# 1NC

#### **The color line structures modernity – drawn discursively to separate classes/genders/races, it necessitates the political sacrifice of those who are not within our conception of human. Thus, the role of the ballot is to deconstruct the color line.**

Wynter 03 Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument,” CR: The New Centennial Review, Volume 3, Number 3, Fall 2003, pp. 257-337, https://doi.org/10.1353/ncr.2004.0015

The Argument proposes that the new master code of the bourgeoisie and of its ethnoclass conception of the human—that is, the code of selected by Evolution/dysselected by Evolution—was now to be mapped and anchored on the only available “objective set of facts” that remained. This was the set of environmentally, climatically determined phenotypical dif- ferences between human hereditary variations as these had developed in the wake of the human diaspora both across and out of the continent of Africa; that is, as a set of (so to speak) totemic differences, which were now harnessed to the task of projecting the Color Line drawn institutionally and discursively between whites/nonwhites—and at its most extreme between the Caucasoid physiognomy (as symbolic life, the name of what is good, the idea that some humans can be selected by Evolution) and the Negroid phys- iognomy (as symbolic death, the “name of what is evil,” the idea that some humans can be dysselected by Evolution)—as the new extrahuman line, or projection of genetic nonhomogeneity that would now be made to function, analogically, as the status-ordering principle based upon ostensibly differential degrees of evolutionary selectedness/eugenicity and/or dysselected- ness/dysgenicity. Differential degrees, as between the classes (middle and lower and, by extrapolation, between capital and labor) as well as between men and women, and between the heterosexual and homosexual erotic preference—and, even more centrally, as between Breadwinner (job- holding middle and working classes) and the jobless and criminalized Poor, with this rearticulated at the global level as between Sartre’s “Men” and Natives (see his guide-quote), before the end of politico-military colonial- ism, then postcolonially as between the “developed” First World, on the one hand, and the “underdeveloped” Third and Fourth Worlds on the other. The Color Line was now projected as the new “space of Otherness” principle of nonhomogeneity, made to reoccupy the earlier places of the motion-filled heavens/non-moving Earth, rational humans/irrational animal lines, and to recode in new terms their ostensible extra-humanly determined differences of ontological substance. While, if the earlier two had been indispen- sable to the production and reproduction of their respective genres of being human, of their descriptive statements (i.e., as Christian and as Man1), and of the overall order in whose field of interrelationships, social hierarchies, system of role allocations, and divisions of labors each such genre of the human could alone realize itself—and with each such descriptive state- ment therefore being rigorously conserved by the “learning system” and order of knowledge as articulated in the institutional structure of each order—this was to be no less the case with respect to the projected “space of Otherness” of the Color Line. With respect, that is, to its indispensability to the production and reproduction of our present genre of the human Man2, together with the overall global/national bourgeois order of things and its specific mode of economic production, alone able to provide the material conditions of existence for the production and reproduction of the ethnoclass or Western-bourgeois answer that we now give to the question of the who and what we are. It is in this context that the Negro, the Native, the Colonial Questions, and postcolonially the “Underdeveloped” or Third/Fourth-Worlds Question can be clearly seen to be the issue, not of our present mode of economic pro- duction, but rather of the ongoing production and reproduction of this answer—that is, our present biocentric ethnoclass genre of the human, of which our present techno-industrial, capitalist mode of production is an indispensable and irreplaceable, but only a proximate function. With this genre of the human being one in the terms of whose dually biogenetic and economic notions of freedom both the peoples of African hereditary descent and the peoples who comprise the damned archipelagoes of the Poor, the jobless the homeless, the “underdeveloped” must lawlikely be sacrificed as a function of our continuing to project our collective authorship of our con- temporary order onto the imagined agency of Evolution and Natural Selection and, by extrapolation, onto the “Invisible Hand” of the “Free Market” (both being cultural and class-specific constructs).

#### The 1AC’s legal recognition of workers rights focuses incompletely on one form of subjugation – their attempt at inclusion only reinforces the color line and defines workers as “Men” in contrast to those considered subhuman. This reifies continued violence against those not recognized as fully human by the state. Relying on Israeli policy is complicit in settler colonialism and further oppresses those who aren’t given rights by the aff.

Weheliye 14

Weheliye, Alexander. “Habeas Viscus.” Pg. 59-60. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

Alexander Ghedi Weheliye is professor of African American Studies at Northwestern University where he teaches black literature and culture, critical theory, social technologies, and popular culture. He is the author of Phonographies: Grooves in Sonic Afro-Modernity (Duke UP, 2005), which was awarded The Modern Language Association’s William Sanders Scarborough Prize for Outstanding Scholarly Study of Black American Literature or Culture and Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human (Duke UP, 2014). // Park City NL

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

#### The 1AC’s assertion that workers deserve rights because of their struggles makes suffering a precondition to legal humanity – forces people to degrade themselves for rights and leads to counterproductive infighting among Palestinians.

