# NEG

## NC – 3:30

#### The Right to Strike legitimates neoliberal domination – it marks strikes as a restriction of one’s own personal labor power, which equivocates the right to strike with the right of contract – the plan is subtended by an assumption that workers are economic subjects who turn their labor into human capital, leaving the terms and conditions of neoliberal capitalism intact.

Tomassetti, 21

[Julia, Assistant Prof. Law @ City University of Hong Kong, JD @ Harvard, PhD Sociology @ UCLA: “Neoliberal Conceptions of the Individual in Labour Law,” Chapter 7 in The Collective Dimensions of Employment Relations: Interdisciplinary Perspectives on Workers’ Voices and Changing (Palgrave Macmillan, 2021). [https://doi.org/10.1007/978-3-030-75532-4]//AD](https://doi.org/10.1007/978-3-030-75532-4%5d//AD)

\*legerdemain = slight-of-hand

Neoliberal theory telescopes the corporation to the individual subject through the concept of ‘human capital’. What is human capital? Simulating the emic perspective of the neoliberal subject, Feher (2009, p. 26) provides: ‘my human capital is me, as a set of skills and capabilities that is modified by all that affects me and all that I effect’. Whereas liberal agency is grounded in possessive individualism (Gershon 2011), neoliberal agency is based on human capital (Feher 2009; Brown 2015). Neoliberalism transmutes the firm from a coordinator of labour to the manager of an asset portfolio, and the worker from an owner of labour to the manager of a human capital portfolio.

The shift from labour to human capital reflects ‘neoliberal rationality’, which views neoliberalism as an ‘order of normative reason’ (Brown 2015; Foucault 2008). From an analysis of policies, economic arrangements, and other contemporary institutions, Brown (2015) distils neoliberal rationality as a complex of categories, practices, logics, and principles that differ from their liberal counterparts. Scholars have been addressing how platform companies, as part of the ‘gig economy’, enact, benefit from, and propel neoliberal policies and work arrangements (Zwick 2018). We see less work examining neoliberalism as a form of rationality. Yet, scholars are beginning to explore how neoliberal rationality and its construction of the individual manifest in and shape different social relations, including work. Moisander, Groß, and Eräranta (2018), for example, explore how a digital platform company, in order to manage precarious labour, sought to shape its workers’ subjectivity so that workers thought of themselves as little enterprises, or neoliberal agents.

This chapter argues that we can also see neoliberal rationality at work in legal reasoning, when companies, and sometimes legal decisionmakers, construe workers as neoliberal agents.

Using the SuperShuttle DFW dispute as my primary example, I show how a company can index the worker and ‘entrepreneur’ in neoliberal terms through practical and discursive techniques. The worker becomes an ‘entrepreneur’, but with a meaning far removed from a liberal understanding of the term. For example, on the practical side, the company designs the labour process to permit/require workers to determine their own working times by logging in and out of the platform. The platform then argues that, since workers can earn more money the more hours they log in, they are deploying a managerial strategy in deciding when and how long to work. For the liberal subject, choosing to work longer hours under the command of another for mostly fixed returns is not entrepreneurial. However, for the neoliberal subject, a decision to work longer hours reflects her discretionary commitment of human capital— her time.1 Human capital is like any other capital. It is ‘invested’ like other capital and earns ‘profit’ like any other capital. Therefore, working longer hours is the equivalent of risking any other capital for the sake of gain, like investing additional money in a business to expand production or enter a new market.

This is how the practice of permitting—requiring—workers to determine their own schedules facilitates a neoliberal legerdemain: the company provides the individual, as holder of human capital, the opportunity to make decisions about the use of this capital. In fact, it requires the worker to make these decisions. As a consequence, no matter how unskilled the work, and even where the costs and returns vary little or not at all with the duration of the work, time management becomes an entrepreneurial venture.

The analysis of SuperShuttle DFW shows how neoliberal rationality can transform discretion in carrying out work tasks into economic autonomy. Conceptualizing the worker as a manager of human capital makes it possible to interpret almost all worker discretion as entrepreneurial opportunity. As illustrated by the working hours example, within neoliberal rationality, the discretion need not be exercised in the context of product market competition to be entrepreneurial or involve activities characteristic of product market competition, like investing in advertising or making production more efficient. Nor does the desired end need to be monetary, because neoliberal rationality does not distinguish between the domains of production and reproduction (Feher 2009). Thus, taking time off from work can be an entrepreneurial opportunity. Further, the discretion need not be exercised in as methodological a fashion as expected under a liberal notion of entrepreneurialism. It can be more speculative and sporadic.

