#### Ideology – capitalism is entrenched by the repetition of ideological assumptions about political economy. Testing and critiquing them is good.

**Piketty 20**, associate chair at the Paris School of Economics, Professor of Economics at the London School of Economics, Thomas, “Introduction” in *Capital and Ideology*, Harvard University Press, 2020, p. 8) rose

Every human society must justify its inequalities: unless reasons for them are found, the whole political and social edifice stands in danger of collapse. Every epoch therefore develops a range of contradictory discourses and ideologies for the purpose of legitimizing the inequality that already exists or that people believe should exist. From these discourses emerge certain economic, social, and political rules, which people then use to make sense of the ambient social structure. Out of the clash of contradictory discourses—a clash that is at once economic, social, and political—comes a dominant narrative or narratives, which bolster the existing inequality regime.

In today’s societies, these justificatory narratives comprise themes of property, entrepreneurship, and meritocracy: modern inequality is said to be just because it is the result of a freely chosen process in which everyone enjoys equal access to the market and to property and automatically benefits from the wealth accumulated by the wealthiest individuals, who are also the most enterprising, deserving, and useful. Hence modern inequality is said to be diametrically opposed to the kind of inequality found in premodern societies, which was based on rigid, arbitrary, and often despotic differences of status.

#### Serial policy failure – only debating the content of labor law and not its “core ideas” ensures error replication.

**Reddy 23**, Assistant Professor at UC Berkeley School of Law, (Diana, “After the Law of Apolitical Economy: Reclaiming the Normative Stakes of Labor Unions” The Yale Law Journal, Vol 132 No 5, March 2023, <https://www.yalelawjournal.org/feature/after-the-law-of-apolitical-economy>) rose

For the past several decades, labor-law scholars have worked to theorize the role of law in this decline. For the most part, they have argued that labor law has failed to keep pace with structural economic change and that the legal rules that facilitate union organization and collective bargaining are no longer adequate to effectuate employee free choice in a postindustrial economy. In what became a leading metaphor, Cynthia L. Estlund argued in 2002 that labor law had been "ossified."33 Estlund showed that, for various reasons, labor law had been insulated from "democratic renewal" and rendered incompatible with a changed economy, a form of what political scientists call "policy drift."34 Labor-law scholars writing in this vein have rightly noted that the specifics of the statute presume midcentury economic organization and patterns of employment; due to changes in the structure of work since the late 1970s, the assumptions no longer fit economic realities.35 Summing up this perspective, Joel Rogers emphasized problems of legal technologies:

The core ideas of [the New Deal] system- that workers should enjoy associational rights within and without the firm and that collective worker organizations can contribute to the vitality of the American economyremain perfectly sound today. The problem is that the particular ways in which these ideas were institutionalized in the New Deal system are increasingly inapposite to present circumstances. 36

Technical problems merit technical solutions. Contemporary legal scholars have accordingly proposed a host of potential improvements, such as more flexible representation procedures, reversal of the doctrine on permanent replacements, and harsher penalties for employer unfair labor practices.3 7 Others have more hopefully emphasized the "hydraulic" effect of labor law's demise, the ways in which workers, unions, and workers' centers can and do leverage other laws for building power, redistributing wealth, and exercising a voice in the workplace. 38 Kate Andrias has documented unions' turn to public policy-"the new labor law"-to improve working conditions through the political process when representation at the bargaining table has proven impossible.3 9 Most recently, a cadre of leading legal scholars formulated a vision for "clean slate" reform, a comprehensive, multidomain plan for rebuilding labor law.40 Noting that the technical specifics of the NLRA never fully effectuated the purposes set forth in its preamble, these scholars propose a substantial reworking.4 1 The upshot of this academic consensus has been summarized by one scholar as "save the preamble but not the rest."4 2

This scholarship is essential. There is no question that labor law is outdated and in drastic need of reform to make unionization meaningfully accessible to workers. And yet, drawing from a law-and-political-economy framework, I suggest that focusing on economic change independent of its political and social context provides an incomplete, and potentially misleading, picture.43 As such this Feature focuses on the ideas that have facilitated and followed from the economic changes noted above." I will argue that the problem for American organized labor has never been just the "particular ways" in which labor law is institutionalized. The problem has equally been the insufficiency of its "core ideas" to justify what the statute asks of workers, employers, and the public. But other possibilities have always existed.

