# 2AC DRR Round 4

## Case!

### Overview

### Solvency!

## T

### T Superseding---2AC

#### We meet. The plan establishes that the right to bargain *supersedes* employer’s interests in making automation decisions.

Sockell & Delaney 86 – Assistant Professors in the Graduate School of Business, Columbia University

Donna R. Sockell & John Thomas Delaney, The Scope of Bargaining: Who Wins When Fewer Issues Are Mandatory Bargaining Subjects, 11 Lab. Stud. J. 101 (1986), Nexis

The *Borg-Warner* decision was not intended to preclude bargaining over permissive items, but simply to accord voluntary rather than compulsory bargaining status to these issues. Yet, by denying parties the primary economic weapons used to extract concessions, it is reasonable to expect that bargaining over permissive items is less likely to be effective or meaningful. Indeed, Justice John M. Harlan expressed this point in his separate opinion in *Borg-Warner*; he argued that "the right to bargain becomes illusory if one is not free to press a proposal in good faith to the point of insistence."2 This view has been elaborated upon by others:

[The Borg- Warner rule tends] to remove some of the incentive to discuss fully all the items that might be raised by a party. Any voluntary subjects that are raised by one party may be summarily dismissed by the opposing party on the basis that it is not a subject that its proponents may insist upon.3

Moreover, the fact that an item's permissive status affects bargaining is demonstrated by arguments that specific issues should be nonmandatory bargaining subjects so that they can remain within the exclusive control of one of the parties. 4

Because it appears that the bargaining status of an issue affects its negotiability, it is necessary to identify bargaining subjects that have been classified as permissive and any trends in the classification process in order to assess the impact of the bargaining scope distinction. This evaluation, in turn, will provide an important clue to the future of collective bargaining.

Bargaining items which may be affected by the permissive distinction have been suggested by subsequent NLRB and court decisions. However, it is noteworthy that consistent and direct rules have not been followed in the classification of several issues (e.g., partial plant closures, subcontracting). Approaches have varied across circuit courts of appeal (and over time) and changing Boards.' Perhaps the most important case laying the groundwork for permissive findings was decided by the Supreme Court in 1964. In *Fibreboard* Paper Products Corp. v. NLRB,6 the majority of the Court held that the decision to subcontract work previously performed by bargaining unit members was a mandatory subject of bargaining. The Court applied a balancing test of employers' and employees' interests to reach its decision (since, among other things, the decision did not involve significant investments in capital or changes in the direction of the enterprise and it adversely affected employment security).

Interestingly, the precedent-setting value of the case in terms of according permissive status to bargaining subjects was supplied by Justice Potter Stewart's separate concurring opinion. In this oft-cited opinion, Justice Stewart was careful to point out that "nothing the Court holds today should be understood as a duty to bargain regarding managerial decisions, which lie at the core of entrepreneurial control."7 He argued that regardless of their adverse impact on employment security, items such as commitment of investment capital, changes in the nature of operations, liquidation of assets, or termination of the business must remain within the exclusive control of management for they "are the essence of the management function." Justice Stewart also enumerated management decisions likely to have such an "extremely indirect and uncertain impact upon job security" that they too need not be negotiated with employee representatives (e.g., design, and the manner of financing and sales). 9 Fibreboard, or, more properly, Justice Stewart's opinion in the case, has paved the way or provided support for classifying items potentially important to labor as permissive. Among these items are production process changes or technological innovation, sales of equipment and entities, mergers, and advertising practices.10 Recently, the Supreme Court added a new, major item to this list. In First National Maintenance Corp. v. NLRB, (FNM)," the high court held that partial plant closures motivated by profitability concerns were permissive subjects, resolving substantial disagreement over the items' status across circuit courts and 6. 379 U.S. 203 (1964). 7. Ibid. at 223. 8. Ibid. 9. Ibid. 10. See, for example, International Union, United Automobile, Aerospace, and Agricultural Implement Workers ofAmerica v. NLRB, 470 F2d 422 (DC Cir. 1972); General Motors Corp., GMC Truck and Coach Division, 191 NLRB 951 (1971); Vegas Vic, Inc., dba Pioneer Club, 213 NLRB 841 (1974); Yellow Cab Co. v. NLRB, 603 E2d 862 (DC Cir. 1979); Summit Tooling Co., 195 NLRB 479 (1972); Kingwood Mining Co., 210 NLRB 844 (1974); and Detroit Resilient Floor Decorators, Local 2265 (Mill Floor Covering, Inc.), 136 NLRB 769 (1982), enf'd, 317 E2d 269 (6th Cir. 1963). 11. 452 U.S. 666 (1981) 104 SCOPE OF BARGAINING within the NLRB over time.1 2 Subsequent interpretations of which partial closures are permissive or economically motivated suggest that as long as discriminatory (antiunion) motives are not involved, no bargaining requirement should be imposed.'" In fact, it has been suggested that a per se rule is being applied 4 and that the Fibreboard balancing test has been discarded. Legal scholars and practitioners who have commented on the significance of the FNM case have generally viewed the decision as enabling, if not foreshadowing, a systematic reduction in the scope of compulsory bargaining.' The most widely held views have found support not only in the willingness of certain circuits to apply the FNM per se approach to cases involving partial plant closings, but also to changes in the production process and technology.' 6 One of the clearest indications that the FNM decision is being used to reduce the scope of bargaining is apparent in the NLRB's recent holding in the Otis Elevator Co.' 7 case. In that case, management made a decision to relocate or transfer operations ostensibly to "improve its research and development and the marketability of its product." 8 The Board, relying on FNM and Justice Stewart's Fibreboard opinion, held that the company's decision was a permissive bargaining item. The Board justified its ruling by arguing that preclosure negotiations could not have influenced the company's decision since the relocation decision was not based on labor costs (even though such costs clearly influenced the decision to relocate). 19 It is indeed difficult to imagine how tribunals can be expected to sever labor cost motivations from generic profitability concerns if companies claim that their decisions are economically motivated. Thus, as long as employers argue that their decision is not based primarily on labor cost considerations, Otis Elevator will likely serve as the foundation for a 12. Gacek, "The Employer's Duty to Bargain." 13. See, for example, Carbonex Coal Corp., 262 NLRB 1306 (1982); Bauer Welding and Metal Fabricators, Inc. v. NLRB, 676 E 2d 314 (8th Cir. 1982). 14. Sockell, "Reflections on Borg- Warner." 15. See Alan Hyde, "Beyond Collective Bargaining: The Politicization of Labor Relations under Government Contract," Wisconsin Law Review (1982): 1-41; Sockell, "Reflections on Borg- Warner"; and Katherine Van Wezel Stone, "The Post-War Paradigm in American Labor Law," Yale Law Journal, 90 (June 1981): 1509-1580. For a different view, see Thomas C. Kohler, "Distinctions without Differences: Effects Bargaining in Light of First National Maintenance," Industrial Relations LawJournal, 5 (1983): 402-425. 16. NLRB v. Island Typographers, Inc., 705 E2d 44 (2d Cir. 1983). 17. Otis Elevator Co., 269 NLRB No 162, 115 LRRM 1281 (1984). 18. Ibid. 19. 115 LRRN at 1282. 105 LABOR STUDIES JOURNAL/FALL 1986 per se rule that decision bargaining is not required in work relocation cases (just as FNM yielded such an approach in partial plant closing cases). More importantly, the NLRB has expressed a willingness to apply FNM to all cases involving "other types of management decisions, such as plant relocations, sales, various kinds of subcontracting, automation, etc.," 2 0 even though the Supreme Court excluded such decisions from its FNM holding.

In short, it appears that a set of *per se* rules has replaced a balancing test approach in bargaining subject status determination cases. The use of the new criteria seems to have precipitated an expansion in the set of permissive bargaining issues. Further, the several subjects recently declared to be permissive could have a significant (if not drastic) impact on organized workers. As a result, we believe that the wisdom and potential consequences of expanding the permissive set must be considered.

#### CI: Strengthening a right in the CBR context means enumerating new protected interests.

Sherman 82 – J.D., University of California, Berkeley School of Law

Charles W. Sherman, “Committee to Defend Reproductive Rights v. Myers: Abortion Funding Restrictions as an Unconstitutional Condition,” California Law Review, Vol. 70, pp. 978–1013, July 1982, Nexis

This belief is also reflected in the strongly worded dicta in several passages of the court's opinion. First, CDRR recited additional interests of the woman that the right protects. Previous decisions had said that the right implicates the woman's "fundamental interest in the preservation of her personal health" 153 and "her right to decide whether to parent a child." 154 To that list of protected interests, CDRR added that the procreative right protected the woman's "ability to retain personal control over her own body" and "her control of her social role and personal destiny." 155 Arguably, the strength of a right is directly related to the number and importance of the interests the right protects. Thus, when the court enumerates additional interests that are as fundamental as a woman's control over her body and her social role, the court announces an intention to strengthen the overall right of procreative choice.

## K

### K---2AC

#### Consequentialism is key. Moral fundamentalism culminates in arbitrary violence.

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Joshua L. Cherniss, “1. Squeamishness Is the Crime”: Ruthlessness, Ethos, and the Critique of Liberalism,” *Liberalism in Dark Times: The Liberal Ethos in the Twentieth Century*, Princeton University Press 2021, pp. 14-17.

Ruthlessness and the Story of Twentieth-Century Politics

Lev Zalmanovich Kopelev was, by most measures, a good man. He was also, for the first half of his life, a devout Communist. His faith in Marxism survived the punishment that his moral decency provoked. While serving as a propaganda officer and translator in World War II, Kopelev denounced the Red Army’s systematic campaign of rape and other war crimes against the vanquished population of East Prussia. This “bourgeois humanism” earned him ten years in the gulag. Released in 1954, after Stalin’s death, he rejoined the Communist Party, optimistically embracing Khrushchev’s “thaw.” After finally breaking with Communism in 1968, Kopelev sought to reckon with his earlier beliefs in several memoirs. Here he is describing his experience as a twenty-one-year-old Party activist in his hometown of Kharkov during the Holodomor, the state-imposed terror-famine of 1932–33:

I saw people dying from hunger. I saw women and children with distended bellies, turning blue, still breathing but with vacant, lifeless eyes . . . I saw all this and did not go out of my mind or commit suicide. Nor did I curse those who had sent me out to take away the peasants’ grain in the winter, and in the spring to persuade the barely walking, skeleton-thin or sickly-swollen people to go into the fields in order to “fulfill the Bolshevik sowing plan.”3

How did a sensitive, morally brave young man come to act this way?

