breaking down crude oil. Ultimately, the Supreme Court decided that the micro-organism was patentable, along with “anything under the sun made by man”. In Vats’s view, the case validated Western ideas of both genius and human dominion over nature. Ironically, it was an Indian immigrant — microbiologist Ananda Chakrabarty — who played the game and reaped the benefits, she points out. Meanwhile, traditional knowledge systems that have cultivated nature for centuries — from seedbanking to controlled burning — have gone unrecognized and unrewarded. Perhaps most perversely, the medicinal potential of plants such as neem (*Azadirachta indica*) or turmeric (*Curcuma longa*), or systems such as yoga or meditation, are seen as valuable and protectable only when they are made legible to the white gaze. This involves crediting a single individual rather than a community and its history; certification by Western experts; and characterization in terms of papers produced rather than, say, lives changed. There is growing resistance, which Vats discusses. This includes the transnational dispute over the patentability of leukaemia drug Glivec (imatinib). In 2013, the Indian Supreme Court ruled that the drug was neither innovative nor more effective than a previously patented form of its active ingredient, and so did not deserve a patent. This ensured greater access to the drug for India’s population. Vats says that the United States characterized the decision as “patent insolence”. Rather than understanding it as arising from different values or understandings about the relationship between patents and public health, the US government admonished the country as primitive and childlike, lacking knowledge about the benefits of patents for technological progress and a civilized and democratic society. Vats suggests that to become anti-racist, intellectual-property systems must make space for multiple forms of knowledge. I agree. But this requires more than rules that recognize epistemological diversity. We must rethink how intellectual property shapes high-tech industries and markets. After all, our ‘modern’ system privileges individual reward and recognition, private property and a nature–culture binary. Reading Vats’s book is an important step. So are efforts to empower Black and brown communities to protect their knowledge systems from Western commodification — for example, in the United Nations protocol for sharing access to and benefits of plant and animal material, which is up for reform next year. Scientists must approach experts from other knowledge systems humbly and as equals to learn about their innovations, rules, practices and values. Only then can we co-create a new generation of intellectual-property rights that can be truly respectful across communities and cultures.