# 1NC vs. Apple Valley NB

## Offs

### NC

#### Permissibility negates – ought implies an obligation but permissibility is a lack of one which means the neg met their burden of disproving an obligation.

#### Presumption negates – a] statements are more often false than true b] contradictions – would justify saying both p and not p if you knew nothing about p

#### Ethics is based in language –

#### 1] It creates out ability to think and makes us agents – life outside language is deterministic and without morality. Pettit 09,

Phillip Pettit. Made With Words, Hobbes on Language, Mind, and Politics. 2009. <http://www.jstor.com/stable/j.ctt7rp73.3> //LHPYA

This picture of the mental life with which nature furnishes human beings, according to Hobbes, has two striking features. The first is that every process that takes place within the mind, cognitive or appetitive, is entirely particularistic. People will see and remember, represent and desire, only concrete things and situations. They will have no capacity to hold by general claims about how things are, or by general policies or principles for the direction of action. They will be prisoners of the imagined particular. Presented with a triangle, they will register just the individual figure contemplated, not any general aspect of the triangle (DCr 6.11; L 4.9). They will see the triangle before them, but will not register it as a triangle, a closed figure, or a drawing; not having access to such classes, they will not have the capacity to register it as anything more general than this particular thing: they will not be able, however implicitly, to classify it. The second aspect of Hobbes’s picture is that all that happens in the natural mind does precisely that: it happens. The succession of conceptions in which mental life consists is a form of vital motion, not of animal or voluntary motion; “one conception followeth not another, according to our election, and the need we have of them, but as it chanceth us to hear or see such things as shall bring them to our mind” (EL 5.1). The process does not evolve under the prompting or guidance of the agent’s desire to have those conceptions assume a certain pattern—say, constitute correct and consistent representations—but only as a by-product of a desire to act in one or another concrete fashion. If the subject is well constructed, then the succession of conceptions will lead rationally to action; the action will satisfy the subject’s desires according to evidentially sensitive representations. But no matter how rational the process or result, this succession of conceptions will not be prompted or guided by the agent’s desires in the manner of an active, intentional performance. The natural agent, animal or human, may be rational, instantiating a certain model of homo rationalis. Yet no one in this natural state will exemplify homo ratiocinans. No one will display the sort of active reflection that we naturally ascribe to Auguste Rodin’s sculpture of the thinker, bent over in concentrated thought. But while the natural mind is particularistic and passive in Hobbes’s portrait, he had no doubt that is not how our minds are. We adult, articulate human beings have words and concepts, not just for particular things, but for classes and categories of things, and we use them to classify, cross-check, and pursue interconnections. More specifically, we do this actively or intentionally, asking ourselves questions about how the words and concepts go together, and seeking to determine the answers. We may do this publicly in speaking with one another, but we may also do it silently, as in reflecting and taking counsel with ourselves. In these two respects, then, we reveal a mind that is decidedly different from the natural mind that Hobbes finds in the animal kingdom. The Linguistic Way Beyond How do human beings escape the constraints of the natural mind? How do they achieve the capacity to represent and desire things under general aspects, and think about them in an active, voluntary way? Hobbes’s answer is the most startling and original claim that he makes in the whole of his philosophy. The claim is that language or speech is a historical invention, and that it is language that makes possible the general, active form of thinking that we human beings display; it enables us to classify as well as register particulars, and seek out the implications of those classifications in a voluntary or active manner. Language, in Hobbes’s story, provides the magic that enables us to jump the limitations of the natural, animal mind. The claim is most vividly expressed in Leviathan. Having reviewed the capacities of the natural mind that human beings share with animals, Hobbes directs us to other human capacities or faculties that “proceed all from the invention of words, and speech. For besides sense, and thoughts, and the train of thoughts, the mind of man has no other motion; though by the help of speech, and method, the same faculties may be improved to such a height, as to distinguish men from all other living creatures.”(L 3.11).

