# 1NC vs. Ava Manaker

## Offs

### T

Interp: The aff may only defend the resolution – to clarify, extra t is bad.

Violation: CX

1] jurisdiction

2] limits

3] ground - solvency

### PIC

#### Counterplan: A just government ought to recognize the unconditional right of workers to strike except for police officers.

#### Police Strikes are used to combat racial progress and attempts to limit police power. Making them legal and easier only make progress much harder.

Andrew Grim 2020 What is the ‘blue flu’ and how has it increased police power? https://www.washingtonpost.com/outlook/2020/07/01/what-is-blue-flu-how-has-it-increased-police-power/

But the result of such protests matter deeply as we consider police reform today. Historically, blue flu strikes have helped expand police power, ultimately limiting the ability of city governments to reform, constrain or conduct oversight over the police. They allow the police to leverage public fear of crime to extract concessions from municipalities. This became clear in Detroit more than 50 years ago. In June 1967, tensions arose between Detroit Mayor Jerome Cavanagh and the Detroit Police Officers Association (DPOA), which represented the city’s 3,300 patrol officers. The two were at odds primarily over police demands for a pay increase. Cavanagh showed no signs of caving to the DPOA’s demands and had, in fact, proposed to cut the police department’s budget. On June 15, the DPOA escalated the dispute with a walkout: 323 officers called in sick. The number grew over the next several days as the blue flu spread, reaching a height of 800 absences on June 17. In tandem with the walkout, the DPOA launched a fearmongering media campaign to win over the public. They took out ads in local newspapers warning Detroit residents, “How does it feel to be held up? Stick around and find out!” This campaign took place at a time of rising urban crime rates and uprisings, and only a month before the 1967 Detroit riot, making it especially potent. The DPOA understood this climate and used it to its advantage. With locals already afraid of crime and displeased at Cavanagh’s failure to rein it in, they would be more likely to demand the return of the police than to demand retribution against officers for an illegal strike. The DPOA’s strategy paid off. The walkout left Detroit Police Commissioner Ray Girardin feeling “practically helpless.” “I couldn’t force them to work,” he later told The Washington Post. Rather than risk public ire by allowing the blue flu to continue, Cavanagh relented. Ultimately, the DPOA got the raises it sought, making Detroit officers the highest paid in the nation. This was far from the end of the fight between Cavanagh and the DPOA. In the ensuing months and years, they continued to tussle over wages, pensions, the budget, the integration of squad cars and the hiring of black officers. The threat of another blue flu loomed over all these disputes, helping the union to win many of them. And Detroit was not an outlier. Throughout the 1960s, ’70s and ’80s, the blue flu was a [ubiquitous and highly effective](https://www.akpress.org/our-enemies-in-blue.html) tactic in Baltimore, Memphis, New Orleans, Chicago, Newark, New York and many other cities. In most cases, as author Kristian Williams writes, “When faced with a walkout or slowdown, the authorities usually decided that the pragmatic need to get the cops back to work trumped the city government’s long term interest in diminishing the rank and file’s power.” But each time a city relented to this pressure, they ceded more and more power to police unions, which would turn to the strategy repeatedly to defend officers’ interests — particularly when it came to efforts to address systemic racism in police policies and practices. In 1970, black residents of Pittsburgh’s North Side neighborhood raised an outcry over the “hostile sadistic treatment” they experienced at the hands of white police officers. They lobbied Mayor Peter F. Flaherty to assign more black officers to their neighborhood. The mayor agreed, transferring several white officers out of the North Side and replacing them with black officers. While residents cheered this decision, white officers and the Fraternal Order of Police (FOP), which represented them, were furious. They slammed the transfer as “discrimination” against whites. About 425 of the Pittsburgh Police Department’s 1,600 police officers called out sick in protest. Notably, black police officers broke with their white colleagues and refused to join the walkout. They praised the transfer as a “long overdue action” and viewed the walkout as a betrayal of officers’ oath to protect the public. Nonetheless, the tactic paid off. After several days, Flaherty caved to the “open revolt” of white officers, agreeing to halt the transfers and instead submit the dispute to binding arbitration between the city and the police union. Black officers, though, continued to speak out against their union’s support of racist practices, and many of them later resigned from the union in protest. Similar scenarios played out in Detroit, Chicago and other cities in the 1960s and ’70s, as white officers continually staged walkouts to preserve the segregated status quo in their departments. These blue flu strikes amounted to an authoritarian power grab by police officers bent on avoiding oversight, rejecting reforms and shoring up their own authority. In the aftermath of the 1967 Detroit walkout, a police commissioner’s aide strongly criticized the police union’s strong-arm tactics, saying “it smacks of a police state.” The clash left one newspaper editor wondering, “Who’s the Boss of the Detroit Police?” But in the “law and order” climate of the late 1960s, such criticism did not resonate enough to stir a groundswell of public opinion against the blue flu. And police unions dismissed critics by arguing that officers had “no alternative” but to engage in walkouts to get city officials to make concessions. Crucially, the very effectiveness of the blue flu may be premised on a myth. While police unions use public fear of crime skyrocketing without police on duty, in many cases, the absence of police did not lead to a rise in crime. In New York City in 1971, [for example](https://untappedcities.com/2020/06/12/the-week-without-police-what-we-can-learn-from-the-1971-police-strike/), 20,000 officers called out sick for five days over a pay dispute without any apparent increase in crime. The most striking aspect of the walkout, as one observer noted, “might be just how unimportant it seemed.” Today, municipalities are under immense pressure from activists who have taken to the streets to protest the police killings of black men and women. Some have already responded by enacting new policies and cutting police budgets. As it continues, more blue flus are likely to follow as officers seek to wrest back control of the public debate on policing and reassert their independence.

