## Framework

#### [ROJ] I reject the illusions of false hope, so I negate. The Role of the Judge is to Promote Critical Education, which means they must enhance our potential to uncover biases and oppression in dominant thinking.

#### [Giroux] As educators, judges can uniquely make debate a space for challenging oppressive norms.

Giroux: Giroux, Henry. [Waterbury Chair Professor, Pennsylvania State University] “Critical Pedagogy and the Postmodern/Modern Divide: Towards a Pedagogy of Democratization.” *Teacher Education Quarterly*, Winter 2004. CH

The search for a new politics and a new critical language that crosses the critical theory/postmodern divide must reinvigorate the relationship between democracy, ethics, and political agency by expanding both the meaning of the pedagogical as a political practice while at the same time making the political more pedagogical. In the first instance, it is crucial to recognize that Pedagogy has less to do with the language of technique and methodology than it does with issues of politics and power. Pedagogy is amoral and political practice that is always implicated in power relations and must be understood as a cultural politics that offers both a particular version and vision of civic life, the future, and how we might construct representations of ourselves, others, and our physical and social environment. As Roger Simon (1987) observes: As an introduction to, preparation for, and legitimation of particular forms of social life, education always presupposes a vision of the future. In this respect a curriculum and its supporting pedagogy are a version of our own dreams for ourselves, our children, and out communities. But such dreams are never neutral; they are always someone’s dreams and to the degree that they are implicated in organizing the future for others they always have a moral and political dimension. It is in this respect that Any discussion of pedagogy must begin with a discussion of educational practice as a form of cultural politics, as a particular way in which a sense of identity, place, worth, and above all value is informed by practices which organize knowledge and meaning. (p. 372) An oppositional cultural politics can take many forms, but Given the current assault by neoliberalism on all aspects of democratic public life, it seems imperative that educators must revitalise the struggles to create conditions that link in which learning would be linked to social change in a wide various of social sites, and pedagogy to would take on the task of regenerating both a renewed sense of social and political agency and a critical subversion of dominant power itself. Under such circumstances, agency becomes the site through which power is not transcended but reworked, replayed, and restaged in productive ways. Central to my argument is the assumption that politics is not only about power, but it also, as Cornelius Castoriadis (1996) points out, “has to do with political judgements and value choices” (p.8), indicating that questions of civic education and critical pedagogy (learning how to become a skilled citizen) are central to the struggle over political agency and democracy. In this instance, Critical pedagogy emphasizes critical reflexivity, bridging the gap between learning and everyday life, understanding the connection between power and knowledge, and extending democratic rights and identities by using the resources of history. However, among many educators and social theorists, there is a widespread refusal to recognize that this form of education is not only the foundation for expanding and enabling political agency, but it also takes place across a wide variety of public spheres mediated through the very force of culture itself. One of the central tasks of any viable critical pedagogy would be to make visible alternative models of radical democratic relations in a wide variety of sites. These spaces can make the pedagogical more political by raising fundamental questions such as: What is the relationship between social justice and the distribution of public resources and goods? What are the conditions, knowledge and skills that are a prerequisite for political agency and social change? At the very least, such a project involves understanding and critically engaging dominant public transcripts and values within a broader set of historical and institutional contexts. Making the political more pedagogical in this instance This suggests producing modes of knowledge and social practices that not only affirms oppositional cultural work, but and offers opportunities to mobilize instances of collective outrage, if not collective action. Such mobilisation opposes glaring material inequities and the growing cynical belief that today’s culture of investment and finance makes it impossible to address many of the major social problems facing both the U.S. and the larger world. Most importantly, such work points to the link between civic education, critical pedagogy, and modes of oppositional political agency that are pivotal to elucidating a politics that promotes autonomy and social change. At the very least, critical pedagogy proposes that education is a form of political intervention in the world that is capable of creating the possibilities for social transformation. Rather than viewing teaching as technical practice, radical pedagogy in the broadest terms is a moral and political: practice premised on the assumption that learning is not about processing received knowledge but actually transforming it as part of a more expansive struggle for individual rights and social justice. This implies that Any viable notion of pedagogy and resistance should illustrate how knowledge, values, desire, and social relations are always implicated in relations of power. and how such an understanding can be used pedagogically and politically by students to further expand and deepen the imperatives of economic and political democracy. The fundamental challenge facing educators within the current age of neoliberalism is to provide the conditions for students to address how knowledge is related to the power of both self-definition and social agency. Central to such a challenge is providing students with the skills, knowledge, and authority they need to inquire and act upon what it means to live in a substantive democracy, to recognize anti-democratic forms of power, and to fight deeply rooted injustices in a society and world founded on systemic economic, racial, and gendered inequalities.