By showing how neoliberal rationality can shape legal evaluations of platform work, including what it means to be an entrepreneur, my analysis carries some implications for our understanding of digitally coordinated work. Advancements in information and communications technology have facilitated changes in how companies organize production and exchange. Yet, these changes do not always involve major shifts in the organization of authority relations, sites of entrepreneurial ferment, or loci of power. The analysis of SuperShuttle DFW suggests that some of these apparent transformations in the organization of work are artefacts of changes in our conception of individuals as economic agents.

#### The aff’s strike-focused politics privatizes and atomizes worker struggle – it channels it towards specific employers rather than class domination as a whole while ensuring the dictatorship of the bourgeoisie by privileging alternative modes of settlement outside and in spite of the specifics of the law itself.

Feldman, 94

[George, Assistant Prof. @ Wayne State Law: “Unions, Solidarity, and Class: The Limits of Liberal Labor Law,” Berkeley Journal of Employment and Labor Law, Volume 15, No. 2, 1994. https://heinonline.org/HOL/Page?handle=hein.journals/berkjemp15&div=14&g\_sent=1&casa\_token=&collection=journals#]//AD

In other ways, however, the liberal vision of labor law that Justice Brennan exemplified has been severely limited. 19 One obvious limitation, for instance, has been the Court's preference for arbitration.20

\*\*\*FOOTNOTE 20 STARTS HERE\*\*\*

20. The Court's tendency to privilege arbitration has led it to impose legal limitations on the right to strike that are unsupported by the language, policy, or history of the labor laws. See Boys Mkts., Inc. v. Retail Clerks Union, Local 770, 398 U.S. 235 (1970); Gateway Coal Co. v. United Mine Workers of Am., 414 U.S. 368 (1974), discussed infra at part III.C. For criticism of the Court's weakening of the right to strike, see Matthew W. Finkin, Labor Policy and the Enervation of the Economic Strike, 1990 U. ILL. L. REV. 547, 548-49; JAMES B. ATLESON, VALUES & AssuMiPTIONS IN AMERICAN LABOR LAW

\*\*\*FOOTNOTE 20 ENDS HERE\*\*\*

(1983). Yet a different kind of limit also has been present in the labor jurisprudence of the Court's liberal wing-a limit that is less obvious, usually has less immediate impact, but that is perhaps more deeply seated. The Court's privileging of arbitration restricts the means by which unions legally may act in response to concerns that are concededly legitimate. The limits discussed here, by contrast, define the legitimate boundaries of collective actions and collective concerns. The cases discussed here reflect the liberal doctrine that labor law protects unions only insofar as they limit their role to that of representative of the employees of an individual employer, and that the law will resist any union attempt to move beyond this limitation. That doctrine rejects protection when the underlying issue implicates the proper role of unions in American society.

That question emerges in a variety of contexts. In some, a broad definition of unions' societal function may require, or may seem to require, limiting individual rights;21 in others, the Court's conclusion, or something very similar to it, is so clearly required by statute that the conclusion cannot be ascribed to the conscious or unconscious ideological views of the Justices.22

\*\*\*FOOTNOTE 21 STARTS HERE\*\*\*

21. When such a conflict is actually present, the proper place to draw the line is fairly subject to debate; a judge determined to protect both strong unions and individual employee rights might resolve apparent conflicts between the two in different ways without forfeiting a claim of taking each seriously. See infra notes 237-41; cf Emporium Capwell Co. v. Western Addition Community Org., 420 U.S. 50 (1975).

\*\*\*FOOTNOTE 21 ENDS HERE\*\*\*

At other times, however, liberal members of the Court have narrowed the range of permissible union concerns and therefore of unions' social role in contexts in which the law would have allowed a broader understanding, and in which the danger of conflict with individual rights was either absent or too attenuated to serve as a reasonable justification. In some cases this desire to narrow the sphere of union activity is central to the Court's reasoning; in others, it is a subsidiary theme, or is present only as an underlying assumption, unstated and perhaps unconscious, whose presence helps account for the result reached.

