## Underview

A2 Purdy

1. Just says that we need an agenda for reform, not that it needs to be political
2. The card just says that legal reform can inspire more legal reform- if I win all legal reform bad this doesn’t matter
3. The demands outlined in this card are really radical, and not something the plan tries to solve “the end of mass incarceration and broader contestation of the long history of the criminalization and control of poor people and people of color in building capitalism”
4. Says that there are people doing legal reforms already- a- the aff’s nonunique b- proves we need thinkers
5. No warrant why there’s spillover

A2 Delgado

1. Card depends on revolution being a far-out and unrealistic concept and gives zero warrants for why that’s true
2. Their card says ‘some small reforms make people complacent and some don’t’- make them prove theirs actually spills over
3. Only indicts ks of the plan

A2 ‘you’re telling minorities what to think’

1. That’s what the plan’s doing lol

A2 ‘critical theory doesn’t explore its own impacts’

1. That’s just fake- critical theory is all about creating different better futures and determining if they’re good or not

A2 Kapoor

1. No warrant given for why the elites have to respect you- talking like thomas jefferson doesn’t get you on cnn
2. The card’s taking about movements that refused the authority of the state through outside of state action- doesn’t apply since your plan is through the state

## Daoism K

#### Welcome to the realm of desire. Society controls desires- forgetting these structures overwhelms the language barrier that makes all other reformation fail. Thus the role of the ballot is to overwhelm desire.

Hansen, Chad, 3, Daoism (Stanford Encyclopedia of Philosophy), No Publication, 2-19-2003, DOA: 9-4-2021, https://plato.stanford.edu/entries/daoism/, r0w@n

With the importation of Indo-European Buddhism from India, wu-wei started to be interpreted via the Western conceptual apparatus contrasting desire or purpose and reason. This shaped the modern Chinese interpretation and probably undermined the ideal. It became the target of attack among “modern” Chinese who regarded Daoist “non-striving” or “purposelessness” as the source of Chinese passivity. The activist 19th century reformer, Kang You-wei (Kang have-wei) took the denial of the slogan as his scholarly name. 9.5 Pusimplicity (Pre-linguistic Purity) 樸 The Daoist “primitivist” ideal as expressed mainly in the Laozi. It metaphorically represents the result of forgetting mingnames and desires (See Wu-wei). Translations include simplicity, “raw” wood, and D. C. Lau’s more elaborate “uncarved block.” The detailed translation more sensitively expresses Laozi’s point in using the metaphor in the context of a view of names as “cutting” things into types and Laozi’s distinctive theory that such socially constructed distinctions (institutions) control us by controlling our desires. When societies adopt names or terms, it does so in order to instill and regulate desires for one of the pair created by the name-induced distinction. Thus Daoist forgetting requires forgetting names and distinctions, but in doing so, frees itself from the socially induced, unnatural desires that cause strife and unhappiness in society (e.g. status, rare objects, fame, authority). Hence: “The Nameless uncarved block thus amounts to freedom from desire.” (Daode Jing 37) 10. Texts and Textual History Questions of textual theory are the focus of the bulk of modern scholarship. They include these kinds of questions. Existence (did Laozi or Zhuangzi actually exist) Authorship (did they write the texts attributed to them?) Dating (when did they exist or write their texts?) Relations (did Laozi influence Zhuangzi?)

#### The aff’s conceptualization of the subject mentally distances us from the real world- this prevents them from acting with the confines of the environing particulars of the ten thousand things

Pettman 05, Ralf Pettman, Taoism and The Concept of Global Security, International Relations of the Asian-Pacific, 2005, <https://sci-hub.se/https://doi.org/10.1093/irap/lci103>, r0w@n

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

#### Their approach to labor is temporal and will always be destroyed by the flux of the universe

Ames and Hall 10. Roger Ames and David Hall (Ames is a Canadian philosopher at the University of Peking. Hall was a professor of philosophy at the University of Texas), 2010, “Daodejing: Making this Life Significant,” Ballantine Books, I have a pdf, r0w@n

“Foreknowledge” is tinsel decorating the way, And is the first sign of ignorance. It is for this reason that persons of consequence: Set store by the substance rather than the veneer And by the fruit rather than the flower. Hence, eschewing one they take the other. The moral precepts described in the first two stanzas emerge as objects of reverence, but as hallowed as they might become, they are anemic when compared to the love and life of concrete, spontaneous feelings. It is the “substance” and the “fruit”—the passionate experience of life itself—rather than a catechism of bloodless ethical principles, that is the real site of knowing. Such felt knowing is an ongoing process of focal and field awareness—of way-making—that can only be sustained with indefatigable resolution. Indeed, it is not an easy business to stay focused. Even though the Daodejing’s teachings on how to cultivate the most effective disposition for making one’s way in the world could not be put in more straightforward terms, still “when the very best scholars learn of way-making they are just barely able to keep to its center” (chapter 41). Were we to search for something like a central insight that defines the Daoist sensibility, we might discover that a “single thread” pervades the text. The central focus of the Daoist way of thinking is the decisive role of deference in the establishment and preservation of relationships. As we have said above, integrity in a processual worldview is not being one, but becoming one in the consummatory relationships that one is able to achieve within a context of environing particulars. Deference involves a yielding (and being yielded to) grounded in an acknowledgment of the shared excellence of particular foci (de) in the process of one’s own self- cultivation. Deferential acts require that one put oneself literally in the place of the other, and in so doing, incorporate what was the object of deference into what is one’s own developing disposition. And one’s own disposition thus fortified becomes available as a locus of deference for others. In Confucianism, self is determined by sustained effort (zbong page50image65796320) in deferential transactions (shu page50image65788832) guided by ritually structured roles and relations (li page50image65786128) that project one’s person outward into society and into culture. Such a person becomes a focus of the community’s deference (junzi page50image65783840) and a source of its spirituality (shen ). Daoism, on the other hand, expresses its deferential activity through what we are calling the wu-forms. The three most familiar articulations of this pervasive sensibility are: wuwei page50image65857072, wuzhi page50image65845888, and wuyu page50image65634304. These are, respectively, noncoercive actions in accordance with the de (“particular focus”) of things; a sort of knowing without resort to rules or principles; and desiring which does not seek to possess or control its “object.” In each of these instances, as in the case of Confucian shu, it is necessary to put oneself in the place of what is to be acted in accordance with, what is to be known, or what is to be desired, and thus incorporate this perspective into one’s own disposition. Our chief aim here is to demonstrate how this explicitly Daoist understanding of deferential activity presupposes a focus-field model of self. Given our discussion of the inseparability of feeling and thinking —the affective and the cognitive—in the Daoist heart-and-mind (xin), the conflict associated with the self that the Daoist sage must overcome cannot be a struggle among some compartmentalized rational, appetitive, and emotional faculties. Indeed, given the relational and unpartitioned model of the self characterized by xin, it is dicult to imagine how there could be anything like an internal dynamics that would be a source of agitation. It is unlikely that we would nd Hamlets or St. Pauls prominent among the Daoists. If the problematic of unrealized selfhood does not entail a self divided against itself, what is the source and the nature of the disturbance that the cultivation of the Daoist disposition is meant to overcome? If it is not referenced primarily within an individuating soul, it can only be a disturbance in the relationships that constitute the context of self-consummation. Said another way, if a person is page50image65634512 not in fact constituted by some essential, partitioned “soul,” but is rather seen as dynamic pattern of personal, social, and natural relationships, agitation must arise as a consequence of poor management of these constitutive roles and relationships. Hence, agitation in the heart-and-mind is not narrowly “psychological,” but is more accurately conceived of as of broad ethical concern: How should we act and what should we do? To summarize the three most prominent examples of the wu-forms that we have discussed in more detail elsewhere,20 wuwei page51image65652976, often translated (unfortunately) as “no action” or “non-action,” really involves the absence of any course of action that interferes with the particular focus (de page51image65653184) of those things contained within one’s field of influence. Actions uncompromised by stored knowledge or ingrained habits are relatively unmediated: they are accommodating and spontaneous. As such, these actions are the result of deferential responses to the item or the event in accordance with which, or in relation to which, one is acting. These actions are ziran page51image65653392, “spontaneous” and “self-so-ing,” and as such, are nonassertive actions. It is not through an internal struggle of reason against the passions but through “acuity (ming page51image65653600)”—a mirroring of the things of the world as they are in their interdependent relations with us—that we reach a state in which nothing among all of the myriad of “the goings on” in the world will be able to agitate our hearts-and-minds, and we are able to promote the flourishing of our world. In other words, we defer in attaining integrity with those things that contextualize us, establishing a frictionless equilibrium with them. And it is this state of achieved equilibrium that is precisely the relationship most conducive to symbiotic growth and productivity. The Daoist sages in Zhuangzi are described in such terms: The stillness of the sages is not simply a matter of their saying: “Stillness is good!” and hence they are still. Rather, they are still because none of the myriad things are able to agitate their hearts-and-mind. When water is still, it illuminates one’s whiskers and eyebrows, and in its placidity, it provides a standard so that skilled artisans can take their measure from it. If the stillness of water provides illumination, how much more so one’s spirit. The stillness of the heart-and-mind of the sage makes it mirror to the whole world and the looking glass for all of the myriad things.21 The notion of jing page52image65681008—stillness, tranquillity—that is often used to characterize this posture, far from being simple passivity, is an ongoing, dynamic achievement of equilibrium that requires constant monitoring and adjustment. It is important to remember that all correlative pairs entail their opposites in the sense that jing is “tranquillity-becoming-agitated.” Thus, tranquillity (jing) stands in a dominant relationship in its partnership with agitation (dong page52image65681216); it does not negate or exclude its opposite. The same qualification has to be brought to bear on other familiar pairs that might otherwise mislead us: for example, emptiness (xu page52image65681424) and fullness (shi page52image65681632), and clarity (qing ) and turbidity (zhuo page52image65681840). Wuzhi , often translated as “no-knowledge,” actually means the absence of a certain kind of knowledge—the kind of knowledge that is dependent upon ontological presence: that is, the assumption that there is some unchanging reality behind appearance. Knowledge grounded in a denial of ontological presence involves “acosmotic” thinking: the type of thinking that does not presuppose a single-ordered (“One behind the many”) world, and its intellectual accoutrements. It is, therefore, unprincipled knowing. Such knowing does not appeal to rules or principles determining the existence, the meaning, or the activity of a phenomenon. Wuzhi provides one with a sense of the de of a thing— its particular uniqueness and focus— rather than yielding an understanding of that thing in relation to some concept or natural kind or universal. Ultimately, wuzhi is a grasp of the daode page52image65682048relationship of each encountered item that permits an understanding of this particular focus (de) and the eld that it construes. Knowledge, as unprincipled knowing, is the acceptance of the world on its own terms without recourse to rules of discrimination that separate one sort of thing from another. Rules of thumb, habits of mind and action, established customs, fixed standards, received page52image65682256page52image65682464 methods, stipulated concepts and categories, commandments, principles, laws of nature, conventions—all of these prejudices require us to intervene and “welcome things as they come and escort them as they go,” resulting in what Steve Goldberg has described as “a hardening of the categories.” Having stored past experience and organized it in terms of fixed standards or principles, we then recall, anticipate, and participate in a world patterned by these discriminations. Sages, however, mirror the world, and “neither see things off nor go out to meet them.” As such, they “respond to everything without storing anything up.” They mirror the world at each moment in a way that is undetermined by the shape of a world that has passed away, or by anticipations of a world yet to come. As the Daodejing asks in chapter 10: In scrubbing and cleansing your profound mirror Are you able to rid it of all imperfections? In loving the common people and breathing life into the state, Are you able to do it without recourse to wisdom? With nature’s gates swinging open and closed Are you able to remain the female? With your insight penetrating the four quarters Are you able to do it without recourse to wisdom? The Daoist project is neither passive nor quietistic. Water is the source of nourishment; the mirror is a source of light; the heart-and- mind is a source of transformative energy. To “know” as the mirror “knows” is not reduplicative, but is to cast the world in a certain light. Such performative “knowing” is for one to actively interpret and realize a world with healthy, productive effect. These metaphors for xin entail a presentation rather than a representation, a coordination rather than a correspondence. “Mirroring” then is best seen as synergistic and responsive, where all of the elements are in the stream and constitute a fluid interdependent continuity. Perhaps the best rendering of the term wuyu page53image65601536is “objectless desire.” Since neither noncoercive action nor unprincipled knowing can in the strict sense objectify a world or any element in it—that is, make discrete and independent objects out of one’s environing experience—the desiring associated with the Daoist sensibility is in the strictest sense “objectless.” The “enjoyments” associated with wuyu are possible without the need to dene, possess, or control the occasion of one’s enjoyment. Thus, wuyu, rather than involving the cessation and absence of desire, represents the achievement of deferential desire. Desire, based upon a noncoercive relationship (wuwei) with the world and a “mirroring” understanding (wuzhi) of it, is shaped not by the desire to own, to control, or to consume, but by the desire simply to celebrate and to enjoy. It is deference. Desire is directed at those things desirable because they stand to be desired. But those things which stand to be desired must themselves be deferential, which means that they cannot demand to be desired. For to demand to be desired is to exercise a kind of mesmerizing control over the desirer. In a world of events and processes in which discriminations are recognized as conventional and transient, desire is predicated upon one’s ability at any given moment to “let go.” It is in this sense that wuyu is a nonconstruing, objectless, desire. The Daoist problem with desire does not concern what is desired, but rather the manner of the desiring. Enjoyment for the Daoist is realized not in spite of the fact that one might lose what is desired, but because of this fact. The world is a complex set of transformative processes, never at rest. Wuhua page54image65654016, the metamorphosis of things (and not to be confused with the wu- forms), means that we can never pretend that what we seek to hold on to has any permanent status. In Daoism, transient desire is the only desire that lets things be, that does not construe the world in a certain manner, that does not seek to apply the brakes on a world of changing things. The key to an understanding of wuyu—indeed of all these wu- forms that comprise the Daoist disposition—lies in the contrast between “objects” and “objectivity.” Using Western epistemological terms, the thoughts about the world expressed in both the Zhuangzi and the Daodejing represent what we might call a realist perspective.22 Beyond the mediating confusions introduced by language, and by layers of our own distorted perceptions and tendentious categorizations, there is nevertheless, with properly Daoist qualifications, an “objectively” real world. Our task is to experience that world as “objectively” as possible. From the Daoist perspective, the problem begins when we insist that the “objective world” is a world made up of objects—namely, concrete, unchangeable things that we encounter as over against and independent of us; things which announce themselves to us by asserting “I object!” For the Daoist, the objective world cannot be objective in this sense because it is a constantly transforming flow of events or processes that belie the sorts of discriminations that would permit a final inventory of the furniture of the world. Paradoxically, for the Daoist the objective world is objectless. Sages envision a world of changing events that they can, for whatever reason, choose to freeze momentarily into a distinct pattern of discrimination, but that they recognize, when they see clearly, as being beyond such distinctions. For the Daoist, the consequence of this transformed vision is that knowing, acting, and desiring in the world are no longer based upon construal. Feeling ourselves in tension with objectified others can lead us to act in an aggressive or defensive manner in order to effect our will. Principles and fixed standards can lead us to construe the object of our knowledge by recourse to such principles. In this way, an item becomes one of a kind (rather than one-of-a-kind) or an instrument for the achievement of an end (as opposed to an end in itself). Desire motivated by an object of desire leads us to seek possession of that which is desired, allowing it significance only insofar as it meets our needs. A self that is consumed by objects of desire narrows, truncates, and obfuscates the world as it is. On the other hand, noncoercive action, unprincipled knowing, and objectless desire have the following in common: To the extent that a disposition defined in these terms is eficacious, it enriches the world by allowing the process to unfold spontaneously on its own terms, while at the same time participating fully in it. We may say that the implementation of the wu-forms allows us to leave the world as it is. But we may make this claim only if we recognize that “world” in this context means a myriad of spontaneous transactions that are characterized by emerging patterns of deference to acknowledged excellences. In Daoism the self is forgotten to the extent that discriminated objects no longer constitute the environs of the self. These three wu-forms—wuwei, wuzhi, wuyu—all provide a way of entertaining, of deferring to, and of investing oneself in an objectless world. Thus, in their governing of the people the sages are concerned with embodying and promoting the sort of acting, knowing, and desiring that does not depend upon objects. In fact, when these wu-forms are understood as the optimum dispositions of the Daoist self, whether in the person of the sage or the people, they provide us with a way of interpreting passages in the Daodejing that are frequently construed unsympathetically as recommending imposition and control. Chapter 3 is an example: Not promoting those of superior character Will save the common people from becoming contentious. Not prizing property that is hard to come by Will save them from becoming thieves. Not making a show of what might be desired Will save them from becoming disgruntled. It is for this reason that in the proper governing by the sages: They empty the hearts-and-minds of the people and ll their stomachs, They weaken their aspirations and strengthen their bones, Ever teaching the common people to be unprincipled in their knowing And objectless in their desires. They keep the hawkers of knowledge at bay. It is simply in doing things noncoercively That everything is governed properly. But the wu-forms are not just wuwei.