This revisiting of ideas could not be more timely. The past ten years have been a critical moment in the contest of ideas. Public opinion about labor unions has skyrocketed over the past decade, from a historical nadir to the highest level of support in sixty years.45 But notwithstanding a recent surge in organizing successes, public support has not yet translated into a statistically meaningful increase in union membership rates. Nor has it effectuated labor-law reform. Meanwhile, recent debates about police unions' role in enabling and protecting violent and racist officers and teachers' unions role in resisting the opening of schools during the COVID-1 9 pandemic have highlighted the potential limits of current ideas. 46 As Benjamin Levin recently noted, "Worker power is often referred to romantically or idealistically as an unqualified good, but when worker power has been wielded, it hasn't necessarily been met with resounding support, particularly from liberals or progressives."4 7

#### The existence of an employer.

NLRA 35, the National Labor Relations Act. (National Labor Relations Act, 1935, “National Labor Relations Act,” NLRB, https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act)

(d) [Obligation to bargain collectively] For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: Provided, That where there is in effect a collective- bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

#### b. The employer having a say.

Faul 20, Attorney at Hartnett Reyes-Jones LLC, JD from the University of Missouri School of Law (James P. Faul, October 26, 2020, “Amicus Curiae Brief of the Missouri AFL-CIO in Support of Plaintiffs/Respondents,” Missouri Nat’l Educ. Ass’n v. Missouri Dep’t of Labor & Indus. Rels., No. SC98412, Supreme Court of Missouri, University of Kansas Libraries, Lexis)

Collective bargaining 1 is a meeting of two parties, the employer though its representative, [\*7] and the employees through their representative, meeting as equals to develop an enforceable workplace framework. For this concept to be successful the parties must be able to meet as equals and put the entire panoply of items touching and affecting the workplace and those involved therein on the table to negotiate.

#### c. Employment contract negotiations. Anything else is labor rights.

Sentelle 12, Judge on the DC Circuit Court of Appeals (David B. Sentelle, 2012, “AFGE, AFL-CIO, Local 3669 v. Shinseki,” United States Court of Appeals for the District of Columbia Circuit, No. 11-5359, University of Kansas Libraries, Lexis)

We have consistently distinguished between the limited collective bargaining right provided by § 7422 and labor rights more broadly. In Local 589, we stated that "Congress has gradually extended some of the protections in chapter 71 of title 5 to VA medical personnel, for example . . . by granting all VA medical personnel limited collective bargaining rights in 1991." 73 F.3d at 395 (emphases added). [\*35] [\*\*205] Similarly, in United States Department of Veterans Affairs, Washington, D.C. v. FLRA, we differentiated the "right to negotiate collective bargaining agreements, or to administer such agreements through grievance arbitration procedures" from "other rights protected by the FSLMRS, including 'the right to form, join, or assist a labor organization without fear of penalty or reprisal.'" 1 F.3d 19, 21, 303 U.S. App. D.C. 60 & n.1 (D.C. Cir. 1993) (quoting United States Department of Veterans Affairs, Veterans Administration Medical Center, San Francisco, Cal., 40 F.L.R.A. 290, 301 (April 19, 1991)); cf. FLRA v. United States Department of the Treasury, Financial Management Service, 884 F.2d 1446, 1449, 280 U.S. App. D.C. 236 (D.C. Cir. 1989) (referring to "collective bargaining" as a "process" of "contract negotiation"); [\*\*\*16] id. at 1461 (Sentelle, J., concurring) (distinguishing between "collective bargaining" and "other representational activities"). Finally, the VA's interpretation does violence to the statutory text. It would be nonsensical to read the phrase "engage in collective bargaining with respect to conditions of employment," 38 U.S.C. § 7422(a), as "engage in labor rights with respect to conditions of employment."

#### Strengthen requires rights are preexisting.

David Morris 19, Professor of Business Development at Coventry University, “Toward a New Knowledge Economy?,” Revival of a City, edited by Jason Begley et al., Springer International Publishing, 2019, pp. 229–254, DOI.org (Crossref), doi:10.1007/978-3-030-22822-4\_10

Can government policy interventions intentionally create clusters? Te alternate views (to intentional creation) suggest that, either, governments can only create conditions in which clusters might emerge through the bottom-up actions of private frms, or that clusters begin to emerge on their own (autonomously), but once they have started they can be encouraged to grow through targeted policy interventions. However, innovative clusters will not emerge automatically and a number of facilitating conditions need to be present. Prominent among these are the ability of clusters to reduce the costs of co-ordinating complementary but dissimilar activities and the presence of network-innovation. Network-innovation occurs when diferent economic actors with distinct competencies combine their skills to improve existing products or processes or create new ones. Networkinnovations do not always occur through a planned process or programme of research and development, but do require the co-operation of multiple organisations along the value chain. Cluster initiatives are public-private actions designed and resourced to strengthen clusters. Note the word “strengthen” rather than “create”. Again, the implication is that initiatives can only develop something which has already begun to emerge rather than build something new where there was previously a gap. Cluster initiatives concentrate on particular aspects of cluster policy, for example developing commercial and research collaboration. Upgrading human resources and the business environment are also important.

