# Apple Valley R2

#### 30 speaks for both of us please!!! I need them to fill the void in my heart and debate is hard ☹

# Shell

#### Interp – neither debater may read arguments that result in a win for them independent of whether they are winning offense back to a specific framework. This does not include arguments that link to fairness or education or accessibiltiy. To clarify, no a prioris.

#### Violation – cx checks

#### Prefer:

#### 1] Strat skew – each a priori is another route to the ballot and another way to moot my offense – I have to win each a priori and another piece of offense which is definitionally irreciprocal

#### 2] Clash – the strategy of reading a prioris lets them hide as many as possible in the ac/nc and then extend whatever gets dropped since they’re all super short and blippy – even when I engage with some, they’ll just go for others

Dtd – good to set norms – ci – reaosnabiltyis’ aribtary -no riv = don’t get to win ofr being fair

Fairness debate’s a game and education bc we use it to get life skills

# CP

**\*\*Content Warning: Mentions of Police Violence in the Card\*\***

**CP: A just government ought to recognize an unconditional right of workers to strike except for police officers.**

Samantha **Michaels**, Sept/Oct-**2020**, *Samantha Michaels is a reporter at Mother Jones,* "If you want to defund the police, start with their unions," Mother Jones, https://www.motherjones.com/crime-justice/2020/08/police-unions-minneapolis/ //SR

As the year 1990 came to an end, a fight broke out during a New Year’s Eve celebration at the Juke Box Saturday Night bar in downtown Minneapolis. A 21-year-old white student grabbed Michael Sauro from behind. Sauro, an off-duty white police officer working as a bouncer, handcuffed the man, dragged him to the kitchen, and then repeatedly drove his steel-toed paratrooper boots into his groin and head. Sauro had been a cop for 15 years and had a long record of citizen complaints against him, most of them about excessive force. “I was dealing with animals,” he would later tell a reporter when asked about the people he’d beaten. “I mean, my dog is more human than them.” But he had never been disciplined. Four years after the bar fight, a court found that Sauro had used excessive force against the student, and it awarded $700,000 to him, then the largest civil award settlement in the city’s history. By then, Sauro had racked up 32 citizen complaints, though none had been sustained. The mayor finally fired him. But his absence from the police department was short-lived. With the help of his union, the Police Officers’ Federation of Minneapolis, Sauro appealed to an arbitrator, who soon forced the city to rehire him with back pay. “These arbitrators always rule in favor of the police. It’s absolute and utter BS,” says Robert Bennett, an attorney who represented the victim and has sued the department dozens of times. A few months later, the police chief fired Sauro a second time for punching a Black student in the face near the Juke Box Saturday Night bar after the same New Year’s Eve party. Again, an arbitrator forced the department to rehire him. Then-Mayor Sharon Sayles Belton expressed her disappointment. “Allegations of abuse around Mike Sauro do not help create a climate of trust and respect,” she said. Sauro was rehired in 1997 and stayed on the force for nearly two more decades. Eventually, his bosses put him in charge of the sex crimes unit, where women accused his team of failing to investigate some of their rape cases. In 2018, Amber Mansfield said he ignored her complaint that a man she knew had choked and raped her. “Sometimes victims have to take some responsibility for their decisions and their actions,” he told a reporter at the time. In 2019, after Sauro retired, an internal review found 1,700 untested rape kits at the department dating back to the 1990s. (Sauro disputes this finding.) Three decades after Sauro beat the man at the bar, the Minneapolis police union is fighting to protect another set of officers accused of violence. On Memorial Day, Derek Chauvin knelt on the neck of George Floyd for nearly nine minutes, even after Floyd said he couldn’t breathe and went unconscious. Three officers who were with Chauvin never intervened. As Floyd’s death thrust the nation into protest, Mayor Jacob Frey described the city’s police union as a “nearly impenetrable barrier” to disciplining officers for racism and other misconduct, partly because of the legal protections it bargained for. “We do not have the ability to get rid of many of these officers that we know have done wrong in the past,” Frey told the podcast the Daily in June. Police unions are at the center of questions about what will happen to Chauvin and the three officers who watched as Floyd was suffocated. And they are also key to understanding why officers across the country escape discipline time and again after beating or killing people. As other labor unions have shrunk in recent years, membership in police unions has remained high. While the Black Lives Matter movement encouraged people to document police brutality on camera and demand accountability, police unions, which now have hundreds of thousands of members, have pushed back in almost every way imaginable—by overturning firings, opposing the use of body cameras, and lobbying to keep their members’ disciplinary histories sealed. All of which can make officers feel invincible when they commit acts of violence. A forthcoming research paper from the University of Victoria in Canada found that after police officers formed unions—generally between the 1950s and the 1980s—there was a “substantial” increase in police killings of Black and Brown people in the United States. Within a decade of gaining collective bargaining rights, officers killed an additional 60 to 70 civilians of all races per year collectively, compared with previous years, an increase that researchers say may be linked to officers’ belief that their unions would protect them from prosecution. A working paper from the University of Chicago found that complaints of violent misconduct by Florida sheriffs’ offices jumped 40 percent after deputies there won collective bargaining rights in 2003. Police unions, like all unions, were designed to protect their own. But unlike other labor unions, they represent workers with the state-sanctioned power to use deadly force. And they have successfully bargained for more job security than what’s afforded to most workers, security they can often rely on even after committing acts of violence that would likely get anyone else fired or locked up. And yet, in the broader push to reform the criminal justice system, police unions have remained largely untouchable, both by the broader labor movement, which has avoided criticizing their bargaining process, and by politicians on both sides of the aisle, who have accepted millions of dollars in campaign donations from them. Democrats don’t want to come down against unions, and Republicans, who are normally happy to attack unions, don’t want to mess with the police. When former Wisconsin Gov. Scott Walker destroyed collective bargaining rights for his state’s public sector unions in 2011, he left police unions mostly unscathed. The AFL-CIO, the country’s largest labor coalition, has referred to police unions as rightful beneficiaries in the movement for workers’ rights.