This article examines what the members of the Supreme Court who have been identified with its liberal wing have said explicitly or by necessary implication about what is the legitimate sphere of union activity in American life. This vision of the role that unions should play in society has both practical and ideological consequences. Modern labor law, faithful to the Wagner Act's premises, aims to particularize rather than generalize workers' struggles; it directs them towards their specific relationship to their employer, rather than to the larger relationship of their class to employers and to work; it privatizes and depoliticizes those struggles.23

\*\*\*FOOTNOTE 23 STARTS HERE\*\*\*

23. It is in this sense that I think the frequently voiced point of authors associated with the Critical Legal Studies movement is correct. It is not that workers' struggles are channeled to arbitration rather than to a public body like the National Labor Relations Board (NLRB), see Katherine Van Wezel Stone, The Post-War Paradigm in American Labor Law, 90 YALE L.J. 1509 (1981). but rather that whatever method workers employ-even including a strike or other collective job actions-the locus of the struggle remains the particular workplace or employer. It is in this sense that workers' struggles are channeled away from "political" dimensions.

\*\*\*FOOTNOTE 23 ENDS HERE\*\*\*

Given the contextual limitations mentioned, this analysis necessarily must be cautious. It must take account of the constraints of statutory language and congressional intent and, where applicable, of judicial deference to the decisions of the NLRB. 24 This analysis also must recognize the presence of other policy or ideological considerations that are unrelated to the theme of limiting the breadth of union concerns. Nonetheless, this theme is demonstrably present in a wide variety of legal settings, transecting the doctrinal categorizations that abound in labor law.

#### Our critique independently outweighs the case - neoliberalism causes extinction and massive social inequalities – the affs single issue legalistic solution is the exact kind of politics neolib wants us to engage in so the root cause goes unquestioned – and treat this as a no long-term solvency argument – the inequalities of labor relations are fundamental to capitalism. Farbod 15

( Faramarz Farbod , PhD Candidate @ Rutgers, Prof @ Moravian College, Monthly Review, http://mrzine.monthlyreview.org/2015/farbod020615.html, 6-2)

Global capitalism is the 800-pound gorilla. The twin ecological and economic crises, militarism, the rise of the surveillance state, and a dysfunctional political system can all be traced to its normal operations. We need a transformative politics from below that can challenge the fundamentals of capitalism instead of today's politics that is content to treat its symptoms. The problems we face are linked to each other and to the way a capitalist society operates. We must make an effort to understand its real character. The fundamental question of our time is whether we can go beyond a system that is ravaging the Earth and secure a future with dignity for life and respect for the planet. What has capitalism done to us lately? The best science tells us that this is a do-or-die moment. We are now in the midst of the 6th mass extinction in the planetary history with 150 to 200 species going extinct every day, a pace 1,000 times greater than the 'natural' extinction rate.1 The Earth has been warming rapidly since the 1970s with the 10 warmest years on record all occurring since 1998.2 The planet has already warmed by 0.85 degree Celsius since the industrial revolution 150 years ago. An increase of 2° Celsius is the limit of what the planet can take before major catastrophic consequences. Limiting global warming to 2°C requires reducing global emissions by 6% per year. However, global carbon emissions from fossil fuels increased by about 1.5 times between 1990 and 2008.3 Capitalism has also led to explosive social inequalities. The global economic landscape is littered with rising concentration of wealth, debt, distress, and immiseration caused by the austerity-pushing elites. Take the US. The richest 20 persons have as much wealth as the bottom 150 million.4 Since 1973, the hourly wages of workers have lagged behind worker productivity rates by more than 800%.5 It now takes the average family 47 years to make what a hedge fund manager makes in one hour.6 Just about a quarter of children under the age of 5 live in poverty.7 A majority of public school students are low-income.8 85% of workers feel stress on the job.9 Soon the only thing left of the American Dream will be a culture of hustling to survive. Take the global society. The world's billionaires control $7 trillion, a sum 77 times the debt owed by Greece to the European banks.10 The richest 80 possess more than the combined wealth of the bottom 50% of the global population (3.5 billion people).11 By 2016 the richest 1% will own a greater share of the global wealth than the rest of us combined.12 The top 200 global corporations wield twice the economic power of the bottom 80% of the global population.13 Instead of a global society capitalism is creating a global apartheid. What's the nature of the beast? Firstly, the "egotistical calculation" of commerce wins the day every time. Capital seeks maximum profitability as a matter of first priority. Evermore "accumulation of capital" is the system's bill of health; it is slowdowns or reversals that usher in crises and set off panic. Cancer-like hunger for endless growth is in the system's DNA and is what has set it on a tragic collision course with Nature, a finite category. Secondly, capitalism treats human labor as a cost. It therefore opposes labor capturing a fair share of the total economic value that it creates. Since labor stands for the majority and capital for a tiny minority, it follows that classism and class warfare are built into its DNA, which explains why the "middle class" is shrinking and its gains are never secure. Thirdly, private interests determine massive investments and make key decisions at the point of production guided by maximization of profits. That's why in the US the truck freight replaced the railroad freight, chemicals were used extensively in agriculture, public transport was gutted in favor of private cars, and big cars replaced small ones. What should political action aim for today? The political class has no good ideas about how to address the crises. One may even wonder whether it has a serious understanding of the system, or at least of ways to ameliorate its consequences. The range of solutions offered tends to be of a technical, legislative, or regulatory nature, promising at best temporary management of the deepening crises. The trajectory of the system, at any rate, precludes a return to its post-WWII regulatory phase. It's left to us as a society to think about what the real character of the system is, where we are going, and how we are going to deal with the trajectory of the system -- and act accordingly. The critical task ahead is to build a transformative politics capable of steering the system away from its destructive path. Given the system's DNA, such a politics from below must include efforts to challenge the system's fundamentals, namely, its private mode of decision-making about investments and about what and how to produce. Furthermore, it behooves us to heed the late environmentalist Barry Commoner's insistence on the efficacy of a strategy of prevention over a failed one of control or capture of pollutants. At a lecture in 1991, Commoner remarked: "Environmental pollution is an incurable disease; it can only be prevented"; and he proceeded to refer to "a law," namely: "if you don't put a pollutant in the environment it won't be there." What is nearly certain now is that without democratic control of wealth and social governance of the means of production, we will all be condemned to the labor of Sisyphus. Only we won't have to suffer for all eternity, as the degradation of life-enhancing natural and social systems will soon reach a point of no return**.**