#### Collective bargaining is fundamentally capitalist.

**Kidwai 22**, dedicated capitalist, former corporate leadership writer for Fortune, where he covered talent strategy, the future of work, and business ethics (Aman, “The business case for union busting is eroding,” Fortune, https://fortune.com/2022/01/19/business-case-union-busting-eroding-starbucks-google-amazon-mcdonalds-mlk/)

In reality, unions are as American as apple pie and the Super Bowl (NFL players are unionized, by the way). There is nothing more capitalist than a group of people banding together to improve their pay and benefits, or as one labor organizer put it, “nothing more intrinsic to capitalism than the right of contract—to link their members to the fortunes of the companies they contract with.”

#### Collective bargaining rights rely on the employment relationship which weakens collective power.

**Breznik 24**, PhD in Sociology, researcher at the Peace Institute in Ljubljana. (Maja, “Less or More Labour Law for Social Change?” Industrial Law Journal, Volume 53, Issue 4, December 2024, <https://academic.oup.com/ilj/article/53/4/613/7745470#499090053>)

What then is the issue? The problem is that workers’ collective rights are based on a definition of the worker derived from their status — that someone is a worker insofar as they are a member of a working collective and therefore of a company. A worker is defined a priori by belonging to an enterprise or employing organisation, not by belonging to a working class.

According to the legal form critique, while Supiot has resolved the contradiction on paper, his solution is unworkable in practice. The right to collectively organise cannot compensate for workers’ autonomy and freedom lost following their subordination to capital since access to these rights can only be exercised by workers with the status that arises from belonging to an enterprise organised along capitalist lines. As Knox and others observe, this means that collective organising has inevitably been transformed into self-interested, economic/corporate organisations. These organisations reinforce the divisions within the working class and the differences between workers. To take a contemporary example, they are more likely to augment the effects of the current economic restructuring, which has managed to break down the unity of workers through global production chains, cascades of sub-contractors and intermediaries on one hand, and a multitude of new legal forms of work on the other.

#### 3. It doesn’t solve. The perm is market socialism, which maintains corporations and ensures our impacts.

#### That’s 1nc Wetzel

#### <INSERTED FOR CONTEXT>

**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

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.

#### and...

**Nieto 22**, PhD, Sociology (Maxi, “Market Socialism: The Impossible Socialism,” *Science and Society*, Volume 86, Issue 1, 2022, <https://journals.sagepub.com/doi/10.1521/siso.2022.86.1.66>) rose

5.1 The impossibility of social control of production. The axis of our critique of market socialism is that any market-based economy, founded on the autonomous initiative of companies, will be incompatible with the conscious, rational, and democratic regulation of activity. The fragmentation of the productive apparatus into rival companies implies both that the decision-making process be atom- ized and that the surplus be kept in private hands, which prevents the direction of economic development according to the free will of citizens. As long as markets subsist as a general structure of pro- duction and investment, the logic of capital will govern, so that the economic process will necessarily operate under spontaneous and automatic conditions, regulated by its own internal need for repro- duction (equal to the needs of capital and not those of the popula- tion). In this context, public intervention will inevitably have only a very limited effect and will be unable to develop far beyond what exists in contemporary economics.

Transforming capitalist production and property relations in a socialist sense cannot, therefore, consist of simply putting an end to individual ownership of the means of production, turning salaried workers into cooperative members. Such a change in the legal status of companies and workers will leave the capitalist logic of profit and accumulation intact, so that its main laws (cost competition, concen- tration, falling tendency of profitability) and most of its problems (imbalances, instability, inequality, unemployment, waste or under- utilization of resources) would be maintained. Insofar as its activities are based on profit maximization and accumulation, a cooperative will be as capitalist a company as any other. Under ED, companies continue to be private production units (now under the legal form of cooperatives), so surpluses generated in a national economy remain fragmented and under the control of the various cooperatives. The natural tendency of this type of model (as in Yugoslavia) is to continually expand the commercial radius of action and to grant increasing autonomy to cooperatives: financially, in order to agree on loan conditions; in accounting, to manage the amortization of investments; commercially, to establish agreements with other companies (includ- ing from capitalist countries); and organizationally, to adopt more technocratic and hierarchical forms of direction and management, for the sake of efficiency.