#### Strikes empower unions.

Erin **Corbett**, 6-23-**2020**, *Freelance journalist and writer on politics, feminism, and social justice. Seen in MSN, Yahoo, VICE, Fortune, People Magazine, Bustle, The Daily Dot, Alternet, Money, The Trace, Rewire.News, Daily Hampshire Gazette, and more*. "Police Are Going On Strike. Should Anyone Care?," https://www.refinery29.com/en-us/2020/06/9874441/police-going-on-strike-walkout-reason //SR

Atlanta police officers across the city last week staged a “sick-out” in protest after the Fulton County district attorney brought charges against the two officers who shot and killed Rayshard Brooks. The Atlanta police department did not confirm how many people called in sick, but “confirmed a larger-than-usual number of absent officers.” In three of the police department’s six zones, officers were not responding to calls, and many refused to leave their stations unless another officer required backup. A similar scene played out in Buffalo, New York where 57 officers quit an elite police unit in protest after two officers were suspended for pushing an elderly man during an anti-police brutality protest. Likewise, in Philadelphia and New York City police are rumored to start calling in sick during protests, and organizing work slowdowns. As protests continue nationwide against racist policing, with calls now to defund and abolish policing — and as officers face punishment for using lethal force against civilians and brutalizing protesters — more and more of them are in talks to walk off the job. In effect, the cops are protesting the protests against them. But what’s the point of protests led by police officers, and what do they actually accomplish, especially amid ongoing national calls to abolish policing altogether? Police have organized work slowdowns in the past in response to institutional action being taken against them. As The Daily Beast reports, when local governments take action against police over misconduct, particularly when these incidents are caught on video and go viral, “cops can feel like they’re being punished for carrying out orders in a way their superiors secretly condoned.” In other words, they feel like scapegoats for following orders and then being met with public pressure to be held accountable. Work slowdowns are generally organized to sway public opinion of the police force. But in a moment of national unrest in response to police brutality, a police-led protest may not be the best tactic to gain public support. “It doesn’t seem to be a particularly well thought through strategy,” Dennis Kenney, a professor of criminal justice at John Jay College told Refinery29. “The idea behind it is to express dissatisfaction with the way they perceive they are being treated. It seems a bit of a misplaced activity this time.” Kenney further explained that police-organized protests at this moment is a “very different ballgame from the perspective of their unions” because they aren’t focused around a labor dispute. Instead, the entire country is engaging in a conversation about the very existence of these agencies. “It seems self-defeating,” said Kenney. Police have historically organized strikes for a variety of reasons and with different results. Perhaps the most famous police protest was the Boston police strike in 1919 when 80 percent of the city’s police protested to organize a union. During the work stoppage the city experienced more robberies.