#### Those strikes cement a police culture which leads to endless amounts of racist violence and the bolstering of the prison industrial complex.

Chaney and Ray 13, Cassandra (Has a PhD and is a professor at LSU. Also has a strong focus in the structure of Black families) , and Ray V. Robertson (Also has a PhD and is a criminal justice professor at LSU). "Racism and police brutality in America." *Journal of African American Studies* 17.4 (2013): 480-505. SM//do I really need a card for this

Racism and Discrimination According to Marger (2012), “racism is an ideology, or belief system, designed to justify and rationalize racial and ethnic inequality” (p. 25) and “discrimination, most basically, is behavior aimed at denying members of particular ethnic groups’ equal access to societal rewards” (p. 57). Defining both of these concepts from the onset is important for they provide the lens through which our focus on the racist and discriminatory practices of law enforcement can occur. Since the time that Africans [African Americans] were forcibly brought to America, they have been the victims of racist and discriminatory practices that have been spurred and/or substantiated by those who create and enforce the law. For example, The Watts Riots of 1965, the widespread assaults against Blacks in Harlem during the 1920s (King 2011), law enforcement violence against Black women (i.e., Malaika Brooks, Jaisha Akins, Frankie Perkins, Dr. Mae Jemison, Linda Billups, Clementine Applewhite) and other ethnic women of color (Ritchie 2006), the beating of Rodney King, and the deaths of Amadou Diallo in the 1990s and Trayvon Martin more recently are just a few public examples of the historical and contemporaneous ways in which Blacks in America have been assaulted by members of the police system (King 2011; Loyd 2012; Murch 2012; Rafail et al. 2012). In Punishing Race (2011), law professor Michael Tonry’s research findings point to the fact that Whites tend to excuse police brutality against Blacks because of the racial animus that they hold against Blacks. Thus, to Whites, Blacks are viewed as deserving of harsh treatment in the criminal justice system (Peffley and Hurwitz 2013). At first glance, such an assertion may seem to be unfathomable, buy that there is an extensive body of literature which suggests that Black males are viewed as the “prototypical criminal,” and this notion is buttressed in the media, by the general public, and via disparate sentencing outcomes (Blair et al. 2004; Eberhardt et al. 2006; Gabiddon 2010; Maddox and Gray 2004; Oliver and Fonash 2002; Staples 2011). For instance, Blair et al. (2004) revealed that Black males with more Afrocentric features (e.g., dark skin, broad noses, full lips) may receive longer sentences than Blacks with less Afrocentric features, i.e., lighter skin and straighter hair (Eberhardt et al. 2006). Shaun Gabiddon in Criminological Theories on Race and Crime (2010) discussed the concept of “Negrophobia” which was more extensively examined by Armour (1997). Negrophobia can be surmised as an irrational of Blacks, which includes a fear of being victimized by Black, that can result in Whites shooting or harming an AfricanAmerican based on criminal/racial stereotypes (Armour 1997). The aforementioned racialized stereotypical assumptions can be deleterious because they can be used by Whites to justify shooting a Black person on the slightest of pretense (Gabiddon 2010). Finally, African-American males represent a group that has been much maligned in the larger society (Tonry 2011). Further, as victims of the burgeoning prison industrial complex, mass incarceration, and enduring racism, the barriers to truly independent Black male agency are ubiquitous and firmly entrenched (Alexander 2010; Chaney 2009; Baker 1996; Blackmon 2008; Dottolo and Stewart 2008; Karenga 2010; Martin et al. 2001; Smith and Hattery 2009). Thus, racism and discrimination heightens the psychological distress experienced by Blacks (Robertson 2011; Pieterse et al. 2012), as well as their decreased mortality in the USA (Muennig and Murphy 2011). Police Brutality Against Black Males According to Walker (2011), police brutality is defined as “the use of excessive physical force or verbal assault and psychological intimidation” (p. 579). Although one recent study suggests that the NYPD has become better behaved due to greater race and gender diversity (Kane and White 2009), Blacks are more likely to be the victims of police brutality. A growing body of scholarly research related to police brutality has revealed that Blacks are more likely than Whites to make complaints regarding police brutality (Smith and Holmes 2003), to be accosted while operating [driving] a motorized vehicle (“Driving While Black”), and to underreport how often they are stopped due to higher social desirability factors (TomaskovicDevey et al. 2006). Interestingly, data obtained from the General Social Survey (GSS), a representative sample conducted biennially by the National Opinion Research Center at the University of Chicago for the years 1994 through 2004, provide further proof regarding the acceptance of force against Blacks. In particular, the GSS found Whites to be significantly (29.5 %) more accepting of police use of force when a citizen was attempting to escape custody than Blacks when analyzed using the chi-squared statistical test (p The average Southern policeman is a promoted poor White with a legal