#### The aff’s move towards justice lacks the re-evaluation of the relationality of desire and subjecthood that would enable real progress

Joseph Pratt 14, A Daoist Take on American Legal Theory, No Publication, 5-26-2014, DOA: 10-26-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2441773, r0w@n

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. When an accident occurs, the focus will also be on restoring the group’s balance—a solution where all may win. Some may question whether such a consciousness and way of life is possible or even preferable to today’s economic circumstances? At the end of feudalism, many also questioned America’s experiment with democracy, and it worked well in some portions of the country for several decades. The eventual widespread loss of this consciousness and balance between the common weal and individual pursuits, moreover, was not due to economic necessity. Rather, it stemmed from a pride in 87

#### pThus 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 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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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.

## Cap K

#### The right to strike is a form of class management- designed to limit the spread of revolutionary energy. The only way to solve is violently striking against the foundations of capitalism.

**Crepon 19**

Marc Crepon is a professor of philosophy at the École Normale Supérieure.. “The Right to Strike and Legal War in Walter Benjamin’s “Toward the Critique of Violence””. Translated by Micol Bez. DOI: 10.1215/26410478-7708331, published August 2019, accessed 11-4-21 r0w@n

In other words, nothing would endanger the law more than the possibility of its authority being contested by a violence over which it has no control. The function of the law would therefore be, first and foremost, to contain violence within its own boundaries. It is in this context that, to demonstrate this surprising hypothesis, Benjamin invokes two examples: the right to strike guaranteed by the state and the law of war. Let us return to the place that the right to strike occupies within class struggle. To begin with, the very idea of such a struggle implies certain forms of violence. The strike could then be understood as one of the recognizable forms that this violence can take. However, this analytical framework is undermined as soon as this form of violence becomes regulated by a “right to strike,” such as the one recognized by law in France in 1864. What this recognition engages is, in fact, the will of the state to control the possible “violence” of the strike. Thus, the “right” of the right to strike appears as the best, if not the only, way for the state to circumscribe within (and via) the law the relative violence of class struggles. We might consider this to be the perfect illustration of the aforementioned hypothesis. Yet, there are two lines of questioning that destabilize this hypothesis that we would do well to consider First, is it legitimate to present the strike as a form of violence? Who has a vested interest in such a representation? In other words, how can we trace a clear and unequivocal demarcation between violence and nonviolence? Are we not always bound to find residues of violence, even in those actions that we would be tempted to consider nonviolent? The second line of questioning is just as important and is rooted in the distinction established by Georges Sorel, in his Reflections on Violence, between the “political strike” and the “proletarian general strike,” to which Benjamin dedicates a set of complementary analyses in §13 of his essay. Here, again, we are faced with a question of limits. What is at stake is the possibility for a certain type of strike (the proletarian general strike) to exceed the limits of the right to strike— turning, in other words, the right to strike against the law itself. The phenomenon is that of an autoimmune process, in which the right to strike that is meant to protect the law against the possible violence of class struggles is transformed into a means for the destruction of the law. The difference between the two types of strikes is nevertheless introduced with a condition: “The validity of this statement, however, is not unrestricted because it is not unconditional,” notes Benjamin in §7. We would be mistaken in believing thatthe right to strike isgranted and guaranteed unconditionally. Rather, it is structurally subjected to a conflict of interpretations, those of the workers, on the one hand, and of the state on the other. From the point of view of the state, the partial strike cannot under any circumstance be understood as a right to exercise violence, but rather as the right to extract oneself from a preexisting (and verifiable) violence: that of the employer. In this sense, the partial strike should be considered a nonviolent action, what Benjamin named a “pure means.” The interpretations diverge on two main points. The first clearly depends on the alleged “violence of the employer,” a predicate that begs the question: Who might have the authority to recognize such violence? Evidently it is not the employer. The danger is that the state would similarly lack the incentive to make such a judgment call. It is nearly impossible, in fact, to find a single instance of a strike in which this recognition of violence was not subject to considerable controversy. The political game is thus the following: the state legislated the right to strike in order to contain class struggles, with the condition that workers must have “good reason” to strike. However, it is unlikely that a state systematically allied with (and accomplice to) employers will ever recognize reasons as good, and, as a consequence, it will deem any invocation of the right to strike as illegitimate. Workers will therefore be seen as abusing a right granted by the state, and in so doing transforming it into a violent means. On this point, Benjamin’s analyses remain extremely pertinent and profoundly contemporary. They unveil the enduring strategy of governments confronted with a strike (in education, transportation, or healthcare, for example) who, after claiming to understand the reasons for the protest and the grievances of the workers, deny that the arguments constitute sufficient reason for a strike that will likely paralyze this or that sector of the economy. They deny, in other words, that the conditions denounced by the workers display an intrinsic violence that justifies the strike. Let us note here a point that Benjamin does not mention, but that is part of Sorel’s reflections: this denial inevitably contaminates the (socialist) left once it gains power. What might previously have seemed a good reason to strike when it was the opposition is deemed an insufficient one once it is the ruling party. In the face of popular protest, it always invokes a lack of sufficient rationale, allowing it to avoid recognizing the intrinsic violence of a given social or economic situation, or of a new policy. And it is because it refuses to see this violence and to take responsibility for it that the left regularly loses workers’ support. The second conflict of interpretation concerns what is at stake in the strike. For the state, the strike implies a withdrawal or act of defiance vis-à-vis the employer, while for the workers it is a means of pressuring, if not of blackmail or even of “hostage taking.” The diference is thus between an act of suspension (which can be considered nonviolent) and one of extortion (which includes violence). Does this mean that “pure means” are not free of ambiguity, and that there can be no nonviolent action that does not include a residue of violence? It is not clear that Benjamin’s text allows us to go this far. Nevertheless, the problem of pure means, approached through the notion of the right to strike, raises the following question: Could it be that the text “Zur Kritik der Gewalt,” which we are accustomed to reading as a text on violence, deals in fact with the possibility and ambiguity of nonviolence? The opposition between the aforementioned conflicts of interpretation manifests itself in Benjamin’s excursus on the revolutionary strike, and specifically in the opposition between the political strike and the proletarian general strike, and in the meaning we should attribute to the latter. As previously discussed, the state will never admit that the right to strike is a right to violence. Its interpretative strategy consists in denying, as much as possible, the effective exercise of the right that it theoretically grants. Under these conditions, the function of the revolutionary strike is to return the strike to its true meaning; in other words, to return it to its own violence. In this context, the imperative is to move beyond idle words: a call to strike is a call to violence. This is the reason why such a call is regularly met with a violent reaction from the state, because trade unions force the state to recognize what it is trying to ignore, what it pretends to have solved by recognizing the right to strike: the irreducible violence of class struggles. This means that the previously discussed alternative between “suspension” and “extortion” is valid only for the political strike—in other words, for a strike whose primary vocation is not, contrary to that of the proletarian general strike, to revolt against the law itself. Essentially, the idea of a proletarian general strike, its myth (to borrow Sorel’s words), is to escape from this dichotomous alternative that inevitably reproduces and perpetuates the violence of domination.

