## 1

Interpretation: Debaters must disclose the aff at least 30 minutes before the round – to clarify, this can be informal disclosure  
Violation: they broke a new dubiously topical k aff and refused to disclose the aff or the area or the plan text or anything about the aff

Graphical user interface, application

Description automatically generated

standards

1 - forces us to rely on generics rather than strategies tailored to the affirmative— kills nuanced clash since every debate is the same.

2- they get infinite time to frontline their aff, while I come into the round guessing – kills fairness

3 - discourages cheap shot aff’s. If the aff isn’t inherent or easily defeated by 20 minutes of research, the case should lose- surprise factor affs incentivize cases that are as fringe as possible instead of well-researched realistic affirmatives- incentivizes useless education

Voters

1. fairness -we can’t determine truth of arguments if they’re not tested fairly
2. education -only reason why schools fund debate
3. clash- key to learning about policymaking, only portable skill we get from debate

Critical thinking is non-unique because people would still have to come up with answers to the aff before the round.

Drop the debater on disclosure- the theory is on the entire aff so dta means they lose

Competing interps, reasonability invites arbitrary judge intervention

NO RVI A. incentives good theory debaters to bait abuse b- chills debaters from running theory on good teams even if they deserve it c- illogical, you don’t win for proving you’re fair

## 2

#### Welcome to the age of acceleration. Crises of reification are tearing apart the way we experience and our present theories aren’t gonna save us. Only Daoism can defeat the cycle

Wenning, Mario (2011), "Daoism as Critical Theory", Comparative Philosophy, ,

https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1017&context=comparativephilosophy. Accessed on July 15, 2021. r0w@n