sanction to use a weapon. His social heritage has taught him to despise the Negroes, and he has had little education which could have changed him….The result is that probably no group of Whites in America have a lower opinion of the Negro people and are more fixed in their views than Southern policeman. (Myrdal 1944, pp. 540–541) Myrdal (1944) was writing on results from a massive study that he undertook in the late 1930s. He was writing at a time that even the most conservative among us would have to admit was not a colorblind society (if one even believes in such things). But current research does corroborate his observations that less educated police officers tend to be the most aggressive and have the most formal complaints filed against them when compared to their more educated counterparts (Hassell and Archbold 2010; Jefferis et al. 2011). Tonry (2011) delineates some interesting findings from the 2001 Race, Crime, and Public Opinion Survey that can be applied to understanding why the larger society tolerates police misconduct when it comes to Black males. The survey, which involved approximately 978 non-Hispanic Whites and 1,010 Blacks, revealed a divergence in attitudes between Blacks and Whites concerning the criminal justice system (Tonry 2011). For instance, 38 % of Whites and 89 % of Blacks viewed the criminal justice system as biased against Blacks (Tonry 2011). Additionally, 8 % of Blacks and 56 % of Whites saw the criminal justice system as treating Blacks fairly (Tonry 2011). Perhaps most revealing when it comes to facilitating an environment ripe for police brutality against Black males, 68 % of Whites and only 18 % of Whites expressed confidence in law enforcement (Tonry 2011). Is a society wherein the dominant group overwhelming approves of police performance willing to do anything substantive to curtail police brutality against Black males? Police brutality is not a new phenomenon. The Department of Justice (DOJ) office of Civil Rights (OCR) has investigated more than a dozen police departments in major cities across the USA on allegations of either racial discrimination or police brutality (Gabbidon and Greene 2013). To make the aforementioned even more clear, according to Gabbidon and Greene (2013), “In 2010, the OCR was investigating 17 police departments across the country and monitoring five settlements regarding four police agencies” (pp. 119–120). Plant and Peruche (2005) provide some useful information into why police officers view Black males as potential perpetrators and could lead to acts of brutality. In their research, the authors suggest that since Black people in general, and Black males in particular, are caricatured as aggressive and criminal, police are more likely to view Black men as a threat which justifies the disproportionate use of deadly force. Therefore, it is not beyond the realm of possibility that police officers’ decisions to act aggressively may, to some extent, be influenced by race (Jefferis et al. 2011). The media’s portrayals of Black men are often less than sanguine. Bryson’s (1998) work in this area provides empirical evidence that the mass media that has been instrumental in portraying Black men as studs, super detectives, or imitation White men and has a general negative effect on how these men are regarded by others. Such characterizations can be so visceral in nature that “prototypes” of criminal suspects are more likely to be African-American (Oliver et al. 2004). Not surprisingly, the more Afrocentric the African-American’s facial features, the more prone he or she is expected to be deviant (Eberhardt et al. 2006). Interestingly, it is probable that less than flattering depictions of Black males on television and in news stories are activating pre-existing stereotypes possessed by Whites as opposed to facilitating their creation. According to Oliver et al. (2004), “it is important to keep in mind that media consumption is an active process, with viewers’ existing attitudes and beliefs playing a larger role in how images are attended to, interpreted, and remembered” (p. 89). Moreover, it is reductionist to presuppose that individual is powerless in constructing a palatable version of reality and is solely under the control of the media and exercises no agency. Lastly, Peffley and Hurwitz (2013) describe what can be perceived as one of the more deleterious results of negative media caricatures of Black males. More specifically, the authors posit that most Whites believe that Blacks are disproportionately inclined to engage in criminal behavior and are the deserving on harsh treatment by the criminal justice system. On the other hand, such an observation is curious because most urban areas are moderate to highly segregated residentially which would preclude the frequent and significant interaction needed to make such scathing indictments (Bonilla-Silva 2009). Consequently, the aforementioned racial animus has the effect of increased White support for capital punishment if questions regarding its legitimacy around if capital punishment is too frequently applied to Blacks (Peffley and Hurwitz 2013; Tonry 2011). Ultimately, erroneous (negative) portrayals of crime and community, community race and class identities, and concerns over neighborhood change all contribute to place-specific framing of “the crime problem.” These frames, in turn, shape both intergroup dynamics and support for criminal justice policy (Leverentz 2012).