#### New radical party politics are key—we need a new political ecology of class. That solves 100% of labor problems, the environment, and imperialism.

#### Keep in mind – they only cement in class politics by forcing the lower class to militarize against the upper– they are opposite of this alt and completely uncompatible

Gindin 16 Sam Gindin was research director of the Canadian Auto Workers from 1974–2000 and is now an adjunct professor at York University in Toronto. 12.20.2016 <https://www.jacobinmag.com/2016/12/socialist-party-bernie-sanders-labor-capitalism>, Building a Mass Socialist Party The response to Bernie showed that a socialist party in the United States is possible. But there is no shortcut to building power.

There are no blueprints to pull off the shelf, no models to comfortably point to, no social base chomping at the bit for the long road to an uncertain somewhere else. Even in the case of those unions that broke with their labor peers and supported Sanders, it is quite another thing to take the next step and completely break with the Democratic Party. Nor is it just a matter of the how and when of getting such a party started. The more fundamental question of what kind of party we are actually talking about remains paramount. What the moment seems to call for is a sober step back and — borrowing from Jane McAlevey — implementation of a “stress test” (McAlevey prefers the term “structure test”). Let’s test ourselves. Do the commitments and capacities exist to establish a loose but relatively coherent socialist current across the country? If this can’t be done, then bravely announcing the formation of a new party won’t go anywhere. The institutional essence of trying to create such a current/tendency has often been discussed and this familiar ground can be quickly summarized: Based on recruitment from the many activists mobilized by the Sanders campaign (or past socialist legacies in the case of Canada), socialist groupings would be formed in multiple centers. Each would develop a democratic structure, raise funds, and in terms of engagement determine which movements and struggles to prioritize. The groups would develop an infrastructure for communication, internal discussion/debate, and public forums. They would eventually hire part-time or full-time organizers, make links with other regions, and develop what Greg Albo calls a “political ecology of protest” — that is, frame the protests within a larger political context. Progressive candidates would be supported for a miscellany of local offices to build alliances, develop administrative skills within the movement, and provide a base for local experiments in alternative ways to address economic, environmental, and cultural needs. Speakers from abroad could be brought in for national tours reporting on related experiments elsewhere. National conferences would be held, common national campaigns chosen to build some practical unity. Debates would naturally evolve over whether the time seems opportune to give birth to a new party with its greater discipline and eventual electoral ambitions, or whether further preliminary steps remain necessary. Underlying these institutional tasks would be a number of general political tasks. First, constantly hammering capitalism as an undemocratic social system that cannot meet popular needs, cannot meet human potentials, and cannot avoid despoiling the planet. Second, insisting that if we are to do more than complain, we need to build an institutional capacity with some hope of matching capitalism’s power; we need to move to deep organizing. Third, that at this particular moment what is especially crucial is to organize ourselves to make the socialist idea relevant once more — that is, to both create a new generation of intellectual organizers committed to socialism and through popular education contribute to placing socialism on the agenda again. Fourth, active engagement in existing union and movement struggles is elemental. Absent such engagement we cannot possibly grasp the lay of the land, learn to deal with the inevitability of compromises, expand our base, or act constructively. Within such struggles a key challenge is to overcome the sense that socialist perspectives are distant and impractical ideals and demonstrate that they matter now — that they can contribute in practical terms to developing and carrying out union and movement strategies. Of special importance here are interventions in a number of debates that have stymied and divided the broad left. One is the centrality of the working class and unions. Much of the Left reserves its enthusiasm for the social movements while denigrating unions. But if the working class cannot be organized as an exemplary democratic social force, then social transformation is likewise impossible. While social movements are critical to social change, their ability to build the kind of sustained social power that might lead a challenge to capitalism has historically been disappointingly limited. Moreover, social movements remain dependent on