#### Capitalism is collapsing by 2050 and with it comes extinction, the role of the ballot is to prevent extinction since it forecloses all future improvement

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, *How Will Capitalism End?: Essays on a Failing System*, p. 1-15) r0w@n

Capitalism has always been an improbable social formation, full of conflicts and contradictions, therefore permanently unstable and in flux, and highly conditional on historically contingent and precarious supportive as well as constraining events and institutions. Capitalist society may be described in shorthand as a 'progressive' society in the sense of Adam Smith 1 and the enlightenment, a society that has coupled its 'progress' to the continuous and unlimited production and accumulation of productive capital, effected through a conversion, by means of the invisible hand of the market and the visible hand of the state, of the private vice of material greed into a public benefit.' Capitalism promises infinite growth of commodified material wealth in a finite world, by conjoining itself with modern science and technology, making capitalist society the first industrial society, and through unending expansion of free, in the sense of contestable, risky markets, on the coat-tails of a hegemonic carrier state and its market -opening policies both domestically and internationally. 3 As a version of industrial society, capitalist society is distinguished by the fact that its collective productive capital is accumulated in the hands of a minority of its members who enjoy the legal privilege, in the form of rights of private property, to dispose of such capital in any way they see fit, including letting it sit idle or transferring it abroad. One implication of this is that the vast majority of the members of a capitalist society must work under the direction, however mediated, of the private owners of the tools they need to provide for themselves, and on terms set by those owners in line with their desire to maximize the rate of increase of their capital. Motivating non-owners to do so- to work hard and diligently in the interest of the owners - requires artful devices - sticks and carrots of the most diverse sorts that are never certain to function - that have to be continuously reinvented as capitalist progress continuously renders them obsolescent. The tensions and contradictions within the capitalist political-economic configuration make for an ever-present possibility of structural breakdown and social crisis. Economic and social stability under modern capitalism must be secured on a background of systemic restlessness4 produced by competition and expansion, a difficult balancing act with a constantly uncertain outcome. Its success is contingent on, among other things, the timely appearance of a new technological paradigm or the development of social needs and values complementing changing requirements of continued economic growth. For example, for the vast majority of its members, a capitalist society must manage to convert their ever-present fear of being cut out of the productive process, because of economic or technological restructuring, into acceptance of the highly unequal distribution of wealth and power generated by the capitalist economy and a belief in the legitimacy of capitalism as a social order. For this, highly complicated and inevitably fragile institutional and ideological provisions arc necessary. The same holds true for the conversion of insecure workers - kept insecure to make them obedient workers - into confident consumers happily discharging their consumerist social obligations even in the face of the fundamental uncertainty oflabour markets and employment.' In light of the inherent instability of modern societies founded upon and dynamically shaped by a capitalist economy, it is small wonder that theories of capitalism, from the time the concept was first used in the early 1800s in Germany" and the mid-1800s in England/ were always also theories of crisis. This holds not just for Marx and Engels but also for writers like Ricardo, Mill, Sombart, Keynes, Hilferding, Polanyi and Schumpeter, all of whom expected one way or other to see the end of capitalism during their lifetime." What kind of crisis was expected to finish capitalism off differed with time and authors' theoretical priors; structuralist theories of death by overproduction or underconsumption, or by a tendency of the rate of profit to fall (Marx), coexisted with predictions of saturation of needs and markets (Keynes), of rising resistance to further commodification oflife and society (Polanyi), of exhaustion of new land and new labour available for colonization in a literal as well as figurative sense (Luxemburg), of technological stagnation (Kondratieff), financial-political organization of monopolistic corporations suspending liberal markets (Hilferding), bureaucratic suppression of entrepreneurialism aided by a worldwide trahison des clercs (Weber, Schumpeter, Hayek) etc., etc." While none of these theories came true as imagined, most of them were not entirely false either. In fact, the history of modern capitalism can be written as a succession of crises that capitalism survived only at the price of deep transformations of its economic and social institutions, saving it from bankruptcy in unforeseeable and often unintended ways. Seen this way, that the capitalist order still exists may well appear less impressive than that it existed so often on the brink of collapse and had continuously to change, frequently depending on contingent exogenous supports that it was unable to mobilize endogenously. The fact that capitalism has, until now, managed to outlive all predictions of its impending death, need not mean that it will forever be able to do so; there is no inductive proof here, and we cannot rule out the possibility that, **next time**, whatever cavalry capitalism may require for its rescue may fail to show up. A short recapitulation of the history of modern capitalism serves to illustrate this point. 10 Liberal capitalism in the nineteenth century was confronted by a revolutionary labour movement that needed to be politically tamed by a complex combination of repression and co-optation, including democratic power sharing and social reform. In the early twentieth century, capitalism was commandeered to serve national interests in international wars, thereby converting it into a public utility under the planning regimes of a new war economy, as private property and the invisible hand of the market seemed insufficient for the provision of the collective capacities countries needed to prevail in international hostilities. After the First World War, restoration of a liberal-capitalist economy failed to produce a viable social order and had to give way in large parts of the industrial world to either Communism or Fascism, while in the core countries of what was to become 'the West' liberal capitalism was gradually succeeded, in the aftermath of the Great Depression, by Keynesian, state-administered capitalism. Out of this grew the democratic welfare-state capitalism of the three post-war decades, with hindsight the only period in which economic growth and social and political stability, achieved through democracy, coexisted under capitalism, at least in the OECD world where capitalism came to be awarded the epithet, 'advanced'. In the 1970s, however, what had with hindsight been called the 'post-war settlement' of social-democratic capitalism began to disintegrate, gradually and imperceptibly at first but increasingly punctuated by successive, ever more severe crises of both the capitalist economy and the social and political institutions embedding, that is, supporting as well as containing it. This was the period of both intensifying crisis and deep transformation when 'late capitalism', as impressively described by Werner Sombart in the 1920s, 11 gave way to neoliberalism. Crisis Theory Redux Today, after the watershed of the financial crisis of 2008, critical and indeed crisis-theoretical reflection on the prospects of capitalism and its society is again en vogue. Does Capitalism Have a Future? is the title of a book published in 2013 by five outstanding social scientists: Immanuel Wallerstein, Randall Collins, Michael Mann, Georgi Derluguian and Craig Calhoun. Apart from the introduction and the conclusion, which are collectively authored, the contributors present their views in separate chapters, and this could not be otherwise since they differ widely. Still, all five share the conviction that, as they state in the introduction, 'something big looms on the horizon: a structural crisis much bigger than the recent Great Recession, which might in retrospect seem only a prologue to a period of deeper troubles and transformations: 12 On what is causing this crisis, however, and how it will end, there is substantial disagreement- which, with authors of this calibre, may be taken as a sign of the multiple uncertainties and possibilities inherent in the present condition of the capitalist political economy. To give an impression of how leading theorists may differ when trying to imagine the future of capitalism today, I will at some length review the prospects and predictions put forward in the book. A comparatively conventional crisis theory is probably the one offered by Wallerstein (pp. 9-35), who locates contemporary capitalism at the bottom of a Kondratieff cycle (Kondratieff B) with no prospect of a new (Kondratieff A) upturn. This is said to be due to a 'structural crisis' that began in the 1970s, as a result of which 'capitalists may no longer find capitalism rewarding'. Two broad causes are given, one a set of long-term trends 'ending the endless accumulation of capital', the other the demise, after the 'world revolution of 1968', of the 'dominance of centrist liberals of the geoculture' (p. 21 ). Structural trends include the exhaustion of virgin lands and the resulting necessity of environmental repair work, growing resource shortages, and the increasing need for public infrastructure. All of this costs money, and so does the pacification of a proliferating mass of discontented workers and the unemployed. Concerning global hegemony, Wallerstein points to what he considers the final decline of the U.S.-centred world order, in military and economic as well as ideological terms. Rising costs of doing business combine with global disorder to make restoration of a stable capitalist world system impossible. Instead Wallerstein foresees 'an ever-tighter gridlock of the system. Gridlock will in turn result in ever-wilder fluctuations, and will consequently make short-term predictions - both economic and political - ever more unreliable. And this in turn will aggravate ... popular fears and alienation. It is a negative cycle' (p. 32). For the near future Wallerstein expects a global political confrontation between defenders and opponents of the capitalist order, in his suggestive terms: between the forces of Davos and of Porto Alegre. Their final battle 'about the successor system' (p. 35) is currently fomenting. Its outcome, according to Wallerstein, is unpredictable, although 'we can feel sure that one side or the other will win out in the coming decades, and a new reasonably stable world-system (or set of world-systems) will be established: Much less pessimistic, or less optimistic from the perspective of those who would like to see capitalism dose down, is Craig Calhoun, who finds prospects of reform and renewal in what he, too, considers a deep and potentially final crisis (pp. 131-61). Calhoun assumes that there is still time for political intervention to save capitalism, as there was in the past, perhaps with the help of a 'sufficiently enlightened faction of capitalists' (p. 2). But he also believes 'a centralized socialist economy' to be possible, and even more so 'Chinese-style state capitalism': 'Markets can exist in the future even while specifically capitalist modes of property and finance have declined' (p. 3). Far more than Wallerstein, Calhoun is reluctant when it comes to prediction (for a summary of his view see pp. 158-61 ). His chapter offers a list of internal contradictions and possible external disruptions threatening the stability of capitalism, and points out a wide range of alternative outcomes. Like Wallerstein, Calhoun attributes particular significance to the international system, where he anticipates the emergence of a plurality of more or less capitalist political-economic regimes, with the attendant problems and pitfalls of coordination and competition. While he does not rule out a 'large-scale, more or less simultaneous