### NC

#### The meta-ethic is practical reason.

#### A] Bindingness – Any obligation must not only tell us what is good, but why we ought to be good or else agents can reject the value of goodness itself. That means ethics must start with what is constitutive of agents since it traces obligations to features that are intrinsic to being an agent – as an agent you must follow certain rules. Only practical agency is constitutive since agents can use rationality to decide against other values but the act of deciding to reject practical agency engages in it.

#### B] Action theory – every moral analysis requires an action to evaluate, but actions are infinitely divisible into smaller meaningless movements. The act of stealing can be reduced to going to a house, entering, grabbing things, and leaving, all of which are distinct actions without moral value. Only the practical decision to steal ties these actions together to give them any moral value.

#### That justifies universalizability.

#### A] The principle of equality is true since anything else assigns moral value to contingent factors like identity and justifies racism, and the principle of non-contradiction is true since 2+2 can’t equal 4 for me and not for you meaning ethical statements true for one must be true for all.

#### B] Ethics must be defined a priori because of the is ought gap – experience only tells us what is since that’s what we perceive, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory. Applying reason to a priori truth results in universal obligations.

#### And, universal freedom justifies a libertarian minimalist sate

**OTTESON 9 brackets in original** James R. Otteson (professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism” The Independent Review, v. 13, n. 3, Winter 2009

In a crucial passage in Metaphysics of Morals, Kant writes that the “Universal Principle of Right” is **“‘[e]very action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else** in accordance with a universal law is right.’” He concludes, “Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law” (1991, 133, emphasis in original).5 This stipulation **becomes** for Kant **the grounding justification for the existence of a state**, its raison d’être, and **the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others**. **Because this freedom must be complete**, in the sense of being **as full as possible** given the existence of other persons who demand similar freedom, it entails that **the state may**—indeed, must—**secure this condition** of freedom, **but undertake to do nothing else because any other** state **activities would compromise the very autonomy the state seeks to defend**. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, **individuals create a state to protect their moral agency, and** in doing so **they consent to coercion only insofar as it is required to prevent themselves** or others **from impinging on** their own or **others’ agency**. In his argument, individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness. And except in cases of punishment for wrongdoing,6 this severe limitation on the scope of the state’s authority must always be respected: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.

#### Thus, the standard is consistency with libertarianism. Prefer – it is a side constraint on ethics – deliberation, argumentation, or any sort of ethical action presumes the goodness of self ownership – making the nc a necessary starting point, Hoppe:

[Hans-Hermann Hoppe, The Economics and Ethics of Private Property, p. 334. Bracketed for gendered language.] //LHP AG

Argumentation does not consist of free-floating propositions but is a form of action requiring the employment of scarce means; and that the means which a person demonstrates as preferring by engaging in propositional exchanges are those of private property. For one thing, no one could possibly propose anything, and no one could become convinced of any proposition by argumentative means, if a person’s right to make exclusive use of [their] **~~his~~** physical body were not already presupposed. It is this recognition of each other’s mutually exclusive control over one’s own body which explains the distinctive character of propositional exchanges that, while one may disagree about what has been said, it is still possible to agree at least on the fact that there is disagreement. It is also obvious that such a property right to one’s own body must be said to be justified a priori, for anyone who tried to justify any norm whatsoever would already have to presuppose the exclusive right of control over his body as a valid norm.  simply in order o say, ‘I propose such and such.’ Anyone disputing such a right would become caught up in a practical contradiction since arguing so would already imply acceptance of the very norm which he was disputing.”

#### Vote neg –

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

Gourevitch, A.. “Quitting Work but Not the Job: Liberty and the Right to Strike.” Perspectives on Politics 14 (2016): 307 - 323. //LHP AV Accessed 7/4/21