#### [ROB & Giroux 2] The Role of the Ballot is to Endorse the Position that Fosters Solutions to Social Oppression. Fostering solutions to social oppression means identifying and trying to redress inequality, rather than theorizing without realizing.

Giroux 2: Giroux, Henry. [Waterbury Chair Professor, Pennsylvania State University] “Critical Pedagogy and the Postmodern/Modern Divide: Towards a Pedagogy of Democratization.” *Teacher Education Quarterly*, Winter 2004. CH

Critical pedagogy locates discursive practices in a broader set of interrelations, but it also analyzes and gives meaning to such relations by defining them within particular contexts constructed through the operations of power as articulated through the interaction among texts, teachers, and students. Questions of articulation and context need to be fore grounded as both a matter of ethics and politics. Ethically, critical pedagogy requires an ongoing indictment “of those forms of truth-seeking which imagined themselves to be eternally and placelessly valid” (Gilroy, 2000, p.69). Simply put, Educators need to must cast a critical eye on those forms of knowledge and social relations that define themselves through a conceptual purity and political innocence that cloud not only how they come into being but also ignore that their alleged neutrality on which they stand is already grounded in ethico-political choices. Thomas Keenan (1997) rightly argues that Ethics on the pedagogical front demands an openness to the other, a willingness to engage a ‘politics of possibility’ through a continual critical engagement. with texts, images, events, and other registers of meaning as they are transformed into public pedagogies (p. 2). One consequence of linking pedagogy to the specificity of place is that it foregrounds the need for educators to rethink the cultural and political baggage they bring to each educational encounter; it also highlights the necessity of making educators ethically and politically accountable for the stories they produce, the claims they make upon public memory, and the images of the future they deem legitimate. Pedagogy is never innocent and if it is to be understood and problematized as a form of academic labor, Educators must not only critically question and register their own subjective involvement in how and what they teach, they must also resist all calls to depoliticize pedagogy through appeals to either scientific objectivity or ideological dogmatism. Far from being disinterested or ideologically frozen, Critical pedagogy is concerned about the articulation of knowledge to social effects and succeeds to the degree in which when educators encourage critical reflection and moral and civic agency rather than simply mold it. Crucial to this position is the necessity for critical educators to be attentive to the ethical dimensions of their own practice.

**Running a standard like “util” or “maximizing expected well-being” links them *directly into the K.*** Assuming that people have identical interests, or that there’s some value-neutral “well-being” we all share, is exactly the problem.

## A. Interpretation

#### The aff must defend only unconditional right to strike – that means specifically.

## B. Violation

The aff is way more than that – the advocacy changed the definition of employee ontop of codifying an uncondo right to strike.

## **C. Net Benefits**

#### 1. Limits – extra-T means they can read affs that do the resolution and an INFINITE NUMBER of other things. They can eliminate nuke arsenals AND end police violence, or affirm AND change other laws. Limits key to accessibility – without them, I can’t meaningfully contest the aff because I have no idea what it could be, so I’m shut out of the round. And disclosure doesn't solve – your telling me the aff is about Harry Potter doesn’t make it topical.

#### 2. Clash – we can’t critically contest the plan if you read an aff that goes beyond the topic, since you can just opt out of my disads or case turns by saying the extra parts of the aff outweigh them or take them out. Also skews my prep if I don’t know what other parts of the aff you’ll throw in besides the topic – that means I can’t effectively clash with you. Clash key to accessibility – without it, debate because dueling oratory instead of actual advocacy comparison, and one side can’t access the space.