#### 2] It’s inescapable – even if moral theorization could occur absent language it can only be communicated within it when getting others to act on it to create goodness

#### And language causes infinite violence –

#### 1] Language gives rise to comparison which results in endless competition and violence. Pettit 2,

Phillip Pettit. Made With Words, Hobbes on Language, Mind, and Politics. 2009. <http://www.jstor.com/stable/j.ctt7rp73.3> //LHPYA

Lacking the capacity to think in a classificatory way, other animals are insensitive to the ways in which they differ from or resemble their fellows, and so they live in the private as well as the present. But human beings can transcend the boundary of private concern as they can transcend the boundary of concern for the present. And transcend it they certainly will. It will be important for their welfare that they know how they compare with others and that they achieve a high relative standing.5 According to the Hobbesian picture, people’s concern with returns to themselves—their own pleasure, or their avoidance of pain—will naturally lead them to want access to the resources or powers whereby such returns can be produced. If they are to satisfy their wants, they will need the “natural” resources represented by “the faculties of body and mind” as well as “instrumental” resources such as “riches, place of authority, friendship or favour, and good fortune” (EL 8.4). Bent on the pursuit of their own self-interest, then, they will seek the means of conducting that pursuit; moved by the love of self, they will look for a way of consummating that love. In this they will be no different from other animals, though they may be more adept at spotting the means whereby their ends can be realized. But there is one aspect of the resources sought by human beings and other animals that only becomes clear on reflection and reasoning. This is that in a competitive world where the objects of desire are scarce, what will really matter to any creature is not the absolute level of its resources but their level relative to the resources of others. Where there is competition for resources, or competition in the use of resources, the important thing for each will be not the absolute quantity of resources commanded but the extent to which those resources enable the creature to outdo its competitors; “what all have equally is nothing” (DH 11.6). Letting the word power serve for resource, Hobbes finds a nicely turned way of putting the point. “And because the power of one man resisteth and hindereth the effects of the power of another: power simply is no more, but the excess of the power of one above that of another. For equal powers opposed, destroy one another”. These observations are true in some measure of all animals, but given their longer time horizons, it is particularly true of human beings. And it is only human beings, of course, who can become aware of the observations, since only they will be able to compare themselves with others for the resources they each command, and only they will be able to see that the important thing for each will be to have more resources than others—greater power. Under the pressure of this perceived need, the human being becomes a creature “whose joy consisteth in comparing himself with other men”

#### 2] Language is structurally negative and doesn’t refer to reality – if I say a saw an oak tree you know I didn’t see a car or person but you can’t visualize what I did see – since our rationality is based in language truth is created by individuals rather than extrinsically found but that creates infinite violence over meaning creation.

#### Thus, morality requires an authority to enforce a universal moral theory and resolve conflict. Only an absolute sovereign can do this. Parrish:

Derrida`s Economy of Violence in Hobbes` Social Contract, Richard Parrish

“All of the foregoing pints to the conclusion that in the commonwealth the sovereign’sfirst and most fundamental **job is to be the ultimate definer.**Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes’ theory of government, Richard Flathman claims that **peace “is possible only if** the **ambiguity and disagreement** that pervade general thinking and acting **are eliminated** by the stipulations of a sovereign.” Pursuant to debunking the perennial misinterpretation of Hobbes’ mention of people as wolves, Paul Johnson argues that“one of the primary functions of **the sovereign is to provide** the necessary **unity of meaning** and reference **for the**‘ primary **terms in which [people]** men try to **conduct their** social **lives.” “The** whole **[purpose]** raison d’entre of sovereign helmsmanship lies squarely in the chronic**[is to] defus[e]**ing of **interpretive clashes,”without which humans would**“fly off in all directions” and **fall** inevitably **into the violence of the natural condition.”**

#### Thus, the standard is consistency with the will of the sovereign. Prefer it for motivation – morality lacks authority over agents. Even if the aff defines the good it gives no way to obligate agents to actually be good. That hijacks the aff since defining good and denying the ability to enforce what the sovereign creates is contradictory.

#### That negates –

#### 1] The aff creates post-fiat obligations for the state – this is incoherent because it implies an authority higher than the state to constrain the sovereign. Only sovereign entities can create moral obligations, so the state can’t have an obligation to act

#### 2] The aff gives employees, specifically public sector ones, the right to strike against the state which is definitionally a violation of the sovereign’s will

## Case

### Kant Hijack

#### Even if they win freedom good, a Kantian noninterference view of freedom is better –

#### 1] Arbitrary interference is one that can not accord with our reason because reason is the process of justification. Absent Kantian reason, their framework triggers permissibility because there’s no standard for what is arbitrary.

