# 1 – K

#### The subject is fundamentally unstable: it is constantly fractured by time. “I think” does not determine the subject, it is simply something it can do, as the I is always being fractured through time and is only experienced, not initiated. Thus, subjectivity is constitutively unstable: we are not the same person that we were a year ago.

#### Subjectivity is predicated on the power to affect and be affected, the only constitutive part. We are constantly facing affective experiences which proves

#### That proves affect is inescapable – I can’t stop experiencing you as you are experiencing me, we are constantly being affected and it comes before your framing.

#### The state and the court are focused on eliminating deviancy from the western Man. The aff’s position of granting rights not only posits the state above all others, it begs the question of who is included in these rights. By including humans, it begs the question, who is not human? Who doesn’t deserve rights? Thus the guise of progress hides regression – inclusion only pushes others farther from the colorline of inclusion.

Weheliye **1** [Alexander Weheliye; Associate Professor of African American Studies at Northwestern University; 2014; “Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”;]

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 antiprison 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 idea of bare life as espoused by Giorgio Agamben and his followers discursively duplicates the very violence it describes without offering any compelling theoretical or political alternatives to our current order. Paradoxically, by insisting on a limited notion of the law at the cost of neglecting so many other facets that flow into the creation of bare life, Agamben preempts a rigorous and imaginative thinking of the political imaginary that rests in the tradition of the oppressed. Agamben’s impoverished conception of the political comes into view most clearly in the lack of current or past alternatives it offers to our current order and when we consult the fleshly testimonies of and about subjects that inhabit the sphere of mere life (the enslaved, political prisoners, concentration camp detainees, for instance). Still, these voices should not be construed as fountains of suffering authenticity but as instantiations of a radically different political imaginary, which refuses to only see, feel, hear, smell, and taste bare life in the subjectivity of the oppressed.

#### When examining a group to grant rights to, the state violently compares groups to their truth: the western Man. While the state offered rights to indigenous people who converted closer to whiteness and the Man, it even further excluded the slaves – distancing them from the Man and solidifying the hierarchy of western Man above all else. Thus, the role of the ballot is to deconstruct the western Man.

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

Nevertheless, 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 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 visà-vis the possibility of U.S. citizenship and personhood: “The situation of [the negro] 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.10 The 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 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 Law 79 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, establishes 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**

#### Legal recognition happens on the comparison of suffering between individuals which is psychologically violent since the oppressed have to make the hardest part of their life comfortable to their oppressors so they get rights. Instead, politics should focus on overcoming instead of dwelling in their current suffering.

Weheliye **3** [Alexander Weheliye; Associate Professor of African American Studies at Northwestern University; 2014; “Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”;]

**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.”3Brown suggests **replac[e]ing 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.4 Even 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.

#### By emphasizing the distinctions between humans, not-quite humans, and non-humans, whiteness becomes viewed as Truth and the bar at which everyone is compared in the color line. The color line emphasizes phenotypical distinctions as the standard for which bodies enter spaces of liminality.

