***The subject is unstable: they change through experiences over time, I’m not the same Shreya I was 10 years ago***

***That means affect is constitutive to the subject: We affect others just as much as we are affected, thus changing over time.***

***Therefore, fluidity is the only determiner of the subject, the only thing constant is that we are always changing***

***Habeas corpus has failed – the notion that humans are included in the state perpetually creates groups who are excluded, to be included you must be akin to the Wester Man. Thus, the role of the ballot is to deconstruct the Western Man.***

**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

**The aff calls on a just government to recognize the right to strike which forcers workers to make their suffering palatable to the state , but if workers are granted rights there will always be a group that is excluded which pits the disadvantaged against each other and entrenched them in their suffering**

**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”

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

And Progressive movements don’t need a state-recognized “right to strike.” State recognition of a right is a neoliberal ploy to bring the behavior described by the right under the ambit of the state’s imperialist bureaucracy. **Nash 19:**

**“**But perhaps if human **rights are** social democratic on paper, in principle, they may be **liberal in practice.** Indeed, there is a good deal of suspicion today that human rights are neoliberal in practice. There is certainly some basis to these suspicions. It is effectively **in the gap between** international **law and compliance** with that law that human **rights become part of projects of neoliberal imperialism. It is a paradox** that in international law it is **only states** that **violate** human **rights, but** it is **also only states** that **have the responsibility to guarantee** human **rights.** It is a paradox, but it is not nonsense. **Making states** the **guarantors of** human **rights against themselves** involves another presupposition: that states are all basically the same. It **presupposes that states have** all been through the same historical formation: that they have **developed administrative capacities that depersonalise and limit power** through bureaucracy and the separation of powers; **and that they have been made** relatively **responsive to an active civil society of n**on-**g**overnmental **o**rganization**s** and investigative journalists. In other words, making states the guarantors of human rights presupposes states that are both liberal and democratic. At best **this presupposition rests on a** very partial and **idealised history of state formation** in the Northwestâ€”**[of]** the **European settler states that share** broad commonalities in terms of **capitalist industrialisation and** the **development** of citizensâ€™ rights. And what they also share is a centrality to twentieth-century geopolitics. Because **what this history leaves out** most significantly **is** the history of **colonialism.** As Partha Chatterjee has argued, **in most of the world people live in postcolonial states**.undefined Postcolonial states were **formed** in the nineteenth century **to be administered from elsewhere,** so they were never as intense or as uniform in relation to citizens as colonial states: they were **built on obedience** to local powers **and subjection rather than** on winning **consent.** In this respect, human **rights can be seen as a continuation of imperialism:** they are largely irrelevant to most people in most of the world, and they serve chiefly as justifications for international public policies, [and] even military interventions that are led by Northwestern states. And neo-imperialism is connected to [and] neoliberalism in that at the same time they are engaged in ‘leading’ human rights internationally,[while]  Northwestern states are themselves being restructured by regulation designed to free[ing] **markets from social welfare settlements**, which were achieved through democratisation, **to the advantage of global elites.”**

Nash, Kate. “Human rights, markets, states, and movements.” *Liberalism in Neoliberal Times.* The Goldsmiths Press, 2019.

***, The color line defines the conception of the human, not-quite-human or non-human in relation to the Western Man. Bodies become defined by how close they are to this ideal in order to access their humanity.***

**Wynter** [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.

***Another link is the idea of a just government. No government can ever be just because it’s always excluding someone. Only the alternative solves oppression. The alternative is habeas viscus. We must reconfigure our view of the human to be framed by flesh, rather than the legal body to focus on affective bonds. By synthesizing our experiences and identities, we can embrace liminality to better strategize and dismantle systems of oppression while emphasizing collective action and collaboration. This alternative is conditional.***

**-(suffering, actualized, material) instead of the legal body (legible, coherent, perceived)**

**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]

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.

Hate strikes have historically happened to prevent integration LABOR COMMISSION ON RACIAL AND ECONOMIC JUSTICE

But **in June 1943, when managers at the Packard company in Detroit** actually **promoted a few black workers, 25,000 white workers went on strike.** S**imilar racial conflicts erupted in** mass transit unions in **Philadelphia**, in steel plants in **Baltimore and** in the shipyards of **Alabama when black workers gained access to production jobs.** This time, **l**abor leaders, especially Congress of Industrial Organizations (CIO) leaders, worked hard to suppress “hate” strikes and were fairly successful.