#### Next, reason’s universality because 2+2=4 for everyone means that I cannot interfere with others because that would justify violating my own freedom, which is contradictory.

#### 2] Non-domination relies on a materialist account of freedom, but that’s wrong –

#### A] Noumenal-Phenomenal Distinction – freedom must be an uncaused cause definitionally, otherwise it would not be freedom. Thus, it must be a noumenal and not subject to deterministic laws of nature, which is the abstract, nonmaterial Kantian view of freedom

#### B] Collapses – material views of freedom relies on some ideal of what perfect freedom actually is or we’re measuring freedom by a changing ruler. That requires the Kantian abstraction.

#### Negates –

#### 1] A right to strike claims a right to a specific job, which is a positive right, Gourevitch 16 summarizes, bracketed for gendered language:

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.

#### Only negative rights are coherent. Feser Summarizes Nozick 04,

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.

#### 2] The right to strike necessarily involves violating the right to property and contract – it’s coercive, Gourevitch 16 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?

#### Operates under your framework too –

#### A] property is how we ensure others are not dominating us – else they can arbitrarily control how we set our ends

#### B] contracts are a process of nonarbitrary interference because both sides consent. This frames out of all their args because anything is ok if consensual – we can waive our rights

### Hegel Hijack

#### If communal norms determine ethics, then particularism – that negates because unconditional obligations for all just governments are incoherent. Buchwalter,

Buchwalter, Andrew. “Hegel, Human Rights, and Political Membership.”