Wynter 3 [Sylvia; 2003; “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 3,257-337]  
The Argument proposes **that the new master code of the bourgeoisie and of its ethnoclass conception of the human** - that is, the code of selected by Evolution/dysselected by Evolution- was now to be mapped and anchored on the only available "objective set of facts" that remained. **This was the set of environmentally, climatically determined phenotypical differences between human hereditary variations as these had developed in the wake of the human diaspora both across and out of the continent of Africa; that is, as a set of (so to speak) totemic differences, which were now harnessed to the task of projecting the Color Line drawn institutionally and discursively between whites/nonwhites** - and at its most extreme between the Caucasoid physiognomy (as symbolic life, the name of what is good, the idea that some humans can be selected by Evolution) and the Negroid phys- iognomy (as symbolic death, the "name of what is evil," **the idea that some humans can be dysselected by Evolution)- as the new extrahuman line, or projection of genetic nonhomogeneity that would now be made to function,** analogically, as the status-ordering principle based upon ostensibly differ- ential degrees of evolutionary selectedness/eugenicity and/or dysselected- ness/dysgenicity. **Differential degrees, as between the classes** (middle and lower and, by extrapolation, between capital and labor) as well as **between men and women, and between the heterosexual and homosexual** erotic preference - and, even more centrally, as **between Breadwinner** (job- holding middle and working classes) **and the jobless and criminalized** Poor, with this rearticulated at the global level as between Sartre's "**Men" and Natives** (see his guide-quote), before the end of politico-military colonial- ism, then postcolonially as between the "developed" First World, on the one hand, and the "underdeveloped" Third and Fourth Worlds on the other. **The Color Line was now projected as the new "space of Otherness" principle of nonhomogeneity, made to reoccupy the earlier places of the motion-filled heavens/non-moving Earth, rational humans/irrational animal lines, and to recode in new terms their ostensible extrahumanly determined differences of ontological substance**. While, if the earlier two had been indispen- sable to the production and reproduction of their respective genres of being human, of their descriptive statements (i.e., as Christian and as Mam), and of the overall order in whose field of interrelationships, social hierarchies, system of role allocations, and divisions of labors each such genre of the human could alone realize itself- and with each such descriptive state- ment therefore being rigorously conserved by the "learning system" and order of knowledge as articulated in the institutional structure of each order - this was to be no less the case with respect to the projected "space of Otherness" of **the Color Line**. With respect, that is, **to its indispensability to the production and reproduction of our present genre of the human Mam, 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.**

#### Instead of centering our humanity around Habeas Corpus, habeas viscus centers it around the flesh. It gives us a new way of emancipating ourselves from the confines of the colorline and the state. Thus the alt is to dwell in the hieroglyphics of the flesh as a tactic of guerrilla warfare. This focusing on both affective bonds and community building as a way to resist the state.

Weheliye 4 [Alexander Weheliye; Associate Professor of African American Studies at Northwestern University; 2014; “Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human”;]

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

# Case

#### 1] The relationship of negativity resurrects the most violent forms of humanism by defining nativity in opposition to civil society and serves only to banish the positive beauty of minoritarianism that the affirmative attempts to reclaim

Larue 11

Robert Larue, M.A. in English from the University of Texas at Arlington, “MOVING BEYOND THIS MOMENT: EMPLOYING DELEUZE AND GUATARRI‟S RHIZOME IN POSTCOLONIALISM,” August 2011, https://dspace.uta.edu/handle/10106/6148‎

