I negate. Brackets for clarity.

To negate[[1]](#footnote-0) means to deny the existence or truth of. This has two implications: First, that you presume neg because there are more reasons why a statement might not be true than ones that directly prove the statement true. Second, permissibility flows neg because the aff has the burden to prove some sort of moral obligation since that is what “ought” entails. Thus, proving permissibility, which is distinct from obligation would negate.

Just is defined as morally correct [Cambridge Dictionary]. Thus I defend that a morally correct government ought not to recognize an unconditional right for workers to strike.

Motivation must be the starting point of any ethic since they implicitly assume people will follow it. Any form of externalism collapses to internalism. **Joyce**:

Back to the external reason[s]. Suppose it were claimed, instead, that I have a reason to refrain from drinking the coffee because it is tapu and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. [r]egardless of my desires (it is claimed) I ought not drink - l have a reason not to drink. But **how could** that reason ever explain any action of mine? Could the **external reason** even **explain** my **[action]** from drinking**?** Clearly, in order to explain it **the** external **reason must have some causal**ly efficacious **role [in]** among the antecedents of **the action** (in this case, an omission) — l must have. in some manner. "internalized" it. The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason claim [but] : I believe that the coffee is tapu. There's no doubting that such a belief can play a role in explaining actions - including my refraining from drinking the coffee. The question is whether the **belief alone can[not] produce action**, to which the correct answer is “No.” A very familiar and eminently sensible view says that **in order to explain** an **action** the **belief must couple with desire**s (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: if I believe that the coffee is [bad] tapu but really just don’t care about that, then I will not refrain from drinking it. So in order for the belief to explain action it must couple with [desire] elements - but in that case the putative **external reason collapses into** an **internal** one.3

Joyce, Richard (Professor of Philosophy at Victoria University Wellington, New Zealand). The Myth of Morality. 2001. ***[Bracketed for grammatical clarity]***

Only a contractarian system that derives principles of mutual restraint from individuals’ self-interest accounts for internal desire because contractarian principles are in the interest of all parties involved **Gauthier 86**:

**Moral principles are** introduced as the **objects of** full voluntary ex ante **agreement among** rational **persons. Such agreement is hypothetical,** in supposing a pre-moral context for the adoption of moral rules and practices. **But the parties to agreement are real,** determinate individuals, **distinguished by their** capacities, **situations, and concerns.** In so far as **[Since] they** would **agree** **to constrain**ts **on their choices**,restraining their pursuit of their own interests, **they acknowledge a distinction between what they may and may not do. As rational persons** understanding the structure of their interaction, **they recognize [the need] for mutual constraint**, and so for a moral dimension in their affairs.

Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print. [bracketed for grammatical clarity]

Thus, the standard is **consistency with** **contractarian principles of mutual restraint,** defined as those principles by which individuals would constrain their actions with the belief that doing so would serve their self-interest.

Additionally, self-interest is determined at the time of the original decision to rise to a norm of mutual self-restraint.

Prefer the standard:

**1. Consent-** Contractarianism is based on consent—implicit in acceptance of a contract—which ultimately determines what qualifies as a net good or harm. O/w their justifications since actions can’t be determined without consent.

**2. Infinite Regress-** Asking external authorities begs the question of why their conception of the good is correct and should be preferred. Contractarianism avoids this by allowing individuals to construct conceptions of the good based on a rational restriction of their future actions. O/w their framework since no other theory is derived from a morally neutral base.

**3. Performativity** – You agree to 4 minutes of prep and if you tried to go over the judges would down you or tell the tournament to DQ you. Their very performance justifies the NC framework and proves the AC collapses to the NC.

I contend that no contractarian principle exists that wills us to affirm. Now negate:

**An employee voluntarily enters into a contract when they agree to work at a company. Morrissey:**

So, for example, **an employee of a corporation** strikes a bargain—i.e. **enters a contract—with the corporation when both parties agree to certain terms of employment**. Creditors likewise enter into certain agreements with a corporation to provide financing in accord with certain contractual terms. And shareholders should understand that they are getting a bundle of rights with respect to that corporation in exchange for the money they invest.300

Contractarians would argue that **all of these parties should strike the bargain they find acceptable and live within the terms of that bargain**, or else they will find themselves in breach and possibly subject to legal recourse from their counterparties. Again, the traditional contractarian argument is that **there is no compelling need for government regulation or oversight beyond the policing and enforcement of the contractual bargains**.301

Morrissey, Joseph F. "A Contractarian Critique of Citizens United." U. Pa. J. Const. L. 15 (2012): 765.