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Weheliye, Alexander. “Habeas Viscus.” Pg. 56-57. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

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Even though it would be fairly easy to dismiss one position, either the traditionally humanist (suffering is human) or the racially particularistic (suffering is experienced only by those groups upon which it is inflicted), in favor of the other, both these stances rely on the same logic that deems one incompatible with the other, since the humanist brand would erase particularities in favor of a universalist sweep and the particularistic variant insists on its irreducibility by excluding all nonmembers from the group's affliction. Rather than urging us to choose sides, Farah's juxtaposition of these viewpoints draws attention to the ways racialized and gendered suffering at the hands of political brutalization are always already imbricated in the construction of modern humanity. Suffering, especially when caused by political violence, has long functioned as the hallmark of both humane sentience and of inhuman brutality. Frequently, **suffering becomes the defining feature of those subjects excluded from the law**, the national community, humanity, and so on due to the political violence inflicted upon them **even as it**, paradoxically, **grants them access to inclusion and equality**. In western human rights discourse, for instance, the physical and psychic residues of political violence enable victims to be recognized as belonging to the “brotherhood of Man.” Too often, **this tendency not only leaves intact** hegemonic **ideas of humanity as indistinguishable from western Man but demands comparing different forms of subjugation in order to adjudicate who warrants recognition** and belonging. As W. E. B. Du Bois asked in 1944, if the Universal Declaration of Human Rights did not offer provisions for ending world colonialism or legal segregation in the United States, “Why then call it the Declaration of Human Rights?”2 Wendy Brown maintains, “politicized identity” operates “only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future...that triumphs over this pain.”3 Brown suggests replacing the identitarian declaration “I am,” which merely confirms and solidifies what already exists, with the desiring proclamation “I want,” which offers a Nietzschean politics of overcoming pain instead of clinging to suffering as an immutable feature of identity politics. While I recognize Brown's effort to formulate a form of minority politics not beholden to the aura of wounded attachments and fixated almost fetishistically on the state as the site of change, we do well to recall that many of the political agendas based on identity (the suffragette movement, the movement for the equality of same-sex marriages, or the various movements for the full civil rights of racialized minority subjects, for instance) are less concerned with claiming their suffering per se (I am) than they are with using wounding as a stepping stone in the quest (I want) for rights equal to those of full citizens. **Liberal governing bodies**, whether in the form of nation-states or supranational entities **such as the U**nited **N**ations **or** the **I**nternational **C**riminal **C**ourt **make** particular forms of **wounding the precondition for** entry into the hallowed halls of full **personhood**, only acknowledging certain types of physical violence. For instance, while the United Nations High Commissioner for Refugees passed a resolution in 2008 that includes rape and other forms of sexual violence in the category of war crimes, there are many forms of sexual violence that do not fall into this purview, and thus bar victims from claiming legal injury and/or personhood.4

#### Legal recognition of rights and personhood exclude those outside legal definitions of humanity and erase those who become human. Just as limited and genocidal court recognition of indigenous sovereignty justified the Dred Scott decision, the 1AC recreates violence against vulnerable flesh and divides the oppressed into distinct groups. Court recognition has done nothing for the Palestinian people and they shouldn’t pursue it.Legal personhood and *Habeas Corpus* are constructed in relation to “Man,” a white, male, propertied, liberal subject who reinforces the color line.

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Weheliye, Alexander. “Habeas Viscus.” Pg. 57-58. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

