**Constitutivism**

#### I negate the resolution: Resolved, a just government ought to recognize an unconditional right of workers to strike.

#### The metaethic is constitutivism – ethics must be derived from immutable features of agency

#### Ethics motivated internally fail since they don’t generate universal obligations. Ethics motivated externally fail since they generate nonbinding obligations and beg the question of why these obligations exist and why we care. Constitutivism solves because agency is definitionally universal and binding – it’s inescapable.

#### Practical reason is constitutive of agency – you can shift between different identities, but the only temporally constant feature is your ability to choose. Attempting to escape practical reason is incoherent because you use practical reason to choose to escape it – that’s circular.

#### Violating freedom is non universalizable and thus causes a contradiction in conception.

**Engstrom** [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge, DOA:5-5-2018 // recut]

Given the preceding considerations**, it’s a straightforward matter to see how a maxim of action that assaults the freedom** of others with a view to furthering one’s own ends **results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim would lie in a practical judgment that deems it good** on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency.  Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here all persons are on the one hand deeming good **both the limitation of others’ freedom and the extension of their own freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.**

#### And, All agents must accept the state as necessary to enforce rights claims.

**Ripstein 04** [Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 // WWBW//recut]

Kant explains **the need for** the three branches of **government** in Rousseau’s vocabulary **of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on [the law’s] its enforcement do not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible**. All must agree, because **without such procedures, equal freedom is impossible**, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree**; it is that they cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally.** Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

#### Thus the standard is consistency with the system of equal and outer freedom.

#### Prefer additionally:

#### [1] Solves oppression because it is caused by arbitrary exclusion of others – only universalizability makes sure that we include everyone equally. Farr 02

Farr, Arnold. Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative? 2002, blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf. from ben

The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. **The** Kantian **subject is an embodied, empirical, concrete subject.** However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. **We are physical creatures with physical drives or desires. The very fact that I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check by something,** or else I behave like a Freudian id. **My empirical character must be held in check by my intelligible character, which is the legislative activity of practical reason. It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence**. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: **In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally significant is that it makes our own case no special exception** (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, **universalizable moral principles require that the individual think beyond his or her own particular desires. The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation**. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, **the universalizability criterion is a principle of consistency and a principle of inclusion.** That is, in choosing my maxims I attempt to include the perspective of other moral agents.

#### [2] Consequentialism fails – A] Induction fails – 1. saying that induction works relies on induction itself because it assumes that past trends will continue, which means it’s circular and unjustified 2. It assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years. C] Aggregation is impossible – pleasure and pain are subjective – we have no idea how many headaches equal a migraine D] Infinite obligations – I have infinite obligations to maximize pleasure with no way to order them which freezes action.

#### [3] A priori ethics are the only stable epistemology –

#### a] Cartesian Skep – there’s no way of verifying the truth of our experience since we could be getting tricked by an evil demon. Only a priori ethics avoid this because they are not derived empirically

#### b] Uncertainty – every person has different experiences so we can’t have a unified perspective on the good if we have different conceptions of it. Aggregation doesn’t solve because there will be times it fails.

#### c] Prerequisite – in order to interpret space around us we need to represent it in the a priori.

#### [4] Practical reason hijacks –

#### a] Regress – any principle can be infinitely questioned which proves its base non-binding but only reason solves because when you question something you concede to the authority of reason

#### b] Action theory – any action can be split into infinite smaller actions. When I am moving my arm it is infinitely small connected movements. Only the intentionality of the action can solves meaning intentions outweigh.

#### c] Hijacks – when we set ends we attempt to achieve what is good, so we must regard the capacity to set and pursue ends as intrinsically valuable.

#### Negate:

#### [1] Strikes fail to fulfill duty

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

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

#### [2] Uses others as a mere means to an end

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

A further formula of the Categorical Imperative is "so, act as to treat humanity, whether in your own person or in that of any other context, never solely as a means to an end but always as an end within itself' (Parrott, 2006, p. 51). By this Kant meant people should be valued and respected as an individual and not used for the benefit of others. Participating in a labor-strike demonstration/action is **a direct violation of this** categorical perspective as it would not be ethically permissible because the severe dependence and well-being of clients, the effective functioning of the employer organization, and society **is used to duly and unduly influence the bargaining process for better working conditions**. In participating in the labor strike demonstration, the humanity, and well-being of clients and society **is not seen as crucial** **and as an 'end'**, but rather used to demonstrate the undeniable need for the skills and expertise of social workers. Furthermore, through withholding services, social worker professionals demonstrate that the well-being and welfare of society have lost its inherent importance/value. Though the value of overall well-being is taught throughout the social work training process and is enshrined in the professional ethical codes.