From this perspective, socialism is reduced to a mere legal ques- tion, relative to the juridical ownership of the means of production, with the aim of achieving self-management in the workplace and a more equitable distribution of income. It is no longer understood as a truly alternative socioeconomic order based on the conscious and democratic control of production. For this reason, market socialism if applied would not be anything other than “capitalism without capitalists,” a variant of capitalism that removes the figure of the individual capitalist but maintains its fundamental determinations, and most of its problems. This is already clear without assessing its institutional viability; it remains to be seen whether market socialism can foster a robust and durable structure capable of perpetuating itself without quickly leading back to some form of traditional capitalism.

In ED, the entire production and investment process is deter- mined by the logic of profit. On the one hand, cooperatives compete with each other, seeking to maximize profits, which is key to reinvesting more and to accessing credit. But given very disparate technical and cost structures, returns will also prove very different, so that invest- ment based on the criterion of profit will exacerbate all tendencies toward disequilibrium. Thus, the lagging cooperatives, with fewer sales and less income, will not only have lower capacity to reinvest but will be in worse conditions to access credit. On the other hand, the fact that there are no conventional capital markets and that business financing comes from a network of public banks remains irrelevant. Public banks in such a system are likewise cooperatives that compete with each other and are rewarded primarily based on the profits they obtain from financing successful investments. At the most, with this scheme, certain forms of speculation and financial leverage might be avoided or attenuated, but in no case is the investment compulsion demanded by competition brought into question.

As we can see, the entire allocation of resources — for banks and for companies — remains based on profitability. Therefore, there is no essential and determining difference from the operation of investment in capitalist economies, and the supposed “social con- trol of investment” is not really what its name implies. In Economic Democracy (ED), the initiative for investment comes from the com- panies themselves, according to their profit expectations. The com- mon perception that “companies know best what they need” is only trivial and tautologically true in relation to an already existing market framework; in fact, all of them “know” that they “need” to accumulate and continually increase their efficiency in order to survive, and this without considering overproduction.

Against Schweickart’s view, we can conclude that an economy is not a kind of salad made of elements that can be combined at will. Capitalism and communism respond to antagonistic principles of operation and economic organization — like the market and planning — which seek to exclude each other in order to effectively deploy their respective potentialities. Planning and markets are not neutral “instruments” of allocation that can be “used” across different social settings but rather institutional expressions of distinct social structures. Obviously, there will never be pure capitalism (markets) or commu- nism (planning), since these will always materialize in a symbiotic or conflictive relationship with other economic and institutional ele- ments that are alien to each, giving rise to different configurations of these two systems. But that is one thing; it is quite another to assume that a complex economy does not necessarily rest on a certain logic or basic articulating principle, if, as one must assume, it aspires to be viable and effective.

#### Fails – corporations escape regulation.

Street 23, doctorate in US history, Binghamton University. Historian, journalist, and political commentator. (Paul, 1-27-2023, "Kill Capitalism Before It Kills Us," CounterPunch.org, https://www.counterpunch.org/2023/01/27/kill-capitalism-before-it-kills-us/)

The anarchy of capital in the material base undermines any effort by the political and state superstructure to impose adequate decent environmental rules. The state and its regulatory agencies and the overall politico-ideological and media culture are captured by profit-mad capitalists whose superior wealth translates into superior political and (anti-)intellectual power. The needs and demands of workers and the broader populace subjected to class rule and exploitation compel constant quantitative expansion – “growth” – for capital and its political operatives to provide the “solution” to structural unemployment and poverty (both of which are built into the capitalist system). Growth, the holy expansion of GDP, is capitalism’s timeworn deadly answer to mass complaints over the economic insecurity that is built into its chaotic system. Politicians take up the cry, citing statistics and the pursuit of quantitative expansion — job growth, income growth, stock market growth — as the basis for their legitimacy and power even as poisoned quantity leads to the qualitative degradation of air, water, and soil and the Earth’s rising self-protective determination to burn the human race off its face.