the organizational capacities, independent resources and leverage of the working class. Yet there has always been the question of where unions, with their sectional roles as representatives of particular groups of workers, fit into a struggle beyond capitalism. Today, there is no avoiding the most fundamental questions about the capacity of existing unions to play a role in social transformation. Is union renewal and radicalization possible? And especially critical to the place of a socialist current, is this possible without the intervention of socialists committed to that reinvention of unions? A related and especially fraught controversy revolves around the relationship between class and identity. The US election has amplified these divisions. It is not news that there are nativist and racist attitudes within the white US working class. But there is a strong case to be made at this point — as more information comes out we can be more definitive — that the deciding factor in the key Midwest states was not the white working class’s enthusiasm for Trump’s xenophobia and misogyny but the built-up anger against an establishment that had for so long ignored their class concerns. The increase in the numbers that abstained from voting for Clinton (or Trump) far exceeded those who switched to Trump. This does not excuse the apparent toleration of Trump’s racism and sexism but it does mean that the appeal of Trump among white voters should not be exaggerated. Any attempt to fight the expected direction of the Trump presidency can’t start by blaming the white working class for Trump’s victory but must take the frustrations of the white working class seriously and win them to its side. In this context, class politics is not a stand-in for setting aside the injustices of racism but rather a reminder that categories abstracted from class — like “white,” “black,” and “Latino” — obscure the imbalances in power internal to each group; that only a class orientation can unify an otherwise fragmented working class; and insisting on class unity implies the committed, active support for full equality within the class. Fighting racism inside the class and in society as a whole is fundamental to building class power. A third controversy relates to immigration and solidarity. To simply assert the righteousness of fully open borders in the present context of economic insecurity cannot help but elicit a backlash and will ultimately do little for refugees and future immigrants. Workers who have seen their own standards undermined over time without their unions or the government responding to this may have charitable sentiments but they are not going to prioritize open borders. More can be achieved by trying to win people to a more liberal but regulated border policy, by fighting for full equality of workers once they are here, and by insisting that refugees and new immigrants get the social supports they need to concretize that equality — all of which bring us into solidaristic struggles over union rights and the restoration and expansion of the welfare state. A fourth tension is that between the urgency of ecological time and the inherently extended epoch of revolutionary time. The environmental crisis demands change now but building the social force capable of bringing about that change — especially as it must mean a degree of democratized economic and social planning that inherently and fundamentally challenges corporate power — can’t help but take time even if should obviously be started now. A related friction is how to prioritize the environment since planetary survival is at stake without setting aside struggles for social justice. As the environmental crisis worsens, the greatest inequalities will revolve around access to the basics of food, water, and air so the crisis cannot be separated from its impact on inequality and justice. At the same time, unless one thinks that addressing the elite will solve the environmental crisis, the only path to building the social power necessary to transform society and deal with the environment is by way of incorporating issues of inequality and social justice. Finally, as we turn to the programmatic content of a socialist current we must confront a set of thornier issues lying behind any focus on jobs and public goods and services. Progressive policies on health care, education, housing, public transportation, minimum wages, labor rights, jobs, just environmental transitions, etc. are of course central to building a broad base. But without a further and more radical set of policies that involve fundamental economic interventions such as challenging free trade, private control over investment, and the financial power of banks and investment houses, the social policies simply cannot be sustained. In fact, in today’s context more radical policies are essential for even achieving moderate reforms. This consideration shifts the emphasis from the terrain of policies to the terrain of power — to an alternative politics rooted in developing the deepest political capacities.