#### This negates –

#### [1] it causes violence towards the other since police strikes in of themselves prevent people from stirking because they use brutality, so they undermine the ability of the Other to engage.

#### [2] Conditions on when the other can strike are good – for example, I should be allowed to debate you, but if I’m being super racist, it justifies putting limitations on my ability to communicate. If they deny this, then their framework justifies atrocties – it would say that calling someone slurs is not only permissible, but a good action. Drop the debater for accessibiltiy – the make the round unsafe and that ow bc you need to have access to the debate round to debate in the first place

#### [3] Police strikes cause oppression – that hinders the others.

#### [4] Don’t let them dodge in the 1ar to say that they don’t ban these strikes – racist strikes are used by workers to stop working in order to get their employer to concede to discriminating against certain groups.

# CP

#### Counterplan: A just government ought to recognize an unconditional right of workers to strike except in the instance that strikes directly demand discrimination towards certain groups of individuals. It’s condo.

BPSC[Unfair Labor Practices by Union, http://bpscllc.com/unfair-labor-practices-by-unions.html, N.D., Business & People Strategy Consulting Group, California's trusted source for workplace human resources and employment law] [SS]

Causing or Attempting to Cause Discrimination: Section 8(b)(2) makes it an unfair labor practice for a labor organization to cause or attempt to cause an employer to discriminate against an employee in violation of Section 8(a)(3). The section is violated by agreements or arrangements with employers, other than lawful union-security agreements, that condition employment or job benefits on union membership, on the performance of union membership obligations or on arbitrary grounds. But union action that causes detriment to an individual employee does not violate Section 8(b)(2) if it is consistent with nondiscriminatory provisions of a bargaining contract negotiated for the benefit of the total bargaining unit, or if the action is based on some other legitimate purpose. A union’s conduct, accompanied by statements advising or suggesting that action is expected of an employer, may be enough to find a violation of this section if the union’s action can be shown to be a causal factor in the employer’s discrimination. Contracts or informal arrangements with a union under which an employer gives preferential treatment to union members also violate Section 8(b)(2). However, an employer and a union may agree that the employer will hire new employees exclusively through the union hiring hall if there is no discrimination against nonunion members on the basis of union membership obligations. In setting referral standards, a union may consider legitimate aims such as sharing available work and easing the impact of local unemployment. The union may also charge referral fees if the amount of the fee is reasonably related to the cost of operating the referral service. A union that attempts to force an employer to enter into an illegal union-security agreement, or that enters into and keeps in effect such an agreement, also violates Section 8(b)(2), as does a union that attempts to enforce such an illegal agreement by bringing about an employee’s discharge. Even when a union-security provision of a bargaining contract meets all statutory requirements, a union may not lawfully require the discharge of employees under the provision unless they were informed of the union-security agreement and their specific obligation under it. A union violates Section 8(b)(2) if it tries to use the union-security provisions of a contract to collect payments other than those lawfully required, such as assessments, fines and penalties. Other examples of Section 8(b)(2) violations include: Causing an employer to discharge employees because they circulated a petition urging a change in the union’s method of selecting shop stewards Causing an employer to discharge employees because they made speeches against a contract proposed by the union Making a contract that requires an employer to hire only members of the union or employees “satisfactory” to the union Causing an employer to reduce employees’ seniority because they engaged in anti-union acts Refusing referral or giving preference on the basis of race or union activities when making job referrals to units represented by the union Seeking the discharge of an employee under a union-security agreement for failure to pay a fine levied by the union

#### Racist union strikes have happened before

Allison Keyes, JUNE 30, **2017**, "The East St. Louis Race Riot Left Dozens Dead, Devastating a Community on the Rise," Smithsonian Magazine, https://www.smithsonianmag.com/smithsonian-institution/east-st-louis-race-riot-left-dozens-dead-devastating-community-on-the-rise-180963885/ //SR

Racial tensions began simmering in East St. Louis—a city where thousands of blacks had moved from the South to work in war factories—as early as February 1917. The African-American population was 6,000 in 1910 and nearly double that by 1917. In the spring, the largely white workforce at the Aluminum Ore Company went on strike. Hundreds of blacks were hired. After a City Council meeting on May 28, angry white workers lodged formal complaints against black migrants. When word of an attempted robbery of a white man by an armed black man spread through the city, mobs started beating any African-Americans they found, even pulling individuals off of streetcars and trolleys. The National Guard was called in but dispersed in June.