Pathologies are social and psychological deformations on a structural level manifesting themselves in social institutions, individual patterns of beliefs, motivations and practices. The pathologies which critical theory has been diagnosing can be summarized, following Marx, Lukacs and Weber, as a combination of reification, disenchantment and acceleration. In the process of increasingly understanding intersubjective-, self- and world-relationships primarily from the perspective of exchanging equivalent commodities on a market governed increasingly, and sometimes exclusively, by a competition for these commodities, individuals become systematically estranged from the objects they produce, the process of production, themselves, and from the community of fellow human beings.12 The pathology of reification (Verdinglichung) arising from the exchange principle governing ever more dimensions of society has been analyzed, drawing on the early Marx and Lukacs, from a variety of perspectives.13 Originally reification referred to the process of making singular human beings and experiences similar and exchangeable by abstracting from their unique qualities. While the concept seemed outdated for a long time due to its implicit assumption of a human essence from which one could become estranged, it made an astonishing comeback. Whether it is a critique of the reification/distortion of communication,14 the reification of relationships of intersubjective recognition,15 the reification of gender roles16 or the 12 Karl Marx (1973, 108-111). 13 See for example Axel Honneth, (2005). 14 Jürgen Habermas (1984). 15 Axel Honneth (1996). 57 Comparative Philosophy 2.2 (2011) WENNING reification of conceptions of the self,17 what is being criticized are relationships primarily controlled by a fixed logic of instrumental reason and strategic bargaining processes rather than mutual understanding, recognition, care for the self, love and other preconditions of leading a good life within the constraints of justice. Apart from the attempts to shed light on reification as a major form of pathology in modern societies, it is a significant success of recent work in critical social theory to emphasize that not all pathologies of modernity can be reduced to intersubjective pathologies of communication and reification.18 People in late modern societies do not just suffer from being used rather than understood or being invisible rather than recognized. They also suffer from what Max Weber called ‗disenchantment‘ (Entzauberung). In the process of increased rationalization, traditional sources of meaning that were sedimented in inherited religious traditions, social institutions and customs have lost their power in orienting lives. Finally, **the process that reification and the vanishing of resources of meaning have been engaged in is one of an increasing acceleration** (Beschleunigung) in which, as Marx puts it, ―everything that is solid melts into the air‖. We witness a progressively increasing speed not only of technological innovation, but of social change since the late medieval period. While there was an intergenerational speed of change in the early modern period, and a generational speed of change during classical and high modernity, **late modernity is characterized by an intragenerational speed of change** in which **the basic parameters of coordinating one‘s life change within a lifetime.** In this latest stage of acceleration, the only thing that is certain is that what was taken to be certain today might not be certain tomorrow.19 This acceleration is both subjectively experienced and corresponds to objective modes of accelerated life ranging from processing information, the transportation of goods and people, voting behavior to the change of significant others and professions. Increased change of environments and values undermines traditional forms of identity formation since actors are forced to constantly reassess and readjust their forms of life, practices and sets of convictions. All three pathologies constitute forms of social injury. While the psychological impact of **reification leads to systematic forms** of forced inclusion or exclusion, **of being restricted to or being left out of fixed identities**, and the process of disenchantment corresponds to a sense of existential absurdity in a world devoid of binding resources of meaning, the pressures of increasing acceleration are experienced in terms of existential exhaustion and anxiety. As a consequence, there is an increased sense of superfluousness and being antiquated, a fear to be left behind in, or fall outside of the rushing hamster's wheel of late modern societies. . However distinct these pathologies might appear, it is crucial to notice that there is a close linkage between these three briefly outlined pathological tendencies of modern societies. Not only are reification, disenchantment and acceleration historically connected, they also imply each other on a conceptual level. Reification consists in seeing the world primarily from the vantage point of being a means or a toolbox from which means can be utilized in order to bring about a desired end. In this objectifying process, the end justifies the variable means and is the only factor taken to be intrinsically valuable. This end, then, is understood as not presently realized but as a future possibility the reality of which depends on the implementation of one's plan of action. Bernard Williams, the eminent British moral philosopher, stresses this point by arguing that without projecting an aim into the future, life would become meaningless. He argues for ―the idea of a man's ground projects providing the motive force which propels him into the future, and gives him a reason for living.‖20 If it were the case that our very existence would be safeguarded only as long as we intentionally pursue future-directed goals and projects in increasingly rationalized ways, it would mean that actors would be doomed to be increasingly alienated from a present they could at best regard as offering instrumentally useful, but intrinsically insignificant means for a supposedly meaningful future. Seen from the temporal horizon of the actor engaged in instrumental reasoning and action, the present events, actions, objects and subjects lack any intrinsic value. They are regarded as merely ―useful for‖ certain projects rather than significant in virtue of what they are. The moment a project is realized, the satisfaction vanishes since it is not futural anymore. By presupposing such a restricted conception of projective action as the reason for living, the present environment an actor navigates in is transformed into pure immanence in which prediction becomes possible to the point of resembling an analytic judgment: assuming that we know what we want, and if we can do what we want while nobody keeps us from doing it, what we want will become realized. Novelty is being reduced to the discovery of new implications of what has already been familiar. Effort is generated once we see the end of our action as external to our spontaneously generated attachments. It grows out of the attempt to realize the stipulated end in ever more innovative, efficient and predictable ways in which spontaneity is, at best, forced towards a goal. The goal at which effort is directed often drops out of focus during the acceleration process or it loses its appeal. It seems external to the actor who has been trapped in a means-ends apparatus. This rationalization process increasingly becomes independent from the specificity of ends pursued and impossible to get out of. With every rationalized act the actor moves deeper into the quicksand of a world of suppressed spontaneity. The consequence of this seemingly autonomous rationalization process famously described by Weber as an ―iron cage‖ is that the present is being downgraded as insignificant on its own terms when compared to the future gains one promises oneself as the payoff of one's actions. Processes of innovation become the norm and speed up because actors hope to do and achieve ever more goals in increasingly shorter segments of emptied time. Actors rush to a future, which can in principle never be actualized. Paul Virillio fittingly describes this blind acceleration process of chasing structurally elusive future goals in increasingly higher speeds of innovation adequately as a ―rushing standstill‖. From within the ―iron cage‖ of modernity true innovation, which would have to be different from mere acceleration or enhancement and would require deliberating about alternative present ends, seems increasingly impossible.21 The new is transfigured into the only variable that is to be expected. Instrumental action as the reified forgetfulness of the meaning resources of the present for the sake of the projected future thus seems without alternative. The consequence is what Hermann Lübbe refers to as a ‗Gegenwartsschrumpfung‘, a continuing shrinking of the present under the complimentary pressures of the tendencies of melancholic musealization of irretrievably lost pasts and forced innovation to run after structurally elusive futures.22 The dilemma with which critical theorists see themselves confronted is that whatever emancipatory tendencies – be they introduced as forms of resistance, mutual understanding, recognition etc. – are being proposed as means for a future end, instrumental action is reenacted under a normative guise and the domination of the future over the rest of time is thus further sedimented. As soon as instrumental actors propose or just point to emancipatory forms of action, they replicate and reenact the same temporal logic that it originally diagnosed as the problem of modernity, i.e., the belief that the future can be mastered through acts of projective planning. The problem of this projective planning mentality is not that things often turn out differently than planned, but that the actor sidesteps and thereby undermines the significance of the present and sees it simply as something to be used for future ends. In other words, by downgrading the present including its modes of action to being "for the sake of the future," critical theory denigrates the present to the status of a prefuture, a state of emptiness that is used as a resource rather than lived in. A theory exposing and explaining social pathologies is keen on pointing to the inescapable mechanisms preventing the emancipatory use of reason through action. Such an exclusive focus on the diagnosis and emergence of pathologies coincides with developing an ethics of melancholy that emphasizes the inescapable specter of instrumental reason. Looking back in a melancholy state of mind over the long history of failed revolutions, it only sees what has been irretrievably lost in the wake of histories of catastrophes.23 The present is now seen as an appendix to a past larger than life, an after-past. By replacing the search for an alternative mode of present potentiality with a focus on the traumatic experiences of history, it forecloses the possibility of emancipatory action in the present and thereby reverses the temporal logic of modernity. By replacing the infatuation of the projected future over the present, a new domination – that of the past over the present – is being introduced and sedimented. While the former domination – that of the future over the present - corresponded to forms of blind activism, the latter – that of the past over the present - leads to a state of passivity, an inhibition, which replaces the engagement with the present for the contemplation of mnemonic art. The consequence is not a liberation of the past (which is in principle impossible) or a liberation of the present, but an extension of the temporal pressure put on the present. While the classical modernists only had to justify themselves with respect to the future, late modernists also have to justify themselves with respect to the past. This detour was intended to show that the instrumental actor finds himself in a dilemma that seems impossible to get out off. The shrinking of the present arising out of instrumental action constitutes a theoretical as well as practical impasse. A transcultural engagement with Daoism understood as another critical theory could turn out to be fruitful given that it emerged within a cultural context in which instrumental action has not been the only or even primary form of action. First, however, it needs to be asked whether it is at all legitimate to interpret Daoism as another critical theory. In the second part of the paper I will first show that Daoism can be understood as a critical theory and then discuss whether it offers an insight that could overcome the uneasy relationship between critical theory and emancipatory action with a focus on the present. The goal is to show that the proto-Daoists Lao Zi and Zhuang Zi, commonly referred to as "Lao-Zhuang", provide a promising path which points to an alternative approach of addressing the vexing problem of instrumental action expressing itself in the pathologies of reification, disenchantment and acceleration. At the risk of engaging in anachronistic hermeneutics by applying texts from a different tradition which date back two and a half-millennia, the benefits of tapping rich conceptual sources providing a new insight into entrenched philosophical preconceptions seem overwhelming. Compared to European traditions, Daoism's long history of addressing phenomena of reification and change in theoretical, as well as practical ways, provides an immense richness not only for a reorientation of critical theory, but also in terms of envisioning emancipatory practices. The insight into the fluidity of social dynamics and the fluid subjectivity of actors anticipates many of the developments of late modern societies. At the same time Daoism offers us correctives to these developments. The early Daoist acknowledgment of the value of idling and uselessness, for example, allows us to level a critique of the pathologies of reification, disenchantment and acceleration deriving from a reduction of action to instrumental action. A critical theory in the spirit of Daoism would not simply disclose pathologies. It would also offer constructive resources which allow us to critically address and, as far as possible, overcome these pathologies without providing yet another reifying project that sells out on the potentiality of the present for the sake of the future.