Why was he unable to turn from his course? These questions are crucial to understanding the experience of the twentieth century. Human history is full of crimes, miseries, and follies; it is futile to award comparative points for horror. Yet we should take seriously the perception, voiced by many of its participants, that the twentieth was, as Isaiah Berlin declared, “the most terrible century in Western history”—a sentiment which reflects the fact that, as Berlin’s cousin Yehudi Menuhin remarked, the century “raised the greatest hopes ever conceived by humanity, and destroyed all illusions and ideals.”4 (Or so it seemed: illusions, it turns out, are resilient.) The scale and intensity of suffering and degradation—especially in contrast to the expectations with which the century began, and the comfort enjoyed by many—are extraordinary; they call for explanation.5

This chapter offers a tour of the ethical landscape of early twentieth-century politics, and a conceptual framework for making sense of it. I first analyze the phenomenon of ruthlessness and underscore the importance of a particular sort of ruthlessness in early twentieth-century political thought. I next lay out the connection between this sort of ruthlessness and critiques of liberalism. After an excursus clarifying the concept of ethos, I highlight the way in which the assault on liberalism was inspired by disgust with liberalism as a feature of character, and the articulation of a distinctively anti-liberal ethos.

An Anatomy of Ruthlessness

Ruthlessness, as I use the word here, refers to a way of inhabiting or experiencing one’s own moral life. It involves, first, an approach to deliberation—a way of thinking about one’s actions—that disregards, suppresses, or drastically subordinates all other considerations or values to some paramount consideration, principle, or goal. Ruthlessness also involves linked features of sentiment and sensibility. First, it indicates a single-minded intentness on a single goal—what Hawthorne termed an “inveteracy of pursuit that knew neither rest nor conscience.”6 This lack of “conscience” indicates a further feature: an absence of reservation, remorse, or regret (or an alacrity in dismissing such feelings) when engaging in actions that harm people or violate commonly held moral standards; and a failure to perceive or consider that others may have a just grievance against one.7

Many people act ruthlessly, or display elements of ruthlessness in thought and feeling, some of the time. Some bring themselves, or are brought, to act ruthlessly, without developing a ruthless mind-set or disposition—or can only partially and ambivalently muster up a ruthless mind-set to match their actions (Hamlet, who is “cruel to be kind” and constantly self-questioning, embodies this partially successful ruthlessness: his conscience is continually making a “coward” of him—that is, marring his ruthless dedication to his end with paralyzing scruples). Many are indoctrinated or habituated into ruthlessness. Some embrace ruthlessness as a normative model for thought, feeling, and action, and seek to cultivate ruthlessness as an ethic or ethos in themselves and others. It is this last phenomenon that particularly interests me here.8

To explore the roots of this ruthlessness, let us return to Kopelev, and the question of how his humanistic idealism compelled him to serve inhumanity. Kopelev fell prey to the tyranny of doctrine: a “rationalistic fanaticism overcame my doubts, my pangs of conscience and simple feelings of sympathy, pity and shame.”9 This involved not only dedication to an ideal, but subscription to an ethical theory:

With the rest of my generation I firmly believed that the ends justified the means. Our great goal was the universal triumph of Communism, and for the sake of that goal everything was permissible—to lie, to steal, to destroy hundreds of thousands and even millions of people, all those who were hindering our work or could hinder it, everyone who stood in the way.10

Achieving a moral goal demanded dedication, determination, a temporary suspension of humane sentiment and principles. But there was also at work the intoxicating consciousness of serving a larger cause—and the sense of certainty and moral superiority that this granted, and that those who experienced it feared losing. What Kopelev and his comrades dreaded most was “to fall into doubt or heresy and forfeit our unbounded faith.”11

Two features of this sort of ruthlessness struck observers with particular force. One was the way in which those who committed heinous actions were motivated by sincere benevolence and idealism. Some, of course, were simply malevolent or power-hungry. But the peculiar horror of twentieth-century atrocities lay in the fact that some of the most ruthless proponents of terror were genuine philanthropists, motivated by passionate devotion to ideals of justice and liberation. The second was the way in which cruelty, certainty, and self-righteousness amplified one another, and allowed men to torture and kill “peacefully and with a quiet conscience, with the feeling that they had done their duty, with the smell of roasting human flesh still in their nostrils, and slept—the sleep of the innocent after a day’s work well done.”12

Here we observe a distinctive political-ethical phenomenon, that of ethical-ideological-political ruthlessness (I will, in what follows, generally drop this unwieldy string of qualifiers, and use “ruthlessness” as shorthand). It was ethical in arising from the conviction that ruthlessness was demanded by a correct understanding of the dictates of morality—whether because moral duties require one to act ruthlessly, or because personal qualities of hardness, resolution, and certainty are virtues. It was ideological insofar as it was inspired by belief in a (putatively infallible) theory about how the world works, and a rejection of considerations that did not “fit” the theory. It was political not only in occurring within political action, but in reflecting the conviction that ruthlessness was demanded by the conditions of political life.

### AT: CBR---2AC

#### Link turn. Unions are good for disabled workers. This is both defense to their links AND offense against an alternative which rejects the union form and collective bargaining.

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Despite the promise of the ADA, people with disabilities continue to face significant economic hardship. People with disabilities remain more likely to experience poverty than people without disabilities. Employment levels for working-age people with disabilities remain far below those of their nondisabled peers, and workers with disabilities make just $0.74 per dollar earned by workers without disabilities. These persistent disparities suggest that the passage of the ADA has been insufficient to achieve economic parity for disabled workers.

Union membership offers a potential way to narrow the gap. People with disabilities benefit from union membership in several key respects. Chief among them is an especially high union wage premium for people with disabilities. Wage premiums associated with union membership have been demonstrated for workers in general, with larger premiums for Black workers, low-wage workers, and women. However, the union wage bump is especially pronounced for workers with disabilities.

A study by Pettinicchio and Maroto found that the union effect on weekly earnings of workers with disabilities was twice that for workers without disabilities. Disabled union members saw, on average, a 28 percent increase in earnings compared to nonunion workers with disabilities. The increase was closer to 35 percent for workers with independent living limitations. The authors also found that the union wage premium for workers with disabilities was significantly larger than the unionized-nonunionized earnings gap among women, Black, or Hispanic workers.

A study by Ameri et al. found a union wage premium of 29.8 percent for workers with disabilities (Figure 1), compared to a 23.9 percent premium for workers without disabilities. While access to union jobs is somewhat mediated by industry, part-time and full-time classification, and other structural and organizational factors, these results are nevertheless striking. Moreover, while there is some variation in union density by type of disability, on average, workers with disabilities are nearly as likely as workers without disabilities to be union members (Table 1). In light of the previously mentioned studies, increasing union density overall could be particularly beneficial for disabled workers.

Workers with disabilities may also ~~stand~~ to gain from union membership in other ways. The protections enshrined into law by the ADA become hollow if not enforced, and reports suggest that they are regularly flouted. Unions act as a source of employer accountability and may provide an additional enforcement mechanism, ensuring that these hard-won legal protections become a reality. Specifically, unions can help enforce ADA provisions and ensure that accommodation needs that might otherwise go ignored are met in accordance with both the law and collective bargaining agreements (CBAs). Unions are required to duly represent members in disputes, and they provide a structure that allows employees to have issues addressed without personally incurring costly legal expenses. Unions can also assist with workers’ compensation claims, offer emotional support, uphold contact with workers who are away and rehabilitating, offer guidance to employers about the ADA, and take other actions to lessen employer animosity that is produced when there are disruptions to the existing state of affairs.

In the process of providing the type of assistance noted above, unions can also help normalize seeking and receiving accommodations. Unions are workplace actors that can integrate and institutionalize disability concerns. An analysis of 72 arbitration cases by Williams-Whitt concluded that “unions may have a particularly influential role to play by nudging collective beliefs and norms about accommodation.” Unions can reduce the stigma surrounding requesting and receiving workplace accommodations. Workplaces where employers are more attentive to accommodation needs and where accommodations are more commonplace allow workers with disabilities to avoid appearing to receive special treatment for requesting what they need to be able to effectively do their jobs.

Unions and CBAs give workers access to important resources, opportunities, and rewards. While there have been instances in the past of accommodation needs conflicting with CBA-established hierarchies, these obstacles can be addressed by centering the needs of disabled workers during both bargaining and enforcement. Unions can even reframe such accommodations as universal benefits for all staff. Flexible work schedules, for example, can benefit and raise productivity for people with and without chronic illnesses. During the COVID-19 pandemic, remote work opportunities proved popular among workers with and without disabilities, and the sudden increase in their availability exposed how much more flexible employers could have been before the pandemic with regard to accommodations.

#### Normative discussion of disability in relation to rights and institutions are essential to advocacy and to descriptive accuracy – deconstructing disabled identity and rejecting ableist policies/institutions is insufficient

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(“Moral wrongs, disadvantages, and disability: a critique of critical disability studies,” Disability & Society Volume 29, Issue 4, 2014)

The ideas developed within CDS draw heavily on concepts developed in other areas of difference including ethnicity, sexuality and gender. Whilst it is not simply about conflating different approaches together with that of disability studies, the case for similarities are readily made (Shildrick 2012). McCruer (2010), for example, drawing on the ideas of Judith Butler juxtaposes compulsory heterosexuality with compulsory ablebodiedness, arguing that privileging heterosexuality and ablebodiedness acts to the detriment of others**. The argument is that by disrupting the categories disabled/non-disabled, the discrimination experienced by disabled people can be challenged.**

This attempt at what Sayer (2011) has called normative disorientation found in **much of the theorizing around ableism creates problems.** For example, how can we discuss or debate prevention when a feature of ableism is described as a ‘belief that impairment (irrespective of “type**”) is inherently negative** which should, if the opportunity presents itself, be ameliorated, cured or indeed eliminated’ (Campbell 2009b, 23)? Is the promotion of the use of folic acid before and during pregnancy based on an anti-disablist or perhaps ableist viewpoint; and if so, should CDS be campaigning against those who seek to promote these views? This gap is acknowledged by Meekosha (2011), but it has not been examined or unpacked. Whilst we may be accused here of constructing a ‘straw person argument’ it is consistent with Campbell’s claim.