**Workers agree in contracts not to strike, these contracts grant employers the right to fire people if they strike and has been upheld by the state. This means strikes break these contracts.**

"Employer Sanctions for Violation of No-Strike Clause: Union Busting through Mass Discharge and Rescission." ***Yale Law Journal*,** digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=8323&context=ylj. Accessed 23 June 2021.

**EMPLOYERS often secure no-strike clauses** 1 **in collective bargaining contracts** 2 with their employees' unions, 3 in order to ensure greater union responsibility for the maintenance of stable production schedules.4 **Under such clauses, the union promises not to authorize or sanction any strike during the term of its contract.' The employer is** usually **given power to discipline or discharge all the individual union members who strike in violation of the no-strike clause.0**

When confronted with a union-sponsored strike in violation of a no-strike clause, the employer may be forced to accede to the union's demands because of production requirements or the scarcity of replacement workers. 7 Alternatively, he may shut down his plant and wait out the strike, disciplining the strikers when they return to work, subject to an arbitrator's review.8 However, if he believes his bargaining position to be strong, he may discharge all the strikers, rescind the contract, and refuse thereafter to deal with the union.0 **The N**ational **L**abor **R**elations **B**oard **has upheld such employer actions on the grounds that they are justified by the union's prior material breach of the contract,'** ° and that strikers in violation of contract are not protected by the National Labor

Any breach of contract is immoral as it was arrived from two parties mutually agreeing on a contract, thus any strike is immoral and should not be recognized by a just government.

And, given that the purpose of a government is to uphold contracts, a government recognizing a right to breach contracts destroys the constitutive nature of government and doesn’t qualify.

Second off

1. The ROTB is TT -

A) Isomorphism: alternative RTBs aren’t binary win/loss, and thus cannot function in debate

B) Constitutivism: the ballot and tab software presents decisions as aff/neg, not who best achieves some good value. Also, “affirm” is “To state that is true” [1] and negate is “to deny the existence or truth of”, which independently proves truth testing.

C) Key to 1) Ground Parity: The wording committee and topic selection process exist to identify topics with a range of defensible arguments on both sides, “role of the ballot” claims can frame the round in ways that make my ground either absurd or morally abhorrent 2) Predictability: The only face value of a resolution is it’s truth or falsity as a statement – not some inherent other framework

2. Good Samaritan paradox. If I want to solve x problem, x problem has to exist first which would mean I want that problem to exist. Means strikers can’t actually solve capitalism because they subconsciously want it to exist so doing the rez is pointless and you should negate.

3. To is defined as expressing motion in the direction of (a particular location) [EOD]. Strike is not a particular location, so it can’t be moved towards and the resolution is impossible and you auto-negate.

4. To say X ought to do something requires that X has a unified intent; governments are groups and have no unified intent, so the resolution is false

5. Strike is defined as to hit or attack someone or something forcefully or violently [Cambridge Dictionary]. There shouldn’t be an unconditional right to hit people so the resolution is a priori false.

6. Existence is conditional on states of affairs in the world, thus no right can be unconditional because its existence is necessarily conditional so the resolution is a priori false

7. Double bind, either a) an unconditional right to strike is just and the just governments that are the actors of the resolution would have already done it so no need to affirm or b) an unconditional right to strike is not just and you negate

8. Just is defined as morally correct [Cambridge Dictionary] and unconditional is defined as not conditional or limited [Merriam-Webster]. A morally correct government shouldn’t recognize hate strikes as legitimate, so the resolution is a priori false.

9. Neg definition choice – the aff should have defined in the 1ac because it was in the rez so it’s predictable contestation, by not doing so they have forfeited their right to read a new definition – kills 1NC strategy since I premised my engagement on a lack of your definition.

Hate strikes fracture movements, they become sectionalized and lack true solidarity, only limits on the right to strike can solve

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

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

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

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

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

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

1. "negate." Merriam-Webster Online Dictionary. 2010. Merriam-Webster Online. 18 August 2010. <http://www.merriam-webster.com/dictionary/negate> [↑](#footnote-ref-0)