collapse of capitalist markets ... not only bringing economic upheaval but also upending political and social institutions' (p. 161), Calhoun believes in the possibility of states, corporations and social movements re-establishing effective governance for a transformative renewal of capitalism. To quote, The capitalist order is a very large-scale, highly complex system. The events of the last forty years have deeply disrupted the institutions that kept capitalism relatively well organized through the postwar period. Efforts to repair or replace these will change the system, just as new technologies and new business and financial practices may. Even a successful renewal of capitalism will transform it ... The question is whether change will be adequate to manage systemic risks and fend off external threats. And if not, will there be widespread devastation before a new order emerges? (p. 161) Even more agnostic on the future of capitalism is Michael Mann ('The End May Be Nigh, But for Whom?: pp. 71-97). Mann begins by reminding his readers that in his 'general model of human society', he does 'not conceive of societies as systems but as multiple, overlapping networks of interaction, of which four networks - ideological, economic, military and political power relations - are the most important. Geopolitical relations can be added to the four .. : Mann continues: Each of these four or five sources of power may have an internal logic or tendency of development, so that it might be possible, for example, to identify tendencies toward equilibrium, cycles, or contradictions within capitalism, just as one might identify comparable tendencies within the other sources of social power. (p. 72) Interactions between the networks, Mann points out, are frequent but not systematic, meaning that 'once we admit the importance of such interactions we are into a more complex and uncertain world in which the development of capitalism, for example, is also influenced by ideologies, wars and states' (p. 73). Mann adds to this the possibility of uneven development across geographical space and the likelihood of irrational behaviour interfering with rational calculations of interest, even of the interest in survival. To demonstrate the importance of contingent events and of cycles other than those envisaged in the Wallerstein-Kondratieff model of history, Mann discusses the Great Depression of the 1930s and the Great Recession of 2008. He then proceeds to demonstrate how his approach speaks to the future, first of U.S. hegemony and second of 'capitalist markets'. As to the former, Mann (pp. 83-4) offers the standard list of American weaknesses, both domestic and international, from economic decline to political anomy to an increasingly less effective military- weaknesses that 'might bring America down' although 'we cannot know for sure: Even if U.S. hegemony were to end, however, 'this need not cause a systemic crisis of capitalism'. What may instead happen is a shift of economic power 'from the old West to the successfully developing Rest of the world, including most of Asia. This would result in a sharing of economic power between the United States, the European Union and (some of) the BRICS, as a consequence of which 'the capitalism of the medium term is likely to be more statist' (p. 86). Concerning 'capitalist markets' (pp. 86-7), Mann believes, pace Wallerstein, that there is still enough new land to conquer and enough demand to discover and invent, to allow for both extensive and intensive growth. Also, technological fixes may appear any time for all sorts of problems, and in any case it is the working class and revolutionary socialism, much more than capitalism, for which 'the end is nigh: In fact, if growth rates were to fall as predicted by some, the outcome might be a stable low-growth capitalism, with considerable ecological benefits. In this scenario, 'the future of the left is likely to be at most reformist social democracy or liberalism. Employers and workers will continue to struggle over the mundane injustices of capitalist employment [ ... ] and their likely outcome will be compromise and reform .. .' Still, Mann ends on a considerably less sanguine note, naming two big crises that he considers possible, and one of them probable - crises in which capitalism would go under although they would not be crises of capitalism, or of capitalism alone, since capitalism would only perish as a result of the destruction of **all human** civilization. One such scenario would be nuclear war, started by collective human irrationality, the other an ecological catastrophe resulting from 'escalating climate change'. In the latter case (pp. 93ff.), capitalism figures - together with the nation state and with 'citizen rights', defined as entitlements to unlimited consumption - as one of three 'triumphs of the modern period' that happen to be ecologically unsustainable. 'All three triumphs would have to be challenged for the sake of a rather abstract future, which is a very tall order, perhaps not achievable' (p. 95). While related to capitalism, ecological disaster would spring from 'a causal chain bigger than capitalism' (p. 97). However, 'policy decisions matter considerably', and 'humanity is in principle free to choose between better or worse future scenarios- and so ultimately the future is unpredictable' (p. 97). The most straightforward theory of capitalist crisis in the book is offered by Randall Collins (pp. 37-69) - a theory he correctly characterizes as a 'stripped-down version of (a] fundamental insight that Marx and Engels had formulated already in the 1840s' (p. 38). That insight, as adapted by Collins, is that capitalism is subject to 'a long-term structural weakness: namely 'the technological displacement of labor by machinery' (p. 37). Collins is entirely unapologetic for his strictly structuralist approach, even more structuralist than Wallerstein's, as well as his mono-factorial technological determinism. In fact, he is convinced that 'technological displacement of labor' will have finished capitalism, with or without revolutionary violence, by the middle of this century - earlier than it would be brought down by the, in principle, equally destructive and definitive ecological crisis, and more reliably than by comparatively difficult-to-predict financial bubbles. 'Stripped-down' Collins's late-Marxist structuralism is, among other things, because unlike Marx in his corresponding theorem of a secular decline of the rate of profit, Collins fails to hedge his prediction with a list of countervailing factors,' 3 as he believes capitalism to have run out of whatever saving graces may in the past have retarded its demise. Collins does allow for Mann's and Calhoun's non-Marxist, 'Weberian' influences on the course of history, but only as secondary forces modifying the way the fundamental structural trend that drives the history of capitalism from below will work itself out. Global unevenness of development, dimensions of conflict that are not capitalism-related, war and ecological pressures may or may not accelerate the crisis of the capitalist labour market and employment system; they cannot, however, suspend or avert it. What exactly does this crisis consist of? While labour has gradually been replaced by technology for the past two hundred years, with the rise of information technology and, in the very near future, artificial intelligence, that process is currently reaching its apogee, in at least two respects: first, it has vastly accelerated, and second, having in the second half of the twentieth century destroyed the manual working class, it is now attacking and about to destroy the middle class as well - in other words, the new petty bourgeoisie that is the very carrier of the neocapitalist and neoliberal lifestyle of 'hard work and hard play', of careerism-cum-consumerism, which, as will be discussed infra, may indeed be considered the indispensable cultural foundation of contemporary capitalism's society. What Collins sees coming is a rapid educational work by machinery intelligent enough even to design and create new, more advanced machinery. Electronicization will do to the middle class what mechanization has done to the working class, and it will do it much faster. The result will be **unemployment in the order of 50 to 70 per cent** by the middle of the century, hitting those who had hoped, by way of expensive education and disciplined job performance (in return for stagnant or declining wages), to escape the threat of redundancy attendant on the working classes. The benefits, meanwhile, will go to 'a tiny capitalist class of robot owners' who will become immeasurably rich. The drawback for them is, however, that they will increasingly find that their product 'cannot be sold because too few persons have enough income to buy it. Extrapolating this underlying tendency', Collins writes, 'Marx and Engels predicted the downfall of capitalism and its replacement with socialism' (p. 39), and this is what Collins also predicts. Collins's theory is most original where he undertakes to explain why technological displacement is only now about to finish capitalism when it had not succeeded in doing so in the past. Following in Marx's footsteps, he lists five 'escapes' that have hitherto saved capitalism from self-destruction, and then proceeds to show why they won't save it any more. They include the growth of new jobs and entire sectors compensating for employment losses caused by technological progress (employment in artificial intelligence will be miniscule, especially once robots begin to design and build other robots); the expansion of markets (which this time will primarily be labour markets in middle-class occupations, globally unified by information technology, enabling global competition among educated job seekers); the growth of finance, both as a source of income ('speculation') and as an industry (which cannot possibly balance the loss of employment caused by new technology, and of income caused by unemployment, also because computerization will make workers in large segments of the financial industry redundant); government employment replacing employment in the private sector (improbable because of the fiscal crisis of the state, and in any case requiring ultimately 'a revolutionary overturn of the property system' [p. 51]); and the use of education as a buffer to keep labour out of employment, making it a form of 'hidden Keynesian ism' while resulting in 'credential inflation' and 'grade inflation' (which for Collins is the path most probably taken, although ultimately it will prove equally futile as the others, as a result of demoralization within educational institutions and problems of financing, both public and private). All fiveescapes closed, there is no way society can prevent capitalism from causing accelerated displacement of labour and the attendant stark economic and social inequalities. Some sort of socialism, so Collins concludes, will **finally** have to take capitalism's place. What precisely it will look like, and what will come after socialism or with it, Collins leaves open, and he is equally agnostic on the exact mode of the transition. Revolutionary the change will be - but **whether it will be a violent social revolution** that will end capitalism or a **peaceful institutional revolution accomplished under political leadership** cannot be known beforehand. Heavy taxation of the super-rich for extended public employment or a guaranteed basic income for everyone, with equal distribution and strict rationing of very limited working hours by more or less dictatorial means a la Keynes' 4 - we are free to speculate on this as Collins's 'stripped-down Marxism' does not generate predictions as to what kind of society will emerge once capitalism will have run its course. **Only one thing is certain: that capitalism will end, and much sooner than one may have thought**. Something of an outlier in the book's suite of chapters is the contribution by Georgi Derluguian, who gives a fascinating inside account of the decline and eventual demise of Communism, in particular Soviet Communism (pp. 99-129). The chapter is of interest because of its speculations on the differences from and the potential parallels with a potential end of capitalism. As to the differences, Derluguian makes much of the fact that Soviet Communism was from early on embedded in the 'hostile geopolitics' (p. 110) of a 'capitalist world-system' ( 111).

#### Thus the alternative is committing ourselves to the communist party as an organizing principle. All other resistance gets coopted by the system and is overwhelmed by alienation.