#### Rationalism blinds us to specific circumstances, to the flow of the universe, to the people, to any policy options outside of the standard

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Specific comparisons of Taoist and non-Taoist approaches to global security Having briefly tried to define Taoism and the Tao, and having indicated some of the problems that arise in trying to doing so, I shall now move to the nub of the matter, which is to compare Taoism and rationalism in epistemological terms. I will then compare Taoist thinking with more rationalist thinking about global security in ‘human’ terms, and then with rationalist thinking about global security in more conventional terms. 4.1 Comparing Taoist and rationalist epistemologies The profundity of the concept of the Tao seems to preclude us from using Taoism to describe its meaning in logical, empirical, analytical terms. As a consequence we are typically invited to talk in analogical and metaphorical terms instead. But this is to jeopardize at once the sympathy of most contemporary social scientists, who as a group are likely to require something much more publicly verifiable before considering it reliable. Rationalists are not about to content themselves with accounts of an aptitude for living 6 The story is that of the drunk who returns home at night and loses his key while trying to open the front door to his home. He is subsequently found by a neighbour looking under a lamplight some distance away. After asking what the drunk is doing, and where he lost his key, the neighbour then asks why the drunk is not looking outside his front door. The drunk replies to the effect that the light is brighter under the lamp. Taoism and the concept of global security 71 expressed in ‘stories, verses, maxims’ and the like (Graham, 1989, pp. 199– 200; Giles, 1961 [1889]) If historically or philosophically minded, they will want to be more systematic. If positivists, they will want to use the hypothetico-deductive method. So let us be clear. Rationalism, which is the doctrine within which most thinking and practice about the concept of global security is currently done, prioritizes reason as an end in itself. Taoism, which is the doctrine I am trying to bring to bear upon the rationalist construction of this concept, is a way of thinking and practice that does not. It prioritizes sacral (and in this instance, Taoist) insights instead. These two are seemingly incommensurable. They would seem to represent an unbridgeable epistemological divide. Their protagonists not only talk different analytical languages, they talk past each other as well, which is just what I want to prevent, not just because I do not like dialogues of the deaf, but more importantly, because I think it is to capitulate to rationalism. From the rationalist perspective, Taoism looks anti-rational. As such, it is at best interesting. It is not reliable knowledge. From the Taoist perspective, however, rationalism is what one does with the rational part of one’s mind. It is only part of what Taoists do, nor need it be the larger part, since it includes the injunction to live in a state of sacral spontaneity. I noted above that rationalism is compromised at its root by the kind of self that is required if rationalism is to succeed. I argued that the individuated self – at one mind’s remove from the community – is objectifying. This self is created in turn by learning to be mentally distanced from the communalist context into which ‘one’ was born. Rationalism valorizes this individuated self, typically turning it into a primary normative purpose. Because this bias is built into rationalism itself, and because it limits and distorts so thoroughly what rationalism can do, we have to go outside rationalism to compensate for it. Otherwise, whenever we use rationalism, we will get the world right, but we will also get the world wrong. The most straightforward compensation procedure I know is one that enjoins us to get close to listen, and to take part, that is, to actively eschew the objectifying mind-gaze to participate in what one wants to understand. Anthropologists do this when they immerse themselves in a society not their own. The compensation bid need not stop there, however. It can be carried over from the social ground to the sacral one (and in this case the Taoist one), thus providing the kind of insight not otherwise available to rationalists because of how they choose to know. Those rationalists who get this far will no doubt want to follow their Taoist insights up by considering them rationally, but at least they will have Taoist insights to follow up. At least, having accepted immersion in the ‘shal- 72 Ralph Pettman low’ or meditative end of the experiential pool,7 or even beyond, they may have learned what otherwise they would not have been able to. The rationalist may even want to follow this up with further attempts to take part, and further rationalist reappraisals. By which point we will have constructed a cycle of knowing that is already rolling rationalism forward across the epistemological divide. We are still faced with fundamental uncertainty about the ground on which we stand (though most natural scientists will remain oblivious, and many social scientists likewise.) By eternally returning to both rationalism and Taoism, however, we no longer have to set the one up in opposition to the other. We do not have to abandon our regard for rigour, or our preference for specified indices of comparison, or for reassessing sacral insights in non-sacral ways. But nor do we have to abandon the idea that Taoism has something meaningful to say about the concept of global security. The two are no longer placed in contention, since to place them thus is to cleave to the rationalist line as the surest way to know what is true, and to ignore the way the ontological character of rationalism compromises any such surety. While we are used to having sacral illusion dispelled by analytic clarity, we are not so used to having analytic illusion dispelled by sacral clarity. That is the task before us, however, and it is a task with normative implications considerably more extensive than those rationalists would valorize. How does moving onto Taoist ground, and immersing ourselves in Taoist experience, play out in practice? Our section on mapping the concept of global security began by highlighting the making of modernity. If we start with this general project, and cast it in the light of the general Taoist knack for sacral spontaneity, we see at once how little this knack has to do with the rationalist way of thinking or being. Where the modernist/rationalist talks of empirical logic and scientific representation, the sacralist/Taoist talks (in Graham’s terms, at least) of the rejection of empirical logic, and an ‘infinite regress, testing by tests which in the end are themselves untested’ (Graham, 7 Arriving at Taoist precepts requires the use of what Waley calls ‘quietism’, or the ‘gradual inward-turning of . . . thought’ (Waley, 1934, pp. 43, 45). This involves the use of the mind in non-rationalist, indeed anti-rationalist ways, that allow it to become less distracted and more aware. For rationalists, meditation as a research methodology is too subjective. Why should we accept the results of Taoist quietism, they say, as a way to plan global security, for example, when we can use rationalist bargaining strategies and mediation practices instead? Why, for that matter, should we treat exploitation or global destitution or environmental neglect with meditative detachment, rather than with objective plans for changing the world for the better? Why should we use non-rational illumination to help rulers order the inter-state system when we have publically replicable ways of thinking that allow us to do so scientifically (Graham, 1989, p. 234)? Taoists respond by comparing their accounts of the world with modernist ones. They point out how modernist state-makers are taught to understand world affairs by objectifying. They point out how knowing of this sort is circumscribed by the nature of the primary experience that makes untrammelled reasoning possible (individuation). And they see themselves as eschewing these limits by inviting a different kind of primary experience. Taoism and the concept of global security 73 1981, pp. 10, 11). Where the rationalist talks of the hypothetico-deductive method, the Taoist talks (again in Graham’s terms) of an understanding of the ‘mysterious order which runs through all things’, and the universal motion of chi energy (Graham, 1981, pp. 12, 19–20). Where the rationalist talks of a detached and individuated intellectual vantage-point, separate from society, where reason can be given free reign to cogitate and communicate, the Taoist talks (in Hansen’s terms this time) of ‘heart-minds’ (Hansen, 1992, pp. 53, 85–86). Taoists respond to the situation they are in by unfocusing, that is, by allowing themselves to act with the ‘immediacy of an echo’, rather than the self-consciousness of someone who applies general principles. (Graham, 1981, pp. 6, 12, 14). They invite, in other words, the kind of recognition the ‘heart’ gives ‘when the mind is silent’ (Krishnamurti, 1972, p. 34). This is metaphorical language, but we are not, after all, trying to ascertain what is scientifically true. We are trying to locate scientific truth-finding within its sacral context.8 Faced with global security planning, Taoists highlight the way rationalist attempts to anticipate a particular foreign policy can only reach so far. Taoists highlight how those who really know what they are doing tend to eschew conscious thought to attend instead to the ‘total situation’. This ‘knack’, like a feel for the way a bacterium works, or for how to play a musical instrument, is not one that can be ultimately explained (Graham, 1983, p. 7). Taoists also compare the way they face the future with the way it is faced by those who promote the national interest, for example, or the relevant capitalist/corporate, politico-social, bourgeois, or masculinist interest. The rationalist entertains options A, B, and C, and plays out each one in advance, in a bid to anticipate what will turn out the best. Except that it is not possible to anticipate what will turn out the best. In choosing one policy option, the others cease to exist. Once, for example, option B is chosen, options A and C have no chance of happening. Option A might have been better, or might have been worse. Likewise option C. With the B policy chosen, these alternatives are no longer alternatives. Which is why contemplating such alternatives was futile in the first place, and making decisions on the basis of such contemplations makes no sense at all. It is not possible, that is, to know rationally what is in the national interest. To rely on rationalism is, therefore, to overplay rationalism, which is to underplay Taoism in turn, and to underplay sacral spontaneity (Graham, 1981, p. 14). 