#### [3] Violates the commitment to not cause harm

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

In addition to the above, engaging in a labor strike demonstration is a gross violation of the **prima facie duty of the social worker**, nonmaleficence: **to not cause harm**, and display a commitment to the well-being of the client, organization as well as society. As Social Workers withdraw their labor, services are ceased, and automatic disruption occurs which can inflict serious harm on clients, organizational functioning as well as society. According to Mehta and Swell (2014), examples of the harm caused to clients and organizational functioning include severe and fatal delays in executing or developing timeous interventions **for at-risk clients,** miscommunication, and no service delivery. Moreover, by withdrawing their labor in a strike demonstration, ethical principles such as beneficence and social justice are also not adhered to as no acts of kindness, empathy is shown, and the most vulnerable members of society **will be impacted the most**.

#### [4] Strikes in essential services hurt the patient but not the employer which reduces the patient to a mere means to an end.

**Loewy 2K**, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since.) JG

“Essential” Work and Strikes Healthcare professionals, garbage collectors, and other “essential” workers have a responsibility that is considered to be different from, say, the responsibilities of workers in a supermarket chain. There are almost certainly other supermarkets, but there is generally only one municipal garbage collection service**, one police force, and one fire department; and in general, only one healthcare system available to us. In the medical setting, furthermore, workers are much more apt to deal with identified lives**: they know their patients and often have known them for some time. Striking against their employer (even if it is done in part to benefit the patient) is **denying meaningful and often essential services to some of these identified lives**. We tend to relate differently with those lives we know and therefore call “identified” from those whom we consider “unidentified” or statistical lives, in part, because we have obligations as a result of relationships; in part because we fail to recognize that these so-called unidentified lives are not in fact unidentified but are merely not identified by us.4 When strikes are called by healthcare professionals, both types of lives are apt to be injured or, at least, severely inconvenienced. Except in the pocketbook, strikes in the healthcare setting generally do not directly hurt the employer. The employer **is hurt through the** **patient**. The patient thus becomes a **means toward the employees’ ends**, a football being kicked between two contending parties—**even if one of the employees’ goals is to serve the good of patients in general.** Theoretically, patients will then bring pressure on the employer (be it the government or a managed care organization), thus, quite frankly, using the patient as a means toward the ends of the health professionals.5 The dilemma, of course, is that without significantly inconveniencing or even endangering patients, no pressure is likely to be brought and, therefore, no amelioration of working conditions is effected. To be effective, a strike of healthcare professionals has to “hurt” patients and often patients known to the healthcare professionals.

#### [5] Freedom to strike cannot come at the expense of others AND they might not have ethical motivations.

**Muñoz 14**, Cristian Pérez. "Essential Services, Workers’ Freedom, and Distributive Justice." Social Theory and Practice 40.4 (2014): 649-672. (Assistant Professor of Political Science at the University of Florida) JG

The second objection suggests that the freedom to strike is a fundamental value for a liberal society. Restrictions or prohibitions on this par ticular freedom are equivalent to interfering with basic freedoms such as the freedom of speech and association. This objection presupposes, of course, that preserving individual freedom **possesses a value of high priority.** But it is difficult to defend this idea when the respect for this freedom **potentially causes harm to the recipient populations of essential services**. The only way to defend this position is to show that the benefits of protecting the freedom to strike (for the specific workers under question) are comparatively larger than the harm (for the recipient populations) it might potentially cause. For example, it should be shown that the objectives of a strike among physicians are in the best interest of the patients they service. The idea is that this bargaining instrument might aid physicians in obtaining the resources they require to improve the services they provide to their patients. However, **that is not always the case**. The motivation behind strikes may **not be directly associated** with the objective of improving the quality of the service that physicians provide.

#### [6] An unconditional right to strike is unethical since it treats all strikes as morally neutral which is incorrect.

**Loewy 2K**, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since.) JG

#### It would seem then that the ethical considerations for workers striking in an industry such as a shoe factory or a chain grocery store are quite different from the ethical considerations for workers in sanitation, police, or fire departments, or for professionals such as teachers or those involved directly in healthcare. Even in the latter “professional” category, there are subtle but distinct differences of “rights” and obligations. However, one cannot conclude that for workers in essential industries strikes are simply ethically not permissible, whereas they are permissible for workers in less essential industries. Strikes, by necessity, injure another, and injuring another cannot be ethically neutral. Injuring others is prima facie ethically problematic—that is, unless a good and weighty argument for doing so can be made, injuring another is not ethically proper. Striking by a worker, in as much as doing so injures another or others, is only a conditional right. A compelling ethical argument in favor of striking is needed as well as an ethical argument in favor of striking at the time and in the way planned. It remains to delineate the conditions under which strikes, especially strikes by workers in essential industries and even more so by persons who consider themselves to be “professionals,” may legitimately proceed and yet fulfill their basic purpose.