#### Cross apply all the reasons from the first cp to why this negates

# NC

#### Permissibility negates:

#### [1] Semantics – Ought is defined as expressing obligation[[1]](#footnote-1) which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two. Semantics outweighs – A. it’s key to predictability since we prep based on the wording of the res B. It’s constitutive to the rules of debate since the judge is obligated to vote on the resolutional text.

#### [2] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

#### [3] Logic – Propositions require positive justification before being accepted, otherwise one would be forced to accept the validity of logically contradictory propositions regarding subjects one knows nothing about, i.e if one knew nothing about P one would have to presume that both the “P” and “~P” are true.

#### The metaethic is perspectivism – truth is not absolute but rather created by individuals based on their own individual perspective. Prefer it

#### [1] Opacity – we can never access another person’s perspective because we can never fully understand who someone else is or what they think. Every truth I create cannot be universalized because I can’t guarantee that they will create the same truth because they do what they want.

#### [2] Linguistics – Truth is constructed by language, which is completely arbitrary. Nothing tells me that a chair is a chair; I only assign it that name arbitrarily because I want to. Meaning can’t be contained within language if we make it up ourselves, and truth doesn’t exist absent language.

#### But, the state of nature leads to infinite violence – competing truth claims means conflicts cannot be resolved. Two warrants:

#### [1] Ambiguity – everyone can assert their own claims to be true and refuse contestation – this means we always fight over who is correct. This is irresolvable because there is no mediator to adjudicate the dispute and tell who is correct – we just fight forever

#### [2] Self-Interest – everyone wants their truth claims to be true because it benefits them – this leads to conflict because we can’t divide limited resources and must compete with each other – terminates in death because neither of us want to concede to the other

#### This state of nature is brutish and has no conception of morality because we don’t have any unified truth to guide us, and thus outweighs on magnitude. The solution is the creation of the sovereign to mediate what is true and enforce the law; they are the ultimate ruler and arbitrator. It must eliminate all conflicts to bring peace to our violent natures. Thus, the standard is consistency with the will of the sovereign. Prefer it because it outweighs on bindingness: Only the sovereign can get everyone to follow their rule and enforce the law, it creates motivations for any moral rules we create. Otherwise, the framework collapses and truth becomes impossible.

## Offense

#### Negate –

#### [1] The sovereign has absolute authority; strikes contest the rule of the authority of the sovereign which leads to infinite regress and freezes action.

Lloyd and Sreedhar (Sharon A. Lloyd and Susanne Sreedhar, Sharon Lloyd is Professor of Philosophy, Law, and Political Science at the University of Southern California. She co-founded the USC Center for Law and Philosophy, and directs the USC Levan Institute's Conversations in Practical Ethics Program., Susanne Sreedhar is an Associate Professor of Philosophy at Boston University. Sreedhar's work on social contract theory has been influential, and has mostly been aimed at the nature and scope of obligation within political systems, and the possibility of ethical civil disobedience within a Hobbesian system., 2-12-2002, accessed on 6-29-2021, The Stanford Encyclopedia of Philosophy (Fall 2020 Edition), "Hobbes’s Moral and Political Philosophy (Stanford Encyclopedia of Philosophy)", <https://plato.stanford.edu/entries/hobbes-moral/)//st>