8 This is why Taoists see intellectual detachment in terms of a ‘returning’ to the ‘‘root’ or ‘trunk’ or ‘seed’ . . . [or] ‘gate’ . . . [or] ‘axis’ . . .’ (Graham, 1981, p. 21), and tend not to posit a reality behind appearances, as modernists/rationalists do. Taoist thought is figured against a very different metaphysical ground. As Graham says: ‘In so far as we can co-ordinate the Chinese concepts with our own, it seems that the physical world has more being and reality than the Way. However it is only by grasping the Way that we mirror the physical world clearly . . .’ (Graham, 1981, p. 21). 74 Ralph Pettman Modernist proponents of global security demur. Enough people in the world live as if modernist conceptions of global security ought to prevail, they note, for most of these conceptions to prevail in practice. Enough people behave as if world order is made up of sovereign states, for example, for this way of ordering world affairs to be a tangible, global reality. The same applies to liberal marketeering, global modes of making civil identity, the global formation of capitalist classes, the global advent of social movements, and the global advent of gender-specific practices. There is a self-fulfilling quality to the modernist project, and we must deal with its global consequences, they argue, whether the Taoist critique of the rationalist cause is valid or not. This is not to say that the people of the world live in the best of all possible worlds. Perhaps there is a preferred alternative, though perhaps (and this is the Taoist thought) there is no ‘preferred alternative’ either, at least of a rationally accessible sort. Perhaps it is a matter of standing back to look at this cosmos that we are all in, then standing close to listen, then feeling as best we can for how it moves, before standing back to look once more. Perhaps we might even learn something in taking ourselves through such a process, something we might need to know if we are to understand global security. 4.2 Comparing Taoist concerns with human security ones Speaking of the people of the world, I will now move to consider the concept of global security in terms of human security. The concept of human security still tends to be used to describe everything that the statist/militarist forms of security thinking are not (Paris, 2001). I think this is a mistake since I think it is more useful to see strategic security thinking as one aspect of human security thinking. I shall heed the conventional distinction here, however, as a way of comparing Taoist ideas and non-strategic security ones. The Taoist is likely to turn first to the pre- and post-modernist margins that modernist/rationalists create as they seek to extend their hegemonic grasp. Modernists consign to the margins those not deemed rationalistic enough, like women, and those who do not accept modernity as being necessarily beneficial, like many environmentalists. While feminists highlight the male-made character of global security, most feminists are also modernists, however. As such they are not in much of an epistemological mood to listen to Taoists, who they tend to think of as representing a pre-modernist way of thinking. Environmentalists, meanwhile, highlight the impact modernist humankind is having upon the planet’s ecosystems. The modernists among them tend to dismiss Taoist thinking likewise. The Taoist might turn next to those who speak the different analytic lan- Taoism and the concept of global security 75 guages mapped in the first section of this article with regard to the different assumptions analysts make about human nature and nurturing practices. Since those who speak these languages are all rationalists, however, the Taoist is likely to meet with the epistemological incomprehension already discussed. Perhaps the Taoist should apply a more specific Taoist technique, therefore. Perhaps a more particular expression of the Taoist perspective will be able to gain better purchase on the rationalist position. In this section I shall look at human security in the light of the Taoist preference for wu-wei, that is, active pacifism, or ‘no unnatural action’, or, as Graham calls it, ‘Doing Nothing’ (Graham, 1981, p. 288; 1989, pp. 232–233). To Needham, wu-wei means not using force when ‘subtler methods of persuasion, or simply letting things alone to take their own course’ promises a good outcome (Needham, 1956, pp. 37, 68). To Merton it means ‘perfect action – because . . . carried out . . . in perfect harmony with the whole . . . [and] not “conditioned” or “limited” by our own individual needs . . . desires . . . theories and ideas’ (Merton, 1965, p. 28). To Hansen it means action that avoids ‘artificially induced or learned purposes or desires . . . [since g]etting rid of wei . . . [means] freeing us from society’s purposes, socially induced desires, social distinctions or meaning structures . . .’ (Hansen, 1992, p. 214). Clearly, we are going to encounter here the same translation troubles we did earlier. A general reading of the Taoist literature seems to suggest that the Taoist sees wu-wei as a demonstrably caring, humble, frugal, yielding, and wise way to respond, however. It is the kind of (re)action that spares lives as much as it can, while leaving people as much as possible to themselves. It is the kind of (re)action that deals with large matters while they are still small, and fosters ‘being content’. It is the kind of counsel state-makers heed when they keep their ‘sharpest weapons where none can see them’, and regard all weapons as not ‘lovely’. It opposes conquest by force of arms, knows ‘the male’ and yet cleaves to that which is ‘female’, seeks the welfare of ordinary people, and endeavours to see and hear as ordinary people do. It tries not to stimulate the desire for products that are hard to get, and it tries not to legislate kindness or morality, exalt fame or riches, or rely upon either the ritual or overt use of power. In short, it tries to foster gentle friendships, true words, good government, due regulation, and effective deeds (Lao Tzu, 1997, pp. 11, 29, 31, 32, 37, 49, 75, 77, 81). Despite all the in-built universals (what constitutes wisdom or compassion? what is a true word? what is good government? what is an effective deed?), this concept is not a vague one. If it still seems so, it is given a graphic account in the practise of Taoist-inspired martial arts like that of tai 76 Ralph Pettman chi chuan, or judo, or aikido. In tai chi chuan the force of the opponent is returned or redirected, making it possible to prevail by yielding rather than by retaliating. This has important implications for conflict management and conflict resolution, even though it may well be one thing to redirect a punch to the person, and quite another to topple the global edifice of gender discrimination or capitalist exploitation, or to fight a guerrilla war. In Japanese judo, which is derived from the Chinese martial arts, weaker people learn to overcome stronger ones by moving in ways that do not offer resistance (Creel, 1970, p. 67). The same principle is manifest in aikido, a Taoist-style meditation in martial movement, where the purpose is to bring the self into accord ‘with the universe itself ’. This requires the practitioner to prevail over the ‘mind of discord’ in itself. In practice, this does not mean retreat. Nor does it mean retaliation. It means completing the task we all purportedly have, that is ‘to reconcile the world and make human beings one family’ (Uyeshiba, 1963, pp. 177, 178; Pettman, 1993). Returning to the analytic map of the concept of global security provided at the start, we can now compare the thinking of those who speak as liberal analysts of the inter-state system or society, for example, with their optimistic assumptions about the capacity for tit-for-tat behaviour, and Taoist thinking, which makes no such assumptions, and is not constrained by the rationalist context in which such assumptions are articulated. Wu-wei decrees no need to return tit-for-tat in promoting global security. It may mean practising reciprocity. It may not. There is no conceptual obligation either way, since ‘no unnatural action’ is not a contractual practice. The Tao te ching espouses a sense of the human whole instead. Since the Taoist also eschews