#### [7] Violence is intrinsic to certain strikes and are uniquely unethical

**Mlungisi 16**, Ernest Tenza. The liability of trade unions for conduct of their members during industrial action. Diss. 2016. (lecturer in the field of Labour Law at the School of Law. He holds a LLM Degree) JG

When expressing themselves through one or more of these forms of expression, they are expected to be peaceful.20 However, over the past few years, workers attempted to heighten the impact of their industrial action by using various tactics during industrial action, tactics which have a negative impact on the **lives and property of other people**. These include the **trashing of cities, vandalising property**, forming picket lines **at supermarkets**, and preventing shoppers from doing business with their chosen businesses.21 There have been strike-related disruptions in almost every sector of the economy.22 There have been several incidents where industrial action resulted in violence and disruption of the public peace.23 Other examples include the torching of employers’ property, intimidation and even the killing **of non-striking workers**.24 During the truck drivers’ strike which took place in September 2012, a number of drivers were attacked and killed during violent demonstrations.25 During security workers’ strikes in 2006 and 2013, shops were looted and damage was caused to the property of innocent bystanders, street vendors, spaza-shop owners and employers.26 The Business Times reported that violent strikes in the country’s platinum sector resulted in the death of more than 50 people.27 In April 2016 SATAWU members on strike torched trains in Cape Town.28 These strikes are counter-productive and destructive not only because they are violent but the parties, namely the employer and employees take long to resolve their dispute(s) or reach settlement. This **create health hazards**. For example, a strike by municipal workers could lead to the non-collection of waste and this poses a serious health risk.29 The burning of tyres by demonstrators also leads to pollution and resultant health risks. The harmful conduct resulting from industrial action affects not only the strikers or picketers, but also innocent members of the public, non-striking employees, employers and the economy at large.30 In Garvis & Others v SATAWU & others, 31 it was held that the majority of the population was subjected to the tyranny of the state in

#### The telos of the 1ac’s politics is the strike – that naturalizes capital’s control and is parasitic on political organizing.

**Eidlin 20** Barry Eidlin (assistant professor of sociology at McGill University and the author of Labor and the Class Idea in the United States and Canada), 1-6-2020, “Why Unions Are Good – But Not Good Enough,” Jacobin, https://www.jacobinmag.com/2020/01/marxism-trade-unions-socialism-revolutionary-organizing