This challenge to normativity, of what is good or bad, or right or wrong, characterizes much of the CDS literature. Whilst CDS often makes normative judgements about policies **or about the current understanding of disability** or how contemporary social organization is morally wrong, it offers no evaluative arguments on impairments or on the implications of living with an impairment. Shildrick (2012, 40), for example, has argued that ‘all bodies are unstable and vulnerable’ and that there is ‘no single acceptable mode of embodiment’. Shildrick attempts a move to an ethical realm by posing what she describes as ‘an **important ethical question**: **how can we engage with morphological difference** that is not reducible to the binary of either sameness or difference?’ And, in line with this rather leading question, she continues: ‘If we are to have an ethically responsible encounter with corporeal difference, then, we need a strategy of queering the norms of embodiment, a commitment to deconstruct the apparent stability of distinct and bounded categories’ (Shildrick 2012, 40). In Shildrick’s view, any strategy, political arrangement, or ethical conceptualization that is based on a group identity built upon a binary distinction or difference, is ethically wrong. This is an interesting suggestion but unfortunately Shildrick does not provide any ethical argument to support it or a practical example of how it may be enacted.

It is, as Shildrick argues, safe to suggest that there is no ‘single acceptable mode of embodiment’, but at the same time **it seems equally safe to suggest that there are a lot of people who would argue that some forms of embodiment are preferential to others**. **Seeing impairments as** acceptable forms of human diversity **is not the same as seeing them as neutral or insignificant**. When people say that some forms of embodiment are preferential to others, they are ultimately referring to ideas about human well-being. In other words, one reason why people generally prefer not to have impairments is ethical; they believe that some impairments may in and of themselves prevent people from acting and moving as they wish, from doing valued activities, or faring well in general. Thomas (1999) coined the term ‘impairment effects’ to define these limitations and to separate them from those that arise from disablement. CDS is normative as well, albeit its normative focus is on social factors instead of individuals’ abilities. CDS, like the social model, contains a strong normative dimension that implies what is right or wrong as regards social arrangements, but neither model takes a clear normative approach to the lived, embodied and visceral experiences of having an impairment (Vehmas 2004).

**Human beings are** dialogical beings **and the significance of disability or impairment and their impact on well-being will tend to be comparative**. As Sayer argues: ‘we measure ourselves not so much against absolute standards but against what others are like, particularly those with whom we associate the most’ (2011, 122). **Evaluative judgements** in relation to the individual experience of both disability and impairment are important. If we are to properly understand social phenomena, such as disability, we have to **recognize their normative dimensions and the values attached to them**. **Value-laden statements**, as Sayer (2011) argues, **can strengthen the descriptive adequacy of accounts**. Sayer demonstrates this by using the example of the Holocaust. This, he says, can be represented in two ways: ‘thousands died in the Nazi concentration camps’ and ‘thousands were systematically exterminated in the Nazi concentration camps’. The latter sentence is not only more value-laden than the first, but more accurate as well (Sayer 2011, 45). We would argue that **talking about ableism,** disablism or oppression does not make sense **without reference to normative judgements** about people’s well-being, as without such a discussion only a partial picture will emerge. The same may also apply to judgements about fair social arrangements.

CDS does not engage with ethical issues to do with the role of impairment and disability in people’s well-being and the **pragmatic and mundane issues** of day-to-day living. Imagine, for example, a pregnant woman who has agreed, possibly with very little thought, to the routine of prenatal diagnostics, and who has been informed that the foetus she is carrying has Tay-Sachs disease. She now has to make the decision over whether to terminate the pregnancy or carry it to term. The value judgements that surround Tay-Sachs include the fact that it will cause pain and suffering to the child and he or she will probably die before the age of four. These are morally relevant considerations to the mother. Whilst CDS would probably guide her to confront ableist assumptions and challenge her beliefs about the condition, **considerations having to do with pain and suffering are nevertheless** morally significant**.** The way people see things, and the language that is used to describe certain conditions, can affect how they react to them, but freeing oneself from ableist assumptions may not in some cases be enough. **There may be** insurmountable realities **attached to some impairments** where parents feel that their personal and social circumstances would not enable them to provide the child or themselves with a satisfactory life (Vehmas 2003).

Impairment sometimes produces practical, difficult ethical choices **and we need more concrete viewpoints than the ideas provided through ableism,** which offers very little practical moral guidance. It is questionable whether the notion of ableism would help the parents in deciding whether to have a child who has a degenerative condition that results in early death. Campbell (2009a, 39, 149 and 159), for example, discusses arguments about impairments as harmful conditions, the ethics of external bodily transplants as well as wrongful birth and life court cases (whether life with an impairment is preferable to non-existence), and how ableism impacts on discourse around these issues. Whilst her analysis of such ableist discourses suggests ethical judgements, she provides no arguments or conclusions as to whether, for example, external bodily transplants are ethically wrong or whether impairment may or may not constitute a moral harm.

Under the anti-dualistic stance adopted by CDS, even the well-being/ill-being dualism becomes an arbitrary and nonsensical construct. Under ableism it can be constructed as merely maintaining the dominance of those seemingly faring well (supposedly, ‘non-disabled’ people), and labels those faring less well as having lesser value.

There may not be a clear answer to what constitutes human well-being or flourishing, **but in general we can and we need to agree about some necessary elements required for well-being.** Also, as moral agents we have an obligation to make judgements about people’s well-being and act in ways that their well-being is enhanced (Eshleman 2009). This is why we have, for example, coronary heart disease prevention programmes **because the possible death or associated health problems are seen as harms.** Possibly these policies are based on ableist perspective, but if that is the case then the normative use of ableism is null; **eradicating supposedly ableist enterprises such as coronary heart disease prevention would be an example of** reductio ad absurdum. **Denying some aspects of well-being are so clear that their denial would be** absurd**, and simply morally wrong.**

CDS raises ethical issues and insinuates normative judgements **but does not provide supporting ethical arguments. This is a way of** shirking **from intellectual and ethical responsibility** to provide sound arguments and conceptual tools for ethical decision-making that would benefit disabled people. If we are to describe disability, disablism, and oppression properly, we have to explicate the moral and political wrong related to these phenomena. Whilst CDS has produced useful analyses, for example, of the cultural reproduction of disability, it needs to engage more closely with the evaluative issues inherently related to disability. As Sayer has argued (against Foucault):

while one could hardly disagree that we should seek to uncover the hidden and unconsidered ideas on which practices are based, **I would argue that critique is indeed exactly about identifying what things ‘are not right as they are’, and why**. (Sayer 2011, 244)

By settling almost exclusively to analyses of ableism without engaging properly with the ethical issues involved, CDS analyses are deficient. The moral wrongs related to disablism or ableism are matters of great concern to disabled people, and CDS should in its own part take the responsibility of remedying current wrongs disabled people suffer from.

#### Simply acknowledging ableism is insufficient and disempowering – there are practical steps that should be taken to increase disabled folks participation in debate and society, but forcing debaters to negate embodied advocacies is the worst solution

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(“Moral wrongs, disadvantages, and disability: a critique of critical disability studies,” Disability & Society Volume 29, Issue 4, 2014)

Critical disability studies and justice

The influence of CDS and its challenge to the assumption that disability is a uniform condition have enabled the emergence of new ideas on disability. In particular, this has enabled the development of a theory that can take account of not only impairment effects but also can include class, ethnicity, sexual orientation or cultural identities. It has also argued for the re-emergence of a new political identity, one where a solidarity that was previously built on a common single identity is replaced by one that incorporates multiple voices including representatives from across the range of constituencies. The politics that it seeks to develop will be the ending of the single interest group identity of the disability movement to be replaced by single-issue groups campaigning for different social issues. To paraphrase Lister (1998, 74), if disability and impairment are simply to be ‘deconstructed into a kaleidoscope of shifting identities’ and ableist discourses, **there will be no disabled people left to either fight for the right to be, or to be a citizen.**

If the principles of CDS are evaluated critically in the light of disadvantage, **its analytical and political value becomes questionable**. Its relativism and its suggestions that impairments are ethically and politically merely neutral differences are false. Impairments often have very tangible effects on people’s well-being, **many of which** cannot be explained away by deconstruction (for example, Shakespeare 2006; Thomas 1999). Recognizing impairment effects is necessary in order to secure proper treatment and social arrangements that enhance disabled people’s well-being and social participation. CDS runs the risk of dismissing not only the personal experiences of living with impairment, but also the significance of the differences between socially created disadvantages. These disadvantages that often result from oppressive social arrangements, are very much real and take place in different ways for different disadvantaged groups.

Disabled people typically experience disadvantage in relation to the market and capitalism, and they have to a large extent been excluded from employment and from equal social participation, respect and wealth (Wolff and De-Shalit 2007, 26). On top of these materialist disadvantages, disabled people are stigmatized as deviant and undesirable, and also subordinated to various oppressive hierarchical relations. For disabled people to achieve participatory parity, **they require more than recognition; they need material help, targeted resource enhancement,** and personal enhancement (Wolff and De-Shalit 2007). Disability is rooted in the economic structures of society and demands redistribution of goods and wealth. In contrast to some other oppressed groups, disabled people require more than the removal of barriers if they are to achieve social justice. This extra help might be small – for example, allowing a student with dyslexia extra time in an examination – through to complex interventions such as facilitated communication, a job support worker or 24-hour personal assistance. Whatever the size, it is an extra cost both to employers and to the state. **These are real needs and represent real differences**. Without an acceptance of these differences it is hard to see how we could move forward. Whilst these ‘real differences’ **can be presented as the result of dominant ableist discourses** where disabled people’s needs are regarded as extra cost, this does not solve the problem. **The problems disabled people** face require more than ideological change, **and ideological change is** of little use **if it does not result in material change.**

CDS fails to account for the economic basis of disability and offers only the tools of deconstruction and the abolishment of cultural hierarchies to eradicate economic injustice. This, as Fraser (2000) has argued, would be possible in a society where there were no relatively autonomous markets and the distribution of goods were regulated through cultural values. In such a society, oppression based on identity would translate perfectly into economic injustice and maldistribution. This is far from the current reality where ‘marketization has pervaded all societies to some degree, at least partially decoupling economic mechanisms of distribution from cultural patterns of value and prestige’ (Fraser 2000, 111). Markets are not controlled by nor are they subsidiary to culture; ‘as a result they generate economic inequalities that are not mere expressions of identity hierarchies’ (Fraser 2000, 111–112). The disadvantage related to disability is to a great extent a matter of economic injustice, and before this injustice can be corrected we have to be able to identify those individuals and social groups that have been disadvantaged by social arrangements. Whilst this does create and foster categories and binaries between groups of people, it also requires some sort of categories to start with; namely, the various categories of disadvantage.