legislated forms of morality, he or she is not bound to the kind of agreements that make international alliances and organizations possible. In dealing with global security matters, he or she seeks to employ sacral spontaneity rather than analytic deliberation, artlessness rather than purposefulness, and to engage in action not planned in the more premeditated way. This sounds to rationalist ears like a recipe for disaster, since it appears to lack all the certainty they are used to in securing global affairs. There are no agreed rules, or agreed habits of international practice where rules cannot be established, or established ways of using force where co-operative means fail. They are likely to point to the Hitlers of this world, who revel in Taoist-style spontaneity, and who take millions of innocent people down with them. And they are right to do so. Taoists are not racist fascists, however. This kind of spontaneity is not Taoist, even when it gets couched in sacral terms. The key Taoist works read nothing like the ideological writings of a Hitler or one of his ilk. Indeed, they speak from a perspective that shows these writings to be human Taoism and the concept of global security 77 atavisms. They repudiate them comprehensively. Moreover, Hitler was the product of rationalism gone awry. Reaching for the mind-view that made for his rise in the first place is not what we necessarily want to do next. If we turn to the rationalist proponents of world government, we find those who are more optimistic than the liberals about the possibility of global governance, and we find that Taoists do not make this kind of assumption either. Nor do they accept the conceptual constraints involved. Taoists do not see people as being calculating or altruistic. In practise ‘no unnatural action’ makes for a mirror-like appraisal of the moment. It may mean promoting world governance or government. It may not. Given the sacral spontaneity that wu-wei represents, any policy choice may be preferred (Graham, 1981, p. 91). It will depend on what lets most people live out their lives relatively unharassed. In terms of the politico-economic (market-making) dimension to world affairs, the practice of wu-wei may or may not stand in stark contrast to the dog-eat-dog thinking of contemporary economic protectionists, the tit-for-tat thinking of global marketeers, and the hail-fellow-well-met thinking of international socialists. While protectionists always see a need to defend their country against the predatory behaviour of trading and investing ‘others’, Taoists may or may not feel obliged to respond with economic nationalism of this sort. Likewise with the free trading and investing practices that those who see human beings as basically calculating espouse (though the Tao te ching does eschew the stimulation of a desire for products that are hard to get). Nor do Taoists necessarily espouse the planned production and distribution policies that altruistic socialists find most congenial either (though the Tao te ching does recommend distributing a country’s wealth evenly, without legislating kindness). If we focus upon issues to do with global economic development and human want, we can see that Taoists are not constrained to the rationalist languages currently used here to do their thinking with. The concept of wu-wei frees us from the constraints these languages impose. This does not mean that wu-wei prescribes set developmental policies of some other kind, or has a solution it can bring to bear upon a specific famine (though Taoism does enjoin us to be frugal and content, foster the welfare of ordinary people, and not exalt riches). It does mean that wu-wei will always see economic well-being as part of the security equation, however, which is still not an acknowledged part of the rationalist approach to global security. It will always argue that people should not want, as well, which is not yet the basic position in the rationalist world either. In terms of the politico-social dimension to world affairs, we can see how the practice of wu-wei may or may not entail the dog-eat-dog thinking of 78 Ralph Pettman contemporary nationalists, the tit-for-tat thinking of modernist proponents of human rights and democracy, or the hail-fellow-well-met thinking of modernist proponents of social movements. Taoism is not constrained to any particular policy or policies. Indeed, it enjoins us not to get caught up in the conventional thinking that these rationalist ways of talking about the self-in-world-society represent. This does not make it a panacea (though the humane and caring character of Taoism would make it the basis for one, as would its sense of cosmic respect). It does invite us to move beyond the rationalist way of thinking, though, to entertain the Taoist level of experience, before deciding what to do. Which brings us to that part of the analytic map sketched at the beginning that accounts for those who emphasize the importance of human nurturing practices, not human nature. Classical marxists emphasize the materialist nature of the nurturing environment, articulating an analytic language that describes and explains the concept of global security in terms of the capitalist mode of production, capitalist exploitation, and the relevant class struggle. Neo-marxists add a mentalist note to this story to account for the hegemonic power of the ruling class, and its capacity to craft a concept of global security that serves its particular interests. Taoist spontaneity is radically different in that it does not portend any particular alternative to the analytic certainties (neo)marxist doctrines represent. Nor does it preclude the policies they prescribe or proscribe. Wu-wei practice seeks responses that are more immediate, instead, and more appropriate to the global security situation, as read as a whole, and from one moment to the next. It seeks a sense of the whole security situation, before affirming that sense in such a way as to nurture as many concerned as possible. Of the analytic languages that articulate preconceptions about human nurturing practices, constructivism is the one most like Taoism. This analytic language highlights the mentalist aspect of the nurturing environment. It does not recommend any particular policy response, since it merely highlights the mentally-made component to them all. Taoism can look very similar, particularly when we find the Tao te ching recommending that we should think as ordinary people think, which is just what the so-called ‘commonsense’ version of constructivism does (Pettman, 2000). While constructivism does not prescribe a particular way of thinking about the concept of global security, it is still rationalist, however, and it still constrains us to a mentalist rather than a materialist consideration of the concept. Taoism does not. It is non-rationalist and sacralist. And while most rationalists are likely to find this a recipe for epistemological anarchy, some may find that it is an opportunity to explore and assess productive ways of thinking that rationalism precludes. Taoism and the concept of global security 79 4.3 Comparing Taoist concerns with conventional strategic ones The dominant (though not necessarily the most important) language spoken about contemporary world affairs is the (neo)realist one. It articulates all of our dog-eat-dog notions about an anarchic world system, and global and regional balances of power. Compare the concept of wu-wei. This would seem to have nothing to do with the whole politico-strategic spectrum (Pettman, 1998, p. 176). On the one hand we have the classical realist dialect of alliance-hopping, and the neo-realist dialect of structural reasons for self-help. We have prescriptions for the pursuit of the national self-interest, and for the proscription of intervention in other states’ affairs. We have state-centricity, and pessimistic assumptions about human nature. On the other hand we have the Taoist determination to make no such assumptions and accept no such constraints. We have clear but not dogmatic opposition to conquest by force of arms. We have the decision to be as flexible as possible about what foreign policies to adopt, and how to implement them. We have the determination to act or react with profound, indeed sacral spontaneity. Rationalists aptly point out that anything less than sacral spontaneity is likely to fall flat on its face. While we wrestle with whether we are profound enough, however, we can always, as the Tao te ching recommends, keep the state’s biggest guns out of sight, treat them as unattractive (no parades or fly-pasts), use overt force extremely reluctantly, ensure that collateral human damage is kept to an absolute minimum if we do have to use force, and treat any success as a tragedy not a triumph. The ultimate issue in the politico-strategic realm is war. How does wu-wei apply here? Human warring is regularly analysed rationally in terms of a range of causes, kinds and consequences. The results of these analyses are used to plan appropriate politico-strategic practices, whether of an offensive, defensive, or pre-emptive kind. Human warring can also be analysed by meditating, however – that is, by not cogitating so self-consciously upon the ways in which we relate to each other and the world. The results of these meditations can then be used to practice neither offence, defence, or preemption, but a kind of watchfulness, a kind of non-anticipation, a way of being in the world-moment that is equaniminous, open, and aware. The latter is the one that wu-wei exemplifies. It would be worthy but fruitless to try and deal with world conflict

