## NC

#### Because ought is defined as moral obligation by Merriam Webster, I value morality. Preserving free choice to decide what is best for oneself is the best way to be ethical, because people have differing opinions of what is ethical.

#### Accordingly, my criterion is preserving freedom.

#### Starting with the bases, A positive right is claiming others must provide you with something, while a negative right is claiming others must not take what you have. Only embracing the negative right can cohere with important conceptions of self-ownership key to morality and eliminate conflict. Loyola Philosophy professor Edward Feser writes:

Edward Feser [Philosophy professor at Loyola], On Nozick by Eric Mack, 2004, p. 36-7, Volume 8, Issue 4 //Scopa

This brings us to a second feature of Nozick’s conception of **rights**, namely that they **are essentially negative. A right to X just is a right not to be hindered in using something you own, X, as you want to use it. It is not a right to have X if you don’t already own it** and no one wants to give or sell it to you. **Your right to your TV set is just your right not to have it damaged or taken** from you against your will; it is **not a right that someone should buy you a TV set**. Your right to life is just the right not to be killed; it is not a right that others should provide you with what you need to live. **You own your life, so no one has the right to take it from you. But by the same token, others own their lives, bodies, labor, and the things they produce with their labor, and thus no one has a right to take those things from them**. In particular, you do not have the right forcibly to take, or have someone else take, other people’s resources simply because you want or need them, even if you need them to live (just as you have no right to take their body parts from them even if you needed those to live). A right to what you need in order to live would be a **positive right a right to something that someone else must provide you with, as opposed to a (negative) right that someone merely refrain from doing something to you**. So-called rights to welfare, health care, education, and the like would be positive rights. But **there simply are and can be no such fundamental positive rights** on a libertarian view. For **no one has a basic right against other people that they must provide things for him**; **to assume otherwise is to assume**, in effect, **that a person at least partially owns other people’s property, including their labor**, **if I claim a right to education**, for example, **I am in effect claiming that other people must provide me with an education — it won’t just fall out of the sky, after all** — **which means I’m claiming a right to a part of their labor**, i.e. whatever labor must go into paying the taxes that fund my state-run school. **But no one has a right to anyone else’s labor** — **people own their own labor, and cannot morally be forced to give up some of it for others**. **If you want voluntarily to help me out in paying my tuition. and sign a contract saying you’ll do so, that’s one thing — in that case, I do have the right to your money, because you’ve agreed to provide it but if you don ‘t agree, I have no such right**, and I and the government are stealing from you if we take your money anyway.  Now many rights that people claim to have are positive rights of this sort. The United Nations’ Universal Declaration of Human Rights, for example, is filled with claims not only to negative rights, but also to many **positive rights** — rights to education, health care, even “periodic holidays with pay”! But all such claims are bogus, and the alleged “rights” pure fictions conjured out of thin air. For they **conflict with the fundamental rights of self-ownership, and make people slaves to the realization of others’ desires and needs**.  Being essentially negative, **a person’s rights function**, in Nozick’s terminology, **as moral side-constraints on the actions of others** (1974, 28-35). Respecting others’ rights, that is, isn’t to be understood merely as one goal among others that we might seek to maximize, leaving open the possibility that violating rights in some circumstances for the sake of achieving some other good is an acceptable trade-off. Rather, one’s rights constitute a set of absolute restrictions within which all other people must behave with respect to him, **and override all considerations of utility or welfare**. They lay down the ground rules for our behavior towards others — telling us that, in anything we do, there are certain things we must not do. “Side constraints upon action reflect the underlying Kantian principle that **individuals are ends and not merely means**,” Nozick says; “**they may not be sacrificed or used for the achieving of other ends without their consent**. Individuals are inviolable” (1974, 30-31).  Being inviolable, their rights are also inviolable — those rights cannot be overridden for any reason. Nor, given that rights are negative, is there any danger that they might conflict, which would put their inviolability in doubt. **If your having a right to X just means that I cannot interfere with your use of X, and my right to Y just means that you cannot interfere with my use of Y, then there is no conflict between our rights**: All we’re required to do is to leave each other alone. **But if I also claim a positive right to Z, and Z requires the use of X, then our rights inevitably will conflict, for the only way I can get Z is if you give me X.** **Positive rights will** generally, and obviously, **lead to such conflicts** — surely another reason to be suspicious of them. **Negative rights, however, will not**. **Such rights are perfectly compatible with one another**, and thus with the notion that rights are inviolable.