#### CP ADVOCACY

#### [Advocacy & Anker] States should increase living wage to workers.

Richard Anker writes: Anker, Richard. [Visiting Scholar at the Political Economy Research Institute (PERI) of the University of Massachusetts] “Estimating a Living Wage: A Methodological Review.” International Labor Office, Conditions of Work and Employment Series, No. 29, 2011. CH

The idea of a living wage is that workers and their families should be able to afford a basic, but decent, life style that is considered acceptable by society at its current level of economic development. Workers and their families They should be able to live above the poverty level, and be able to participate in social and cultural life. The flow chart in Figure 1 indicates how a living wage is typically estimated. Several estimates or assumptions are required. First, it is necessary to estimate the per capita cost of a basic, but decent, quality life style that is acceptable for the society and times (first left-hand box). The cost for this basic quality life style is typically estimated by adding up (1) cost of basic necessities such as (i) a nutritious low-cost diet that is appropriate for the country in terms of the types of food, items included; (ii) basic housing, in the location with an acceptable standard generally defined in terms of size, number of rooms, structure‘s materials, and availability of amenities such as indoor toilet and electricity; and (iii) adequate clothing, and footwear (sometimes with specific numbers of shirts, pants, shoes, etc., indicated); and (2) cost of other needs, such as transportation, children’s education, [and] health care[.], child care, household furnishings and equipment, recreation and cultural activities, communications, and personal care and services. Sometimes a small margin above the total cost already estimated for a frugal and basic life style is added to help provide for unforeseen events, such as illnesses and accidents, so that common unforeseen events do not easily throw workers into a poverty trap that they may never be able to get out of. The total estimated cost per capita of a basic living standard is then scaled up to arrive at cost for a household using an assumption on the household size that needs to be supported. Finally, Total cost for a household is defrayed over the number of full-time equivalent workers assumed to be working in a household. It is important to point out that What is considered an acceptable basic quality life is time- and place-specific. It differs across development levels and improves over time as a country develops. It is also important to point out that assumptions for household size needing to be supported and number of persons in the household expected to work are, by their nature, somewhat subjective. On the other hand, as will be shown later in this paper, while these assumptions and estimates of basic living costs necessary involve some subjectivity, it possible to make defensible and reasonable living wage estimates with judicious use of information about workers, households and typical household expenditures.

## Solvency

#### [Rogers 3] A living wage carries expressive value independent of its economic effects.

**Rogers 3 shows:** Rogers, Brishen. [Assistant Professor of Law, Temple University] “Justice at Work: Minimum Wage Laws and Social Equality.” *Texas Law Review*,Vol. 92, April 2014. MZ

**Minimum wage laws** also **enhance workers’ self-respect by granting them formal legal entitlements vis-à-vis employers[,]** This is in part **an expressive effect** of minimum wage laws, which are an easily grasped policy “**that symbolizes the political system’s commitment to working people.**” **Such laws signal that the state and** broader **society view workers as worthy of legal protection, even when doing so imposes costs upon more powerful social groups[.]**, as captured well in the textile worker quote in this Article’s introduction. But the legal entitlements provided by minimum wage laws are not merely symbolic. **Under such laws,** workers can hale employers into court to prevent enforcement of labor contracts that pay less than the minimum, **employers owe workers correlative duties, and state agencies stand ready to intervene on [workers’] behalf[.]** of workers.

## Net Benefit

#### [Boldea] Strikes undermine unions -- they decrease support for them and cause harm to communities.

**Boldea**: Boldea Patrick [University of California-Berkeley] “Striking Out: Why Strikes Weaken Union Positions Politically” Berkeley Political Review, 2019. MB