#### Socialism fails if we can’t change the fundamental disconnect between people

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This consciousness is a sense of the world’s inherent goodness, and that a balance between the other and oneself is necessary to experience that beauty. 83 It is an awareness that separation is only for the experience of community and ultimately Oneness and the Dao. It also follows, as some people in early America understood, only when the common weal and individual pursuits are in harmony can people enjoy true equality and liberty and thus the freedom to pursue that happiness the world provides. This enlightened sense brings together Immanuel Kant’s individualism and Jeremy Bentham’s utilitarianism in a way that achieves much more than either could do separately. 84 81 PENNSYLVANIA CONSTITUTION OF 1776, Article XIV (noting “[t]hat a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep a government free”). 82 For an early case law comment on this point, see Currie’s Administrators v. Mutual Assurance Society, 14 Va. 315 (Va. 1809) (noting that a legislature could not limit a subsequent legislature’s actions on a particular matter, but only admonish that any change would violate a natural principle). 83 Professor Gabel calls for realizing an “unalienated relatedness,” while Professor Kennedy might refer to this consciousness as an “intersubjective zap.” See Gabel and Kennedy, Roll Over, supra note 36, at 1-14 (1984). Gabel also noted that union and otherness represent a false duality. Id. at 21. 84 Bentham’s utilitarianism would be considered a communalism to the extent it is concerned with the greatest good for the greatest number of people. In harmony with individualism, this communalism achieves the greatest good for everyone. In other words, there are no losers. Similarly, with respect to Kant’s individualism, people are not considered a means to an end. Electronic copy available at: https://ssrn.com/abstract=2441773 17 The problem is not liberalism per se.85 A strict republicanism, as in state Communism, was as dysfunctional as the Lochner era’s liberalism—both lasted less than 50 years. Whereas capitalism overemphasized the individual, Communism overplayed the communal. Without a genuine connection among people, the forced equality saps the work spirit and the society crumbles. Nor is the solution a capitalistic-socialism, as in modern China—in contrast with the socialisticcapitalism found in America. Emphasizing socialist principles without a deeper connection among the people also only perpetuates a wayward system. The two sets of social norms may differ, but the underlying problem is the same. To foster or preserve this consciousness, the law needs to structure social institutions and decide legal disputes in ways that facilitate this consciousness. In this respect, as in early America, the law must promote a harmonious balance between the common weal and individual pursuits, and discourage purely private material aims, recognizing they are neither productive nor fulfilling as they may seem. In this role, the law must be integrative—it must contemplate various personal and social factors, including the psychological, sociological, political, and economic. 86 At the level of legal theory, the opposing sides like Formalism and 85 This point, and critique of CLS, was noted early on. See Mark Hager, Book Review, Against Liberal Ideology: A Guide to Critical Legal Studies, by Mark Kelman, 37 AM. L. REV. 1051, 1057-59 (1988). 86 Professor Gabel has suggested that such a legal system will stress restorative justice, mediation movements, holistic lawyers and integrated legal education. See Gabel, Spiritual Practice, supra note 33, at 530-531. Electronic copy available at: https://ssrn.com/abstract=2441773 18 Realism as well as naturalism and positivism also must come back together—again as in early America—to constitute a simple holistic wisdom.87 Attaining a harmonious consciousness, at the same time, will reduce the need for law and legal theory. 88 Daoism stresses that in a balanced state, people believe the goodness has occurred naturally.89 Rather than a stratified society, which many early Americans also sought to avoid, people will seek arrangements where they can live and work in harmony with each other. There thus will be less overt economic conflict. Even in contractual matters, people will seek solutions that benefit all— recognizing that to injure another is to injure the group and ultimately oneself. In torts, similarly, the grounded consciousness will make people reasonable in their daily interactions and reduce negligence. 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#### The alternative is creating a harmonious consciousness, making the law integrative, contemplative, and reconsiderate of the Western paradigm