Both the social and physical mechanisms that produce human diversity are real, and they produce tangible differences that cannot be challenged, let alone abolished, **merely by pointing out the wanton nature of difference, and deconstructing the meanings attached to disability**. Changing the social conditions that disadvantage and disable some people demands that the diverse, sometimes dualistic, reality of social advantage and disadvantage between different groups of people is recognized. This is exactly why group identities based on, for example, impairment, gender, or sexuality have been invaluable tools in the resistance against discrimination and oppression – in the fight against socially produced disadvantage. Confident, positive disability identity has enabled many disabled people to actively challenge the status quo that disadvantages them and to claim rights and power and participation in dominant institutions. Being different from the so-called normal majority is no longer considered to conflict with a good life, equality and respect. **Quite the opposite, positive realization of one’s difference has been liberating and empowering to many disabled people** (Shakespeare 2006; Morris 1991). For a radical and active disability movement to emerge and for disabled people to take action on their own account, they have to see themselves as an unfairly marginalized or disadvantaged constituency and a minority group (Shakespeare and Watson 2001). The category disabled/non-disabled is a good abstraction that can enable the development of communities of resistance, and without it is hard to see how these could develop.

**CDS is premised on the idea that difference acts as a precursor to the normalizing of behaviour** and a requirement to treat people differently and, importantly, less favourably. There is, however, no evidence to suggest that the categories that are applied to disabled people create an unnecessary divide between disabled and non-disabled people. **You could equally make the point that without these categories we would not know what it is we have to do**, **what actions we have to take or what services we have to put in place to include disabled people**. Indeed, for many disabled people the disadvantages they are subjected to **arise** not as the result of domination **but through neglect and the denial of services and through society failing to take responsibility for those in need**. As Wolff (2009, 114) points out: ‘anti-discrimination policy needs to identify a group to be protected.’ In other words, it is impossible to fight the oppression of a group of people that does not exist. Recognition of impairment is also crucial regarding legislation and policy that aim to protect disabled people against discrimination. The point of anti-discrimination legislation is to protect people from discrimination on the basis of their physical and mental properties, not on their opportunity to achieve equal participation and respect. Thus, ‘the parallel to race and gender is not disability but impairment’ (Wolff 2009, 135).

### AT: Rights---2AC

#### Rights have no metaphysical essence. They’re determined by the values we give them. Struggling over their meaning is better than alternatives which provide no recourse to status quo harms.

Sabsay 16 – Associate Professor in Gender and Contemporary Culture at the London School of Economics.

Leticia Sabsay, “Islam in Liberalism: The ‘Rescue Mission’ and the Future of Politics,” *Syndicate Network*, 30 May 2016, https://syndicate.network/symposia/theology/islam-in-liberalism/.

In this vein, his review of feminist debates about Western liberal feminism (called by critical feminists “colonial feminism” among other names), reveals the ways in which human rights—or more specifically the framing of women’s rights as human rights—have been working as a transnational form of governmentality. Rights appear here as the site where “liberation” or “emancipation” becomes clearly governmentalized. And Massad shows us how this form of governmentalization not only becomes a way to regulate (and manage) populations, but more crucially, one that regulates the relationship between different populations. In other words, the field opened up by “rights discourse” not only has implications for specific communities (this or that group of women), but more fundamentally, it configures those groups as such and then frames the relationship between them. In sum, it has specific geo-political functions that actually grant transnationality specific meanings, among which the reviving of Western feminism is not irrelevant.

I totally agree with Massad, and my own work, in its own way, is also concerned with these rights discourses as a form of governmental regulation. However, the question I struggle with here is whether it might be possible to identify any other productive outcomes that could be opened up by the discourse of rights, which might have the potential to challenge those forms of regulation that rights, in their liberal form, actually sustain. Counter to Foucault, it seems to me that Massad may be too quick to disregard any potential for this discourse, or for the signifier “right.” In my view, an amplified notion of “right” could mobilize a utopian horizon and by doing so, this signifier could have a transformative potential. Considering the paradoxical status of rights, Wendy Brown highlights this possibility. Drawing on Spivak’s famous statement that “liberalism is something that we cannot not want,” Brown unravels this bind, and suggests the utopian horizon that rights might open, and the possibility that these utopian ideals could be articulated in terms that might undo their actual liberal presuppositions. After all, people are invested in rights and, taking into account colonial legacies and mutually entangled histories, it seems very difficult to completely de-link them from deeply engrained imaginaries of freedom and justice . . .

When the juridical restricted version of “human rights,” which belongs to the transnational (liberal) legal culture, opens up a field of “expectations” that pertain to the idea of “having the right to,” or having “the right to claim rights,” this field can be very productive. It could of course be argued that these expectations remain within the liberal framework—onto-epistemologically speaking they belong to a “subject of rights” which seems to be liberal in its inception—and my own argument on sexual citizenship goes along these lines. But then, what might be the political alternative to rights discourse? Ultimately, citizenship is not exactly the same as “right”; and therefore, although I am not at all sure that ideas of freedom, justice or equality should be totally abandoned, as “having the right to claim (or have) rights” in its most undetermined formulation is often associated with these ideals, I am not sure either that we should abandon this horizon altogether. It is along these lines that I find Massad’s critique of Lila Abu-Lughod’s plea for equality rather unfair—but it is not my place, nor the occasion to defend her here (139).

#### That’s best. Even if imperfect, liberalism is useful. We should reclaim and mold existing liberalism to better fit our ideals. Throwing it out leaves us with no functioning alternative, which is worse.

Gopnik 19 **-** American writer and essayist best known as a staff writer for The New Yorker—to which he has contributed non-fiction, fiction, memoir and criticism

Adam Gopnik, “A Thousand Small Sanities: The Moral Adventure of Liberalism,” Basic Books New York, 2019

Everywhere we look, throughout Europe as much as in America, patriotism is being replaced with nationalism, pluralism by tribalism, impersonal justice by the tyrannical whim of autocrats who think only to punish their enemies and reward their hitmen. Many of these have gained power by democratic means, but they have kept power by illiberal ones. The death of liberal democracy is announced now with the same certainty that its triumph was proclaimed a mere twenty years before. If in America the authoritarian nightmare has so far turned out to be more like Goodfellas than 1984—well, as the fine film The Death of Stalin showed us, Goodfellas in power was exactly what the evilest kind of authoritarianism could look like.

Yet where could one find for her a real and unapologetic contemporary defense of liberalism? What is liberalism, even? In America it means, vaguely, the politics of the center of the Democratic Party. For nostalgics, it means Barack Obama. For nostalgic depressives, it can mean Michael Dukakis. (For despairing nostalgic depressives, it can mean Michael Dukakis in a tank.) Though in Canada liberals unafraid to be called so are often in power, in Britain, the liberal temperament has been largely hived off to the right wing of Labour and the left wing of the Conservative Party. In France what’s called liberalism is actually more like what we call libertarianism, while the same tradition that produces our liberalism is more often called republicanism (which, of course, has nothing to do with what we call Republicanism).

Well, words change meaning all the time, over time, and in different places. But whatever liberalism is, no one likes it. In right-wing polemics, liberals are conflated with true left-wing radicals (who, in fact, hate liberals every bit as much as the right wing does, even if the right often misses this). And so, a nonexistent imaginary monster, the left-liberal, is invented. (It’s pretty much guaranteed that any time you see that creature, the left-liberal, all serious argument will vanish in its wake.) Among the actual left, the liberal becomes still another imaginary monster, the dreaded neoliberal. If, to borrow a conception from Lewis Carroll’s great poem “The Hunting of the Snark” (where there are two monsters, one bad, the other worse, being pursued by a strange Carrollian hunting party), the left-liberal of right-wing polemics is a Snark, a hideous creature, then the neoliberal of left-wing imagination is actually a Boojum—a creature so horrible that it can hardly be glimpsed or identified.

Historically and still today, both the far left and the far right hate liberals more even than they hate their opposite extreme, with whom they share—even if they don’t recognize it—a common ground of absolutism. Dogmatic Catholics can speak more readily to dogmatic Communists than to lifelong compromisers. Competing absolutisms respect each other more than either respects those who are allergic to absolutes as an absolute principle.

Liberals are, in the insistent imagination of their enemies, not merely wrong but craven, spineless. They seek centrist solutions to problems that demand radical measures, defend an indefensible status quo—whether that status quo is imagined as one of statist interference or of free-market folly—have no fixed axioms to argue from, and generally collapse, wringing their hands in impotent worry, when trouble starts. There are no atheists in foxholes, and no liberals in bar fights, and what we have today, the insistent sneering insists, is a long permanent bar fight, where you can’t trust a liberal to throw a bourbon bottle at the bad guys, whichever bad guys you happen to be aiming bourbon bottles at. Liberals are out-of-touch elitists, at once moralists and hedonists. In the middle of the bar fight, the liberal is writing a blog post about biodegradable bottles or, more likely, trying to start a tasting of artisanal bourbons.

Even if you pick up a standard political history, you’ll get a more complicated but, in its way, equally uninspiring view of the liberal tradition. It will tend to emphasize the seventeenth- and eighteenth-century European political philosophers Montesquieu and Locke and, sometimes, Hobbes. It will tend to make a great deal about liberal ideas that are contractual and procedural and utilitarian and offer specific social rules, like the rules on a board game box—or else try to calculate how maximal pleasure can be offered to maximum numbers of people. It will offer a vision of liberalism that, in a certain way, is atomized and tends to honor individuals above communities and societies. You’ll read about how much liberalism depends on a particular modern and materialist and indeed capitalist idea of individual enterprise, of a spiritually isolated individual who’s largely set apart from community and tradition. Robinson Crusoe is sometimes thought of as the original liberal man. Alone on an island, keeping his accounts, planning his future—and, maybe not at all accidentally, depending on a native bearer and manservant for his well-being.