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How do and can we imagine political change underthe conditions of communicative capitalism? Is political change just aggregated personal transformation, communism as viral outbreak or meme-effect, #fullcommunism? Do we think that “autonomous zones of freedom and equality will emerge like so many mushrooms out of the dregs left behind in capital flight and the shrinking of state social provisioning? Or do we optimistically look to democracy, expecting (all evidence to the contrary) that communism, or even upgraded social democracy, will arise out of electoral politics? All these **fantasies imagine that political change can come about without political struggle.** **Each pushes away the fact of antagonism, division, and class struggle as if late neoliberalism were not already characterized by extreme inequality, violence, and exploitation, as if the ruling class did not already use military force**, police force, legal force, and illegal force **to maintain its position.** Politics is a struggle over power. **Capital uses every resource—**state, non-state, interstate**—to advance its position**. A Left that refuses to organize itself in recognition of this fact will never be able to combat it. “In communicative capitalism, **individual acts of resistance**, subversion, cultural production, and opinion expression, no matter how courageous, **are easily absorbed into the circulatory content of global personal media networks**. Alone, they don’t amplify; they can’t endure. **They are easily forgotten** as new content rushes into and through our feeds. We indulge in fantasies of the freedom of our expression, our critical edge and wit, disavowing the way such individuated freedom is the form of collective incapacity. Against states and alliances wielded in the service of capital as a class, diverse and separate struggles are so many isolated resistances, refusals to undertake the political work of pulling together in organized, strategic, long-term struggle. The constant churn of demands on our awareness disperses our efforts and attention. What **the Left should** **be** doing is **coordinating**, consolidating, and linking **its efforts so that they can amplify each other**. We don’t need multiple, different campaigns. **We need an organized struggle against capitalism capable of operating along multiple issues in diverse locations**. “Crowds push back. From the perspective of the party, we see them as the insistent people. Fidelity to the insistence of the egalitarian discharge demands that **we build the infrastructure capable of maintaining the gap of their desire. The more powerful the affective infrastructure we create, the more we will feel its force, interiorizing the perspective of the many into the ego-ideal that affirms our practices and activities and pushes us to do more than we think we can.** Radical pluralists and participatory democrats sometimes imply that there can be a left politics without judgment, condemnation, exclusion, and discipline. **Denying the way that collective power works back on those who generate it, they suggest we can have the benefits of collectivity without its effects.** But **“working back” is an inextricable dimension of collectivity’s capacity to cut through the self-interest of individual needs and produce enduring bonds of solidarity.** Collective activities always have effects in excess of their immediate goals. Rather than fearing these effects, **rather than remaining stuck in the fantasy that an individual can change the world**, and rather than remaining so gripped by fears of power that “we fantasize a politics that can abolish it, we should confront the force of collectivity directly and take responsibility for generating it and using it. **The party capable of building an affective infrastructure that can cut through the barriers of capitalist expectation will err.** **It is not, cannot be, and should not be believed to be infallible.** Sometimes it may turn its immense energies on itself. **If we can’t bear it, we aren’t the Left, the communists, we need.** Anyone who is unwilling to talk about the party should not talk about political transformation.”

#### That’s especially true for this aff- prisons are a key point of communist organizing- shared conditions create unbreakable bonds and free time lets prisoners plot out broad and complicated revolutionary reforms

Ashley Lampard, 20, How colonial prisons gave life to a communist revolution in Vietnam, Southeast Asia Globe, 9-3-2020, DOA: 12-11-2021, https://southeastasiaglobe.com/colonial-prisons-communist-movement/, r0w@n

There’s a prison at the heart of every story of Vietnam’s revolution. They’re in every memoir of Communist Party leaders, and eventually every school curriculum in the country. For former prisons like Hoa Lo in the centre of Hanoi, they became symbols of Vietnam’s new beginnings. American POWs gave it the ironic title the ‘Hanoi Hilton’. Before that, it was known as Hoa Lo – ‘the Oven’ or ‘Fiery Furnace’ or the slightly looser translation ‘Hell’s Hole’. When the French were still in charge, the prison was ‘Maison Centrale’, or, ‘Central House’. Throughout the first half of the 몭몭몭몭s, and again in the 몭몭몭몭s, like many Indochinese prisons, Hoa Lo became a breeding ground for an anti-colonial, communist movement. Hoang Thi Lien was just 몭몭 when she found herself inside its decaying mustard yellow walls. She was a young agent in Ho Chi Minh’s anti-French and anti-Japanese resistance group, the Viet Minh. She returned again in January 몭몭몭몭, this time as a guest – she’d visited the prison a few times since her initial stay as an inmate, this would prove to be her last, passing away soon a몭er. As Hoa Lo Prison, today a museum. Photo: Richard Mortel this would prove to be her last, passing away soon a몭er. As she’s wheeled into a long, hollow, dark room populated by wooden prisoner mannequins, she repeatedly cries out in an emotive, wailing declaration: “This is where they put me!” Hoang’s father, Hoàng Ninh, was a resistance fighter – a soldier martyred fighting the French. Her brothers signed up too. But, as a fourteen-year-old girl, Hoang’s role was closer to intel. Back in 몭몭몭몭, Hoang was walking the streets of Hanoi’s Old Quarter, skirting around Hoan Kiem Lake, with the fragrant smell of sticky rice trailing behind her. She was selling rice wrapped in lotus leaves for her mother, whilst smuggling messages inside the little green parcels. French officers eventually got wind of her operation, and, in all of their colonial police attire, with broken Vietnamese, caught young Hoang. As they took her away, they said, “Đù má mày”, or, “fuck you”. Hoang Thi Lien visits Hoa Lo prison fo… Watch later Share As they took her away, they said, ‘Đù má mày‘ , or, ‘fuck you’ – „ “fuck you”. Hoa Lo greeted her with an overcrowded cell, where prisoners wasted away shackled in a line by their ankles, with just enough room to lay down and a blanket of humid Hanoi heat draped over them. A meal consisted of watery soup and bread, and barely enough clean water to drink. For a harrowing month in 몭몭몭몭, every day the small figure of a girl was marched down to a tank of water, dipped and thoroughly soaked, then put into an electric chair. Every day she was interrogated like this and, every day, Hoang Thi Lien refused to surrender information. As revolutionary fervour continued to grow against the occupying French and Japanese rulers and the Viet Minh’s authority spread, she was eventually released. It was that same kind of brutal treatment inside the prison walls of Hoa Lo, and prisons across what is now modern-day Vietnam, that united the founding fathers of the Indochinese Communist Party (ICP) in the first half of the 몭몭몭몭s, and later contributed to the rise of the Communist Party of Vietnam in the 몭몭몭몭s. None of this was unknown to the French, whose officials in the 몭몭몭몭s had already, perhaps ill-advisedly, started to refer to Indochinese prisons as “schools for communism” as the number of inmates skyrocketed. Mass incarceration began to further entrench the Communist Party of Vietnam’s Leninist leanings, where shared incarceration created unbreakable bonds. Hoa Lo was only ever meant to hold 몭몭몭 inmates but, as the French arrested an increasingly large number of political prisoners, around 몭,몭몭몭 people were soon held behind its iron bars. The massive room that Hoang recognised was a crowded, cruel and demeaning place, but also created bonds between prisoners who shared their tortured experiences and growing ideological vigour. Peter Zinoman in his book The Colonial Bastille: A History of Female workers plant fresh grass on the Ba Dinh square, located between the mausoleum of late president Ho Chi Minh (in the background) and the Ba Dinh Congress Hall (not seen) in Hanoi in February 2001. Photo: Hoang Dinh Nam/AFP Mass incarceration began to further entrench the Communist Party of Vietnam’s Leninist leanings, where shared incarceration created unbreakable bonds – „ Peter Zinoman in his book The Colonial Bastille: A History of Imprisonment in Vietnam 몭몭몭몭-몭몭몭몭 called these rooms “an institutional mainspring for the development in Indochina of a modern political identity”. Truc, a communist labour organiser referenced in Van Tan’s prison memoir Study, Study, Study to Work Effectively for the Party, explained like this: “When I was in Laos, I agitated secretly but I had no idea what communism was. Only a몭er I was imprisoned in Hoa Lo and had the opportunity to read books and study did I understand the correct way of communist struggle. When I think back to the months in Hoa Lo, the time seems so precious. It is only thanks to my months in Hoa Lo that I know something of revolutionary theory.” These schools for communism, the product of colonial oppression, would eventually gather enough momentum to form a successful uprising against French and Japanese colonial rule. Part of that was fuelled by the inmates themselves, freed when the revolutionary forces of the Viet Minh began to break into prisons and release thousands of political prisoners in the August Revolution of 몭몭몭몭. Soon a몭er, on 몭 September, Ho Chi Minh, himself a former prisoner and author of the Notebook from Prison, would stand in Hanoi’s Ba Dinh flower garden, today Ba Dinh Square, and read aloud the Proclamation of Independence of the Democratic Republic of Vietnam to half-a-million people. Ho Chi Minh reading the proclamation of Independence and declaring the foundation of the Democratic Republic of Vietnam at a meeting of over 500,000 people in Ba Dinh Square in Hanoi. Photo: AFP Once the colonial era ended, prison time became an essential badge of honour for those who wished to climb the party ladder, with a whole host of party leaders flogging their prison memoirs. But many stories of average citizens, like Hoang, were never told. When Hoang managed to leave the prison, she was, on the face of it, relatively unscathed. But, as time went on, the extent of the daily electrocutions became apparent. Over the years, she gradually began to lose her teeth – in the end, she had just four remaining. In January last year, Hoang was being wheeled around the Hoang Thi Lien as a young girl. Photo: Supplied In January last year, Hoang was being wheeled around the prison by her granddaughter. It was cold inside, so hats, large jackets and blankets draped over legs were a must. Hoang was back at the prison for what would prove to be her final visit. Now a museum, she was surrounded by historic relics alluding to the building’s pockmarked history – an old French guillotine and the flight suit of Senator John McCain, a POW at the prison himself for six years in the 몭몭몭몭s during the American War. The museum has one new exhibit, a plaque to commemorate the former prisoners of Hoa Lo. Among a long list of names it reads ‘Hoàng Thị Liên’, as well as her secret agent pseudonym, ‘Nguyễn Thị Dậu’. Each year, on Independence Day of Vietnam on September 몭, Hoa Lo’s political prisoners return to receive commendation for their revolutionary efforts. Every year the lineup gets smaller, and for the second year in a row, it didn’t include Hoang

## Abolition CP

#### CP text: The United States should abolish prison labor.

#### Framework of reforms solidify necessity of prison – the aff constructs a system that will only ever justify violence

Angela Davis, 2003, “Are Prisons Obsolete?” Seven Stories Press, page 20-21, ty sean<3

As important as some reforms may be-the elimination of sexual abuse and medical neglect in women's prison, for example-frameworks that rely exclusively on reforms help to produce the stultifying idea that nothing lies beyond the prison. Debates about strategies of decarceration, which should be the focal point of our conversations on the prison crisis, tend to be marginalized when reform takes the center stage. The most immediate question today is how to prevent the further expansion of prison populations and how to bring as many imprisoned women and men as possible back into what prisoners call the free world. How can we move to decriminalize drug use and the trade in sexual services? How can we take seriously strategies of restorative rather than exclusively punitive justice? Effective alternatives involve both transformation of the techniques for addressing "crime" and of the social and economic conditions that track so many children from poor communities, and especially communities of color, into the juvenile system and then on to prison. The most difficult and urgent challenge today is that of creatively exploring new terrains of justice, where the prison no longer serves as our major anchor.