#### People are not merely pawns of society, but real people with goals, dreams, and interests. It’s simply unethical to use one human against their will for the benefit of others, as former Harvard Professor Robert Nozick explains:

Nozick 74, Robert Nozick, [American political philosopher, former professor at Harvard University], Anarchy, State, and Utopia, 1974.

**Side constraints express the inviolability of other persons**. But why may not one violate persons for the greater social good? **Individually, we each sometimes choose to undergo some pain or sacrifice for a greater benefit or to avoid greater harm: we go to the dentist to avoid worse suffering later; we do some unpleasant work for its results; some persons diet to improve their health or looks; some save money to support themselves when they are older. In each case, some cost is borne for the sake of the greater overall good**. Why not, similarly, hold that some persons have to bear some costs that benefits other persons more, for the sake of the overall social good? **But there is no social entity with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others, uses him and benefits others. Nothing more**. **What happens is that something is done to him for the sake of others. Talk of an overall social good covers this up.** (Intentionally**?) To use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has**. He does not get some overbalancing good from his sacrifice, and **no one is entitled to force this upon him--least of all a state or government that claims his allegiance** (as other individuals do

#### People have varying passions and conceptions of a good life that stems from individuality and freedom. Only by having the state embrace my framework of protecting individual rights can we allow everyone to pursue their passions without arbitrarily valuing certain Views. This is explained by Tulane Professor Eric Mack:

Eric Mack, June 15, 2018, “Robert Nozick’s Political Philosophy” <https://plato.stanford.edu/entries/nozick-political/#FraDisPro> //LHP AV