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Electronic copy available at: https://ssrn.com/abstract=2441773 19 purely material gain—a sense that the individual self could outstrip the whole. It was a wrong step in a right direction. With a holistic consciousness, people again will be free to create and invent new ways of doing things. These new ways, moreover, will accord with the underlying natural order and thus be more productive than the former methods. In the present, post-capitalistic-industrial era, this harmonious approach will open up new metaphysical-physical possibilities, which have few, if any, of the negative side effects, such as pollution, cancer and war, of the discordant system. Just as America’s early homesteading outstripped feudalistic agricultural systems, a holistic approach to manufacturing will surpass the capitalistic-industrial order’s methods. In connection with a harmonious economy, this consciousness, by creating a stable community of secure individuals, will free people from the alienation and thus errant desire and displacement activity of modern societies. In the balanced state, people will be free to experience the world on a deeper and fuller basis. 90 Each person will have the opportunity to realize his or her unique contribution to the whole and thereby attain the happiness that ordinary existence promises. The social norms that previously channeled and controlled displacement activity will become redundant. When it comes to any such displacement conflict, the law will seek integrative ways to restore individual and societal balance. Finally, this consciousness, by showing individual health is related to universal principles of balance and harmony, will encourage people to lead healthy lives and 90 CLS scholars seeking to transcend ill-liberal tendencies have noted this relationship. See, e.g., Gabel and Kennedy, Roll Over, supra note 36. Electronic copy available at: https://ssrn.com/abstract=2441773 20 take responsibility for their illnesses. Daoist metaphysics demonstrates that harmony between the Yin and Yang applies all the way down to the cellular level (and farther). 91 When people live in balance, they accord with universal principles and experience physical, spiritual, and mental health. People will also recognize disease is a sign of imbalance and a call for adjusting a person’s consciousness. This natural health and individual responsibility will greatly reduce the need for tertiary social welfare norms. This basic change, of course, goes deeper than general legal norms. It calls for a reconsideration of the modern Western paradigm based on material separation (e.g., Newtonian physics, Darwinian biology, Freudian psychology, and Weberian sociology). As already noted, Daoism shows that the explicit separation is only for an implicit connection and ultimately Oneness and the Dao. 92 At the same time, this change in consciousness calls for a return to a holistic sense, as America’s founders understood, of people and the world as inherently good (the divine essence itself). This lucidity will resolve many disputes within academic fields and between science and religious forums. It will bring the various strands of thinking back under a single roof. In this respect, Daoism is a complete account of reality. 93 91 See WANG, YINYANG, supra note 6, at 2, citing the 200 C.E. Huangdi Neijing. 92 Quantum physics certainly challenges the traditional order, and some notable physicists have already argued an approach similar to Daoism. See, e.g., DAVID BOHM, WHOLENESS AND THE IMPLICATE ORDER (1980). See also, DAVID BOHM,ON CREATIVITY 104 (1996) (calling for a new mathematics that calls attention to a whole movement and to particular things only in some secondary function). 93 It’s not that this grand unified theory can be proven rationally, as Daoism holds, it can only be shown that it could be no other way. Electronic copy available at: https://ssrn.com/abstract=2441773 21 At some point, this change in consciousness is inevitable—as Daoism illustrates, the present situation is unsustainable. Conflict has served its purpose: disharmony is necessary for the experience of harmony and ultimately Oneness and the Dao. As described in Part III, however, the current economic conflict is dysfunctional, and the cultural and social welfare strife crippling.94 Throughout history, a conflicted society has always had to evolve or it would collapse;95 and, again, neither the law nor any other social norm could do anything about it. Many of America’s late 18th century constitutionalists understood that the conflict between liberalism and republicanism was inimical to democracy and a natural happiness. As Daoism also notes, this question is not a philosophical issue, it is a metaphysical point. Daoism demonstrates the whole is greater than the sum of its parts. When the implicit connection and explicit separation come together in harmony, a person may experience Oneness and ultimately the Dao.96 This ancient wisdom is simple but profound. In the modern era, thinkers must work to understand its implications. 97 There is much to do within current fields like physics, health, and divinity. In typical 94 Externalities are much greater than most people recognize, and include things like routine pollution, war and cancer. 95 Feudalism, for example, either transitioned to a balanced homesteading (something akin to early America) or collapsed (like what happened in Russia). 96 Professor Wang also noted this point. See WANG, YINYANG, supra note 6, at 223 (describing how “[t]he whole emergent regularity is more than the sum of its parts”). 97 For the many nuances of just the Yin and Yang, see Professor Wang’s book. WANG, YINYANG, supra note 6. Electronic copy available at: https://ssrn.com/abstract=2441773 22 Daoist fashion, this Eastern understanding calls for a Western pragmatism.98 In such a harmoniousstate may lie the solution to the world’s present challenges.

#### The alternative creates a balanced state that solves your aff and everything else

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## 3

#### Interpretation: Affirmatives must defend the resolution posted on the tabroom.com page under Lincoln Douglas under the tournament they are currently attending- in this case Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

#### Resolved means a policy

Louisiana House 5

(<http://house.louisiana.gov/house-glossary.htm>)

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### The text of the resolution calls for debate on hypothetical government action.

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### Standards:

#### clash---debate is unique because of the iteration of limited arguments over the course of a season that forces debaters to improve their arguments and reconsider their positions. Every debater is here for different reasons, but all those reasons rely the pedagogical uniqueness of the space and maximizing its benefits. Their topic is unilaterally declared and imprecise, which prevents iteration through shallow debates, unpredictable advocacies, and lack of testing.

#### Clash outweighs – a predictable point of disagreement allows for in depth preparation that results in iterative improvement of our arguments and superior education – abdication of a predictable stasis point flips incentives and prevents contradiction. Turns the case – rigorous testing is key to avoid false positives, polarization, and prove anything they said is true.

#### self questioning—individual debates don’t shape our subjectivity but the process of debating well-prepared opponents forces us to question our own positions and revise them. That process linearly improves our ideas and decision-making, which cuts back against cognitive shortcuts that would otherwise cause us to support flawed strategies.