#### Incarcerated workers deserve more- all their evidence is littered with warrants why the system will never improve absent total reorganization- voting aff is an attempt to ‘reform slavery’

Kelly 18 [Kim Kelly is a freelance journalist and organizer based in Philadelphia. Her work on labor, class, politics, and culture has appeared in the New Republic, the Washington Post, the Baffler, and Esquire, among other publications, and she is the author of FIGHT LIKE HELL, a forthcoming book of intersectional labor history. “How the Ongoing Prison Strike is Connected to the Labor Movement”. 9-4-2018. Teen Vogue. [https://www.teenvogue.com/story/labor-day-2018-how-the-ongoing-prison-strike-is-connected-to-the-labor-movement. Accessed 11-1-2021](https://www.teenvogue.com/story/labor-day-2018-how-the-ongoing-prison-strike-is-connected-to-the-labor-movement.%20Accessed%2011-1-2021); MJen]- i’m only reading the blue stuff- the yellow is their highlighting

It’s a tough time to be a worker in America. The Trump administration has [slashed important workplace safety regulations to ribbons](https://www.epi.org/publication/deregulation-year-in-review/); the economic gap between the poor and working classes and the 1% [continues to widen](https://www.theguardian.com/inequality/2018/jan/22/inequality-gap-widens-as-42-people-hold-same-wealth-as-37bn-poorest) at an alarming rate; poverty remains [rampant](https://www.economist.com/democracy-in-america/2018/03/01/poverty-in-america); and overall, union membership, which affords protection to workers throughout the country, hovered [around only 11%](https://www.bloomberg.com/news/articles/2018-01-19/union-membership-rate-in-u-s-held-at-record-low-of-10-7-in-17) for 2017. Headlines alleging worker exploitation at Silicon Valley giants like Amazon, Tesla, and Uber bombard our screens; even “progressive” media organizations swept up in [the digital media organizing wave](https://www.nytimes.com/2017/12/26/business/media/unions-digital-media.html) are struggling, as [BuzzFeed](https://www.nytimes.com/2017/12/26/business/media/unions-digital-media.html) founder Jonah Peretti has repeatedly spoken out against unionizing, while [Slate](https://splinternews.com/slate-staffers-accuse-bosses-of-new-union-busting-effor-1827238235) and [Thrillist](https://theconcourse.deadspin.com/the-dismal-thrillist-anti-union-campaign-1793157413) employees who have unionized have accused the companies of using anti-union tactics and stalling the process. And the most vulnerable worker populations—[sex workers](https://qz.com/1310338/the-us-sex-worker-crackdown-hurts-the-most-vulnerable-women/), [immigrants](https://www.theguardian.com/news/2018/mar/13/how-the-most-vulnerable-workers-are-targeted-for-sexual-abuse), and [undocumented people](https://www.pbs.org/newshour/show/low-wage-immigrant-workers-are-especially-vulnerable-to-sexual-abuse-how-can-they-say-metoo)—face increased repression from the government. There is hope, though. For centuries, a worker’s most potent weapon against exploitation from capitalism and oppression from the powers that be has been direct action: the strike. And right now, America’s prisoners are [on strike](http://prisonstrike.com/). Incarcerated workers across the nation [are standing up to protest](https://www.teenvogue.com/story/how-the-national-prison-strike-is-working-to-help-incarcerated-people-in-the-united-states) their inhumane living conditions and buck the horrific yoke of prison slavery with organized labor’s strongest weapons—solidarity and collective action. The prison strike was organized by workers both inside and outside detention facilities, spearheaded by Jailhouse Lawyers Speak (JLS), and supported by the Incarcerated Workers Organizing Committee (IWOC) and the Free Alabama Movement (FAM), and sparked by [deadly uprisings at Lee Correctional Institution in South Carolina earlier this year [that cost seven prisoners’ lives](https://www.usatoday.com/story/news/2018/04/30/prison-riots-and-killings-rising-states-slash-budgets-guards/545299002/). The strike began on August 21 and ends on September 9, dates that reflect the legacy of rebellion in American prisons: [on August 21, 1971](http://www.latimes.com/local/crime/la-me-san-quentin-six-retro-20150813-htmlstory.html), George Jackson was killed by prison guards in San Quentin, and his death was met by protests from other prisoners across the country, [culminating in the famed September 9 uprising](http://amsterdamnews.com/news/2011/sep/12/40-year-anniversary-of-the-attica-rebellion/) at the Attica Correctional Facility in upstate New York. By choosing these dates, participants in the prison strike of 2018 are drawing a direct line between their current struggle and the struggles of those who have come before, emphasizing the stark fact that [very little has changed](https://www.citylab.com/equity/2017/06/america-treatment-of-prisoners-criminal-justice/529143/) in terms of conditions or opportunities for those who are locked up and held by the state since the birth of the modern prison system. The striking prisoners of today have released a a list of ten demands. which calls for improvements to the current living conditions in prisons, increased rehabilitation programs, educational opportunities, and specific policy goals. This essentially articulates the idea of [non-reformist reforms](https://www.jacobinmag.com/2017/08/prison-abolition-reform-mass-incarceration), a central plank of prison abolition. By illuminating the barbarity of the current prison system and calling for its abolishment while advocating for an improvement in current conditions, they are—to [paraphrase](https://ordinary-times.com/shawngude/2013/02/non-reformist-reforms-defined/) French socialist André Gorz—asking not for what can be achieved within a current system, but for what should be possible. As of August 21, across 17 states (and one Canadian province), these incarcerated workers are demanding real, tangible prison reform, and the abolition of one of America’s great enduring shames—the loophole enacted by [the 13th amendment](https://www.teenvogue.com/story/13th-documentary-ava-duvernay-netflix) that decrees slavery can be used to penalize those convicted of a crime. This is where the term “prison slavery” originates, as director Ava DuVernay laid out in her groundbreaking [2016 documentary 13th](http://www.avaduvernay.com/13th/), which argues that slavery never ended — it was just repurposed by the prison industrial complex and blossomed as mass incarceration. Her documentary argued that the new American plantations don’t grow cotton, they work prison jobs churning out license plates and other cheap goods, for which prisoners are paid mere pennies on the hour—if at all. Meanwhile, **prison labor generates an estimated** [**$1 billion per year**](https://www.economist.com/united-states/2017/03/16/prison-labour-is-a-billion-dollar-industry-with-uncertain-returns-for-inmates), proving to be quite a profitable business for the private companies and corporations who benefit from prisoners’ work. Prison labor is used to manufacture a vast array of consumer goods, from [Christmas toys and blue jeans to military equipment, lingerie, and car parts](https://www.thrillist.com/gear/products-made-by-prisoners-clothing-furniture-electronics). Incarcerated people also frequently serve as a captive labor force [for prisons themselves as kitchen and maintenance workers](https://www.npr.org/2018/08/21/640630606/u-s-inmates-plan-nationwide-prison-strike-to-protest-labor-conditions), and for a variety of other services, from [shoveling snow after a Boston blizzard](https://www.boston.com/news/local-news/2015/02/17/low-on-resources-boston-turns-to-prison-labor-to-shovel-snow) to [harvesting oranges in Florida](https://nypost.com/2015/06/23/the-seven-weirdest-jobs-that-prisoners-do/). (California recently made headlines when it was revealed that it [was using prison labor](https://www.vox.com/2018/8/9/17670494/california-prison-labor-mendocino-carr-ferguson-wildfires) to fight its deadly wildfires, which it has done since the 1940s; the prisoners (which included some juvenile offenders) were reportedly paid $1 per hour plus $2 per day to risk their lives, and are [barred from becoming firefighters](https://www.usatoday.com/story/opinion/2018/08/20/californias-volunteer-inmate-firefighters-denied-jobs-after-release-column/987677002/) after their release.) Prisoners are paid very little for their work; the average wage in state prisons ranges, on average, from 14 cents to 63 cents per hour for “regular” prison jobs, and between 33 cents and $1.41 per hour for those who work for state-owned businesses, and while they are working full-time jobs, prisoners do not always have the benefit of basic labor protections, such as minimum wage, sick leave, or overtime pay. Given that the United States has the [highest incarceration rate in the world](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All), with [2.3 million people](https://www.prisonpolicy.org/reports/pie2018.html) currently behind bars, the prison industrial complex [would collapse](https://psmag.com/social-justice/taking-freedom-modern-day-slavery) were it to pay incarcerated workers the minimum wage—which creates [further incentive](https://www.newyorker.com/business/currency/making-profits-on-the-captive-prison-market) for them to keep locking people up. Many prisoners [welcome the chance to work during their incarceration](http://www.latimes.com/opinion/op-ed/la-oe-bozelko-prison-labor-20171020-story.html), because it gets them out of their cells, allows them to make purchases from commissary, and gives them the opportunity to send money home to their loved ones, but not everyone is given a choice: according to Newsweek, some prisoners in eight states—Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, and Texas—**are** [**not paid at all**](https://www.newsweek.com/prison-slavery-who-benefits-cheap-inmate-labor-1093729) for their labor in government-run facilities. Unlike most other workers, prisoners cannot simply walk off the job; they are forced to get more [creative](https://www.motherjones.com/crime-justice/2018/08/prison-strike-inmate-labor-organizers/). Participants in the strike have several options available to them, according to Mother Jones, including commissary boycotts, work stoppages, sit-ins, and hunger strikes, and reports of participation are continually coming in from different facilities. In addition, these workers also have much more to fear in terms of retaliation, and several organizers say that they have already [endured punitive measures](https://www.motherjones.com/crime-justice/2018/08/prison-strike-inmate-labor-organizers/). **Participating in a prison strike is a matter of life or death, but for prisoners seeking justice, if not freedom, there is really no other option**. There has been a huge amount of media coverage over this prison strike, a massive contrast to the last major national prison strike in 2016, which was said by some to be the [largest prison strike in American history](https://theintercept.com/2016/09/16/the-largest-prison-strike-in-u-s-history-enters-its-second-week/) and involved what one organizer estimated as roughly 20,000 incarcerated workers and across at least 20 facilities yet received little to no mainstream media coverage. The tide seems to be turning, buoyed by a number of factors, from the continuing outcry over police brutality and more visible conversations over the horrors of the prison industrial complex to the overtly racist practices of the Trump regime. More people on the outside are waking up to the terrible plight of our siblings behind the walls, but awareness isn’t enough: they need [support, solidarity, and action](https://itsgoingdown.org/prisonstrike/). It bears remembering that, above all, this strike is a human rights campaign. Ending prison slavery and supporting incarcerated workers is absolutely a labor issue, and every union and labor activist in the nation should be standing up to support their efforts. The companies who profit off of this modern day slavery have blood on their hands, just like history’s craven factory owners and coal bosses who oversaw the [deaths and degradation of previous generations](https://www.washingtonpost.com/entertainment/museums/the-american-worker-exploited-from-the-beginning/2017/11/20/7ae8fe6a-c890-11e7-b0cf-7689a9f2d84e_story.html). We need to equate monetarily supporting companies that use prison labor with crossing the picket line, and to scabbing for enslavement. The fact that **there are** human beings housed in cages who are forced to work **for slave wages** is completely unacceptable by any metric, and fixing (if not completely abolishing) this wretched system should be a priority for those who consider themselves part of the labor movement, or on the right side of history. An injury to one is an injury to all, and our fellow workers on the inside are bleeding out.