By trying to uncover a human ontology, humanism underscores the necessity and value of “knowing” origins. Origins, to date, have been used as principles by which things, objects, and people can be grouped and segregated. Questions such as “where are your people from?” or “where are you from?” seek origins so that the speaker can be lumped into a group, which is usually pre-established as either “acceptable” (Western European) or “unacceptable” (all others). While this is a gross oversimplification of categories, it does serve to show how determining ontological roots affects human society. Not only did Descartes‟ cogito renew a desire to find the origins of human existence, but it set the origins of the human within the confines of its own mind—in the human‟s ability (or lack thereof) to reason. This practice both set the stage for understanding existence through a reliance on reason and provided a “reasonable” justification for an exclusion of all those beings who, according to the Enlightenment model of the human, could not demonstrate reason. Since colonized individuals did not effectively demonstrate “Enlightenment” reason, they were effectively considered outside of European humanity. Apart from this, setting up this “foundation” for human existence proves troubling because the very concept of a foundation—structurally speaking—seeks to dislocate bodies from the rest of the world. Foundations set apart, and isolate, all that is built on their perimeter. It limits what can and cannot be established, killing off all roots--or histories--and establishing itself as the origin of the order. Ironically, as they convey a desire to unite multiple elements into one single structure (just as the foundation of a house attempts to bring together all of the parts of the house, from the wood used to construct spaces, to the spaces themselves), foundations are based on a system of “is/is not.” Because they are finite regions, they always exclude. Seeking a “foundational” humanity, then, sets up an understanding of the human that requires exclusions and boundaries. So far, this desire for a foundational humanity is what has limited much expansion of the concept of what it means to be “human.” In order for humanity to progress beyond the point of a binarized logic of either/or this concept of a “foundation” of human existence must be eradicated. Since its inception, the Cartesian division (of mind and body, or reason and form) has become the cornerstone for definitions of humanity. However, if, as Bart Simon argues, “the revolutionary Enlightenment narratives” of the human reestablished the foundations of the human and “challenged an oppressive feudal order and reenvisioned [sic] „man‟ as rational, autonomous, unique, and free” (4), it only did so for a small sector of humanity. As focusing on the “feudal order” left many other sectors of humanity untouched and without vision, it served to both turn the human into a product of politics and economics by expanding the population of humanity based on ownership rights. And, as Susan Bordo argues, the Cartesian model presents problems for humanity because it “is nothing if not a passion for separation, purification, and demarcation,” where the body is separated from the mind (17). Acting as the scalpel, Descartes‟ reliance--or, perhaps more appropriately, his insistence—on reason further complicates the question of “what is human” since, in an attempt to form “a unified system of absolute knowledge” (4), the model further divided human existence within the world, and placed humanity further at odds with the rest of the world (4). Instead of uniting humanity, the Cartesian “Man” was now limited to white males who could reason and who could, with this reason, properly make use of the environment; or, in other words, at this point, another classification of the human was established based on “his” ability to subjugate “his” environment and all that existed (without Enlightenment approved reason) within it.6 Origins became tied to European reason, and, in doing this, denied all non-Europeans access to ontology. It is from this point—from an attempt to enter the “body” of humanity—that Fanon’s humanism seems to stem Fanon’s cries for seeing the “equality of all men in the world” **(**Black Skin 110) based on their ability to rationalize it (123) show him continually trying to climb onto, and establish residency on this “revolutionary” foundation of humanity**.** By clinging to the already troubled concept of a “foundational” humanness, Fanon seems to ignore the fact that this “all-inclusive” humanity is established on principles of exclusion and can never be entered as long as the system remains intact. Fanon troubles a potentially fruitful argument on postcolonial existence because he, as many of his predecessors, attempts to focus on the origins of postcolonial individuals—looking to the ideologies of the colonizer as the point of this origin—and, all the while further grounding a postcolonial future within the colonial situation. If postcoloniality is forever a “descendent” of colonization, it can never move beyond exclusion because it is always defined as exclusion. For postcolonialism alone, this is an arduous—and perhaps impossible—task. However, by “reading” postcoloniality as part of whatGiles Deleuze and Felix Guattari call a rhizome (6), it is possible to break Fanon‟s postcolonial search for reclaiming an origin, and allow for an understanding of “self” that does not predicate itself upon the rationalization of existence, but on the understanding and appreciation of interconnections of existence. In order to move beyond the effects of colonization, postcoloniality can no longer afford to be seen as a “product of” colonization—or white European actions. It must be understood on different terms.¶ While it must be noted that posthumanism— much like postcolonialism—is an academic endeavor, the field’s importance comes in its insistence that, as Myra Seaman phrases it, “there has never been one unified, cohesive ‘human’” (246-47). The “human” derived from European humanism have been nothing more than, to quote N. Katherine Hayles, a labels knighted upon a “fraction of humanity who had the wealth, power, and leisure to conceptualize themselves as autonomous beings exercising their will through individual agency and choice” (286). It is in this attempt to rethink human relationships not only with the environment but with other human bodies, and ultimately redefine what it means to be human from a more “global” perspective that possible strategies for rethinking postcoloniality arise. Because it emphasizes “deterritorializations” and “reterritorializations” **(**Deleuze and Guattari 10) the rhizome offers a break from an understanding of the human as a “point” to be entered. As “there are no points or positions in a rhizome, such as those found in a structure, tree, or root” (8) the idea that the human has a point of origin, and that, in postcoloniality, European culture is the postcolonial‟s point of origin can be discarded. What, instead, the rhizome makes available are a multiplicity of lines (8) which can be understood as continuous forms. This is important because, “reading” postcoloniality as part a rhizome means understanding that there was existence before, through, and after the events of colonization, therefore separating the origins of postcolonial individuals from those of the colonizer. A separation in this way restores “validity” to the existence of the postcolonial, removes the concept of victimhood—or victimization—and sets the understanding that not all contact is—although there may at times be horrific incidents, or periods**—**negative.¶ In addition to this, since rhizomes are multiplicities (of lines, no less) and seek—unlike Fanon—to do away with the concept of “unity,” since unity “always operates in an empty dimension supplementary to that of the system considered (overcoding)” (8), there no longer exists a need for postcolonial individuals to desire to ascend the hierarchy established by colonization**.** Postcoloniality, as a rhizome, no longer needs to enter into the humanity of the colonizer because, as a rhizome, it is allowed—no, it is necessary—to be apart from the other. As a rhizome they remain connected. Moreover, redefining the human in terms of a posthuman-postcoloniality allows for the possibility of opening all sectors of humanity so that the human is understood as a nexus rather than a solid form. Still, much work is needed in order to more fully understand postcoloniality as rhizomatic. As established, postcoloniality includes not only the physical, political, economic, and social modes of postcolonized individuals, but at the heart of these modes rests a linguistic model that establishes the “presence” of individuals. This presence works in two parts: first it establishes a vacuum in which it can place its subject, and it then institutes them as European-style individuals.