Now, none of this is entirely false. But I don’t think it gives us a complete or remotely contemporary picture of the liberal tradition, or of what liberalism means to us, or of what liberalism can become. A distinct idea of a liberal tradition exists and is one we can use and understand. It’s really very much in line with the way we use the term in our ordinary speech—to reference people and parties with an equal commitment to reform and to liberty, who want both greater equality among men and women and an ever-greater tolerance for difference among them too.

As an essayist, I have written innumerable—some would say interminable—essays on liberal thinkers and makers and have lived imaginatively among liberal philosophers and politicians and activists and even saints, rather than narrowly with only liberal ideas. My idea of liberalism, while having much to do with individuals and their liberties, has even more to do with couples and communities. We can’t have an idea of individual liberty without an idea of shared values that include it.

A vision of liberalism that doesn’t concentrate too narrowly on individuals and their contracts but instead on loving relationships and living values can give us a better picture of liberal thought as it’s actually evolved than the orthodox picture can. It’s a myth, as a new generation of scholars has shown, that liberalism is obsessed with individualism, a myth that liberalism doesn’t have a rich imagination of common fates and shared values. Adam Smith, though today he’s been appropriated to right-wing think tanks and even right-wing neckties—Milton Friedman always wore one—thought in terms of cities and of how they share sentiments before he thought of individuals and how they price goods.

The great eighteenth-century French philosopher Voltaire, the sage of the Enlightenment, whose tight, complacent smile is a symbol of reason, is a very problematic example of an advocate of liberal democracy in our sense—but he remains an apostle of a kind for having risked his life and welfare for a series of humane reforms, particularly protesting the regal habit of stripping men naked and tearing them apart limb from limb, or breaking their bones in public one at a time with a sledgehammer.

### AT: Scenario Planning---2AC

## CP

### Contempt CP---2AC

#### Perm do both.

#### Perm do the counterplan.

The United States federal judiciary ought to issue a court order finding federal failure to substantially strengthen collective bargaining rights for workers in the United States, including the conditions specified in the 1AC, with respect to automation-related bargaining an ultra vires exercise of authority punishable by exponentially-accruing contempt sanctions.

#### Perm do the plan through the counterplan’s process.

#### Other Issues Perm: do the plan and use contempt power.

The United States federal judiciary ought to issue a court order finding federal failure to substantially strengthen rights in the United States an ultra vires exercise of authority punishable by exponentially-accruing contempt sanctions.

### Condo---2AC

## CP

### CP---2AC

### Movements DA---2AC

#### No mass movements now. Unions are rolling over.

Kagan 25 - author of The Fall and Rise and Fall of NYC’s TWU Local 100, 1975–2009

Marc Kagan, “What Trump’s Decertification of Federal Employee Unions Means,” Jacobin, 08.14.2025, https://jacobin.com/2025/08/trump-decertification-federal-employee-unions

Talk, but No Walk, From Unions

Across the labor movement, some major unions were completely silent about Trump’s declaration; others issued statements claiming that they were upset but managed to avoid using the word “Trump,” presumably to give them the leeway to kiss the ring later. The most common response was to complain, even to use the word “fight,” but then suggest either no action whatsoever or the tamest ones imaginable — like the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) did in suggesting people call Congress.

The two largest federal unions, the American Federation of Government Employees (AFGE) and the National Treasury Union, did nothing to mobilize their members — but they did file lawsuits in Washington and California challenging the “national security” designation and claiming Trump’s actions were retaliation for protected First Amendment speech criticizing Trump. Those suits were initially successful at the district court level, with two judges issuing preliminary injunctions prohibiting the voiding of CBAs, finding that the unions’ lawsuits were likely to succeed “on the merits” and that, in the meantime, the unions and their members would suffer “irreparable harm.”

But then appellate courts in both regions “stayed” those injunctions from taking effect. In Washington, the court ruled that it was Trump who would suffer irreparable harm from the injunctions “impeding his national-security prerogatives,” and argued that “preserving the President’s autonomy under a statute that expressly recognizes his national-security expertise is within the public interest.” The California court added that an injunction “ties the government’s hands . . . in the national security context.” It declined “to assess whether the President’s stated reasons for exercising national security authority . . . were pretextual [a lie].”

Even though the government had removed from its decertification order eight unions and locals that had not joined the legal action, there was no retaliation, the California court said, since “the government has shown that the President would have taken the same action even in the absence” of the unions’ criticism of Trump.

Then both courts applied the coup de grâce. In Washington, the court was comforted by what it called “the Government’s self-imposed restrictions.” Government lawyers in both venues cited a “fact sheet” that directed agencies to “not terminate any CBAs until the conclusion of litigation or further guidance from OPM [Office of Personnel Management] directing such termination.” Because of “the direction to agencies to refrain from collective bargaining agreements until litigation has concluded,” the California court wrote, any claim of irreparable harm to the unions or their members was purely “speculative.”

What Now?

As we know, both courts’ reliance on this “fact sheet” assurance was a complete fantasy. After the California ruling, it took only five days for that “speculation” to turn into the hard brutal facts of losing all contractual rights. Gone from the government’s statements were any “national security” claims. Instead, we have the typical management mantras of wasteful “union time,” “poor performers,” and “union bosses.”

What has unfolded since March was obvious; so was the tragically inadequate response of labor. In an article for Jacobin this spring, I compared the federal unions’ legal-only strategy with that of 1970 postal workers who, facing the potential loss of their civil service status (and grumbling about low pay), took militant strike action. Seeing other federal workers demanding similar efforts, President Richard Nixon’s right-hand man H. R. Haldeman feared “radicalization, a national strike, other walkouts, i.e., Teamsters, Air Traffic Controllers [who were about to start a sick-out], etc. to cripple whole country at once.” In a matter of days, Nixon flip-flopped from making threats against the postal workers to making promises to them.

One factor that helped precipitate that strike is missing today: postal strikers — particularly in New York, where the strike started — were part of a widespread upsurge of labor militancy. Yet, as I wrote then, many of the conditions that led to postal success have echoes today: The insults to federal workers’ dignity when Trump says most of them hardly work. The growing likelihood of support from at least significant sections of the American public, as manifested in the “Hands Off!” demonstrations across the United States earlier this month. At least the glimmer of possibility of real solidarity, through work stoppages and other job actions from other unions that see the target on their backs, including the 600,000 postal workers who are facing calls for [United States Postal Service] privatization. Above all, the legitimacy of workers’ demands to maintain their livelihoods and their union contracts.

Months later, do those conditions still apply? Holding to the strategy of the courts, the federal unions have squandered their most precious resources — the feeling of urgency and anger among their members, and time. And, of course, going forward, they will have far fewer resources to mobilize their dwindling number of members — even if they were inclined to change their spots.

#### Court decisions thump the link.

Strom 24 – Professor of Labor Law at Brooklyn Law School.

Andrew Strom, “It’s Déjà Vu at the Supreme Court,” OnLabor, 06-21-2024, https://onlabor.org/its-deja-vu-at-the-supreme-court/

In Starbucks v. McKinney, the Supreme Court issued an 8-1 ruling that didn’t give employers a total victory, and thus left worker advocates breathing a sigh of relief. Yet, as Justice Jackson pointed out, the opinion was at odds with decades of settled precedent and aggrandized power for the courts at the expense of the expert agency that Congress created to adjudicate labor disputes. If this all sounds familiar, it’s because the Court did the exact same thing one year ago in Glacier Northwest, Inc. v. Int’l. Bhd. of Teamsters Local Union No. 174.

The issue in this case was what standard district courts should apply when the National Labor Relations Board seeks a preliminary injunction. Starbucks asked the Court to take the case to resolve a split in the lower courts – some circuits applied a two-part test, while others applied the traditional four part test for issuing preliminary injunctions. The four part test requires a moving party to show (1) likelihood of success on the merits; (2) probability of irreparable harm in the absence of preliminary relief; (3) the balance of equities is in its favor; and (4) the injunction is in the public interest. The Solicitor General had argued that the difference between the two-part test and the four-part test was largely semantic. The Solicitor General essentially conceded that courts ought to consider all four factors, so the dispute was about how to apply those factors in this context. The two sides focused on the first two elements of the test – likelihood of success and probability of irreparable harm.

The Court’s opinion focused solely on the likelihood of success element of the test, and to the extent it did not address the other three factors, the labor movement is breathing a collective sigh of relief. The Court might have, for example, followed the Fifth Circuit’s lead and held that preliminary injunctions should be reserved only for the most egregious cases of employer wrongdoing. The Court likewise did not address the showing the Board must make to establish a probability of irreparable harm. Starbucks wanted the Court to hold that impairment of the Board’s remedial authority is not irreparable harm, but the Court chose to leave settled law alone on that question.

#### Movements get crushed and ensure a MAGA 2028. Legal protections are a pre-requisite to effective labor power.

Casey 25 – Veteran educator, teacher unionist, and left activist.

Leo Casey, “Charting Labor’s Path in Hard Times: A Call For Grounded Strategy” Convergence 6-2-2025. https://convergencemag.com/articles/charting-labors-path-in-hard-times-a-call-for-grounded-strategy/

The historical reality of general strikes in the US cannot sustain this faith. In close to 200 years of American unionism, there have only been three significant general strikes, all citywide (in Seattle, San Francisco, and Minneapolis); the last of them was in 1934. These strikes were called not to fulfill syndicalist dreams of radical transformation, but in reaction to government repression of private sector strikes; both the San Francisco and Minneapolis general strikes were called after local police attempted to violently crush a strike, firing on workers and killing a number of them.

There has never been a nationwide, political general strike in US, much less one announced four years in advance. Nothing in our history suggests that a general strike along such lines is feasible. A successful general strike that is both national and political in character would require political preparations that have not been undertaken, such as millions of people in the streets in protests, and a most serious and grave casus belli that could only be addressed through such an action: if the January 6th insurrection had been successful in preventing the certification of the 2020 election and the peaceful transfer of power, one could conceive of a necessary and efficacious general strike around the single demand of accepting the election results and installing in office the choice of the voters. Barring such groundwork and extraordinary circumstances, it is little more than a pipedream.