In addition, Hegel asserts that **the very idea of autonomous personality presupposes and demands articulation in an existing system of law**. Hegel construes autonomy intersubjectively, as selfhood in otherness, or Bei-sich-selbstsein. **A comprehensive account of achieved intersubjectivity depends on establishing a legal-political community juridically committed to principles of respect and reciprocity.**3 On the one hand, **autonomous personality depends on a social order that recognises and supports that autonomy**. **Conversely, that order itself depends on individuals who recognize its authority and act accordingly**. Only in a lawfully ordered community is the individual ‘recognised and treated as a rational being, as free, as a person; and the individual, on his side, makes himself worthy of this recognition by overcoming the natural state of his selfconsciousness and obeying a universal, the will that is its essence and actuality, the law; he behaves, therefore, towards others in a manner that is universally valid, recognising them—as he wishes others to recognise him—as free, as persons’ (EM y432). It is no coincidence that Hegel construes the principle of autonomous personality in terms of a legal imperative: it is a commandment of right that one ‘be a person and respect others as persons’ (PR y36). Hegel may proceed from the seemingly abstract notion of autonomous personality, but **a proper account of the person itself depends on a developed system of legal relations**. The point is also central to Hegel’s concept of right itself. In line with the modern natural law tradition, Hegel understands right as a normative principle, one based on the principle of freedom and the free will. Indeed, for Hegel right is the idea of freedom itself. But an idea on his view is not an abstract principle contraposed to conditions of institutional embodiment. In line with his general conceptual realism, he maintains that an idea denotes a concept conjoined with its existence—an understanding consonant as well with a view of freedom as selfhood in otherness. As the idea of freedom, right itself is nothing but freedom under the conditions of its actualization; it is indeed the ‘existence of the free will’ (Dasein des freien Willens) (PR y29). **In its capacity as a principle of freedom, right is a general normative principle. But in that capacity it is also a principle of legal positivism, one tied to a legal system committed to its institutionalization and enforcement. Right for Hegel is the ‘realm of actualized freedom’, articulated in an existing system of positive law. A developed legal system is the domain in which ‘freedom attains its supreme right’** (PR y258) and ‘in which alone right has its actuality’ (EM y502). In fashioning an embodied account of right, Hegel demonstrates his distinctive relationship to the natural right tradition. To the extent that that tradition evinces an abstract prepolitical ahistoricism, he is opposed, proposing instead that natural law ‘be replaced with the designation philosophical doctrine of right’ (NRPS y2). Directed to the ‘idea’ of that under consideration (the concept joined with its realisation), a philosophical doctrine of right affirms that right is intelligible only within the framework of developed social and political institutions (PR y1). Elaboration of the idea of right is itself exeundum esse e statu naturae (VRP 1: 239f ). And lest there be any doubt about his distance from the natural right tradition, Hegel even suggests that the term right itself is inadequate to the requirements for institutional embodiment. While sometimes calling his practical philosophy a Philosophy of Right, he elsewhere, in his philosophical system, employs the title Theory of Objective Spirit. It is this account of spirit objectified that reflects the distinctiveness in Hegel’s notion of right as institutionally realised freedom. At the same time, however, Hegel’s departure from the natural right tradition should not be exaggerated. An early proponent of the method of immanent critique, Hegel maintains that the most consequential criticism of a contested position is one that confronts that position on its own terms. This expectation is no less in evidence in his reception of the tradition of natural right. Employing the dialectic of true and spurious being central to his principle of self-contradiction, Hegel criticizes the natural law doctrine because its liberal formulation conflicts not with an alien standard, but with its true self or ‘nature’. Thus an analysis of individual rights in terms of their inherent concept focuses not on an individual’s natural and immediate existence, but on his true being, what Hegel calls ‘die Natur der Sache’ (PR y57). For Hegel, a citizen is defined by a concept of autonomous personality which is realised only in developed political and cultural community.4 Hence, a defence of natural rights is likewise a defence of the principle of political community, just as a repudiation of the liberal approach to natural rights is a realisation of the concept of natural law. It is no coincidence that Hegel subtitles his Philosophy of Right ‘Natural Law and Political Science’, for the concept of natural law is meaningless on his view without an account of established political institutions. Hegel champions the idea of Objective Spirit over that of Natural Right, not because he opposes the principle of the latter, but because that principle only finds expression in a system of ethical life. The point may be made as well by noting how appeal to communal membership itself reaffirms elements of the tradition of natural right. For Hegel, **a proper account of communal membership depends on a self-awareness** (Selbstgefu¨hl) **on the part of members of their status as members** (PR y147). As Hegel says of political community generally, ‘[i]t is the self-awareness of individuals which constitutes the actuality of the state’ (PR y265A). **Proper to membership is an appreciation of oneself as a member of such community.