# Weheliye

Brackets for clarity

#### The subject is unstable: they change over time because of experiences that change who they are, for example I’m not the same person I was 10 years ago.

#### That means affect is constitutive to the subject: all subjects experience the things around them and are part of other subjects’ experiences, and that affect explains why we change over time.

#### Therefore, fluidity determines the subject: subjects are always exposed to affective relations with their surroundings, so the only intrinsic feature of a subject is that it is always changing due to affect.

#### Habeas corpus has failed – the notion that humans are included in the state creates groups who are excluded, and those groups must move closer to whiteness in order to be included as humans. The affs fantastical view of politics over-emphasizes legal recognition to recreate violence against vulnerable flesh and pit minorities against each other.

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”

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. 7 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 [slaves] with the legal position of Native Americans vis-à-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 [natives] 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

#### Subjects are gridded against the legal system to be surveilled by the state, which mandates a precondition to rights: are you oppressed enough to deserve equality? Thus, the role of the ballot is to deconstruct 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”; LCA-BP] \*brackets for gendered lang

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 [their] 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. 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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 vis-a-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 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

#### Relying on the state for legal recognition forces groups to make their suffering palatable for politicians and causes infighting between groups over who deserves recognition more

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.”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. 4

#### Focusing on legal recognition of workers reinforces the western Man by forcing groups to beg for empathy and degrade themselves for simple rights. It encourages infighting – a bourgeois strategy that forces oppression olympics while affirming political violence.

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”; LCA-BP]

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 us[e]ing 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

#### The alternative is habeas viscus. We reconfigure our view of the human to be framed by flesh (suffering, actualized, material) instead of the legal body (legible, coherent, perceived) to focus on affective bonds. This separates from state recognition and means we no longer have to conform to the standards set by the Man and by the state, allowing for collective actions and the dismantling of oppressive structures. Don’t buy their vagueness disads: the alt has material manifestations. T Black Panther party attacked cops, but also planted gardens and provided free childcare. Anything from bombings to babysitting is an example of the alt as long as it doesn’t look to the state for rights or personhood.

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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

**Turn: Strikes fail to fulfill duty.**

**Fourie 17** [Johan Fourie, professor of Economics and History at Stellenbosch University, "Ethicality of Labor-Strike Demonstrates by Social Workers", 11/30/2017, <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html>]//DD AS

Kantian ethicssuggest that actions are morally permissible based on whether it fulfils a person's duty (Banks, 2006). To further the concept of duty, Kantian ethics held the notion of Categorical Imperatives which is believed to determine the morality of duties as it enforces and commands adherence, complicity and application. The Categorical Imperatives consist of three formulas. Once such a formula is to "act only on the maximum whereby at the same time you can will that it become a universal law" (Parrott, 2006, p. 51). Through this perspective, Kant held that persons are to engage in actions that they are willing to allow others to engage in as well without conditions and exceptions.Applying this formula to the ethicality of social workers participating in labor strike demonstrations, it becomes evident that such an action is not morally permissible or executing its duty. Arguably, as much as social workers are trained professionals and rendering services that are crucial to the functioning and well-being of society, they remain ordinary citizens who also at some point will require crucial services. Examples of these crucial services that may cause significant harm because of its absence due to labor strike action are medical personnel, suicide watch centers, mental health care professionals, law enforcement, court systems, municipal service delivery, etc. With these services not available, social workers will experience suffering, frustration, unhappiness, harm as the clients will do with their absence from the office. To this regard, participating and demonstrating labor strike action is not adhering to duty or morally permissible.

**Turn: Strikes use others as a means to an end.**

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A further**formula of the Categorical Imperative is "**so, act as to **treat humanity**, whether in your own person or in that of any other context, **never solely as a means to an end but always as an end within itself'**(Parrott, 2006, p. 51). By this Kant meant people should be valued and respected as an individual and not used for the benefit of others. **Participating in a labor-strike** demonstration/action **is a direct violation of this categorical perspective as it would not be ethically permissible because the severe dependence** and well-being **of clients, the effective functioning of the employer organization**, and society is used to duly and unduly influence the bargaining process for better working conditions. In participating in the labor strike demonstration, **the humanity, and well-being of clients and society is not seen as crucial and as an 'end',** but rather used to demonstrate the undeniable need for the skills and expertise of social workers. Furthermore, through withholding services, **social worker professionals demonstrate that the well-being and welfare of society have lost its inherent importance/value.** Though the value of overall well-being is taught throughout the social work training process and is enshrined in the professional ethical codes. In addition to the above, engaging in a labor strike demonstration is a gross violation of the prima facie duty of the social worker, nonmaleficence: to not cause harm, and display a commitment to the well-being of the client, organization as well as society. As Social Workers withdraw their labor, services are ceased, and automatic disruption occurs which can inflict serious harm on clients, organizational functioning as well as society. According to Mehta and Swell (2014), examples of the harm caused to clients and organizational functioning include severe and fatal delays in executing or developing timeous interventions for at-risk clients, miscommunication, and no service delivery. Moreover, by withdrawing their labor in a strike demonstration, **ethical principles such as beneficence and social justice are also not adhered to** as no acts of kindness, empathy is shown, and the most vulnerable members of society will be impacted the most.