#### Their cards are create this negativity. \_\_\_\_\_\_\_

#### 2] Embedding hope for liberation to a specific reform creates cruel optimism.

Berlant 06 Lauren, professor of Literature at the University of Chicago. “Cruel Optimism” in Differences, 17.3. 2006.

When we talk about an object of desire, we are really talking about a cluster of promises we want someone or something to make to us and make possible for us. This cluster of promises could be embedded in a person, a thing, an institution, a text, a norm, a bunch of cells, smells, a good idea—whatever. To phrase “the object of desire” as a cluster of promises is to allow us to encounter what is incoherent or enigmatic in our attachments, not as confirmation of our irrationality, but as an explanation for our sense of our endurance in the object, insofar as prox- imity to the object means proximity to the cluster of things that the object promises, some of which may be clear to us while others not so much. In other words, all attachments are optimistic. That does not mean that they all feel optimistic: one might dread, for example, returning to a scene of hunger or longing or the slapstick reiteration of a lover or parent’s typi- cal misrecognition. But the surrender to the return to the scene where the object hovers in its potentialities is the operation of optimism as an affective form (see Ghent). “Cruel optimism” names a relation of attachment to compromised conditions of possibility. What is cruel about these attachments, and not merely inconvenient or tragic, is that the subjects who have x in their lives might not well endure the loss of their object or scene of desire, even though its presence threatens their well-being, because whatever the content of the attachment, the continuity of the form of it provides something of the continuity of the subject’s sense of what it means to keep on living on and to look forward to being in the world. This phrase points to a condition different than that of melancholia, which is enacted in the subject’s desire to temporize an experience of the loss of an object/scene with which she has identified her ego continuity. Cruel optimism is the condition of maintaining an attachment to a problematic object in advance of its loss.¶ One might point out that all objects/scenes of desire are prob- lematic, in that investments in them and projections onto them are less about them than about the cluster of desires and affects we manage to keep magnetized to them. I have indeed wondered whether all optimism is cruel, because the experience of loss of the conditions of its reproduction can be so breathtakingly bad. But some scenes of optimism are crueler than others: where cruel optimism operates, the very vitalizing or ani- mating potency of an object/scene of desire contributes to the attrition of the very thriving that is supposed to be made possible in the work of attachment in the first place. This might point to something as banal as a scouring love, but it also opens out to obsessive appetites, patriotism, a career, all kinds of things. One makes affective bargains about the costliness of one’s attachments, usually unconscious ones, most of which keep one in proximity to the scene of desire/attrition.¶ To understand cruel optimism as an aesthetic of attachment requires embarking on an analysis of the modes of rhetorical indirection that manage the strange activity of projection into an enabling object that is also disabling. I learned how to do this from reading Barbara Johnson’s work on apostrophe and free indirect discourse. In her poetics of indi- rection, each of these rhetorical modes is shaped by the ways a writing subjectivity conjures other ones so that, in a performance of phantasmatic intersubjectivity, the writer gains superhuman observational authority, enabling a performance of being made possible by the proximity of the object. Because the dynamics of this scene are something like what I am describing in the optimism of attachment, I will describe the shape of my transference with her thought