If **a right to strike** is not a right to quit what is it? It **is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job**. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is (Locke 1984).2 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: **the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of striker**s...**Strikers**...**withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour**. The 2 Don Locke is one of the few to note both how central the claim to ‘keeping the job’ is and how hard it is to ground this claim. “So what is distinctive about **a strike is**....**the refusal to do a particular job, combined with the insistence that the job is none the less still yours.”** Locke 1984, 181. jobs from which they have withdrawn performance belong to them, they maintain. (Shenfield 1986, 10-11) On what possible grounds may workers claim a right to a job they refuse to perform? While many say that every able-bodied person should have a right to work, and they might say that the state therefore has an obligation to provide everyone with a job, **the argument for full employment never amounts to saying that workers have rights to specific jobs from specific private employers.** For instance, in 1945, at the height of the push for federally guaranteed full employment, the Senate committee considering the issue took care to argue that, “**the right to work has occasionally been misinterpreted as a right to specific jobs of some specific type and status.” After labeling this a “misinterpretation,” the committee’s report cited the following words from one of the bill’s leading advocates:** “It is not the aim of the bill to provide specific jobs for specific individuals. **Our economic system of free enterprise must have free opportunities for jobs for all who are able and want to work**. **Our American system owes no [person] ~~man~~ a living, but it does owe every man an opportunity to make a living**.” (Senator Murray, quoted in United States, Wagner, and Radcliffe 1945, 8). These sentences remind us how puzzling, even alarming, the right to ‘specific jobs’ can sound. In fact, **in a liberal society, the whole point is that claims on specific jobs are a relic of feudal thinking.** In status-based societies, specific groups had rights to specific jobs in the name of corporate privilege. Occupations were tied to birth or guild membership, but not available to all equally. **Liberal society, based on freedom of contract, was designed to destroy just that kind of unfair and oppressive status-based hierarchy**. A common argument against striking workers is that they are latter day guilds, protecting their sectional interests by refusing to let anyone else perform ‘their jobs’ (e.g. Hayek 2011, 384-404). As one critic puts it, the strikers’ demand for an inalienable right to, and property in, a particular job cannot be made conformable to the principles of liberty under law for all...the endowment of the employee with some kind of property right in a job, [is a] prime example of this reversion to the governance of status. (Shenfield 1986, 13) If such criticisms fundamentally misunderstand the entirely modern basis for the right to strike, we still need an account of how anyone could claim something like a property right in a job she not only never acquired but that she then refuses to perform.

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

Gourevitch, A.. “Quitting Work but Not the Job: Liberty and the Right to Strike.” Perspectives on Politics 14 (2016): 307 - 323. //LHP AV Accessed 7/4/21

A second problem follows on the first. **If workers have rights to the jobs they are striking then they must have some powers to enforce those rights**. **Such powers might include** mass picketing, secondary boycotts, sympathy strikes, **coercion and intimidation of replacement workers, even destruction or immobilization of property** – the familiar panoply of strike actions. While workers have sometimes defended such actions without using the specifically juridical language of ‘rights,’ in many cases they have used that kind of appeal.3 Even when they have not employed rights-discourse, they have invoked some related notion of demanding fair terms to their job (Frow, Frow and Katanka 1971). Each and any of the above listed activities of a strike – pickets, boycotts, sympathy actions – are part of the way workers not only press their demands but claim their right to 3 See James Gray Pope’s (1997) remarkable reconstruction of the way, in the 1920s, rights-discourse helped organize and sustain a ‘constitutional strike’ against attempts to curtail and outlaw the strike. the job. Strikers regularly implore other workers not to cross picket lines and take struck jobs. **These are more than speech-acts. At the outer edges, they amount to intimidation and coercion**. Or at least, workers claim the right to intimidate and coerce if the state will not itself enforce this aspect of their right to strike. Liberal societies rarely permit a group of individuals powers that come close and even cross over into rights of private coercion. It is no surprise that regulation and repression of these strike-related activities have been the source of some of the most serious episodes of strike-related violence in US and European history (Brecher 2014; Lambert 2005; Forbath 1991; Adamic 1971; Taft and Ross 1969; Liebknecht 1917). So, alongside the unclear basis for the strikers’ rights to their jobs, the problem for a liberal society is that this right seems to include private rights of coercion or at least troubling forms of social pressure. Yet there is more. **The standard strike potentially threatens the fundamental freedoms of three specific groups**. • Freedom of contract **It conflicts with the freedom of contract of those replacement workers who would be willing to take the job** on terms that strikers will not. Note, this is not a possible conflict but a necessary one. **Strikers claim the job is theirs, which means replacements have no right**

[cut here]

to it. But replacements claim everyone should have the equal freedom to contract with an employer for a job. • Property rights **A strike seriously interferes with the employer’s property rights**. **The point of a strike is to stop production**. **But the point of a property right is that, at least in the owner’s core area of activity, nobody else has the right to interfere with his use of that property**. **The** **strikers**, by claiming the employer has no right to hire replacements and thus no way of employing his property profitably, **effectively render the employer unfree to use his property as he sees fit**. To be clear, strikers claim the right not just to block replacement workers, but to prevent the employer from putting his property to work without their permission. For instance, New Deal ‘sit-down’ strikes made it impossible to operate factories, which was one reason why the courts claimed it violated employer property rights (Atleson 1983, 46-48). Similarly, during the Seattle general strike in 1919, the General Strike Committee forced owners to ask permission to engage in certain productive activities – permission it often denied (Brecher 2014, 106-111). • Freedom of association Though the conceptual issues here are complicated, a strike can seriously constrain a worker’s freedom of association. It does so most seriously when the strike is a group right, in which only authorized representatives of the union may call a strike. In this case, the right to strike is not the individual’s right in the same way that, say, the freedom to join a church or volunteer organization is. Moreover, the strike can be coercively imposed even on dissenting members, especially when the dissenters work in closed or union shops. That is because refusal to follow the strike leads to dismissal from the union, which would mean loss of the job in union or closed shops. The threat of losing a job is usually considered a coercive threat. So not only might workers be forced to join unions – depending on the law – but also they might be forced to go along with one of the union’s riskiest collective actions. **Note that each one of these concerns follows directly from the nature of the right to strike itself**. **Interference with freedom of contract, property rights**, and the freedom of association **are all part and parcel of defending the right** that striking workers claim to the ‘their’ jobs. These are difficult forms of coercive interference to justify on their own terms and **they appear to rest on a claim without foundation**. Just what right do workers have to jobs that they refuse to perform?