The official purpose of Part III of ASU, “Utopia”, is to show that **the minimal state** is not merely legitimate and just; it is also inspiring. This purpose is advanced by sketching a framework for utopia that is inspiring and noting that this framework is highly akin to—Nozick actually says “equivalent to” (333)—the minimal state. Yet Nozick also says that the framework might not have any “central authority” (329). Still, the framework is akin to the minimal state because it is an institutional structure that enforces peaceful co-existence among voluntarily formed communities. It **protects the independence of such communities and their freedom to recruit members and also protects the liberty of individuals to enter and exit communities as they respectively choose**. Although Nozick is not explicit about this, we have to presume that the framework enforces the same norms of personal freedom, property, and contractual compliance that the minimal state enforces except insofar as individuals voluntarily relinquish such rights within the communities they enter. The framework is inspiring **because of the way it contributes to persons’ identification of and participation in communities** (and other networks of relationships) **through which they will find meaning and well-being**. It is inspiring to **anyone who appreciates how little each of us knows about what sorts of communities best suit human** beings in all their depth and diversity and how much the operation of **the framework assists individuals in their discovery of and engagement in communities that enhance their respective well-being.** Moreover, many persons may value the framework not merely for the way it enhances their own good but, also, for the ways in which it allows them to participate vicariously in others’ achievement of their different modes of flourishing (Lomasky 2002). 5.1 The Framework as Discovery Procedure The framework is—or, more precisely, sustains—a discovery procedure. Under the protective umbrella of the framework, individuals are presented with and can try out diverse communities while communities themselves arise and modify themselves in their competitive search to sustain, improve, or increase their membership. A wide range of communities will continually arise out of and in response to the evolving perceptions that diverse individuals will have about what modes of sociality will best suit them and will best attract welcome partners. Communities will survive and perhaps expand or be imitated insofar as they actually embody modes of relationship that serve well their actual or prospective membership or insofar as they successfully refine their offerings in the market place of communities. **The framework also insures that those who are already confident that they know what sort of community is best for them will be free to form those communities by voluntary subscription and, thereby, to manifest their actual value** (or disvalue) to themselves and to other seekers of well-being. Part of Nozick’s sub-text here is **a message to socialist utopians that nothing in the framework (or the minimal state) precludes their non-coercive pursuit of their ideal communities.** How, therefore, can socialists object to the framework (or the minimal state)? This generalizes Nozick’s earlier claims in ASU that that advocates of meaningful work and workers’ control of productive enterprises ought not to be hostile to the minimal state since the minimal state is fully tolerant of non-coercive endeavors to establish such conditions (246–253). In a short essay in Reason magazine published four years after ASU, Nozick asked, “Who Would Choose Socialism?” (Nozick 1978). More precisely, his question was: What percent of the adult population would choose “to participate in socialist interpersonal relations of equality and community” were they in position to choose between “a reasonably attractive socialist option and also a reasonably attractive non-socialist one?” (Nozick 1978: 277). Nozick takes the choice available to Israelis between membership and non-membership in kibbutzim to be a good instance of a choice between such options and notes that around six percent of the adult population of Israel in the 1970s had chosen the socialist option. He speculates that socialists are at least “tempted” to be imperialists precisely because they sense that there will be too few volunteers (Nozick 1978: 279). The discovery procedure that the framework sustains is a version of Millian experiments in living—albeit it is a version that places much more emphasis on the role of a marketplace of communities in providing individuals with experimental options. This discovery procedure (like Millian experiments in living) is, of course, a Hayekian invisible hand process. Given the enormous diversity among individuals, we do not know what one form of community would be best. The idea that there is one best composite answer to all of these questions [about what features utopia has], one best society for everyone to live in, seems to me to be an incredible one. (And the idea that, if there is one, we now know enough to describe it is even more incredible.) (311) Nor do we know what distinct modes of community would be best for distinct types of persons. Thus, we cannot design an inclusive utopia; nor can we design an array of mini-utopia such that some significantly fulfilling community will be available to everyone—or even to most. It is helpful to imagine cavemen sitting together to think up what, for all time, will be the best possible society and then setting out to institute it. Do none of the reasons that make you smile at this apply to us? (313–314) Given our ignorance, the best way to realize utopia—almost certainly many distinct utopia—is through the discovery procedure that the framework sustains. (We should note, however, an implicit, somewhat puzzling, and wholly unnecessary presupposition of Nozick’s discussion, viz, that individuals with utopian aspirations will generally seek out communities that are made up of other individuals like themselves. The suggestion is that chosen communities will be internally homogeneous with heterogeneity existing only across these communities.)

## Contention 1: Individual Freedoms

#### The right to strike violates others’ individual freedoms. Claiming a job is yours but refusing to work is wrong. Brown assistant professor Alex Gourevitch summarizes:

Gourevitch, A.. “Quitting Work but Not the Job: Liberty and the Right to Strike.” Perspectives on Politics 14 (2016): 307 - 323. //LHP AV Accessed 7/4/21