The GM strike, beginning in September of 2019, is set to be the largest strike of the past 18 years. In fact, 2018 as a whole saw the largest number of strikes in decades and support for labor unions has polled at a 20 year high with candidates like Bernie Sanders highlighting their importance in his economic and political strategies. Many left-leaning individuals often express admiration for the union golden era of the 1940s and 50s, when there were sometimes as many as 400 strikes of over 1000 people per year and union membership was at a historic high. With all the positive rhetoric surrounding unions, it may be difficult for someone to understand why anyone, aside from cartoonish caricatures of capitalist pig-men in coat and tails, would ever dislike unions. However, the unintended consequences of the GM strike highlight the ways in which the main tool of unions, the strike, is deeply flawed from a political economy perspective. With a decline in union membership and manufacturing in the US and the interconnectivity of global supply chains, the benefits of a strike fall to fewer and fewer hands while the direct consequences of the strike can still cause great harm to the local economy. Many in America live paycheck-to-paycheck, and strikes can have a strong impact on the financial well-being of the strikers who have to tighten their belt or go into debt. In communities that rely on money from manufacturing workers to spend, this can cause an intense ripple effect that can be felt for miles. If Bob the tire quality control specialist doesn’t have any money, then he doesn’t buy coffee from his local diner, which in turn affects the income of the cooks in the diner who may then forgo purchases at other stores. This is essentially the so-called “virtuous cycle” of economic growth working in reverse, which can cause an intense contraction, which some fear could cause a recession locally as well as statewide. Thusly, even ordinary working people in an area attached to a factory town have a vested interest in ensuring union strikes are ended quickly and do not happen often. This generally results in anti-union legislation or in legislation to cement union desires into public policy without causing the type of damage typically associated with strikes. Locals near an autoplant are not the only people that have direct financial stake in ensuring strikes don’t happen. Suppliers up and down the chain are also deeply affected and even more intimately attached to these strikes. Within GM itself, roughly 10,000 non-union workers have been placed on furlough as a result of the strike mentioned at the beginning of the piece. This is because without unionized labor in certain fields, the whole cycle of production shuts down, and everyone involved is unable to continue working. With chains of supply so directly interlinked, a stop at any point, union or non-union, could cause a work-stop for all other points in the chain. Workers in Canada and Mexico have also been placed on unpaid furlough, causing them to lose income without any possibility of gain and with no incentive on behalf of their American counterparts to represent their competing interests. Auto parts suppliers to GM, such as American Axle & Manufacturing Holdings, have already reported having to lay off workers due to projected losses from the strike. Car dealerships, which are up the supply chain from the plant, have reported hardships in servicing GM cars due to shortages of materials as well. This point brings me to the last victim of strikes: the wider public. America is fundamentally a consumption heavy economy. Our strength relies on our ability to purchase and consume. Almost 70 percent of our GDP comes from consumption. Any reduction in consumption affects the economy as a whole in a big way, and strikes cause a reduction in production and consumption of the product in question and other products inadvertently. If prices or parts get too scarce, that causes prices to go up and consumers to be shut out of the market. Even worse than that, many states such as Tennessee rely almost exclusively on sales tax for government revenue (California still nets about 20 billion a year in sales taxes). A strike not only affects consumers but also affects the most vulnerable members of our society who rely on government sponsored welfare. In conclusion, part of the reason for the decline in political support for unions is due to incredible destructive and disruptive power of strikes. While national labor standards laws can be achieved through the ballot box, the picket line drives a wedge between union interests and the rest of society. Unions should stick to grassroots and political organization because, while strikes can bring them short term gains, they hurts those around them and expose the single-minded interest that unions have for their membership and the ability to disregard and harm their community at large.

#### [Lafer and Loustaunau] Unions are key for worker equality and closing racial wage gaps.

**Lafer and Loustaunau**: Lafer Gordon [PI research associate and a political economist and professor at the Labor Education and Research Center at the University of Oregon] Loustaunau Lola [Ph.D. candidate and research fellow at the Labor Education and Research Center] “Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining” Economic Policy Institute, 2020. MB

Why it matters: The right to collective bargaining is key to solving the crisis of economic inequality. When workers have the ability to bargain collectively with their employers, the division of corporate profits is more equally shared between employees, management, and shareholders. When workers can’t exercise this right, inequality grows and wages stagnate, as shown in the long-term decline of workers’ wages over the past 40 years: CEO compensation has grown 940% since 1978, while typical worker compensation has risen only 12%—and that was before the coronavirus pandemic hit. The importance of unions has been even further heightened by both the COVID-19 pandemic and the national protests around racial justice. In recent months, thousands of nonunion workers walked off their jobs demanding personal protective equipment, hazard pay, and access to sick leave. The concrete realization that these things could only be won through collective action has also led many of these workers to seek to unionize in order to protect themselves and their families. At the same time, the importance of the power of collective bargaining for essential workers and Black workers has become clearer. Unionization has helped bring living wages to once low-wage jobs in industries such as health care and is a key tool for closing racial wage gaps. In recent years the Black Lives Matter movement has joined with the fight for a $15 minimum wage and other union efforts in order to win economic dignity for African American workers.

CASE .