#### The aff can never instantiate material agency—neg on presumption.

Schlag [Pierre Schlag, Professor of Law, University of Colorado, “Normative and Nowhere to Go,” Stanford Law Review, Vol. 43, No. 1 (Nov., ‘90), pp. 167-191 //WWDH]

In fact, normative legal thought is so much in a hurry that it will tell you what to do even though there is not the slightest chance that you might actually be in a position to do it. For instance, when was the last time you were in a position to put the difference principle31 in to effect, or to restructure the doctrinal corpus of the first amendment? "In the future, we should ... ." When was the last time you were in a position to rule whether judges should become pragmatists, efficiency purveyors, civic republicans, or Hercules surrogates? Normative legal thought doesn't seemoverly concerned with such worldly questions about the character and the effectiveness of its own discourse. It just goes along and proposes, recommends, prescribes, solves, and resolves. Yet despite its obvious desire to have worldly effects, worldly consequences, normative legal thought remains seemingly unconcerned that for all practical purposes, its only consumers are legal academics and perhaps a few law students-persons who are virtually never in a position to put any of its wonderful normative advice into effect.32 [footnote 32 begins] 32. The possibility that a significant number of judges might actually be reading significant quantities of this academic literature is undemonstrated and unlikely. The possibility that judges might actually be persuaded by this academic literature to adopt a position not their own is even more undemonstrated and even more unlikely. The only kind of normative legal thought that might actually be having some significant and authentic normative effect on judicial decisionmaking (and here again, it is difficult to know which way the causal lines would run) is the work of the treatise writers. But, this treatise work cannot really be seen as having much effect, since much of it is simply a reflection (an encyclopedic collection) of the modes of thought and norms already extant in the courts.[footnote 32 ends]

#### 3] Blood quantum DA– Begs the question of what it means to be indigenous in the first place. Is half enough? A quarter? It is extremely intrusive in privacy to do blood work but if you don’t then it incentivizes settler nativity and roleplaying which turns case since its net worse for indigenous people.

#### 4] Misunderstands what patents are – they don’t stop use of indigenous medicines but commercializing them in a certain way that is distinct which no impacts the case since they weren’t using it that way in the first place.

#### 5] Commodification DA — renders native violence a tool to win a ballot—double-bind if academia is bad then there’s literally no net benefit to affirming – triggers presumption.

#### 6] Relations DA – passing the 1AC removes potentially life saving medications from non indigenous peoples which will cause widespread backlash against indigenous groups, and cause hatred.

#### 7] Prep Out DA – the nature of debate is finding ways to disprove your arguments, if it is the case that we ought to use your method, simply educating us about the method is net better than using it for the purpose of winning a round since the community then dedicates itself to defeating the argument rather than appreciating its effectiveness as a real-world cultural practice.

#### 8] Settler move to innocence - Even if the aff is a good model the judge shouldn’t endorse it, results in moves to innocence where we believe that small changes in patents systems actually solves a wider systemic problem that entrenches violence that happens every dy.

#### 9] No solvency- no brightline for what it means for something to be ‘derived’ from indigenous knowledge, companies will inevitable just say that whatever the product was it wasn’t derived from indigenous knowledge

#### 10] Settler nativity DA – companies will just hire a token indigenous person to ensure that they have access to patents and medicines which allows them to steal indigenous culture but also commodifies indigenous bodies