## Case

### Hijack – Kant

#### 1] Hijack – only the neg framework preserves people’s freedom to pursue their conception of truth – risk of framework uncertainty flows neg, Mack 18:

Eric Mack, June 15, 2018, “Robert Nozick’s Political Philosophy” <https://plato.stanford.edu/entries/nozick-political/#FraDisPro> //LHP AV

The official purpose of Part III of ASU, “Utopia”, is to show that **the minimal state is** not merely legitimate and just; it is also **inspiring**. This purpose is advanced by sketching a framework for utopia that is inspiring and noting that this framework is highly akin to—Nozick actually says “equivalent to” (333)—the minimal state. Yet Nozick also says that the framework might not have any “central authority” (329). Still, the framework is akin to the minimal state because it is an institutional structure that enforces peaceful co-existence among voluntarily formed communities. **It protects the independence of such communities and their freedom to recruit members and also protects the liberty of individuals to enter and exit communities as they respectively choose**. Although Nozick is not explicit about this, we have to presume that the framework enforces the same norms of personal freedom, property, and contractual compliance that the minimal state enforces except insofar as individuals voluntarily relinquish such rights within the communities they enter. The framework is inspiring **because of the way it contributes to persons’ identification of and participation in communities** (and other networks of relationships) **through which they will find meaning and well-being**. It is inspiring to **anyone** **who appreciates how little each of us knows about what sorts of communities best suit** **human** beings in all their depth and diversity and how much the operation of **the framework assists individuals in their discovery of and engagement in communities that enhance their respective well-being.** Moreover, many persons may value the framework not merely for the way it enhances their own good but, also, for the ways in which it allows them to participate vicariously in others’ achievement of their different modes of flourishing (Lomasky 2002). 5.1 The Framework as Discovery Procedure The framework is—or, more precisely, sustains—a discovery procedure. Under the protective umbrella of the framework, individuals are presented with and can try out diverse communities while communities themselves arise and modify themselves in their competitive search to sustain, improve, or increase their membership. A wide range of communities will continually arise out of and in response to the evolving perceptions that diverse individuals will have about what modes of sociality will best suit them and will best attract welcome partners. Communities will survive and perhaps expand or be imitated insofar as they actually embody modes of relationship that serve well their actual or prospective membership or insofar as they successfully refine their offerings in the market place of communities. **The framework also insures that those who are already confident that they know what sort of community is best for them will be free to form those communities by voluntary subscription and, thereby, to manifest their actual value** (or disvalue) to themselves and to other seekers of well-being. Part of Nozick’s sub-text here is **a message to socialist utopians that nothing in the framework (or the minimal state) precludes their non-coercive pursuit of their ideal communities.** How, therefore, can socialists object to the framework (or the minimal state)? This generalizes Nozick’s earlier claims in ASU that that advocates of meaningful work and workers’ control of productive enterprises ought not to be hostile to the minimal state since the minimal state is fully tolerant of non-coercive endeavors to establish such conditions (246–253). In a short essay in Reason magazine published four years after ASU, Nozick asked, “Who Would Choose Socialism?” (Nozick 1978). More precisely, his question was: What percent of the adult population would choose “to participate in socialist interpersonal relations of equality and community” were they in position to choose between “a reasonably attractive socialist option and also a reasonably attractive non-socialist one?” (Nozick 1978: 277). Nozick takes the choice available to Israelis between membership and non-membership in kibbutzim to be a good instance of a choice between such options and notes that around six percent of the adult population of Israel in the 1970s had chosen the socialist option. He speculates that socialists are at least “tempted” to be imperialists precisely because they sense that there will be too few volunteers (Nozick 1978: 279). The discovery procedure that the framework sustains is a version of Millian experiments in living—albeit it is a version that places much more emphasis on the role of a marketplace of communities in providing individuals with experimental options. This discovery procedure (like Millian experiments in living) is, of course, a Hayekian invisible hand process. Given the enormous diversity among individuals, we do not know what one form of community would be best. The idea that there is one best composite answer to all of these questions [about what features utopia has], one best society for everyone to live in, seems to me to be an incredible one. (And the idea that, if there is one, we now know enough to describe it is even more incredible.) (311) Nor do we know what distinct modes of community would be best for distinct types of persons. Thus, we cannot design an inclusive utopia; nor can we design an array of mini-utopia such that some significantly fulfilling community will be available to everyone—or even to most. It is helpful to imagine cavemen sitting together to think up what, for all time, will be the best possible society and then setting out to institute it. Do none of the reasons that make you smile at this apply to us? (313–314) Given our ignorance, the best way to realize utopia—almost certainly many distinct utopia—is through the discovery procedure that the framework sustains. (We should note, however, an implicit, somewhat puzzling, and wholly unnecessary presupposition of Nozick’s discussion, viz, that individuals with utopian aspirations will generally seek out communities that are made up of other individuals like themselves. The suggestion is that chosen communities will be internally homogeneous with heterogeneity existing only across these communities.)