#### **Prison have all the power- they’ve never reformed and there’s no reason they would now** **Kozlowska 16** [Hanna is a reporter on Quartz's investigations team. She previously worked for The New York Times as a writer for NYT Opinion and was a fellow at Foreign Policy magazine. She was also a stringer for the Times in Poland. “US prisoners are going on strike to protest a massive forced labor system”. 9-06-2016. Quartz. https://qz.com/777415/an-unprecedented-prison-strike-hopes-to-change-the-fate-of-the-900000-americans-trapped-in-an-exploitative-labor-system/. Accessed 11-1-2021; MJen]- I’m only reading the blue stuff, the yellow is their highlighting

On Friday (Sept. 9) prison inmates across the US will participate in what organizers are touting as the “largest prison strike in history,” stopping work in protest of what many call a modern version of slavery. The protest, organized across 24 states, is spearheaded by the inmate-led Free Alabama Movement (FAM) and coordinated by the Incarcerated Workers Organizing Committee (IWOC), a branch of an international labor union. Its manifesto, published online by “prisoners across the United States,” reads: This is a call to end slavery in America…To every prisoner in every state and federal institution across this land, we call on you to stop being a slave, to let the crops rot in the plantation fields, to go on strike and cease reproducing the institutions of your confinement. The strike will be held on the 45th anniversary of the Attica prison revolt, when prisoners took control of a maximum-security correctional facility near Buffalo, New York, demanding better conditions and an end to their brutal treatment. Today, nearly 900,000 US prisoners work while incarcerated. The Bureau of Prisons, which oversees all federal inmates requires that all prisoners (barring medical reasons) work. State prisoners are in the same boat; according to Eric Fink, a professor at Elon Law school, in all or nearly all US states prisoners must work. If they refuse, they can be punished with solitary confinement, revoking visitation, or other measures. Inmates receive very little pay for their labor—in federal prisons it ranges from $0.12 to $0.40 an hour. In some states, like Texas, those held at state prisons receive zero compensation. The majority of inmates work on prison maintenance and upkeep—cleaning, cooking, etc.—but approximately 80,000 do work for the outside world. Sometimes these jobs are the result of government contracts; other times, prisoners end up doing work for private companies such as Victoria’s Secret, Whole Foods or Walmart. Unlike other American workers, these prisoners are not protected by labor laws. They don’t have access to worker’s compensation, they get payed well below the minimum wage, and they cannot effectively form unions. Courts have ruled that because the relationship between prisons and inmates is not that of an employer and a worker, inmates don’t get these labor protections. According to The Nation, there is a faction among the organizers that would rather see prison labor abolished, but IWOC is pushing for inmates to unionize. “Prisoners are the most exploited labor class in this country,” says Azzurra Crispino, spokesperson for the organization. The moral case to let prisoners unionize and have the protections given to civilian workers is straightforward: forcing people to work is inhumane, as are the ridiculously low wages and often the labor conditions themselves. The economic case is much more complex. Prisons argue that paying inmates a minimum wage would bankrupt them—in fact, Alex Friedmann, an editor for Prison Legal News told The American Prospect that the criminal justice system would collapse has little potential to significantly add to the GDP, there are longer-term and broader effects to consider. Higher wages can help not only inmates, but their dependents in the outside world, who might avoid ending up on welfare having greater support. Cheap inmate labor may save money for prisons or corporations, but meaningful, decently-paid employment and job training could reduce recidivism and future crime. Ultimately, it’s the taxpayers who pay for most of the criminal justice system, and that means they are subsidizing cheap labor for big corporations instead of investing in reducing crime in the future. In addition to putting pressure on individual institutions, strike organizers are hoping to raise awareness among the public. “Nothing is preventing employers from paying prisoners a decent wage and offering benefits and after 300 years it’s pretty clear it isn’t going to happen on its own. No more than slavery was ended in this country because slave owners got enlightened,” said Paul Wright, editor of Prison Legal News and prisoner rights advocate. “Alas, there is no General Sherman coming to rescue and liberate America’s prison slaves.”

#### It’s mutually exclusive

#### the aff’s constant justifications for unionized prisons as moral means it’ll be wayyy harder if not impossible to collapse the system post-aff

#### revolutions can’t happen within the system- the system’s constructed to make it impossible to realize their demands

## Case

A2 Harvard Law review

1. This says strikes are happening rn in prisons and that they work- it references like 5 specific strikes over the past 10 years- this triggers a double bind, either a- strikes works now in which case the aff is nonunique or b- strikes don’t work in which case the plan won’t do anything
2. No warrant why strikes are key 2 basic human dignity- you’re still forced to live in a cell

A2 Kelley

1. Talks about prisoners doing a strike rn- triggers the same double-bind
2. No warrant why strikes are the best method or the only method

A2 Kozlowska

1. Card just asserts they can’t form unions- just not true, previous two cards say no

#### Absent abolition there is zero progress- nobody knows about strikes because prisons can suppress all information- that’s a quality inherent to and inseparable from our criminal justice system

Jeff Spross, 16, Why no one knows about the largest prison strike in U.S. history, Week, 10-18-2016, DOA: 12-11-2021, https://theweek.com/articles/655609/why-no-knows-about-largest-prison-strike-history, r0w@n

Something remarkable has gone down in prisons across the country over the last few weeks. On Sept. 9, the two-year-old Incarcerated Workers Organizing Committee (IWOC) announced a nationally coordinated work stoppage and protest across American prisons. Organizers say there have been strikes at 29 prisons in 12 states — Virginia, Ohio, California, Florida, Alabama, South Carolina, Michigan, and more. "There are probably 20,000 prisoners on strike right now, at least, which is the biggest prison strike in history, but the information is really sketchy and spotty," the IWOC's Ben Turk told The Intercept last month. This new round of protests was meant to commemorate the 1971 takeover of Attica prison, which was brutally put down by the New York state government and its troopers. Just as the uprising of Attica's prisoners was in protest of abuse, racism, and abysmal prison conditions, the new wave of prison strikes has its own grievances: Mass incarceration, three-strikes laws, abusive and dismal conditions — but above all, prison labor. By some estimates, the prison labor economy brings in $2 billion annually, and employs 900,000 people or more. The labor is often used by state governments to offset costs in their own budgets, and many companies — including IBM, Boeing, Microsoft, AT&T, and Macy's — either currently make use of prison labor or have in the past. At Perry Correctional Institution in South Carolina, for example, where The New Yorker spoke with a striking inmate, the work can range from furniture manufacturing to kitchen duties, landscaping, and janitorial jobs. Across the nation, inmates make clothes, laundry supplies, name plates, park equipment, and food equipment, renovate buses, repair tires, and more. ADVERTISEMENT ADVERTISEMENT: Article continues below Supporters of prison labor argue that these work programs give inmates structure and a sense of meaning and purpose — along with increasing their chances of finding employment when they're released. And indeed, there's some research to back up those claims. The problem, critics say, is that inmates are required to work. They don't have a choice in the matter, and they're often punished (sometimes with solitary confinement) for refusing to work. Prisoners have essentially no way to argue for better compensation or better working conditions. And while inmates are ostensibly supposed to be paid prevailing wages, reality often falls far short of that. Fees, taxes, and deductions eat into inmates wages: everything from deductions for victims' compensation or restitution funds, child support, co-pays for medical treatment, or even to cover the overhead costs of the very work-release programs that give inmates the jobs in the first place. Actual pay at federal prisons runs from 12 to 40 cents an hour, and at state prison systems, sometimes the inmates are paid nothing. It would cost prison systems hundreds of millions more each year to pay all their inmates minimum wage. Hence the enormous incentive to get by on paying the inmates a pittance. But it's also the strikers' source of leverage: At this point, the prison systems can't operate without their (nearly free) labor. NEWSLETTER Get the latest news from The Week Sign up for our free newsletter Almost two-thirds of the prisoners who work under these conditions are not white, versus just 30 percent of the American population as a whole that's non-white. The IWOC has clearly connected the dots between modern prison labor and America's shameful past use of slavery: "Overseers watch over our every move, and if we do not perform our appointed tasks to their liking, we are punished," the union's announcement read. "They may have replaced the whip with pepper spray, but many of the other torments remain: isolation, restraint positions, stripping off our clothes, and investigating our bodies as though we are animals." Getting solid information on the scale and nature of the strikes is difficult, since prison officials can maintain pretty tight control over the information that gets out of their facilities. The Department of Corrections, not surprisingly, has denied that any work stoppages are occurring. Inmates themselves, along with their families and the IWOC, had to coordinate their activities via mail, stealth conference calls, lawyers and advocates, social media, online forums, and the occasional smuggled cell phone. Prison strikes have a mixed record of success, and this round may already be winding down. If they don't break through now, organizers hope to boycott the outside world — namely, the companies that rely on prison labor. It's sort of the point of the American incarceration system to consign people to oblivion; to remove them from our shared social life as punishment for their crimes. But that's also what makes it so hard to show the outside world — or get it to care — when prisoners are the ones being victimized.

#### 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.

#### Laws are just a suggestion, the system will never work as is

International Brotherhood Of Teamsters, 19, Report Shows Companies Are Doing All They Can to Crush Unions, International Brotherhood of Teamsters, 12-19-2019, DOA: 10-28-2021, https://teamster.org/2019/12/report-shows-companies-are-doing-all-they-can-crush-unions/, r0w@n

Organizing workers to join a union is not an easy job. Companies will go to extreme lengths to quash any such efforts. And the law, as a new report by the Economic Policy Institute (EPI) explains, is merely an inconvenience for many. The document finds that employers are charged with violating federal law in 41.5 percent of all union election campaigns and illegally firing workers in nearly 20 percent of elections. The report is a comprehensive analysis of employer conduct in union representation elections supervised by the National Labor Relations Board in 2016 and 2017. “Employers routinely threaten, intimidate and fire workers when they try to form a union at their workplace,” said Celine McNicholas, EPI’s director of government affairs and a co-author of the report. “Employers face few consequences because our current labor law fails to provide works meaningful protections.” EPI’s document also details the “union avoidance” industry, estimating that employers spend nearly $340 million per year hiring anti-union lawyers and consultants to help prevent employers from organizing, including at some of the nation’s largest companies such as Google, Coca-Cola, AT&T and elsewhere. During the Obama administration, regulations to curb the so-called “persuader rule” were instituted that would have limited the ability of companies to force workers to participate in meetings with outside anti-union interlopers. But efforts to limit such activity were defanged. As it stands, in almost 30 percent of elections, employers were charged with illegally coercing, threatening or retaliating against workers for union support. Employers with larger bargaining units were more likely to be charged with violating the law, including some 54 percent of employers in elections involving more than 60 workers. “Far more workers want union representation than are able to obtain it under our current system,” Ben Zipperer, EPI’s economist and co-author of the report, said. “This is a result of not only decades of legislative and judicial attacks to workers’ rights, but also a largely secretive industry dedicated to helping employers derail unionization efforts.”