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Du Bois asked in 1944, if the Universal Declaration of Human Rights did not offer provisions for ending world colonialism or legal segregation in the United States, “Why then call it the Declaration of Human Rights?”2 Wendy Brown maintains, “politicized identity” operates “only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future...that triumphs over this pain.”3 Brown suggests replacing the identitarian declaration “I am,” which merely confirms and solidifies what already exists, with the desiring proclamation “I want,” which offers a Nietzschean politics of overcoming pain instead of clinging to suffering as an immutable feature of identity politics. While I recognize Brown's effort to formulate a form of minority politics not beholden to the aura of wounded attachments and fixated almost fetishistically on the state as the site of change, we do well to recall that many of the political agendas based on identity (the suffragette movement, the movement for the equality of same-sex marriages, or the various movements for the full civil rights of racialized minority subjects, for instance) are less concerned with claiming their suffering per se (I am) than they are with using wounding as a stepping stone in the quest (I want) for rights equal to those of full citizens. Liberal governing bodies, whether in the form of nation-states or supranational entities such as the United Nations or the International Criminal Court make particular forms of wounding the precondition for entry into the hallowed halls of full personhood, only acknowledging certain types of physical violence. For instance, while the United Nations High Commissioner for Refugees passed a resolution in 2008 that includes rape and other forms of sexual violence in the category of war crimes, there are many forms of sexual violence that do not fall into this purview, and thus bar victims from claiming legal injury and/or personhood.4Even more generally, the acknowledgment and granting of full personhood of those excluded from its precincts requires the overcoming of physical violence, while epistemic and economic brutalities remain outside the scope of the law. Congruently, much of the politics constructed around the effects of political violence, especially within the context of international human rights but also with regard to minority politics in the United States, is constructed from the shaky foundation of surmounting or desiring to leave behind physical suffering so as to take on the ghostly semblance of possessing one's personhood. Then and only then will previously minoritized subjects be granted their humanity as a legal status. Hence, the glitch Brown diagnoses in identity politics is less a product of the minority subject's desire to desperately cling to his or her pain but a consequence of the state's dogged insistence on suffering as the only price of entry to proper personhood, what Samera Esmeir has referred to as a “juridical humanity” that bestows and rescinds humanity as an individualized legal status in the vein of property.5 **Apportioning personhood** in this way **maintains the world of Man and its** attendant **racializing assemblages**, which means in essence that **the entry fee for legal recognition is the acceptance of categories based on white supremacy and colonialism, as well as normative genders and sexualities.** We need only to consult the history of habeas corpus, the “great” writ of liberty, which is anchored in the U.S. Constitution (Article 1, Section 9), to see that this type of reasoning leads to reducing inclusion and personhood to ownership.6 The Latin phrase habeas corpus means “You shall have the body,” and a writ thereof requires the government to present prisoners before a judge so as to provide a lawful justification for their continued imprisonment. This writ has been considered a pivotal safeguard against the misuse of political power in the modern west. Even though the Military Commissions Act of 2006, which denied habeas corpus to “unlawful enemy combatants” imprisoned in Guantanamo Bay, remains noteworthy and alarming, habeas corpus has been used both by and frequently against racialized groups throughout U.S. history, as was the case when habeas corpus was suspended during World War II, allowing for the internment of Japanese Americans. The writ has also led to gains for minoritized subjects as, for instance, in the well-known Amistad case (1839), in which abolitionists used a habeas corpus petition to free the “illegally” captured Africans who had staged a mutiny against their abductors. Likewise, when Ponca tribal leader Standing Bear was jailed as a result of protesting the forcible removal of his people to Indian Territory in 1879, the writ of habeas corpus affected his release from incarceration as well as the judge's recognition that, as a general rule, Indians were persons before U.S. law, even though Native Americans were not considered full U.S. citizens until 1924.7Nevertheless, the benefits accrued through the **juridical acknowledgment** of racialized subjects **as** fully **human** often exacts a steep entry price, because inclusion **hinges on accepting the codification of personhood as property**, which is, in turn, **based on** the comparative **distinction between groups**, as in one of the best-known court cases in U.S. history: the Dred Scott case. In 1857, the Supreme Court invalidated Dred Scott's habeas corpus, since, as an escaped slave, Scott could not be a legal person. According to Chief Justice Taney: “Dred Scott is not a citizen of the State of Missouri, as alleged in his declaration, because he is a ~~negro~~ [black] of African descent; his ancestors were of pure African blood, and were brought into this country and sold as negro slaves.”8 In order to justify withdrawing Dred Scott's legal right to ownership of self, Chief Justice Taney's opinion in the decision contrasts the status of black subjects with the legal position of Native Americans vis-à-vis the possibility of U.S. citizenship and personhood: “The situation of [the ~~negro~~ {black} ] population was altogether unlike that of the Indian race. These Indian Governments were regarded and treated as foreign Governments.... [Indians] may, without doubt, like the subjects of any other foreign Government, be naturalized...and become citizens of a State, and of the United States; and if an individual should leave his nation or tribe, and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any other foreign people.”9 While slaves were not accorded the status of being humans that belonged to a different nation, Indians could theoretically overcome their lawful foreignness, but only if they renounced previous forms of personhood and citizenship. Hence, the tabula rasa of **whiteness**—which all groups but blacks can access—**serves as the prerequisite for the law's** magical **transubstantiation** **of a thing** to be possessed **into a** property-owning **subject**.10The judge's comparison underscores the dangers of ceding definitions of personhood to the law and of comparing different forms of political subjugation, since **hypothetical** ~~Indian~~ **[indigenous] personhood in the law rests on attaining whiteness and the violent denial of said status to black subjects.** Additionally, while the court conceded limited capabilities of personhood to indigenous subjects if they chose to convert to whiteness, it did not prevent the U.S. government from instituting various genocidal measures to ensure that American Indians would become white and therefore no longer exist as Indians. In other words, the legal conception of personhood comes with a steep price, as in this instance where being seemingly granted rights laid the groundwork for the U.S. government's genocidal policies against Native Americans, since the “racialization of indigenous peoples, especially through the use of blood quantum classification, in particular follows...‘genocidal logic,’ rather than simply a logic of subordination or discrimination,” and as a result “**whiteness constitutes a project of disappearance for Native peoples** rather than signifying privilege.”11 Beginning in the nineteenth century the U.S. government instituted a program in which Native American children were forcibly removed from their families and placed in Christian day and boarding schools, and which sought to civilize children by “killing the Indian to save the man,” representing one of the most significant examples of the violent and legal enforced assimilation of Native Americans into U.S. whiteness.12 Though there is no clear causal relationship between Taney's arguments in the Scott decision and the boarding school initiative, both establish that **legal personhood is available to indigenous subjects only if the Indian can be killed**—either literally or figuratively—**in order to save the world of Man** (in this case settler colonialism and white supremacy). Furthermore, the denial of personhood qua whiteness to African American subjects does not stand in opposition to the genocidal wages of whiteness bequeathed to indigenous subjects but rather represents different properties of the same racializing juridical assemblage that differentially produces both black and native subjects as aberrations from Man and thus not-quite-human. The writ of **habeas corpus**—**and the law** more generally—anoints those individualized subjects who are deemed deserving with bodies even while this assemblage continually enlists new and/or different groups to exclude, banish, or exterminate from the world of Man. In the end, the law, whether bound by national borders or spanning the globe, **establish**es **an international division of humanity, which grants previously excluded subjects limited access to personhood as property at the same time as it fortifies the supremacy of Man**.13