#### K First - There is no material world that we can separate from the lens through which we view it. Deconstructing the AFF scholarship is a prior question that has material

#### effects.

#### Therefore the ROB is one of deconstruction – vote for the side which best challenges neoliberal scholarship

#### Springer ‘12

Simon Springer - Department of Geography, University of Otago. “Neoliberalism as discourse: between Foucauldian political economy and Marxian poststructuralism.” Routledge. May 2012. JJN from file \*bracketing in original

Conclusion In arguing for an understanding of neoliberalism as discourse, I do not presume that comprehending neoliberalism separately as a hegemonic ideology, a policy and program, a state form, or as a form of governmentality is wrong or not useful. Rather I have simply attempted to provoke some consideration for the potential reconcilability of the different approaches. My argument should accordingly be read as an effort to destabilize the ostensible incompatibility that some scholars undertaking their separate usage seem keen to assume. Without at least attempting to reconcile the four approaches we risk being deprived of a coherent concept with which to work, and thus concede some measure of credibility to Barnett’s (2005) claim that ‘there is no such thing as neoliberalism’. Such a position renders the entire body of scholarship on neoliberalism questionable, as scholars cannot be sure that they are even discussing the same thing. More perilously, to accept such a claim throws the project of constructing solidarities across space into an uneasy quandary, where the resonant violent geographies of our current moment may go unnoticed, a condition that plays perfectly into the ideological denial maintained by the current capitalist order (Zizek, 2011). In ignoring such relational possibilities for resistance to the contemporary zeitgeist, Barnett (2005) seems keen to engage in disarticulation ad nauseam. Yet deconstruction is meant to be interruptive not debilitating. As Spivak (1996, p. 27) contends, ‘Deconstruction does not say there is no subject, there is no truth, there is no history. ... It is constantly and persistently looking into how truths are formed’. It is about noticing what we inevitably leave out of even the most searching and inclusive accounts of phenomena like neoliberalism, which opens up and allows for discursive understandings. Rather than making nice symmetrical accounts of the ‘real’ at the meeting point of representational performance and structural forces, neoliberalism understood as a discourse is attuned to processual interpretation and ongoing debate. While there are inevitable tensions between the four views of neoliberalism that are not entirely commensurable, their content is not diametrically opposed, and indeed a considered understanding of how power similarly operates in both a Gramscian sense of hegemony and a Foucauldian sense of governmentality points toward a dialectical relationship. Understanding neoliberalism as discourse allows for a much more integral approach to social relations than speech performances alone. This is a discourse that encompasses material forms in state formation through policy and program, and via the subjectivation of individuals on the ground, even if this articulation still takes place through discursive performatives. By formulating discourse in this fashion, we need not revert to a presupposed ‘real-world’ referent to recognize a materiality that is both constituted by and constitutive of discourse. Instead, materiality and discourse become integral, where one cannot exist without the other. It is precisely this understanding of discourse that points to a similitude between poststructuralism and Marxian political economy approaches and their shared concern for power relations. I do not want to conclude that I have worked out all these tensions, my ambition has been much more humble. I have simply sought to open an avenue for dialogue between scholars on either side of the political economy/ poststructuralist divide. The importance of bridging this gap is commensurate with ‘the role of the intellectual ... [in] shaking up habits, ways of acting and thinking, of dispelling commonplace beliefs, of taking a new measure of rules and institutions ... and participating in the formation of a political will’ (Foucault, quoted in Goldstein, 1991, pp. 11– 12). Such reflexivity necessarily involves opening ourselves to the possibility of finding common ground between the epistemic and ontological understandings of political economy and poststructuralism so that together they may assist in disestablishing neoliberalism’s rationalities, deconstructing its strategies, disassembling its technologies, and ultimately destroying its techniques. In changing our minds then, so too might we change the world.