If **a right to strike** is not a right to quit what is it? It **is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job**. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is (Locke 1984).2 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: **the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of striker**s...**Strikers**...**withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour**. The 2 Don Locke is one of the few to note both how central the claim to ‘keeping the job’ is and how hard it is to ground this claim. “So what is distinctive about **a strike is**....**the refusal to do a particular job, combined with the insistence that the job is none the less still yours.”** Locke 1984, 181. jobs from which they have withdrawn performance belong to them, they maintain. (Shenfield 1986, 10-11) On what possible grounds may workers claim a right to a job they refuse to perform? While many say that every able-bodied person should have a right to work, and they might say that the state therefore has an obligation to provide everyone with a job, **the argument for full employment never amounts to saying that workers have rights to specific jobs from specific private employers.** For instance, in 1945, at the height of the push for federally guaranteed full employment, the Senate committee considering the issue took care to argue that, “**the right to work has occasionally been misinterpreted as a right to specific jobs of some specific type and status.” After labeling this a “misinterpretation,” the committee’s report cited the following words from one of the bill’s leading advocates:** “It is not the aim of the bill to provide specific jobs for specific individuals. **Our economic system of free enterprise must have free opportunities for jobs for all who are able and want to work**. **Our American system owes no [person] ~~man~~ a living, but it does owe every man an opportunity to make a living**.” (Senator Murray, quoted in United States, Wagner, and Radcliffe 1945, 8). These sentences remind us how puzzling, even alarming, the right to ‘specific jobs’ can sound. In fact, **in a liberal society, the whole point is that claims on specific jobs are a relic of feudal thinking.** In status-based societies, specific groups had rights to specific jobs in the name of corporate privilege. Occupations were tied to birth or guild membership, but not available to all equally. **Liberal society, based on freedom of contract, was designed to destroy just that kind of unfair and oppressive status-based hierarchy**. A common argument against striking workers is that they are latter day guilds, protecting their sectional interests by refusing to let anyone else perform ‘their jobs’ (e.g. Hayek 2011, 384-404). As one critic puts it, the strikers’ demand for an inalienable right to, and property in, a particular job cannot be made conformable to the principles of liberty under law for all...the endowment of the employee with some kind of property right in a job, [is a] prime example of this reversion to the governance of status. (Shenfield 1986, 13) If such criticisms fundamentally misunderstand the entirely modern basis for the right to strike, we still need an account of how anyone could claim something like a property right in a job she not only never acquired but that she then refuses to perform.

#### The right to strike involves violating the right to property and contract – it threatens others’ freedoms, Gourevitch 2 summarizes:

Gourevitch, A.. “Quitting Work but Not the Job: Liberty and the Right to Strike.” Perspectives on Politics 14 (2016): 307 - 323. //LHP AV Accessed 7/4/21

A second problem follows on the first. **If workers have rights to the jobs they are striking then they must have some powers to enforce those rights**. **Such powers might include** mass picketing, secondary boycotts, sympathy strikes, **coercion and intimidation of replacement workers, even destruction or immobilization of property** – the familiar panoply of strike actions. While workers have sometimes defended such actions without using the specifically juridical language of ‘rights,’ in many cases they have used that kind of appeal.3 Even when they have not employed rights-discourse, they have invoked some related notion of demanding fair terms to their job (Frow, Frow and Katanka 1971). Each and any of the above listed activities of a strike – pickets, boycotts, sympathy actions – are part of the way workers not only press their demands but claim their right to 3 See James Gray Pope’s (1997) remarkable reconstruction of the way, in the 1920s, rights-discourse helped organize and sustain a ‘constitutional strike’ against attempts to curtail and outlaw the strike. the job. Strikers regularly implore other workers not to cross picket lines and take struck jobs. **These are more than speech-acts. At the outer edges, they amount to intimidation and coercion**. Or at least, workers claim the right to intimidate and coerce if the state will not itself enforce this aspect of their right to strike. Liberal societies rarely permit a group of individuals powers that come close and even cross over into rights of private coercion. It is no surprise that regulation and repression of these strike-related activities have been the source of some of the most serious episodes of strike-related violence in US and European history (Brecher 2014; Lambert 2005; Forbath 1991; Adamic 1971; Taft and Ross 1969; Liebknecht 1917). So, alongside the unclear basis for the strikers’ rights to their jobs, the problem for a liberal society is that this right seems to include private rights of coercion or at least troubling forms of social pressure. Yet there is more. **The standard strike potentially threatens the fundamental freedoms of three specific groups**. • **Freedom of contract** **It conflicts with the freedom of contract of those replacement workers who would be willing to take the job** on terms that strikers will not. Note, this is not a possible conflict but a necessary one. **Strikers claim the job is theirs, which means replacements have no right** to it. But replacements claim everyone should have the equal freedom to contract with an employer for a job. • **Property rights A strike seriously interferes with the employer’s property rights**. **The point of a strike is to stop production**. **But the point of a property right is that, at least in the owner’s core area of activity, nobody else has the right to interfere with his use of that property**. **The** **strikers**, by claiming the employer has no right to hire replacements and thus no way of employing his property profitably, **effectively render the employer unfree to use his property as he sees fit**. To be clear, strikers claim the right not just to block replacement workers, but to prevent the employer from putting his property to work without their permission. For instance, New Deal ‘sit-down’ strikes made it impossible to operate factories, which was one reason why the courts claimed it violated employer property rights (Atleson 1983, 46-48). Similarly, during the Seattle general strike in 1919, the General Strike Committee forced owners to ask permission to engage in certain productive activities – permission it often denied (Brecher 2014, 106-111). • Freedom of association Though the conceptual issues here are complicated, a strike can seriously constrain a worker’s freedom of association. It does so most seriously when the strike is a group right, in which only authorized representatives of the union may call a strike. In this case, the right to strike is not the individual’s right in the same way that, say, the freedom to join a church or volunteer organization is. Moreover, the strike can be coercively imposed even on dissenting members, especially when the dissenters work in closed or union shops. That is because refusal to follow the strike leads to dismissal from the union, which would mean loss of the job in union or closed shops. The threat of losing a job is usually considered a coercive threat. So not only might workers be forced to join unions – depending on the law – but also they might be forced to go along with one of the union’s riskiest collective actions. **Note that each one of these concerns follows directly from the nature of the right to strike itself**. **Interference with freedom of contract, property rights**, and the freedom of association **are all part and parcel of defending the right** that striking workers claim to the ‘their’ jobs. These are difficult forms of coercive interference to justify on their own terms and **they appear to rest on a claim without foundation**. Just what right do workers have to jobs that they refuse to perform?