Niemeyer 11, Centre for Deliberative Global Governance, Research School of Social Sciences, The Australian National University (Simon, The Emancipatory Effect of Deliberation: Empirical Lessons from Mini-Publics, *Politics and Society*, Issue 39(1), pp. 103-140, https://www.unige.ch/sciences-societe/socio/files/2114/0533/6108/002.pdf)

Lessons for Deliberative Democracy

The results of the two case studies in this article suggest that deliberation does not fundamentally change individuals or inculcate a sense of moral duty. The particular values that prevailed in both issues were always present (and measurable), even if they were latent in expressed preferences. Before deliberation, most participants believed they were acting in the public interest,69 but good intentions alone are not sufficient to formulate civic-minded preferences. Predeliberative preferences were more strongly influenced by discourses associated with symbolic politics. Following deliberation, symbolic cues reduced the “cost” of arriving at a decision,70 but the cognitive shortcut resulted in positions that did not properly reflect participants’ overall subjectivity. Before deliberation, symbolic politics—or at least the mere presence of potent symbols—distorted participants’ preferences. This process may be manipulative and overt, as in the case of the Bloomfield Track, or incidental, as in the case of the Fremantle Bridge. Deliberation successfully corrected the influence of symbolic politics because it provided both the incentive and the means to develop positions on an intersubjective set of recognized issues that extended beyond the narrow set of unhelpful symbolic ones. The mechanism whereby this occurred did not so much involve changing incentive structures, as predicted by institutional rational choice.71 Rather, it changed the decision pathway from a casual understanding of emotionally appealing content to a deeper understanding that allowed participants to better express their own subjectivity. The change was as much a function of stripping away the impact of symbolic arguments as it was due to participants’ increased ability and willingness to deal with issue complexity. This suggests that the transformative effect might be more easily replicated in the wider public sphere than is ordinarily supposed.

**3] TVA solves – read the aff as advantage – most authors writing about strikes policy talk about lots of different types**

**4] No PICs offense – potential neg abuse doesn’t justify aff abuse because that would permit infinite 1AC abuse**

**D] Paradigm Issues –**

**1] T is DTD – A] their abusive advocacy skewed the debate from the start B] DTA is incoherent because we indict their advocacy**

**2] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC C] Topic norms outweigh on urgency – we only have a few months to set them**

**3] Use competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] only our interp sets norms -- reasonability is arbitrary and invites judge intervention C] reasonability causes a race to the bottom of questionable argumentation**

**4] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly**

## Case

#### Strikes are yet another set of temporal reification- they empty worker’s pockets, and get circumvented by employer awareness, scabs, and power balances.

Organizing Work, 19, Why don’t strikes achieve more?, No Publication, 5-1-2019, DOA: 10-28-2021, https://organizing.work/2019/05/why-dont-strikes-achieve-more/, r0w@n

Acknowledging that unions are signing two-tier or rollback contracts is demoralizing. It is especially so at a time when labor is supposed to be in a strong bargaining position because of a decent economy with low unemployment. If strikes are the best tactic labor has, and the economic circumstances are in our favor, why are unions signing crappy contracts? Why don’t strikes achieve more? There are a number of factors that contain how effective strikes can be, and impel unions to settle them. For one thing, they are expensive. If a union is providing even minimal strike pay, it needs a war chest of millions of dollars to be able to support even a few hundred workers. Strikes drain union coffers, and they take a financial, physical, and emotional toll on workers as well, who aren’t usually earning as much in strike pay as they would on the job, while getting yelled at or hit by cars or freezing on the picket line. Quite often, strikes don’t succeed in completely shutting down a business, not least because employers can legally hire scabs. The product may suffer, and employers may take a hit, but they can hobble along (while draining the union’s bank account). (A note on the alleged $100 million loss suffered by Stop & Shop during the recent strike, which leftists also celebrated: that figure was put out by the employer, and is more than double an estimate put forward by an industry analyst. We should always remain skeptical about boss communications. In this case, they may be crying poverty to get workers to sign the proposed collective agreement.) Sometimes strikes end because of government intervention, as when workers are legislated back to work, or fired en masse. Less dramatically, the government can intervene to bring about some kind of settlement in the form of binding arbitration. Sometimes employers even goad unions into striking, knowing what a heavy toll strikes take. If an employer knows they can weather a strike much better than the union, they are perfectly incentivized to provoke one and starve the union out. The bottom line is that strikes, under the current labor relations system, are not the slam-dunk tactic the left takes them to be. Strikes can only take place when the contract has expired, and once the membership has been balloted. This means that the employer has years to prepare, knowing when the contract is set to expire. They probably even know roughly how long the strike can last. They’ve also seen strikes before, and aren’t bowled over by them. There is no element of surprise. They know the union won’t do anything too drastic like occupy the workplace or chain the doors shut. They hire scabs, they manage public relations (often by crying poverty or publicly claiming the union won’t come to the table), and they wait it out. Of course we in left labor circles sympathize with strikers and see their cause as morally and politically righteous. But sympathy is one matter, and clear-eyed analysis is another. That we wish workers victory does not mean we suspend judgement about the effectiveness of their tactics. Nor is any of this meant to judge or condemn unions for choosing the tactics that they do. Instead, it is about zooming out and understanding what factors are constraining the situation in general. When leftists picture strikes, they are probably in part remembering black-and-white images of workers in the 1910s and 1920s streaming out of factories and mines and violently clashing with Pinkerton guards. But strikes have been tamed by the labor relations framework established by the Wagner Act (the National Labor Relations Act) of 1935 and the Taft-Hartley Act of 1947. Those legislative measures were passed in response to massive upheaval, in which workers shut down production with strikes, or employers shut down production with lockouts. The goal of the Wagner Act is right there in its full title: “to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce.” The NLRA forced employers to sit down and bargain with workers, not out of a desire to strengthen workers as a class, but to funnel disputes between workers and bosses into a less disruptive process – in boardrooms and away from the shopfloor — so that economic production could continue. Taft-Hartley further contained strikes in numerous ways, again in response to creative and effective forms of economic disruption, by outlawing sympathy strikes, political strikes, “wildcat” strikes taken without the authorization of union leadership, secondary picketing and boycotts, and so on. Under this legal framework, strikes are a blunted tactic, quite intentionally so. They do accomplish something – in each of the three cases described above, workers would almost certainly have got a worse deal had they not struck. There are also strikes that yield apparently better deals, such as the contract bargained by Unite Here with Marriott hotels – arguably in part because contracts at seven different bargaining units expired simultaneously, allowing almost 8,000 workers to strike at once. But strikes don’t change the big-picture balance of power between employers and workers. Most of the time, strikes are like a fistfight in which one side gets a bloody nose, the other gets a black eye, and each walks away saying “You shoulda seen the other guy.” At best, a win looks like giving the other side two wounds while you only suffer one.