#### Even if companies get held accountable they delay forever and rig political systems to override decisions

Emily Bazelon, 20, Why Are Workers Struggling? Because Labor Law Is Broken (Published 2020), The New York Times, 2-19-2020, DOA: 10-28-2021, https://www.nytimes.com/interactive/2020/02/19/magazine/labor-law-unions.html, r0w@n

The N.L.R.B. challenged McDonald’s’ premise, arguing that McDonald’s jointly employed Caldwell and helped undercut the Fight for $15. The N.L.R.B. presented evidence showing McDonald’s’ corporate employees helping franchisees, including Jo-Dan, fight off unionization. In emails and text messages, the company connected franchisees with a hotline for legal advice from the law firm Littler Mendelson, and circulated the names of pro-union workers. In Philadelphia, the regional director of employee relations for McDonald’s, Maggie Calabrese, wrote a memo about the firing of Caldwell and others, noting a call she had with the franchise operator, John Dawkins: “I shared with John the benefits of working with” an anti-union consultant that McDonald’s recommended, she wrote. McDonald’s had another tactic at its disposal — delay. The company mounted objections to entering documents into the record and canceled hearing dates. The trial dragged on into 2017, and after Donald Trump’s inauguration, he appointed a new N.L.R.B. general counsel, Peter B. Robb, who has spent much of his career representing companies against unions. In January 2018, Robb unveiled a proposed settlement: About 20 workers, including Caldwell, would divide roughly $170,000 in back pay; McDonald’s would admit no wrongdoing; and Robb would reverse the initial position the N.L.R.B. had taken in bringing the case that McDonald’s should be treated as a joint employer of the workers at its franchises. This stance would make it nearly impossible for employees to band together to address problems in the workplace. In July 2018, the judge at the trial, Lauren Esposito, rejected the settlement proposal, saying it was not reasonable “based on the nature and scope” of the case. Esposito concluded that McDonald’s was directly involved in suppressing union organizing because it had “formulated and implemented” the franchisees’ response to the Fight for $15. If the N.L.R.B. accepted Esposito’s findings, a union would be able to conduct a drive to organize McDonald’s workers across the country. But the N.L.R.B., whose five members are nominated by the president to serve staggered five-year terms, had the power to overrule Esposito. With two Trump appointees in the majority, the board ordered the judge to approve the settlement by a vote of two to one. (A fourth board member didn’t participate in the decision; the fifth seat was vacant at the time.) One of the two N.L.R.B. members who overruled Esposito, William J. Emanuel, was a former partner at Littler Mendelson, the firm McDonald’s hired to give legal advice to franchisees, but declined to recuse himself. Trump’s chairman of the N.L.R.B., John F. Ring, whose former firm also advised McDonald’s on the Fight for $15, later issued an unprecedented report finding that each N.L.R.B. member could “insist on participating” in a case even if the agency’s own ethics officials said otherwise. In response to my questions about the case, McDonald’s sent a statement: “McDonald’s and its franchisees agreed to resolve the proceeding in a manner that provides 100 percent of the remedies that those employees were eligible to receive under the National Labor Relations Act.” Trump’s N.L.R.B. has hamstrung union activism in other ways. In May 2019, the agency classified Uber drivers as independent contractors, diminishing their ability to unite to demand better pay. It has also proposed a rule barring graduate students from forming unions. The rulings are an indication that for tens of millions of low-wage workers, in sectors like fast food and the gig economy, American labor law is utterly deficient. If the N.L.R.B. can undermine vulnerable employees when they try to unionize, what does the law’s promise — to protect the rights of workers to come together — really mean? The National Labor Relations Act, signed by President Franklin Delano Roosevelt in 1935, was a response to corporate behavior during the Great Depression. As unemployment deepened in the early 1930s, companies used their leverage to break unions — by conditioning a job on a worker’s agreement not to join one, or hiring private security to threaten union leaders, or sending strikebreakers to interrupt picket lines. Union membership fell to around 2.5 million in 1933 from four million in 1920.

#### At every level the system is rigged for the rich and powerful by the rich and powerful- it’s only getting worse and radical change is needed

Drew Desilver, 18, For most Americans, real wages have barely budged for decades, Pew Research Center, 8-7-2018, DOA: 10-28-2021, https://www.pewresearch.org/fact-tank/2018/08/07/for-most-us-workers-real-wages-have-barely-budged-for-decades/, r0w@n

On the face of it, these should be heady times for American workers. U.S. unemployment is as low as it’s been in nearly two decades (3.9% as of July) and the nation’s private-sector employers have been adding jobs for 101 straight months – 19.5 million since the Great Recession-related cuts finally abated in early 2010, and 1.5 million just since the beginning of the year. But despite the strong labor market, wage growth has lagged economists’ expectations. In fact, despite some ups and downs over the past several decades, today’s real average wage (that is, the wage after accounting for inflation) has about the same purchasing power it did 40 years ago. And what wage gains there have been have mostly flowed to the highest-paid tier of workers. The disconnect between the job market and workers’ paychecks has fueled much of the recent activism in states and cities around raising minimum wages, and it also has become a factor in at least some of this year’s congressional campaigns. Average hourly earnings for non-management private-sector workers in July were $22.65, up 3 cents from June and 2.7% above the average wage from a year earlier, according to data from the federal Bureau of Labor Statistics. That’s in line with average wage growth over the past five years: Year-over-year growth has mostly ranged between 2% and 3% since the beginning of 2013. But in the years just before the 2007-08 financial collapse, average hourly earnings often increased by around 4% year-over-year. And during the high-inflation years of the 1970s and early 1980s, average wages commonly jumped 7%, 8% or even 9% year-over-year. After adjusting for inflation, however, today’s average hourly wage has just about the same purchasing power it did in 1978, following a long slide in the 1980s and early 1990s and bumpy, inconsistent growth since then. In fact, in real terms average hourly earnings peaked more than 45 years ago: The $4.03-an-hour rate recorded in January 1973 had the same purchasing power that $23.68 would today. A similar measure – the “usual weekly earnings” of employed, full-time wage and salary workers – tells much the same story, albeit over a shorter time period. In seasonally adjusted current dollars, median usual weekly earnings rose from $232 in the first quarter of 1979 (when the data series began) to $879 in the second quarter of this year, which might sound like a lot. But in real, inflation-adjusted terms, the median has barely budged over that period: That $232 in 1979 had the same purchasing power as $840 in today’s dollars. Meanwhile, wage gains have gone largely to the highest earners. Since 2000, usual weekly wages have risen 3% (in real terms) among workers in the lowest tenth of the earnings distribution and 4.3% among the lowest quarter. But among people in the top tenth of the distribution, real wages have risen a cumulative 15.7%, to $2,112 a week – nearly five times the usual weekly earnings of the bottom tenth ($426).

#### Legally expanding the right to strike does not increase strike frequency---Illinois's legalization of public sector strikes proves.

Malin, Martin. “Public Sector Collective Bargaining: The Illinois Experience.” Center for

Governmental Studies, Northern Illinois University. January, 2002. Web. October 12,

2021. <https://www.cgs.niu.edu/Policy\_Profiles/Archives/2002/policy\_v2n1.pdf>.

What about the right to strike? Illinois has one of the most liberal rights to strike in the country. Most states prohibit strikes by public employees. Of the states that allow strikes, many require prior resort to non-binding fact finding and rejection of the fact finder’s recommendation. Illinois has five conditions for a lawful strike: 1. The employees are represented by an exclusive representative. 2. Any existing collective bargaining agreement has expired 3. The union has given at least five days notice of intent to strike. 4. There have been unsuccessful efforts to settle the dispute through mediation. 5. There is no agreement to arbitrate the dispute. A number of states that allow strikes also provide that strikes may be enjoined if they pose a clear and present danger to the public health, safety or welfare. Illinois law expressly rejects allowing an injunction for strikes that endanger the public welfare, but it does permit an injunction if the strike poses a clear and present danger to public health and safety. This has clear implications for teacher strikes: they can not be stopped by court action. The only strikes in Illinois that have been found to endanger the public health and safety have been at water treatment facilities and municipal electric utilities. In these instances, the union must to provide a skeleton crew to keep the service operating and the parties must arbitrate their dispute. May police and firefighters strike? Sworn law enforcement personnel, correctional officers, firefighters, and fire department paramedics do not have the right to strike. If their unions reach impasse with their employers, they have a right to arbitrate the disputed issues. While they have a right to use an arbitration panel, most parties have waived this right in favor of a single, neutral arbitrator. Each party submits a final offer on each issue in dispute to the arbitrator. For non-economic issues, the arbitrator may select either final offer or a solution in between. For each economic issue, however, the arbitrator must select one of the final offers. Within twenty days following issuance of the arbitration award, the employer’s governing body may reject all or part of the award by a three-fifths vote. In the event of rejection, the parties return to the arbitrator for supplemental proceedings. The employer must pay the full cost of the supplemental proceedings, including the union’s attorney fees. Thus far, governing body rejections have been rare and futile. In the few cases that have occurred, arbitrators have not allowed the employers to modify their final offers without the union’s consent. What has been the primary effect of the statutes? By far, the primary effect of the statutes has been to bring collective bargaining to thousands of public employees who did not have it before. Although there have been a handful of decertification elections, the overwhelming majority of the labor boards’ representation work involves certification of representatives in previously unrepresented bargaining units. This effect of the act was immediate. In the first three years of the IELRA, 192 new bargaining units were certified in the state; the number of school districts engaged in collective bargaining with teachers increased by 53 per cent in the act’s first year alone. The same effect occurred for non-education workers: in the first 30 months of the IPLRA, the number of recognized bargaining units increased by 418. As shown in Table 2, which reports recognition elections held and bargaining units recognized, the number of recognized bargaining units has continued to increase steadily. Table 2 presents some other interesting patterns. Most recognitions occur through elections rather than voluntary recognitions, and unions win the overwhelming majority of representation elections. In many of those units, employees could not have obtained representation without the statute. In some, the unions may have exerted enough political and economic pressure to cause the employers to recognize them. The statute relieves employers of that pressure by enabling them to defer to the labor boards’ election machinery. Unlike the private sector, most public employers do not mount overt and aggressive anti-union campaigns. However, by deferring to labor board secret ballot elections, they enable questions concerning representation to be resolved by the most accurate available indicator of employee sentiment. What has been the experience with strikes under the acts? Intuitively, one would expect that legalization would lead to an increase in strikes. That has not been the case. Outside of public education, strikes have been extremely rare; outside of education, Illinois averages less than one public employee union strike per year. The impact of legalization can be gleaned from the strike experience in the early years following enactment of the IELRA. Using data obtained from the IELRA, Table 3 summarizes this experience. In comparing Table 3 (post IELRA strike activity) with Table 1 (pre IELRA strike activity) one must realize that the post IELRA data also reflect a substantial increase in the number of units engaged in bargaining. Thus, it is readily apparent that legalization did not result in an increase in strike frequency. Analyzing this data, a study published in the University of Michigan Journal of Law Reform in 1993 found a correlation between legalization and a decrease in the number of strikes. The study controlled for inflation (which is believed to correlate with increased strike activity) and unemployment rates (believed to correlate with decreased strike activity). Depending on the test used, legalization was able to explain up to 25 percent of the decrease in the number of strikes. The study concluded that legalization clearly did not increase strike frequency and suggested that it might have contributed to a decrease.

**sole reliance on the right to strike weakens unions and turn case.**

**Casey 20** Leo Casey, 12-2-2020, "The Teacher Strike: Conditions for Success," Dissent Magazine,<https://www.dissentmagazine.org/online_articles/the-teacher-strike-conditions-for-success>

The irony here is that reliance exclusively on the strike creates the very conditions for weakening it as a tactic, making it less powerful and less effective. One of the reasons why teacher strikes went from being formidable tools for improving the lives of teachers in the 1960s and early ’70s to becoming ineffective and at times counterproductive by the late ’70s and ’80s was the fact that teacher unions had become wholly dependent on it, and did not increase the repertoire of direct-action tactics in their arsenals. When the only tool a union has is the hammer of the strike, it treats every strategic challenge as a nail, even when different problems could be better addressed by a different direct-action tool or by political action.