** Such self-awareness is, however, no mere acknowledgement of the norms, practices, and traditions of a particular community. **Membership also involves, if in differing degrees, its acceptance and endorsement.** **Especially in an account of a polity, membership involves the capacity to affirm the validity of the norms and practices operative in a particular community.** Such norms and practices are not simply to be obeyed but must ‘have their assent, recognition, or even justification in y heart, sentiment, conscience, intelligence, etc.’ (EM y503). For Hegel, the capacity for cognitive affirmation—it has been termed ‘reflective acceptability’5 —is understood by means of the language of rights. A full account of membership rests on a ‘right of insight’, which itself expresses the right of subjectivity central to modern accounts of freedom. ‘The right to recognize nothing that I do not perceive as rational is the highest right of the subject’ (PR y132).6 Hegel claims that rights are not abstract normative principles but depend on conditions for membership in existing institutional settings. It is for this reason that he supplants a Theory of Right with a Doctrine of Objective Spirit. Yet the appeal to particular communities and institutions does not entail abrogation of conception of rights. Not only is membership in a political community a condition for realizing rights, **a proper account of communal membership itself entails affirmation of subjective rights and the right of subjectivity itself.** Indeed, basic to the idea of Objective Spirit—where spirit for Hegel is understood as the conjunction of substance and subjectivity7 —is the ontological dependence of a communal substance on the experience of subjective reflection. Hegel construes his philosophy of right as a theory at once of natural law and positive political science. The ‘interpenetration’ (PR y1A) of these two approaches is not only central to but constitutive of the idea of Objective Spirit.8 II In asserting that the meaning and reality of rights are linked to conditions of social membership, Hegel does not hold that any type of communal membership is acceptable. Needed rather is a community that can properly accommodate the requirements of an account of rights. Historically, Hegel claims that such requirements were at least minimally met with modern society and, in particular, modern civil society. Expressive of that ‘system of all-round interdependence’ (PR y183) diagnosed as well by theorists of political economy, modern civil society provides, on multiple counts, the conditions for a concrete realisation and embodiment of a system of right. First, civil society permits and fosters affirmation of a genuine account of human rights. Although critical of cosmopolitanism (PR y209), Hegel is not opposed to the concept of universal human rights. His position is rather that that concept cannot be asserted abstractly, but must be embodied in circumstances that accommodate and do justice to it. Historically, such concrete validation first occurred in modern civil society (PR y209). Previously, individuals may have been able to claim rights in virtue of particular status considerations, e.g., class, familial or ethnic background, social standing, or gender. In modern society, however, Hegel claims that the individual is now recognised, at least in principle, simply as such, in virtue of his/her very humanity (PR y124R). Inasmuch as a system of commercial exchange best functions only to the degree that individuals, for better or worse, are now valued simply for their economically and quantitatively relevant contributions, irrespective of other status considerations, civil society permits the realisation of right as a universal principle, indeed as a uniform principle of humanity. It is not coincidental that Hegel famously advanced his claim about the universality of rights only on his discussion of civil society, for here ‘I am apprehended as a universal person in which all are identical. A human being counts as such because he is a human being, not because he is Jew, Catholic, Protestant, German, Italian, etc.’ (PR y209, emphasis added). Modern civil society supplies the conditions for the realisation of a notion of right wherein ‘the individual as such has an infinite value’, and in the sense that freedom constitutes the ‘actuality of human beings—not something which they have, as men, but which they are’ (EM y482). Civil society is also important for Hegel in that it clarifies the binding nature of rights. One feature of modern civil society is its compulsory character. Given the complex, differentiated, interdependent nature of modern industrial society, individuals can pursue a livelihood only as a member of that society. Civil society is ‘that immense power which draws people to itself and requires them to work for it’ (PR y238). Indeed, life itself depends on such membership. For a system of realised freedom, then, membership in civil society itself entails certain rights, even as those rights also entail specific duties. ‘[I]f a human being is to be a member of civil society, he has rights