#### [Tenza] Strikes create a stigmatization effect over labor and consumption that devastates the economy – South Africa proves.

**Tenza:** Tenza, Mlungisi [Senior Lecturer at the University of KwaZulu-Natal] “The effects of violent strikes on the economy of a developing country: a case of South Africa.” *SciElo,* 2020, <http://www.scielo.org.za/pdf/obiter/v41n3/04.pdf> AA

When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of violent strikes that have bedevilled this country in recent years seems to have shattered-down the aspirations of a better South Africa. **South Africa recorded 114 strikes in 2013 and 88 strikes in 2014, which cost the country about R6.1 billion according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry.** The biggest strike took place in the platinum sector where about 70 000 mineworkers’ downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that “the five-month-long strike in the platinum sector pushed the economy to the brink of recession”. 7 This strike was closely followed by a four-week strike in the metal and engineering sector**. All these strikes (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people.** Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 **While participating in a strike, workers’ stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.**10 **These strikes are not only violent but** **take long to resolve.** **Generally, a lengthy strike has a** **negative effect on employment, reduces business confidence and increases the risk of economic stagflation.** In addition, **such strikes have a major setback on the growth of the economy and investment opportunities.** It is common knowledge that consumer spending is directly linked to economic growth. **At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result**. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty. **One of the measures that may boost the country’s economic growth is by attracting potential investors to invest in the country. However, this might be difficult as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment may not materialise if the labour environment is not fertile for such investments as a result of, for example, unstable labour relations.** Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment. 3 THE COMMISSION OF VIOLENCE DURING A STRIKE AND CONSEQUENCES The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike. 11 The Constitution grants these rights to a “worker” as an individual.12 However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14 The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to “advance economic development, social justice, labour peace and the democratisation of the workplace”. 16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society. Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally. 18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful. 19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers’ demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows: “[T]here is no sweet strike, there is no Christian strike … A strike is a strike. [Y]ou want to get back what belongs to you ... you won’t win a strike with a Bible. You do not wear high heels and carry an umbrella and say ‘1992 was under apartheid, 2007 is under ANC’. You won’t win a strike like that.” 21 The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects innocent members of the public, non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers’ homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour. 22 This points to the fact that for many workers and their families’ living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24 In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25 striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer’s business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26 These examples from case law show that South Africa is facing a problem that is affecting not only the industrial relations’ sector but also the economy at large. For example, in 2012, during a strike by workers employed by Lonmin in Marikana, the then-new union Association of Mine & Construction Workers Union (AMCU) wanted to exert its presence after it appeared that many workers were not happy with the way the majority union, National Union of Mine Workers (NUM), handled negotiations with the employer (Lonmin Mine). AMCU went on an unprotected strike which was violent and resulted in the loss of lives, damage to property and negative economic consequences including a weakened currency, reduced global investment, declining productivity, and increase unemployment in the affected sectors.27 Further, the unreasonably long time it takes for strikes to get resolved in the Republic has a negative effect on the business of the employer, the economy and employment. 3 1 **Effects of violent and long strikes on the economy Generally, South Africa’s economy is on a downward scale.** First, it fails to create employment opportunities for its people. The recent statistics on unemployment levels indicate that unemployment has increased from 26.5% to 27.2%. 28 The most prominent strike which nearly brought the platinum industries to its knees was the strike convened by AMCU in 2014. **The strike started on 23 January 2014 and ended on 24 June 2014. It affected the three big platinum producers in the Republic, which are the Anglo American Platinum, Lonmin Plc and Impala Platinum. It was the longest strike since the dawn of democracy in 1994.** As a result of this strike, the platinum industries lost billions of rands.29 According to the report by Economic Research Southern Africa, the platinum group metals industry is South Africa’s second-largest export earner behind gold and contributes just over 2% of the country’s Gross Domestic Product (GDP).30 The overall metal ores in the mining industry which include platinum sells about 70% of its output to the export market while sales to local manufacturers of basic metals, fabricated metal products and various other metal equipment and machinery make up to 20%. 31 The research indicates that the overall impact of the strike in 2014 was driven by a reduction in productive capital in the mining sector, accompanied by a decrease in labour available to the economy. **This resulted in a sharp increase in the price of the output by 5.8% with a GDP declined by 0.72 and 0.78%**.32