## T

**Interpretation: Debaters must defend a general implementation of the resolution by a just government**

**Violation: Tactical Workers are not a just government**

1. **Ground - They completely shift the controversy of the topic by moving it from the government's implementation and involvement in labor policy to individual and communities. That guts core K ground from the Marxist perspective which is a key arg against their affirmative and also allows them to make moving target actors with utopian fiat potential.**
2. **Shiftiness - There's no normal means for "tactical workers" - it's not a policy maker, it's vague, etc.**

**A] stasis point – the topic is the only reasonable focal point for debate – anything else destroys the possibility of debate because we will be two ships passing**

**B] internal link turn – violating semantics justifies the aff talking about whatever with zero neg prep or prediction which is the most unfair and uneducational**

**C] Jurisdiction – you can’t vote for them because the ballot and the tournament invitation say to vote for the better debater in the context of the resolution**

**2] Limits – tactical workers can be anyone theres over 7 billion people on earth how am I supposed to research each one**

**3] TVA – The US ought to recognize the right to strike a] US is a just government and is recognizing the right to strike which follows the resolution**

**Drop the debater**

## Turns

#### Recognizing a right to strike reduces revolutionary potential and fractures class organizing – turns the Aff

**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.**

**Recognizing strikes re-entrenches capitalist notions of labor. The aff doesn’t solve because strikes perpetuate the system where workers feel tied to the government. The attempt of striking in order to work for the state is capitalist itself**

**Eidlin 20**

Eidlin, Barry(assistant professor of sociology at McGill University and author of Labor and the Class Idea in the United States and Canada) “Why Unions are good-but not good enough” Jacobin, 6 Jan 2020. https://www.jacobinmag.com/2020/01/marxism-trade-unions-socialism-revolutionary-organizing

**At the same time, unions are an imperfect and incomplete vehicle for the working class to achieve one of Marxist theory’s central goals: overthrowing capitalism. Unions by their very existence affirm and reinforce capitalist class society. As organizations which primarily negotiate wages, benefits, and working conditions with employers, unions only exist in relation to capitalists. This makes them almost by definition reformist institutions, designed to mitigate and manage the employment relationship, not transform it.**