**Labor unions have long occupied a paradoxical position within Marxist theory. They are an essential expression of the working class taking shape as a collective actor and an essential vehicle for working-class action. When we speak of “the working class” or “working-class activity,” we are often analyzing the actions of workers either organized into unions or trying to organize themselves into unions. At the same time, unions are an imperfect and incomplete vehicle for the working class to achieve one of Marxist theory’s central goals: overthrowing capitalism. Unions by their very existence affirm and reinforce capitalist class society. As organizations which primarily negotiate wages, benefits, and working conditions with employers, unions only exist in relation to capitalists. This makes them almost by definition reformist institutions, designed to mitigate and manage the employment relationship, not transform it.** Many unions have adapted to this conservative, managerial role. Others have played key roles in challenging capital’s power. Some have even played insurgent roles at one moment and managerial roles at others. When unions have organized workplace insurgencies, this has sometimes translated into political pressure that expanded democracy and led to large-scale policy reforms. In the few revolutionary historical moments that we can identify, worker organization, whether called unions or something else, has been essential. Thus, labor unions and movements have long been a central focus of Marxist debate. At its core, the debate centers around the role of unions in class formation, the creation of the revolutionary working-class agent. The debate focuses on four key questions. First, to what degree do unions simply reflect existing relations of production and class struggle, or actively shape those relations? Second, if unions actively shape class struggle, why and under what conditions do they enhance or inhibit it? Third, how do unions shape class identities, and how does this affect unions’ scope of action? Fourth, what is the relation between unions and politics? This question is comprised of two sub-questions: to what degree do unions help or hinder struggles in the workplace becoming broader political struggles? And how should unions relate to political parties, the more conventional vehicle for advancing political demands? The following is a chapter from [The Oxford Handbook of Karl Marx](https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190695545.001.0001/oxfordhb-9780190695545) (Oxford University Press, 2019). It assesses Marxist debates surrounding trade unions, oriented by the four questions mentioned previously. It proceeds historically, first examining how Marx and Engels conceived of the roles and limitations of trade unions, then tracing how others within Marxism have pursued these debates as class relations and politics have changed over time. While the chapter includes some history of labor unions and movements themselves, the central focus is on how Marxist theorists thought of and related to those movements. Marx and Engels wrote extensively about the unions of their time, although never systematically. The majority of their writings on unions responded to concrete labor struggles of their time. From their earliest works, they grasped unions’ necessity and limitations in creating a working-class agent capable of advancing class struggle against the bourgeoisie. This [departed](https://onlinelibrary.wiley.com/doi/abs/10.1111/wusa.12021) from previous variants of socialism, often based in idealized views of rebuilding a rapidly eroding community of artisanal producers, which did not emphasize class organization or class struggle. Writing in The Condition of the Working Class in England about emerging forms of unionism, Engels observed that even though workers’ primary struggles were over material issues such as wages, they pointed to a deeper social and political conflict: What gives these Unions and the strikes arising from them their real importance is this, that they are the first attempt of the workers to abolish competition. They im ply the recognition of the fact that the supremacy of the bourgeoisie is based wholly upon the competition of the workers among themselves; i.e., upon their want of cohesion. And precisely because the Unions direct themselves against the vital nerve of the present social order, however one-sidedly, in however narrow a way, are they so dangerous to this social order. **At the same time, Engels saw that, even as union struggles “[kept alive] the opposition of the workers to the … omnipotence of the bourgeoisie,” so too did they “[compel] the admission that something more is needed than Trades Unions and strikes to break the power of the ruling class.”** Here Engels articulates the crux of the problem. First, unions are essential for working-class formation, creating a collective actor both opposed to the bourgeoisie and capable of challenging it for power. **Second, they are an insufficient vehicle for creating and mobilizing that collective actor.** Marx and Engels understood that unions are essential to working-class formation because, under capitalism, the system of “free labor,” where individual workers sell their labor power to an employer for a wage, fragments relations between workers and makes them compete with each other. As described in the Communist Manifesto, the bourgeoisie “has left no other nexus between man and man than naked self-interest, than callous ‘cash payment,’” leaving workers “exposed to all the vicissitudes of competition, to all the fluctuations of the market.” While workers organized based on other collective identities, such as race, ethnicity, or religion, only unions could unite them as workers against the source of their exploitation — the bourgeoisie. Unions serve “as organized agencies for superseding the very system of wage labor and capital rule.” But just as unions could allow the proletariat to take shape and challenge the bourgeoisie for power, Marx and Engels also saw that they were a partial, imperfect vehicle for doing so for two reasons. **First, unions’ fundamentally defensive role, protecting workers against employers’ efforts to drive a competitive race to the bottom, meant that they** [limited themselves](https://www.amazon.com/Wage-Labour-Capital-Value-Price-Profit/dp/0717804704) “to a guerrilla war against the effects of the existing system, instead of **simultaneously** trying to change it**.”** Thus, **even militant** trade unions **found themselves** struggl(e**)ing for “a fair day’s work for a fair day’s wage”** without challenging the **bourgeoisie’s fundamental power, particularly the** wage labor system. And some layers of the trade union officialdom were content to fight for privileges for their small segment of the working class, leaving most workers behind. **Second,** unions’ focus on wages and workplace issues **tended to** reinforce a division between economic and political struggles**. This division was explicit with the more conservative “old” unions in Britain, which “bar[red] all political action on principle and in their charters.” But even with more progressive formations, such as the early nineteenth century’s Chartists, or the late nineteenth century’s “new” unions, Marx and Engels saw that the transition from workplace struggles to politics was not automatic.** For one, it varied across national contexts. Engels observed that French workers were much more likely to mobilize politically, while English workers “fight, not against the Government, but directly against the bourgeoisie.” But beyond national variation, they saw a recurring pattern of division, separating economic and political struggles by organization. Reflecting on the early to mid-nineteenth century English working-class movement, Engels noted a threefold divide between “socially-based” Chartists, “politically-based” Socialists, and conservative, craft-based trade unions. While the Chartists were “purely a working-men’s [sic] cause freed from all bourgeois elements,” they remained “theoretically the more backward, the less developed.” Socialists may have been more theoretically sophisticated, but their bourgeois origins made it difficult to “amalgamate completely with the working class.” Although young Engels thought an alliance of Chartism and socialism was underway, the alliance proved elusive. By the 1870s, Marx opined that politically, the English working class was “nothing more than the tail of the great Liberal Party, i.e., henchmen of the capitalists.” Likewise, Engels had soured on the English working class. **Both saw promise in the** militant worker protest in the United States **at the time, seeing the seeds of a nascent labor party. But that too** fell short**. Thus, unions failed in Marx and Engels’s central task: the formation of “a political organization of the working class as a whole.”**

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

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

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