and claims in relation to it. y Civil society must protect its members and defend their rights, just as the individual owes a duty to the right of civil society’ (PR y238A). Civil society further clarifies what counts as rights. Revolving around particular need satisfaction, modern societies give special place to ‘negative’ rights, those guaranteeing ‘the undisturbed security of persons and property’ (PR y230). The system of justice institutionalized with civil society secures recognition for the principle Hegel associates with the abstract right of persons: ‘not to violate (verletzen) personality and what ensues from personality’ (PR y38). For Hegel, civil society is also expected to secure certain ‘positive’ rights, those enabling individuals to realise themselves and the freedoms civil society is presumed to actualize (NRPS y118). Given that the livelihood and indeed the very existence of individuals is dependent on membership in civil society, society in turn has an obligation to provide the resources—e.g., subsistence, health, education, housing—enabling individuals to function effectively as members of society. The system of interdependence constituting civil society is such that ‘the livelihood and welfare of individuals should be secured—i.e., that particular welfare should be treated as a right and duly actualized’ (PR y230). Moreover, given that the right to life—that which is ‘absolutely essential’ (NRPS y118)—is presupposed in the protection of rights of person and property, Hegel assigns a measure of priority to positive rights.9 In addition, civil society gives rise to political rights, those enabling individuals to participate in collective efforts to define and shape the conditions of their shared existence. Such rights, to be sure, are fully articulated not in civil society itself, but in the state or political community proper. Yet the idea of political rights is entailed as well by requirements for full membership opportunities established with civil society. They are entailed as well by a full account of the reciprocity of rights and duties articulated by civil society. And they are entailed by the account of the complex and wide-ranging intermediation of individual and community facilitated through civil society. Certainly Hegel does not affirm a right to direct participation in public affairs. He also does not allow for universal suffrage, preferring instead a mode of political representation based on membership in intermediate associations, subpolitical bodies, municipalities, and community based organizations (PR yy308f). Yet far from militating against a notion of public autonomy on the part of the wider populace, participation in such entities can serve to facilitate it. Not only does membership in such bodies facilitate representation in modern societies, whose size and complexity have rendered all but impossible meaningful direct participation on the part of individuals in the affairs of state; citizen involvement in intermediate associations is a central factor in the very ‘constitution’ of a polity, itself based on the intermediation of objective institutional structures and subjective dispositions of individuals. In addition, Hegel maintains that governance of communities, intermediate associations, and subpolitical entities—many of which are already present in civil society—is itself linked to participatory rights. ‘This is the point of view of right, that individuals have the right to administer their resources’ (NRPS y141). Civil society is distinctive not just in that in articulates the three central rights attendant on social membership. It also gives voice to a meta-right, what Hegel calls the ‘absolute right’ (VPRHe: 127). Right on this account denotes not simply the possession of specific rights, but the general recognition, by those directly affected and by the community as a whole, that members of society are entitled to rights and their status as bearers of rights. This is indeed ‘the right to have rights’ (VPRHe: 127),10 and it is uniquely facilitated by civil society. **Predicated as it is on the comprehensive mediation of individual and community, civil society provides the institutional basis to recognise general claims to right**. For one thing, modern civil society underwrites the idea of a realised constitutional order, understood as a promulgated system of law applicable to society as a whole and committed to the dignity and equal treatment of each and every member of society. In addition, it furnishes the conditions for what Richard Rorty has termed a ‘human rights culture’,11 one in which individuals are recognised as entitled to rights and the protections they afford. **Not only does civil society nurture in individuals an understanding of themselves as holders of rights that are to be respected and honoured; through its system of wide-ranging interdependence, it provides the framework for a community in which individuals appreciate that support for the rights of others and the institutions providing such support is intertwined with their own rights and wellbeing.** Civil society ‘gives right an existence [Dasein] in which it is universally recognized, known and willed, and in which, through the mediation of this quality of being known and willed, its validity and objective actuality’ (PR y209). In terms of both institutional and cognitive requirements, civil society concretizes a right to have rights: it represents a social order in which individuals are recognised, by themselves and others, as subjects possessing rights (and corresponding duties)