Embarking on such an adventure with unclear objectives and vague justifications would be a political gift to the neo-fascists, allowing them to portray unions in the most negative terms as forces of chaos that were seeking to overthrow a democratically elected government. It would be a ready-made justification for undertaking repressive measures, with unions as the primary target. It would almost certainly damage the Democratic Party candidates in the 2028 elections, and in all likelihood, ensure the re-election of a MAGA Republican ticket.

## K

### Cap K---2AC

#### Other countries refuse to model.

Tsuda 21 – J.D. from Harvard Law School. Ph.D. Candidate at UCL Faculty of Laws.

Kenta Tsuda, “Naive Questions on Degrowth,” New Left Review, Issue 128, March/April 2021, https://newleftreview.org/issues/ii128/articles/kenta-tsuda-naive-questions-0n-degrowth

Domestic policy is only the start. Degrowthers do not directly address the issue of international coordination, but presumably all large economies would need to contract in order to achieve the required material-throughput reductions. Degrowth in one country is a non-starter. International coordination of degrowth, however, threatens to reproduce the domestic coordination problem within the anarchic dynamics of inter-state politics, where economic magnitude comes armed with military power. It seems likely that every state will aim to maximize its relative position in a degrowth world—that is, to degrow the least relative to other nations. Recognizing this problem, powerful states will then aim to establish an international agreement—a Global Degrowth Pact, say—to constrain each other. The Pact would include mechanisms to monitor and punish defection. Pact members would settle on metrics against which national contraction could be measured. Where national statistics failed to conform to the degrowth schedule, punishment would kick in—escalating economic sanctions, for example.

#### Otherwise, workers resist which dooms success of the alt’s model AND causes external DAs.

Calnitsky 22 – Professor in the Department of Sociology at Western University. Ph.D. in Sociology from the University of Wisconsin-Madison.

David Calnitsky, “The Policy Road to Socialism,” Critical Sociology, Volume 48, Issue 3, May 2022, pp. 397-422, https://journals.sagepub.com/doi/epub/10.1177/08969205211031624

What about the capitalists? Under these circumstances, it is reasonable to expect that they will fight far harder against a revolution than they would against reformist drives. Indeed, ignoring the response from capitalists violates Elster’s first law of political rationality: Never assume your opponent is less rational than you. If revolution were the alternative, employers would grant every imaginable reform, from far higher taxes to the rejiggering of power relations in the workplace. In a mugging, most people will surrender their wallet before their life.

Actors in the state ought to respond in more or less the same way—that is, as long as you admit your adversary the competence to read the situation as well as you. If our theory of the state suggests that it acts on behalf of the capitalist class, its apparatchiks would anticipate and preempt any revolutionary crusade with a cocktail of concession and repression. And while it will certainly contest reforms, it will devote all of its resources to break the revolution. Nonetheless, this means that revolutionaries can play a crucial role, even if it is not to foment revolution. Militancy is a powerful strategy to foment reform (for an argument about the history of social democracy along these lines, see Piketty, 2014).

Thus far, the main reason revolution is off the table is because no one wants it—not workers, nor employers, nor the state.

### AT: Klare 81---2AC

#### Reject Klare. Their “historical materialism” is ahistoric and doesn’t account for material forces of law.

Dubofsky 81 – Professor of History and Sociology, State University of New York (Binghamton); Ph.D., History, University of Rochester, 1960.

Melvyn Dubofsky, “Legal Theory and Workers' Rights: A Historian's Critique” *Industrial Relations Law Journal*, vol 4, no. 3. 1981.

To be sure, I am sympathetic with this analysis of labor law's impact in the United States, especially since the 1930s. Yet I remain somewhat suspicious of Klare and Lynd's analysis as well as some of their conclusions. It seems to me, as a historian of American workers and their labor movement, that much of substance and vital importance has been omitted.

One should not look to members of the federal judiciary or such legal scholars as Archibald Cox and David Feller to enunciate explicitly or manifestly anticapitalist legal and administrative doctrines. The fundamental aim of those legal thinkers was always to humanize or discipline capitalism, to transform the anarchy of the marketplace, which exploited workers, into the harmony of a "modem" cooperative capitalism, which protected workers.

Furthermore, it is important to bear in mind the historical background for what Irving Bernstein called the New Deal "revolution" in labor law.9 Once upon a time, back in the "New Era" of flappers, bath tub gin and Model Ts, industrial harmony was to have been accomplished through a benevolent capitalism. The "new order" of the 1920s offered workers employee representation plans, company-initiated grievance procedures, pensions, fringe benefits, and most important, relatively steady employment. Unions were perceived as unnecessary and also harmful. And the new order seemed to work, at least until the coming of the Great Depression. Then it was realized that unions might be necessary to the stabilization of modem cooperative capitalism, and so during the New Deal the "ruling class" came to terms with organized labor as a vital partner in the American system.

There is much truth in such a version of what occurred during the 1930s. But again also much is missing. If New Deal law and its subsequent implementation did what Klare and Lynd assert it did, one must ask why unions and workers did not rebel against the new system of industrial relations. But as Klare and Lynd tell us, labor had no reason to rebel, for New Deal statutes and rulings strengthened and stabilized unions. The law, so it is argued, secured unions from employer counterattacks as well as from rank and file insurgencies. It is with this line of analysis or interpretation that I am most uncomfortable.

My discomfort derives largely from the absence of real material forces or power balances in the analysis. The evolution of the law must be seen in light of shifts in the political balance of power and ebbs and flows in the labor movement, aspects of history which these papers neglect owing to their necessarily narrow focus on the law itself. I realize quite well that the law cannot simply be reduced to a function of the balance of material forces in the economic and political arenas, nor viewed solely as a personification of ruling-class beliefs. The law indeed has an existence of its own. Nevertheless, the evolution of the law must be seen in relation to fundamental changes in other arenas of life and struggle. Seen in isolation, as sometimes appears the case in these two papers, labor law makes little sense.

#### Especially on strikes. This proves link turn.

Dubofsky 81 – Professor of History and Sociology, State University of New York (Binghamton); Ph.D., History, University of Rochester, 1960.

Melvyn Dubofsky, “Legal Theory and Workers' Rights: A Historian's Critique” *Industrial Relations Law Journal*, vol 4, no. 3. 1981.

We hear much about post-New Deal labor law as the institutionalizer of collective bargaining and the solvent of class conflict. Yet in the 1920s, when law was most hostile to labor, class conflict, at least as revealed in the statistics of strikes and violence, seemed absent. Only after the passage of New Deal pro-labor legislation did strikes and incidents of violence increase and intensify, a reality which Lynd acknowledges. This was true not only in 1933-34 and 1936-37, before the Supreme Court legitimated the Wagner Act, but especially in 1940-41, 1943 and 1945-46, when unions and their members struck despite the institutionalization of collective bargaining and a world war.10 Strike levels in the United States have never returned to the low level of 1923- 1932, before the enactment of New Deal labor legislation.11

True, few, if any, of the individual strikes or strike waves which have occurred repeatedly since 1933 have had revolutionary implications. Yet one of the purposes of New Deal labor legislation, as stated in the preamble to the Wagner Act, and subsequent laws, judicial rulings and NLRB decisions, as shown by Lynd and Klare, was to eliminate the compulsion for workers to strike. In reality, quite the reverse happened. The number of strikes rose steadily after 1936 and remained at historically quite high levels in the 1960s and 1970s. Moreover, there is no solid evidence to prove that the more numerous postNew Deal strikes were less militant or radical than the less frequent ones which preceded them.

#### And CBR. The alt is comparatively more myopic.

Dubofsky 81 – Professor of History and Sociology, State University of New York (Binghamton); Ph.D., History, University of Rochester, 1960.

Melvyn Dubofsky, “Legal Theory and Workers' Rights: A Historian's Critique” *Industrial Relations Law Journal*, vol 4, no. 3. 1981.

I am further troubled by Klare and Lynd's suggestion that trade unions and labor law are repressive instruments for workers. According to Klare, collective bargaining law leads employees to participate in their own subjugation, transmuting the union contract from a gain, wrested collectively by workers from capital, to a sophisticated managerial response to shop-floor discontent.' 2 And in Lynd's original formulation we see the establishment of a form of industrial government in which workers have few if any rights.' 3

But one, of course, must ask, what rights did workers have before New Deal law, stable unionism and labor contracts? The answer is, precious few! New Deal reforms and their subsequent interpretation and implementation did not produce utopia for American workers, but they surely did not strip those workers of rights or freedoms once held. Perhaps after World War II, labor laws as well as judicial and NLRB rulings stripped New Deal labor law of its radical potential. Nevertheless, most workers today probably have more job rights than they had in the past when the state was a less intrusive presence in industrial relations.

I am struck by the formalism and individualism implicit in the two papers. One gets the impression that unions, not employers, pose the gravest threat to workers. This position flows logically from Klare's view of contemporary unions as disciplinary agents for management and especially from Lynd's initial emphasis on workers' individual and natural rights. In particular, to stress individual and natural rights is to lose sight of how workers best defend themselves in a capitalist setting. I am delighted that Lynd, in his afterword, recognizes that even today the union remains the worker's best defense against arbitrary managers, and collective action a far more effective shield than individual or natural rights.

Moreover, unions have to be understood as peculiarly contradictory institutions. They are, as J.B.S. Hardman and A.J. Muste both pointed out in the 1920s,' 4 simultaneously town meetings and military formations. In one guise, unions are marked by rank and file participation where policy decisions are reached only after open democratic debate. In the other guise, they are fighting machines struggling for survival or victory through discipline, absolute loyalty to command and unbroken solidarity. To stress workers' individual rights and to romanticize the heroic rank and file compared to autocratic union leaders is to threaten the survival of trade unionism. As David Montgomery observed elsewhere, shop-floor militancy could not assume an open form without unions and the availability of legal defenses. "To-see the role of unions in this setting as nothing more than disciplinary agents for management . . . is a facile and dangerous form of myopia."' 5

### AT: Central Planning---2AC

#### Holy double turn!!! 1NC Wetzel does not say central planning is good!

#### BUT it does concede the plan is a pre-requisite to capitalist transition. Jumping straight to the endpoint is a catastrophe that replicates historical examples like Mao. It’s now their burden to prove why the alt would avoid the DAs that their author raises and how. I’m inserting this rehighlight. That’s good because it checks back against poor evidence quality, especially at a RR where there should be a premium on research. Requiring teams to read it is an untenable burden when it’s this egregiously out of context.