#### The alternative is to embrace habeas viscus, a definition of human based on the flesh rather than constructs of the body defined in relation to whiteness. Habeas viscus opens avenues for guerrilla warfare as it removes politics from the realm of the Man, instead opting for a collective consciousness of the oppressed. Resistance to settler colonialism is better than strikes within the colonial state.

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Weheliye, Alexander. “Habeas Viscus.” Pg. 95-96. Duke University Press, 2014. I don’t have a link but I can send you the pdf.

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**The** poetics and **politics** that I have been discussing under the heading **of habeas viscus** or the flesh **are concerned** not **with** inclusion in reigning precincts of the status quo but, in Cedric Robinson's apt phrasing, “**the** continuing **development of a collective consciousness informed by the historical struggles for liberation and motivated by the shared sense of obligation to preserve [and** I would add also to **reimagine] the collective being**, the ontological totality.”31 Though the laws of Man place the flesh outside the ferocious and ravenous perimeters of the legal body, habeas viscus defies domestication both on the basis of particularized personhood as a result of suffering, as in human rights discourse, and on the grounds of the universalized version of western Man. Rather, **habeas viscus points to the terrain of humanity as a relational assemblage exterior to the jurisdiction of law** given **that** the law can bequeath or rescind ownership of the body so that it becomes the property of proper persons but **does not possess the authority to nullify the politics and poetics of the flesh found in the traditions of the oppressed**. As a way of conceptualizing politics, then, habeas viscus diverges from the discourses and institutions that yoke the flesh to political violence in the modus of deviance. Instead, it translates the hieroglyphics of the flesh into a potentiality in any and all things, an originating leap in the imagining of future anterior freedoms and new genres of humanity. To envisage habeas viscus as a forceful assemblage of humanity entails leaving behind the world of Man and some of its attendant humanist pieties. As opposed to depositing the flesh outside politics, the normal, the human, and so on, we need a better understanding of its varied workings in order to disrobe the cloak of Man, which gives the human a long-overdue extreme makeover; or, in the words of Sylvia Wynter, “the struggle of our new millennium will be one between the ongoing imperative of securing the well-being of our present ethnoclass (i.e. western bourgeois) conception of the human, Man, which overrepresents itself as if it were the human itself, and that of securing the well-being, and therefore the full cognitive and behavioral autonomy of the human species itself/ourselves.”32 Claiming and **dwelling in the** monstrosity of **the flesh present** some of the **weapons in** the **guerrilla warfare to “secure the full** cognitive and behavioral **autonomy of the human species,” since these liberate from captivity assemblages of life, thought, and politics from the tradition of the oppressed and, as a result, disfigure the centrality of Man as the sign for the human.** As an assemblage of humanity, **habeas viscus** animates the elsewheres of Man and **emancipates the true potentiality that rests in those subjects who live behind the veil of the permanent state of exception**: freedom**; assemblages of freedom** that **sway to the** temporality of new syncopated **beginnings for the human beyond the world** and continent **of Man.**

## Case