### Hijack – Hobbes

#### Their framework collapses to Hobbes – differring conceptions and realities means bad state of nature that results in an inevitable sovereign, Parrish:

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

“But even more significantly for his relationship with Derrida, Hobbes argues that **in the state of nature persons must** not only try to control as many objects as possible -- they must also try to **control as many** persons **as possible**. "There is no way for any man to secure himself so reasonable as anticipation, that is, **by force** or wiles to master the persons of all men he can, so long till he see no other power great enough to endanger him. And this is no more than his own conservation requireth, and is generally allowed."37 While it is often assumed that by this Hobbes means a person will try to control others with physical force alone, when one approaches Hobbesian persons as meaning creators this control takes on a more discursive, arche-violent character. First," says Hobbes, "among [persons in the state of nature] there is a contestation of honour and preferment,"38 a discursive struggle not over what physical objects each person will possess, but over who or what will be considered valuable. **Persons,**as rationally self-interested beings **who**"measure, not only other men, but all other things, by themselves,"39 and **value themselves above all** others, attempt to **force that valuation on others**."The **human desire** for 'glory', which in today's language translates not simply as the desire for prestige, but also the desire to acquire power over others," **is** therefore primarily **about subsuming others beneath one**'s own personhood, **as** direct **objects** or merely phenomenal substances. As above, the inevitability of this situation is given by the fact that the primarily egoistic nature of all experience renders the other in a "state of empirical alter-ego"41 to oneself. Those who prefer a more directly materialistic reading of Hobbes may attempt to bolster their position by pointing to his comment that "the most frequent reason why men desire to hurt each other, ariseth hence, that many men at the same time have an appetite to the same thing; which yet very often they can neither enjoy in common, nor yet divide it; whence it follows that the strongest must have it, and who is strongest must be decided by the sword."42 This quote also supports my reading of Hobbes, because quite simply the primary thing all persons want but can never have in common is the status of the ultimate creator of meaning, the primary personhood, from which all other goods flow. Everyone, by their natures as creators of meaning whose "desire of power after power . . . ceaseth only in death,"43 tries to subsume others beneath their personhood in order to control these others and glorify themselves. As Piotr Hoffman puts it, "every individual acting under the right of nature views himself as the center of the universe; his aim is, quite simply and quite closely, to become a small "god among men," to use Plato's phrase."Hobbes argues that **this discursive struggle** rapidly **becomes physical** by writing that "every man thinking well of himself, and hating to see the same in others, they must needs provoke one another by words, and other signs of contempt and hatred, which are incident to all comparison, till at last they must determine the pre-eminence by strength and force of body."45 **The ultimate violence**, the surest and most complete way **of removing a person's ability to create meaning, is to kill that person**, and the escalating contentiousness of the state of nature makes life short in the war of all against all. But this does not render the fundamental reason for this violence any less discursive, any less based on "one's sense of self-importance in comparison with others"46 or human nature as a creator of meaning.”

#### That negates – imposing obligations on the state is incoherent

### Psycho Bad

#### 1] No psychoanalysis – it’s nonfalsifiable, Gordon 01:

Paul Gordon, accomplished psychotherapist, “Psychoanalysis and Racism: The Politics of Defeat,” RACE & CLASS v. 42 n. 4, 2001, pp. 17-34. Rehighlighted LHP AV