**--Gtown in GREEN**

**Wetzel 22**, Professor of Philosophy at the University of Wisconsin-Milwaukee, experienced labor organizer. (Tom, “Overcoming Capitalism: Strategy for the Working Class in the 21st Century” AK Press, 2022, p. 299-311) rose

Moreover, workers taking over all the various nodes where they work in the system of social production is strategically central to the working class gaining power in society. The syndicalist proposal is for the working class to socialize the economy “from below” through a process of workers taking over the various industries and creating their own democratic organizations to self-manage the work in that industry. Here is a basic truth: If workers do not control their own work activity and the workplaces, then some other class will, and thus the regime of class oppression will continue. So an essential task for worker’s liberation is the worker takeover of the various workplaces and industries and the creation of organizations of worker self- management. For workers to control the labor process, the organization of the work, and the control of the workplace, there must be face-to-face democracy of periodic assemblies of the workers in that facility. This is where the staff can deliberate and make decisions on the basic policies and the over-all governance of their facility and for their industry. For ongoing coordination of the labor, the workers can elect colleagues to a coordinating or administrative council. In a typical facility that is fairly sizable, there are often departments that have issues that pertain first and foremost to them, which suggests a kind of distributed decision-making structure where departments have their own periodic assemblies to make collective decisions for themselves.

However, this direct self-management of production does not mean that workers would be split up into competing cooperatives or “collectives.” Rather, as Diego Abad de Santillan put it during the Spanish revolution in 1936, the worker production groups are not “proprietors” of the industries but are “only administrators at the service of the entire society.” The goal of a syndicalist program is socialization, not converting workplaces into the collective private property of the workers there.

De Santillan justified the CNT movement’s goal of socialization in this way: “We are an anti-capitalist, anti-proprietor movement. We have seen in the private ownership of the instruments of labor, of factories, of the means of transport, in the capitalist apparatus of distribution, the primary cause of misery and injustice. We wanted the socialization of all the wealth in order that not a single individual should be left on the margin of the banquet of life.”

There is an assumption that worker self-management of the industries must be accountable to the whole society. When the CNT unions seized the various industries in the revolution in the 1930s, they expropriated the assets on behalf of all the people, implying a commitment to a form of planned economy where there is popular participation in working out the agenda for production.

Neighborhood Assemblies

Various decisions about an industry or workplace will impact people other than the workers in that workplace. Whether someone is working in the social economy or not, the people who live in a city neighborhood or rural area will have concerns that are common to those in their area—such as elimination of pollutants, or the character of the public goods and services available in their area. Thus residents of a city, neighborhood, or region need to be able to self-manage the planning about provision of services or protection from environmental degradation. These are decisions that affect everyone who lives in a region, and is where neighborhood assemblies come into play. Just as worker assemblies provide the base for workers self-management of workplaces, assemblies that bring people together can provide a social base for self-management of public affairs and public services by an area’s population.

A district of some thousands of residents might have its own periodic neighborhood meetings, its elected neighborhood committee, but also elect delegates to a city-wide or regional congress of delegates from all the neighborhoods. We might call this a Congress of Communities. The area of decision making that the neighborhood assemblies and the regional congresses of communities would work on would be the development of the plans for provision of public goods and services, protection of the interests of people as consumers, protection of the ecological commons, controlling the land use, and issues like emissions that affect air and water.

Different kinds of public goods and services affect people at different geographic levels. The neighborhood assembly might be concerned about the creation of new parks, a gym, or other recreational facilities, or better bus service. On the other hand, the overall operation of the transit system or major new services like a subway line would be a part of the planning of a congress for the whole metropolitan region.

The neighborhood assemblies and wider-scope congresses of communities would be developing requests to the worker-managed system of social production. When the regional congress of community delegates for the metropolitan region works up proposals for new bus lines or other transit system improvements, they do not hire managers to form an autocratic bureaucracy to control transit workers. Rather, the workers would self-manage the transit system.

A relevant example in recent times has been some cities’ attempts at “participatory budgeting”—based on participation by residents in neighborhood assemblies. An example was the participatory budgeting experiment enacted by the Brazilian Workers Party when they controlled the city government of Porto Alegre, Brazil. The city allotted control of planning to neighborhood assemblies for a limited part of the city’s discretionary budget, to determine what services the neighborhoods wanted. When I was in Brazil in 2003, I interviewed a member of the secretariat of the Federação Anarquista Gaúcha (FAG)—a sixty-member anarchist activist and organizing group in Porto Alegre. They told me that the neighborhood assemblies did develop plans but very often the mayor’s office would overrule them. This is a limitation due to the fact the assemblies were embedded in the existing bureaucratic state, but this does show that neighborhood planning is possible through a participatory process.

No to Market Socialism

If we reject the state-organized central planning model, what is the alternative? One option proposed by some socialists is a “market socialist” economy of competing worker-controlled enterprises or cooperatives (as in the proposals of David Schweickart and Bhaskar Sunkara). Syndicalists have historically been opposed to market socialism. When the revolutionary syndicalist unions came together to form the International Workers Association in 1922, they defined their programmatic goal as “libertarian communism,” referring to a non-market form of socialized economy. The word “libertarian” refers to positive liberty, and thus to the rebuilding of all social institutions on the basis of self-management. They did not conceive of the goal as private ownership of the means of production by workers via competing “collectives” or cooperatives. To build the fighting capacity to replace capitalism with worker power over production, a working-class movement that could drive this change would be likely to have developed a high level of solidarity and a major united front within the groups subject to exploitation and subordination in capitalist society. Why would they want to then pit groups of workers into competition with each other in separate enterprises? Moreover, if the market-governed character of the capitalist set-up is the basis of the ecologically destructive cost-shifting dynamic, market socialism is no solution.

Economic Planning through Popular Participation

The alternative to market socialism and central planning is a distributed model of democratic planning. A socialized economy requires that the worker-managed industries produce the goods and services that the masses of people want. How do we ensure effective accountability? This leads to what I call the dual governance model for a socialized economy. This means that we take seriously the idea of popular self-management for decision making about the concerns that people have as consumers, users of public services, or as residents affected by environmental issues. With the dual governance model, we keep worker self-management of the industries but we add self-management rooted in assemblies of the residents in neighborhoods, and election of delegates from these geographic areas to congresses of delegates over wider regions. This provides a basis for self- management of communal, consumer, and environmental protection issues. A distributed planning system needs to have a way to effectively coordinate between the many centers of self-managed planning in the society— workplaces, coordinated industrial self-management organizations, and planning for social benefit that can occur through delegate bodies over wide geographic scope as well as by local communities.

We’re familiar with the way that prices enable different companies and households to coordinate or adjust their plans to each other within the present society. As we will see, a non-market price system can be used in a planned economy also as a means for coordination between the plans of communities for public goods and services, households in their consumption decisions, and worker production organizations. Because it is a socially controlled price system, the destructive cost-shifting of capitalism can be eliminated. As a non-profit, coordinated economy, the competitive drive for profits is replaced by an economy geared to cooperation, worker mastery of production, and human well-being.

Protecting the Ecological Commons

The potentially catastrophic effects for humanity from global warming illustrate the danger from treating the atmosphere as a free “sink” for emissions. In this case, carbon dioxide from burning fossil fuels, or methane from leaky gas fields, are putting humanity on track to very dangerous levels of heating of the atmosphere and oceans—leading to deadly heatwaves, rising seas, and intensified storms. A lot of the technical changes needed to move away from this path are known or being developed. We can see how this catastrophic direction comes from the cost-shifting dynamic of capitalism. A power firm in Texas burning coal contributes greatly to global warming, and is also damaging the respiratory systems of people downwind from the plant. But the power firm doesn’t have to pay anything for these costs. If they had to pay an appropriate fee, methods of power generation that don’t rely on burning fuels would look a lot better for the financial balance sheets of the power firm.

Protecting the ecological commons means that the society has to take collective responsibility for protecting the air and water, the forests, and so on. My proposal here is to “socialize” the access to the ecological commons by giving control over this access to all the people who are locally affected by a particular commons or by possible emissions into the air or water, or drawing down of a regional aquifer. The population who live in particular areas or regions would have the power to protect themselves against being polluted.

As we will see below, this approach will allow us to calculate prices for ecological damage. These prices can then figure in costs assigned to the balance sheet of production groups, giving them a positive motivation to reduce ecological costs. This allows us to define a concept of ecological efficiency. Following Robin Hahnel, I define throughput as consisting of all the natural resources that we extract (wood from forests, limestone from a quarry, hydrocarbons from the subsoil) and all the negative effects of pollutants that are emitted. To the extent we reduce throughput required per unit of social benefit from social production, we have improved ecological efficiency. The ability to assign accurate prices to throughput enables us to have an economy that generates a tendency toward greater ecological efficiency. Thus, if the ecological efficiency of production is improved, some element of growth can occur without increasing ecological damage.

Some radical environmentalists say that the source of the ecological devastation of the capitalist regime is “growth.” But growth in regard to what? It is true that the non-profit-driven planned economy proposed in this chapter would be lacking the capitalist regime’s obsessive drive for profit. Nonetheless, growth is going to be needed along various dimensions —growth in equipment needed in the shift to a non-fossil fuel based electricity system, growth in free-to-user health provision, growth in rehab of buildings to make them more ecologically sound, and many other areas. And this also means we need a way to ensure a shift in the production system so that it works at reducing its damaging ecological impacts.