[A Brief History of Labor, Race and Solidarity | Labor Commission on Racial and Economic Justice (aflcio.org)](https://racial-justice.aflcio.org/blog/est-aliquid-se-ipsum-flagitiosum-etiamsi-nulla)

**Recognizing a right to strike reduces revolutionary potential and fractures class organizing**

**Crépon 19** Mark Crépon (French philosopher), translated by Micol Bez “The Right to Strike and Legal War in Walter Benjamin’s ‘Toward the Critique of Violence,’” Critical Times, 2:2, August 2019, DOI 10.1215/26410478-7708331

**If we wish to understand how the question of the right to strike arises for Walter Benjamin in the seventh paragraph of his essay “Zur Kritik der Gewalt,” it is impor tant to first analyze the previous paragraph, which concerns the state’s monopoly on violence. It is here that Benjamin questions the argument that such a monopoly derives from the impossibility of a system of legal ends to preserve itself as long as the pursuit of natural ends through violent means remains**. Benjamin responds to this dogmatic thesis with the following hypothesis, arguably one of his most impor tant reflections: “To counter it, one would perhaps have to consider the surprising possibility that law’s interest in monopolizing violence visàvis the individual is explained by the intention not of preserving legal ends, but rather of preserving law itself. **[This is the possibility] that violence, when it does not lie in the hands of law, poses a danger to law, not by virtue of the ends that it may pursue but by virtue of its mere existence outside of law.”1 In other words, nothing would endanger the law more than the possibility of its authority being contested by a violence over which it has no control. The function of the law would therefore be, first and foremost, to contain violence within its own boundaries**. It is in this context that, to demonstrate this surprising hypothesis, Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war. **Let us return to the place that the right to strike occupies within class struggle. To begin with, the very idea of such a struggle implies certain forms of violence. The strike could then be understood as one of the recognizable forms that this violence can take**. **However, this analytical framework is undermined as soon as this form of violence becomes regulated by a “right to strike,” such as the one recognized by law in France in 1864. What this recognition engages is, in fact, the will of the state to control the possible “violence” of the strike. Thus, the “right” of the right to strike appears as the best, if not the only, way for the state to circumscribe within (and via) the law the relative violence of class struggles.** We might consider this to be the per fect illustration of the aforementioned hypothesis. Yet, there are two lines of ques tioning that destabilize this hypothesis that we would do well to consider. First, is it legitimate to present the strike as a form of violence? Who has a vested interest in such a representation? In other words, how can we trace a clear and unequivocal demarcation between violence and nonviolence? Are we not always bound to find residues of violence, even in those actions that we would be tempted to consider nonviolent? The second line of questioning is just as important and is rooted in the distinction established by Georges Sorel, in his Reflections on Violence, between the “political strike” and the “proletarian general strike,” to which Benja min dedicates a set of complementary analyses in §13 of his essay. Here, again, we are faced with a question of limits. What is at stake is the possibility for a certain type of strike (the proletarian general strike) to exceed the limits of the right to strike— turning, in other words, the right to strike against the law itself. The phenomenon is that of an autoimmune process, in which the right to strike that is meant to protect the law against the possible violence of class strugles is transformed into a means for the destruction of the law. The diference between the two types of strikes is nevertheless introduced with a condition: “The validity of this statement, however, is not unrestricted because it is not unconditional,” notes Benjamin in §7. We would be mistaken in believing that the right to strike is granted and guaranteed uncondi tionally. Rather, it is structurally subjected to a conflict of interpretations, those of the workers, on the one hand, and of the state on the other. From the point of view of the state, the partial strike cannot under any circumstance be understood as a right to exercise violence, but rather as the right to extract oneself from a preexisting (and verifiable) violence: that of the employer. In this sense, the partial strike should be considered a nonviolent action, what Benjamin named a “pure means.” The interpretations diverge on two main points. The first clearly depends on the alleged “violence of the employer,” a predicate that begs the question: Who might have the authority to recognize such violence? Evidently it is not the employer. The danger is that the state would similarly lack the incentive to make such a judgment call. It is nearly impossible, in fact, to find a single instance of a strike in which this recognition of violence was not subject to considerable controversy. **The political game is thus the following: the state legislated the right to strike in order to con tain class strugles, with the condition that workers must have “good reason” to strike. However, it is unlikely that a state systematically allied with (and accomplice to) employers will ever recognize reasons as good, and, as a consequence, it will deem any invocation of the right to strike as illegitimate. Workers will therefore be seen as abusing a right granted by the state, and in so doing transforming it into a violent means.** On this point, Benjamin’s analyses remain extremely pertinent and profoundly contemporary. They unveil the enduring strategy of governments confronted with a strike (in education, transportation, or healthcare, for example) who, afer claiming to understand the reasons for the protest and the grievances of the workers, deny that the arguments constitute sufcient reason for a strike that will likely paralyze this or that sector of the economy. **They deny, in other words, that the conditions denounced by the workers display an intrinsic violence that jus tifies the strike**. Let us note here a point that Benjamin does not mention, but that is part of Sorel’s reflections: this denial inevitably contaminates the (socialist) lef once it gains power. What might previously have seemed a good reason to strike when it was the opposition is deemed an insufcient one once it is the ruling party. In the face of popular protest, it always invokes a lack of sufcient rationale, allow ing it to avoid recognizing the intrinsic violence of a given social or economic situ ation, or of a new policy. **And it is because it refuses to see this violence and to take responsibility for it that the left regularly loses workers’ support.**