### Contention

#### 1] Right to quit solves

#### 2] The utilization of strikes is a reformist smokescreen that reinforces capitalist labor-relations.

IP 16 [Note – the website cntrl c+v is really weird so there might be a misspelled word (like “down” to “clown”) or a misplaced comma or period. I’m not sure how to fix it but please let me know if you do! Internationalist Perspective (left-communist publication defending Marxism as a living theory and critiquing left-communist theory). “Trade unions: pillars of capitalism - Internationalist Perspective”. LibCom. 1/5/16. Accessed 11/12/21. <https://libcom.org/library/trade-unions-pillars-capitalism-internationalist-perspective> //Recut Xu from Majeed]

Most of us agree that the unions are an integral part of the capitalist system. Not just the corrupt ones and those with a heavy bureaucratic apparatus but also those who profess a belief in "grass roots democracy" or even in "revolution". The arguments given for that position have been mostly empirical. Indeed, time and time again, the unions have screwed the workers, contained and defanged their struggle, have spread capitalist ideology in the working class and acted as capital's police on the shop floor. But empirical arguments are not enough. Indeed, on the basis of past experience alone, one could very well conclude that global revolution is impossible, as Paul wrote. Some have argued that it's the union's function within the capitalist economy - to manage the sale of labor power- which inevitably ties it to the system and hence opposes it to the class whose fundamental interests are irreconciliable with those of that system. That is true but it's not sufficient either. One could argue that as long as the goals of the struggle don't go beyond obtaining better wages and working conditions, or preventing their deterioration, and as long as those goals are achievable within capitalism, the irreconcilability is not immediate and the existence of permanent institutions to negotiate a better price for variable capital remains in the interests of the workers. In short one could argue, as does Adam [Buick of the Socialist Party of Great Britain], that despite the empirical evidence and despite the integration of the unions in the structure of the capitalist economy, the existing unions are bad but unionism is good. Moreover, despite the widespread disillusion, many workers still see the unions as their (imperfect) organisations, and sometimes the most combative workers are active in them. And sometimes capitalists fight the unions and try to get rid of them. When they attack a union and the workers rise up to defend "their" organisation, should revolutionaries who understand the real role of the union tell them not to wage that fight, even though the attack is clearly meant to defeat the workers and have a free hand to impose more exploitation? What to do when the workers most willing to fight are shop stewards and others who ardently defend the unions - not the leadership but the organisation? Should we simply call upon workers to leave the unions? And what do we offer as alternative, not just in limes of open struggle but also when the conditions for collective struggle aren't ripe while the pressure from capital continues? Is the 'outside and against' directive more than an empty slogan when the only meetings where workers gather are those organised by the unions? To answer those and many other questions pertaining to the practical aspects of class struggle and the defense of workers' immediate interests, the question why unions are not just counter- revolutionary but against the working class in their daily practice, must be answered first. The answer is not that obvious. After all, it is a logical reaction of workers, who are utterly powerless as individuals towards their employers who seek to exploit them as much as possible, to band together in permanent organisations to defend the price of their labor power. The first unions were clearly created by the working class even though many did bear the corporatist imprints of the guilds (professional organisations from the pre-capitalist era). Their existence as permanent organisations was a necessity, not only because of the permanency of capitalist pressure, but also because of the need of permanent preparation for confrontations with the capitalists, confrontations which often look the form of wars of attrition which the workers were doomed to lose without this preparation (the build-up of strike funds etc). Likewise, the growth of unions into bigger organisations, operating on a national scale, reflected the need of workers to increase their power by extending their class solidarity. So the growth of the unions reflected and stimulated class consciousness. Capitalists feared and loathed them and fought them bitterly. Yet very soon, the permanency of these large organisations posed a problem. The class struggle goes through ups and clowns which reflect the contradictory tendencies to which the workers, as an exploited class, are subjected. The conditions of exploitation push the workers to fight collectively and thereby to assert itself as a class with interests separate and opposed to those of capital; but those same conditions also create competition among workers, atomisation, alienation, passivity, receptiveness to the ideology of the dominant class. Those two tendencies do not neutralize each other but give the class struggle a very non-linear character, with sudden advances and retreats, moments of rising class consciousness and stretches of 'social peace', as one or the other of those tendencies dominate. During those periods of no collective struggle, when atomisation and alienation prevail, these big permanent organisations cannot express what isn't there, a class collectively fighting. It does not mean they immediately become bourgeois but they inevitably acquire an autonomy from the class they are supposed to represent. As autonomous institutions they inevitably develop hierarchical, authoritarian attitudes and relations and come to have interests which are distinct from those of the class as a whole. Thus the source of conflict of interests between the working class and the unions is already potentially present in the permanence of unions as social institutions. I write 'potentially' because from this does not yet follow that these institutions must side with capital against the workers. For this to happen, these institutions must first become part of capital, absorbed into the social fabric weaved by the law of value. This did not happen immediately because the extension of the law of value throughout society was a slow, gradual process. ln the early stages of this process, the domination of capital over society was only 'formal'. The work process itself was at first not yet intrinsically capitalist, capitalism only squeezed as much surplus value as possible from it by making the working day as long as possible and keeping the wages as measly as possible. It look a long time for a specifically capitalist method of production (based on machinism, which reversed the relation worker-technology: the tool was an extension of the worker's hand but now the worker became an appendage of the machine) to develop and become dominant. The giant leaps in productivity