Replacing the State

An important lesson from the revolutions in the twentieth century is that the initial steps in the process of social transformation need to avoid creating new institutions that will simply continue some system of class oppression over the working class. Thus a key part of the syndicalist program is the initial moves to take over the workplaces and re-organize production under worker self-management, which gives the working class the power to shift the priorities of the production process on issues such as ecological impact, quality of the products, improved health and safety for the workers, etc. This differs from a Marxist conception of social transformation, which sees the key aim as the capture of state power by a “worker’s party.” Through this “worker’s state” the party would implement a socialist program. In fact, “proletarian state” is a contradiction in terms. States are based on top-down managerialist bureaucracies where public sector workers are subordinate, so class oppression is built into the structure of the state. When the Bolsheviks got control of the central state in Russia in 1917, they proceeded over several years to build a system of top-down central planning with managerialist bureaucracies installed from above over the workers in the various industries. Thus they set in play a process that created a new class-divided economic arrangement, based on the power of the bureaucratic control class.

A key task the working class must accomplish in a period of social transformation is the breaking down or dismantling of the State. Taking over the various industries and establishing worker self-management of production is a central task, but changing the system of political power in society is equally important. A society must have a method to decide basic rules and enforce them. This is the core of the governance system of that society. Breaking down the State means changing the governance system so that the formerly oppressed majority gain control over governance.

We are used to thinking of a geographic basis for “democratic government” in which people elect politicians to represent the people in a district, based on universal right to vote. Thus it might be thought that the neighborhood assemblies and congresses of delegates from neighborhoods might be sufficient for a new government system. I think this is likely to be a mistake. A revolutionary process that works to liberate the working class from subordination to the capitalist and bureaucratic control classes needs to expropriate the means of production from the old owning class but also needs to break the power that the bureaucratic control class has wielded over workers and over the state. This process is likely to lead to major opposition from the people in these classes who lose power. The college- educated managers and top professionals whose power is threatened or removed are likely to oppose their loss of power. Moreover, they have the speaking and writing and organizing skills to build organizations and organize in neighborhood assemblies and congresses of neighborhood delegates to advance their class interests and try to maintain a powerful role for their class. They can build “political parties” that push a program that would shift power to the high-end professionals and managers. To prevent this, I believe that the working-class mass organizations must build political power based on workers and their assemblies and organizations in production.

This is where the syndicalist proposal for worker congresses comes into play. These would be congresses of elected and revocable worker delegates, elected from the various worker assemblies throughout a metropolitan area, a larger region—or throughout the region transformed by the revolution. Bringing together all the neighborhood and workplace organizations from the region being transformed creates what we might call the Social Federation. I would see the regional and Social Federation-level worker congresses as akin to a legislature, having the power to craft a new charter for society and set out the division of powers of the various organizations. The worker congresses are a key aspect of working-class political power.

A part of the governance system is the way that social self-defense is organized. There is the potential of foreign invasion—such as a force trying to restore capitalism. People are also going to want protection from individuals or gangs who act in predatory, anti-social, or violent ways—who commit assaults, try to bully their neighbors, engage in theft or sexual violence. At the same time, there needs to be a fair process of finding out if a person accused of such crimes is actually guilty—based on evidence and activities of workers such as those in forensic labs. People want to be free of the insecurity from the threat of violence. Of course, in a society where a movement of the oppressed majority has gained power, the self-defense roles—such as policing or segregating people for violence offenses—would need to be done differently than under the kind of massively violent police and prison regime that exists in the United States at present. The police in the US currently operate with virtual impunity when they engage in violent or repressive behaviors. Since their origin in the early-nineteenth century, American police have been a central part of a racialized regime of class oppression. They know that their role is to defend propertied interests and keep the masses in check. Thus enforcement of the basic rules of the society needs to be rebuilt on a different basis.

For syndicalists, a crucial issue is going to be “Who controls the dominant armed power in society?” The idea that the worker mass democratic organizations need to gain control of the dominant armed power in society in a revolution is a long-standing syndicalist principle. As such, the 1922 principles of the syndicalist International Workers’ Association said: “Syndicalists do not forget that the decisive struggle between the Capitalism of today and the Free Communism of tomorrow, will not take place without serious collisions. They recognize violence, therefore, as a means of defense against the methods of violence of the ruling classes, in the struggle of the revolutionary people for the expropriation of the means of production and of the land. Just as this expropriation cannot be commenced and carried to a successful issue except by the revolutionary economic organization of the workers, so also the defense of the revolution should be in the hands of these economic organizations.”

This would mean the development of a worker’s militia or “people’s militia,” drawn from the communities of the oppressed and exploited majority. Although some aspects of social self-defense require full-time trained people, such as the forensics staff, much of the activity can be performed by people who are trained, but do the work part time and have other work activity they do at other times. People who do policing as a full- time job have a tendency to develop a view of themselves as a group set against the population. But in a war situation, on the other hand, the military role of the militia would require full-time work.

The governance institutions here are a form of government. Although states have been the way government has been carried out for centuries, a form of government need not be a State. Under a libertarian socialist proposal, governance is rebuilt on the basis of self-management—rooted in the face-to-face democracy of the neighborhood assemblies and worker assemblies. All the public services are self-managed by democratic staff organizations. There is no paid bureaucracy of professional politicians and state managers set over the population and engaging in top-down control through the state managerial hierarchies. Governance still exists but is conducted through organizations that are grounded in democratic participation.

In what follows I am going to flesh out more of the program for building self-managed socialism.

Industry-wide and Society-wide Worker Coordination

If workers don’t control their own work activity and the workplaces, then some other class will, and so class oppression will continue. Thus an essential task for worker’s liberation is the takeover of the various workplaces and industries “from below” and their re-organization under worker self-management. Workers will need to bring the different facilities together into an industrial federation to do planning and coordination for an entire industry—such as healthcare, railways, or agriculture. Without a means to coordinated control and policy for an industry, worker groups controlling particular facilities might be pitted against each other in competition. Workers would be atomized and their social power diminished.

The kind of movement that gives the working class the power to challenge—and to ultimately defeat—the capitalist regime would be based on an increasingly intense class-wide solidarity, as the oppressed majority coalesces its forces in a united front around the basic changes needed in society. With this growing level of solidarity, why would workers who take over the workplaces in their industry want to suddenly put themselves into competition with each other as competing cooperative “businesses”? In the situation where the capitalist facilities are taken over, different companies may have stronger or weaker competitive positions, and some workers may receive lower pay or experience worse conditions. A basic principle of industrial unionism is to fight to “take wages and conditions out of competition.” An advantage of coordination of the whole industry through an industrial federation is that it enables workers to achieve better conditions for the worse off. Moreover, splitting workers up into competing firms would atomize the working class, putting them in a weaker position in society. In the period that ensues from the major struggle over liberation from the oppressor class regime, people who have been in the habit of giving orders to workers or holding elite professional or managerial positions will be pushing to retain or regain the power the bureaucratic control class has over workers. Workers will need strong organizations to prevent the continuation of the bosses’ class power.

The goal of a syndicalist program is socialization, not converting workplaces into the collective private property of the workers there. The process that played out in the “expropriating general strike” (generalized worker takeover of industry) in northeast Spain in 1936 provides a useful experience we can learn from. The CNT’s aim was to group together all the industry workplaces into an industrial federation that would be responsible for managing that industry. Social accountability would be reflected in the development of social plans to which the various industrial federations would be expected to adhere in their work. The industrial federations are not “proprietors” of the industries but are “only administrators at the service of the entire society,” as de Santillan put it. We can think of an industrial federation as rooted in the workplace assemblies in the various facilities throughout an industry. Periodically these assemblies would send delegates to an industry-wide convention to decide basic policy, coordination, and goals. The assemblies can also elect an ongoing coordinating committee with delegates in the various facilities.

For the Spanish syndicalists, there were two aspects or phases to syndicalist socialization. The first phase was expropriation of assets of the capitalists and creation of an industrial federation—suppressing market competition between firms in the industry. The second phase would be the creation of overall social planning. For this they envisioned regional and national Worker Congresses with delegates elected from the workplace assemblies. Apart from local exceptions, the Spanish revolution never got to this second phase of overall social coordination.

The CNT’s national industrial federation of telephone workers seized the assets of the Spanish National Telephone Company (the largest subsidiary of ITT). In some cases an industrial federation was created as a joint project with the UGT (aligned with the Socialist and Communist parties). This happened in industries where the UGT was a major part of the workforce—as in the railway industry and on the big hydro-powered electric monopoly in northeast Spain. After railway worker militants seized the Madrid-Zaragoza-Alicante railway—the largest privately owned railway in Spain—they moved to create a single Revolutionary Railway Federation to manage it, and soon merged other railways into this federation, such as the Barcelona commuter railways. The railway federation was coordinated by a twelve-person “Revolutionary Committee” and a full-time Executive Director. The Revolutionary Committee was made up of working delegates. The two unions present on the railways—the UGT and CNT—each had six delegates. Assemblies of the rank and file were held every two weeks in the railway terminals. The delegates gave reports, and could be removed by the assemblies.4 During the course of the revolution the forty-thousand- member CNT health-worker federation built Spain’s first socialized health care system, taking over hospitals and drug factories and setting up health clinics.

In a number of industries, the CNT industrial unions merged the assets of that industry’s businesses (as in the furniture and entertainment industries). The CNT woodworkers union took over the sawmills in the Pyrenees mountains and seized all the furniture factories and mom-and-pop cabinet-making shops in both Barcelona and Valencia. The union used the assets from the shuttered workplaces to build a new factory with the latest American equipment, which had better safety features. The new factory also had a gym and swimming pool where the workers could relax. “The concept that prevailed,” a wood union member recalled, “was that the working class should have good furniture at cheap prices.”5 An internal caucus in the union—an FAI group—disagreed with this focus on mechanized production and wanted to reorganize the industry into self- managed work groups. That might be a better way for the workers to learn and practice furniture design and craft skill, but their critics in the union described this as a throwback to the pre-capitalist era of self-employed artisans. This debate shows that there’s not just one cookie-cutter solution to industrial self-management.

The goal needs to be the creation of a horizontally federated system of production that can implement planning and coordination throughout industries and over a wide region. This would enable workers to: • Gain control over technological development. • Re-organize jobs and education to eliminate the bureaucratic concentration of power in the hands of managers and high-end professionals, develop worker skills, and work to integrate decision making and conceptualization with the doing of the physical work. • Reduce the workweek and share work responsibilities among all who can work. • Create a new logic of development for technology that is friendly to workers and the environment.