But in the thirty years since Kovel wrote, that attempt to relate mind and society has been fractured by the advent of postmodernism, with its subsumption of the material/historical, of notions of cause and effect, to what is transitory, contingent, free-¯oating, evanescent. Psychoanalysis, by stepping into the vacuum left by the abandonment of all metanarrative, has tended to put mind over society. This is particularly noticeable in the work of the Centre for New Ethnicities Research at the University of East London, which purports to straddle the worlds of the academy and action by developing projects for the local community and within education generally.28 But**,** in marrying psychoanalysis and postmodernism, on the basis of claiming to be both scholarly and action oriented, it degrades scholarship and undermines action, and ends in discourse **analysis a language** in which metaphor passes for reality**.** Cohen's work unavoidably raises the question of the status of psycho- analysis as a social or political theory, as distinct from a clinical one. Can psychoanalysis, in other words, apply to the social world of groups, institutions, nations, states and cultures in the way that it does, or at least may do, to individuals? Certainly there is now a considerable body of literature and a plethora of academic courses, and so on, claim- ing that psychoanalysis is a social theory. And, of course, in popular discourse, it is now a commonplace to hear of nations and societies spoken of in personalised ways. Thus `truth commissions' and the like, which have become so common in the past decade in countries which have undergone turbulent change, are seen as forms of national therapy or catharsis, even if this is far from being their purpose. Nevertheless, the question remains: does it make sense, as Michael Ignatieff puts it, to speak of nations having psyches the way that individuals do? `Can a nation's past make people ill as we know repressed memories sometimes make individuals ill? . . . Can we speak of nations ``working through'' a civil war or an atrocity as we speak of individuals working through a traumatic memory or event?' 47 The problem withthe application ofpsychoanalysis to social institutionsis thatthere can be no testing of the claims made. If someone says, for instance, that nationalism is a form of looking for and seeking to replace the body of the mother one has lost, or that the popular appeal of a particular kind of story echoes the pattern of our earliest relationship to the maternal breast, how can this be proved? Thepioneers of psychoanalysis, from Freud onwards, allderivedtheirideas in the context oftheirwork with individual patients and their ideas can be examined in the everyday laboratory of the therapeutic encounter where the validity of an interpretation, for example, is a matter for dialogue between therapist and patient**.** Outside of the consulting room, there can be no **such** verification process, and the further one moves from the individual **patient,** the less purchase psychoanalyticideas canhave**.** Outside the therapeutic encounter, anything and everything can be true, psychoanalytically speaking. Butif everything is true, then nothing can be false and therefore nothing can be true. An example of Cohen's method is to be found in his 1993 working paper, `Home rules', subtitled `Some re¯ections on racism and nation- alism in everyday life'. Here Cohen talks about taking a `particular line of thought for a walk'. While there is nothing wrong with taking a line of thought for a walk, such an exercise is not necessarily the same as thinking. One of the problems with Cohen's approach is that a kind of free association, mixed with deconstruction, leads not to analysis, not even to psychoanalysis, but to . . . well, just more free association, an endless, indeed one might say pointless, play on words. This approach may well throw up some interesting associations along the way, connections one had never thought of but it is not to be confused with political analysis. In `Home rules', anything and everything to do with `home' can and does ®nd a place here and, as I indicated above, even the popular ®lm Home Alone is pressed into service as a story about `racial' invasion.

#### 2] Psychoanalysis is paternalistic and contradictory, Brickman ‘3:

[Celia Brickman, (Center for Religion and Psychotherapy of Chicago, PhD in Religion and the Human Sciences at the University of Chicago); Aboriginal Populations in the Mind: Race and Primitivity in Psychoanalysis; Columbia University Press; New York; p. 201-2 //Recut LHP AV

The **authority of** early anthropologists and **psychoanalysis** alike **had been** bolstered by the **attempts** of their respective disciplines **to model themselves along scientific lines as a way of placing their new forms of knowledge within a recognizable framework of legitimacy**. Contemporary anthropology now distances itself not only from its colonial ancestry but from the positivism of earlier social science approaches—**attempts to ground knowledge of social worlds in the observation, measurement, and quantification of elements of human behavior**; **while certain trends in contemporary psychoanalysis have begun to distance themselves from the model of the natural sciences**, which attempts to ground knowledge of the natural world by studying phenomena in laboratory conditions that ensure an uncontaminated source of data. Both **these models presupposed a scientific observer, the integrity of whose observations and conclusions depended on his or her detachment and separation from the subjects under investigation**. **They presupposed a separate and preexisting anthropological or psychological reality that would be decoded by the neutral and unimplicated scientist**, **assisted by universalizing theories and undisturbed by any consideration of the political processes governing these encounters**.6 **Such models allowed practitioners** of anthropology **to ignore not only the embeddedness of both members of the anthropological encounter within historically constructed and politically interacting contexts but also the domination of their own world views through their interpretations and representations of the subjects they attempted to describe**. Similarly, by **rendering the unconscious as the pristine object of a scientific investigation,** **psychoanalysts hid their domination of the psychoanalytic subject, replacing recognition (a mutual act) with observation (a unilateral act) and camouflaging their influence as disinterested interpretation**. **The psychoanalyst**, like the anthropologist, **was hailed as the agent who would make authoritative interpretations and judgments concerning the passive human objects of investigation whose own knowledge was treated as the raw material, rather than part of the final product, of the investigation.**