Although Hobbes offered some mild pragmatic grounds for preferring monarchy to other forms of government, his main concern was to argue that **effective government—whatever its form—must have absolute authority.** Its powers must be neither divided nor limited. **The powers of legislation, adjudication, enforcement, taxation, war-making (and the less familiar right of control of normative doctrine) are connected in such a way that a loss of one may thwart effective exercise of the rest;** for example, **legislation without interpretation and enforcement will not serve to regulate conduct. Only a government that possesses all of what Hobbes terms the “essential rights of sovereignty” can be reliably effective**, since **where partial sets of these rights are held by different bodies that disagree** in their judgments as to what is to be done, **paralysis of effective government, or degeneration into a civil war to settle their dispute, may occur.** Similarly, **to impose limitation on the authority of the government is to invite irresoluble disputes over whether it has overstepped those limits. If each person is to decide for herself whether the government should be obeyed**, factional disagreement—**and war to settle the issue, or at least paralysis of effective government—are [is] quite possible**. **To refer resolution of the question to some further authority, itself also limited and so open to challenge for overstepping its bounds, would be to initiate an infinite regress of non-authoritative ‘authorities’** (where the buck never stops). To refer it to a further authority itself unlimited, would be just to relocate the seat of absolute sovereignty, a position entirely consistent with Hobbes’s insistence on absolutism. **To avoid the horrible prospect of governmental collapse and return to the state of nature, people should treat their sovereign as having absolute authority.**

#### [2] The sovereign hasn’t granted the unconditional right to strike in the squo - proves that it doesn’t want it. Passing the res blocks the sovereign’s will.

# Case

#### [] The temporal relation to the other is such that an appearance of the Other would be impossible and so Levinas fails to provide normative justification. HAGGLUND: Martin Hagglund (Professor of Comparative Literature, University of Buffalo).  “The Necessity of Discrimination: Disjoining Derrida and Levinas.”  Diacritics 34.1 (2004),

For the same reason, **the other cannot be respected *as such***—as given in itself—**but only by being related to the perspective of another. The "violence" of not being respected as such is not something that supervenes** upon an instance that precedes it but is the trait of constitutive alterity. If the other could appear for me as him- or herself, from his or her own perspective, he or she would not be an other. Hence, **we may always misunderstand or disregard one another, since none of us can have direct access to the other's experience**. The face-to-face encounter can thus not be characterized by the "immediacy" to which Levinas appeals. Rather, the encounter is always mediated across a temporal distance. **Temporal distance opens the space for all kinds of discords, but it is nevertheless the prerequisite for there to be relations at all.**

#### [] Levinas’s obligation to the Other is the result of an assumption in the good of the Other which is simply not real. HAGGLUND (2):

As a result, **Levinas's injunction of unconditional submission before the other cannot be sustained.** Although Levinas claims to proceed from the face-to-face relation, he evidently postulates that the subject in the ethical encounter either gazes upward (toward the Other as the High) or downward (toward the Other as someone who is helplessly in need, bearing "the face of the poor, the stranger, the widow and the orphan" as a refrain declares in *Totality and Infinity*). But regarding all the situations where you are confronted with an other who assaults you, turns down the offered hospitality, and in turn denies you help when you need it, Levinas has nothing to say. **If the other whom I encounter wants to kill me, should I then submit myself** to his or her command? And **if someone disagrees with me, should I then automatically accept this criticism a**s a law that is not to be questioned or counterattacked? Questions like these make it clear that **Levinas** does not at all found his ethics on an intersubjective encounter. Rather, he **presupposes that the ethical encounter exhibits a fundamental asymmetry**, where the other is an absolute Other who reveals the transcendence of the Good. Accordingly, Levinas condemns every form of self-love as a corruption of the ethical relation, and prescribes that the subject should devote itself entirely to the other. **To be ethical is for Levinas to be purely disinterested, to take** **responsibility for the other without seeking any recognition** on one's own behalf.[19](http://muse.jhu.edu/journals/diacritics/v034/34.1hagglund.html#FOOT19)

#### [] The asymmetrical relation to the other causes a nonsensical mutual obligation of submission as well as justifying oppression.

**HAGGLUND (3):** It suffices, however, to place yourself face-to-face with someone else to realize that **the asymmetry assumed by Levinas is self-refuting. If you and I are standing in front of each other, who is the other?** The answer can only be doubly affirmative since **"the other" is an interchangeable term that shifts referent depending on who pronounces the words.** I am an other for the other and vice versa, as Derrida reinforces in "Violence and Metaphysics. Derrida's argument not only contradicts Levinas's idea of the absolutely Other, but also undercuts his rhetoric. That "the other" is a reversible term means that **all of Levinas's ethical declarations can be read against themselves**. To say that the I should subject itself to the other is at the same time to say that the other should subject itself to the I, since I am a you and you are an I when we are others for each other. To condemn the self-love of the I is by the same token to condemn the self-love of the other. Indeed, **whoever advocates a Levinasian ethics will be confronted with a merciless irony** as soon as he or she comes up to someone else and face-to-face declares, "**You should subject yourself to the Other,"** which then literally **means, "You should subject yourself to *Me,* you should obey *My* law."**