which technology-based production unleashed created mass production and set the stage for capitalism to transform the totality of society in its own image, which meant that the law of value came to determine social relations not just in the sphere of production but also in distribution, education, entertainment, culture, media and every other aspect of human life. But before that process (called the transition to real domination of capital) amassed critical weight, there remained a large space within society that was not yet penetrated by the law of value. Therein, not only expressions of pre-capitalist classes survived but organisations of the fledging working class too could maintain a relative autonomy. Unions were not the only permanent workers organisations that flourished in that space: there were workers' cooperatives, mutual aid societies, political mass parties, cultural organisations, newspapers, etc. that were genuine expressions of the working class. The modest size of the bourgeois state apparatus also reflected the merely formal control of capital over society. The fact that the state's policy towards the unions was largely repressive shows that capital had not yet developed the means to organically integrate them; the unions were still by and large standing outside the state. As the real domination of capital progressed and the complexity, technification and interwovenness of the capitalist economy developed, the state gradually fused with the economy and its tentacles spread over civil society. It's striking how this transformation of the economy and the integration of the unions into the structure of capitalist society went hand in hand, in particular towards the end of the 19th and the beginning of the 20th century. The test of that integration came when the interests of capitalism and those of the working class (and humanity) became diametrically opposed as never before. What was at issue was not the price of variable capital but its survival or destruction. In the first world war, many millions of proletarians were slaughtered and it happened with the active collaboration of the unions. This epochal event signalled a new paradigm in which both crisis and war meant something different than before: they became both catastrophic and global in nature as well as essential to the continuation of capitalist accumulation. Today more than ever, there cannot exist any large permanent institution outside of the fabric of capital. That is true not just for unions but also for churches, political parties, cultural institutions and so on. The market either absorbs them, accords them a specialized function within its overall operating structure, a niche according to what they can do for the valorisation of capital, or marginalizes them, makes them disappear. When the class struggle heats up , the market shifts, a demand is created for a company of management of 'human resources' that has a more radical market image, which is quickly filled, either by a new union or by a radicalisation of the existing ones. Neither represents a gain for the working class. Today, there are no longer any progressive factions of capital. The unions' interests are inextricably bound to those of capital, to those of the nation. The logic of capital makes them complicit in trying to impose the worst possible fate on the working class. In the revolutionary struggle, which is a defensive struggle, the working class will have to take on the entire capitalist machinery, including the unions. It is true that this does not mean that every act or every word of the unions are opposed to the immediate interests of the working class. The productivity-increases made possible by the progress of capital's real domination allowed capital to accord improvements of the living standards and to increase exploitation (increase the portion of the labor day that is unpaid) at the same time, at least in period of expansion. It doesn't like to do this, of course, since every wage gain is a profit loss, but over lime it came to realize that this can be in its own interests. The main reason is that the production process under real domination, with its huge assembly lines and increased specialisation and thus interdependency, became more vulnerable to interruptions, to class struggle. That was a powerful incentive, especially in the post-world war two period, to grant better wages and to give the unions a bigger say in the management of the economy. The unions have their own particular interests. As companies that manage the sale and the smooth exploitation of variable capital, they compete among themselves and have a market image to defend, both in regard to the workers the y seek to represent and in regard to the enterprises with whom they seek to negotiate. Their credibility is their most valuable asset and if it's necessary to protect it, they can sometimes drive a hard bargain with the buyers of labor power. The most intelligent capitalists realize that unions can only fulfil their capitalist function if they have some credibility as defenders of the workers and must do what they have to do to maintain it. The international waves of class struggle in the '60's and '70's which repeatedly broke through the dykes of unionism and did great damage to capitalist profits and to the myth of unions as defenders of the working class, was a powerful stimulant to the restructuring of the capitalist economy that followed it. The 'post-Fordism' in which it resulted, with its increased automation, the computerization of labor, the decentralisation of production, the explosion of outsourcing, subcontracting and temp work, the increased mobility of capital (vastly expanding the use layoffs and closings, and the threat thereof, as social weapons) decreased the vulnerability of production to industrial action considerably. By decreasing that vulnerability, capital also decreased its dependence on the unions. This allowed for more anti-unionism among capitalists, and led to a marked increase of 'union-busting'. But this also helped the unions to shore up. their credibility in the eyes of the workers somewhat, because the enemy of your enemy can seem to be your friend. The unions resisted the post-Fordist trend, in part to maintain their credibility in the eyes of the workers and in part because it was and is a threat to their own power. But since the trend reflected not a mere policy choice but the direction in which capitalism, of which they are a part, was going, their resistance was doomed to be ineffective. The alternative of the unions to this trend is conservative, to resist changes in capitalism. As this is impossible, they end up almost invariably defending 'capitalism lite', layouts, but less layoffs than the bosses are demanding, wage cuts, but with a percentage and a half shaved off. But, they need a culprit, a scapegoat for the worker's anger, and since they are tied to national capital, the scapegoat is usually foreign competition (foreign workers really). That makes the unions the most ardent defenders of protectionism. As an economic recipe that is plain stupid and sometimes really annoying to other factions of capital, but politically it is very useful to capital because it makes them work tirelessly to spread the nationalist poison into the working class.