#### [] It’s impossible to ever associate the Other with the good and still have a consistent theory. HAGGLUND (4):

Levinas cannot think these inversions of his own prescriptions since he refuses to realize that alterity cannot be ethical as such. Rather, alterity marks that nothing can be *in itself*. Levinas cannot assimilate this insight because his philosophy requires that alterity ultimately answers to the Good. Even when Levinas describes the ethical in apparently violent terms—as in *Otherwise than Being,* where the other "accuses," "persecutes," and "traumatizes" the subject—he understands violence as an instance of the Good, which disrupts the evil egoism of the subject by subordinating it to the demands of the other. It is thus quite crucial for Levinas that the subordination to a tyrant—who also accuses one of self-love and demands that one follow his command—can be rigorously distinguished from the subordination to an ethical other.[20](http://muse.jhu.edu/journals/diacritics/v034/34.1hagglund.html#FOOT20) But it is precisely the possibility of such a distinction between the "good" other and the "bad" other that the deconstructive analysis calls into question. **To posit the other as primordially Good is to deny the constitutive undecidability** of alterity. **The other cannot be predicted, and one cannot know in advance how one should act** in relation to him, her, or it. Consequently, **there is nothing intrinsically ethical about subjecting oneself to the other, who may always be a brutal tyrant**. There can be no **The relation to a finite other** is accordingly what makes ethics *possible,* but at the same time what **makes it *impossible* for any of its principles** to have a guaranteed legitimacy, since **one may always confront situations where they turn out to be inadequate.** When one speaks of "the other," one can never know in advance what or whom one invokes. It is thus impossible to decide whether the encounter with the other will bring about a chance or a threat, recognition or rejection, continued life or violent death.

## Lbl

#### [1] Hobbes takes out the 1 point – we can never respec the other absent a sovereign because we’ll always disagree – this negates

[2] The other is not a moral obligation – a gcard saying that we should treat the other well presupposes a reason to do so but it’s missing a warrant

[3] subjects can exist independently – a) if I lived on the world by myself I would still be alive and be able to make deicison b) people who can take accoutnabiltiy ofr their decisions are people

[4] no performativity – a) c/a my 3rd response b) I don’t’ need to recognize you to debate you, I could easily debate a bot intead

[5] precarity goes neg – we need to be able to have a svoerign to create infrastuctre we can depend on

[6] no reason why we need to use a social policy – winning the nc proves that we should do what the soverieng wants

[7] hobbes sovles grivability – we can prevent violence using the soveriegn

## Case

#### Legitimizing the right to strike enables the state to have a monopoly on violence shutting down any possibility of change. That turns the aff- instead of beinga ble to speak out for themselves, workers will be punished by the state and their reaosns will be deemed invlaid.

Crépon, 19 (Marc Crépon, Marc Crépon (born 30 March 1962) is a French philosopher and academic who writes on the subject of languages and communities in the French and German philosophies and contemporary political and moral philosophy.[1] He has also translated works by philosophers such as Nietzsche, Franz Rosenzweig and Leibniz., August 2019, accessed on 6-28-2021, Google Docs, "The Right to Strike and Legal War in Walter Benjamin's "Toward the Critique of Violence"", DOI 10.1215/26410478-7708331)//st

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 important 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 important reflections: “To counter it, one would perhaps have to consider the surprising possibility that law’s interest in monopolizing violence vis-à-vis 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 perfect illustration of the aforementioned hypothesis. Yet, there are two lines of questioning 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 Benjamin 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 struggles is transformed into a means for the destruction of the law.** The difference 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 unconditionally. 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 contain class struggles, 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 suf­fi­cient 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 justifies 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) left once it gains power. What might previously have seemed a good reason to strike when it was the opposition is deemed an insuf­fi­cient one once it is the ruling party. In the face of popular protest, it always invokes a lack of suf­fi­cient rationale, allowing it to avoid recognizing the intrinsic violence of a given social or economic situation, 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.

1. <https://www.merriam-webster.com/dictionary/ought> [↑](#footnote-ref-1)