**Instead you should affirm Black philosophy as a site to engage in radical theorizations that are a genuine reflection of Black experience – attempts at integration commodifies Black philosophers as extensions of white thinkers which waters down Black philosophy to a form for white philosophers to deem respectable scholarship – a fundamental reorientation of the discipline away from universal reason is key.**

Tommy J. **Curry and Curry 18** [Tommy, PhD, Prof. of Philosophy @ TAMU, Gwenetta, PhD, Ass. Prof. of Gender and Race Studies @ Alabama], “On the Perils of Race Neutrality and Anti-Blackness: Philosophy as an Irreconcilable Obstacle to (Black) Thought,” American Journal of Economics and Sociology, Vol. 77, Nos. 3-4 (May-September 2018). DOI: 10.1111/ajes.12244

The debate about what constitutes or is real philosophy continues to dominate the discussions concerning race and racism. Drawing from the inclusion/exclusion or integrationist/segregationist paradigms, the problem of race and racism in philosophy is routinely understood as what is allowed to stand within or excluded from the discipline. The integrationist or post-civil-rights understanding of racism in philosophy routinely misses that **racism involves a complex and denaturing dynamic regarding the thought and perceptions of oppressed groups**. This is a paradigmatic and methodological problem introduced by Curry (2011a, 2011b) as signs of Black philosophy’s “derelictical” crisis. As Curry (2011a: 144) explains:

At its most basic level, philosophy is an activity of inquiry into the world which is supposed to guarantee its practitioners some level of assuredness in the ways we interpret the realities before us. If we take African American philosophy to be philosophical activity, then we should expect, by necessity of being philosophy, that Africana philosophy should result in the same methodological rigor—some assuredness in the ways that Africana people have used to interpret their realities. Unfortunately, the present day crisis of African American philosophy makes this simple formulation an impossibility. By making the methodological rigor of Africana philosophy dependent on its popular acceptance; its closeness to the political dogmas of our racial era, we condemn our area of study to under-specialization whereby our works of philosophical genius, past and present, will be judged solely by the degree to which they extend the universalizing character of Europe and her theories. To t**he extent that African American philosophy chooses to abandon the genealogical patterns of Black thought for philosophically privileged associations with white thinkers, it remains derelictical—continuing to neglect its only actual duty**—the duty **to inquiry into the reality of African-descended people as they have revealed it**.

We begin with the premise that **racism permeates the discipline of philosophy**. We are attempting to bring attention to the ways in which **authentic Black philosophy has been revised and denatured into a form that whites in the discipline accept as philosophical**. Whereas all disciplines have norms or rules of scholarly rigor, **philosophy demands that Black thinking and thought tend towards specific political ends in order to be considered philosophy**. Whether or not the thought and texts of Black philosophers are correctly interpreted, understood, or even read ultimately becomes irrelevant to the larger political orientation of the discipline.

**Black philosophers are read as extensions of white thought. A Black philosophical figure is relevant only to the extent that he or she can be understood as the unrealized intentionality of canonical white figures. Black historical figures are made philosophical by the extent to which their voice can be imagined as what Dewey, Hegel, Addams, or Foucault would have said if they thought more seriously about race** and racism. Consequently, writes Curry (2011b: 141):

**Black thinkers function as the racial hypothetical of European thought whereby Black thought is read as the concretization of European reflections turned to the problem of race, and Black thinkers are seen as racial embodiments of white thinkers’ philosophical spirits**. In this vein, the most studied Black philosophers are read as the embodiment of their white associates; **W. E. B. Du Bois is read as the Black Hegel, the Black James, the Black Dewey, and Frantz Fanon as a Black Sartre**, or Black Husserl. **This demonization of Black thinkers by the various manifestations of the European logos as necessary to the production of AfricanAmerican philosophy is a serious impediment to the development of a genuine genealogy** of the ideas **that actually define Africana philosophy’s Diasporic identity**.

**The insistence that Black philosophy parallel white philosophical traditions, such as pragmatism, feminism, and Rawlsianism, and arrive at integrationism as the concluding political goal suggests that the study of Black philosophy is little more than a disciplinary ruse. Critical Race Theory is consistently revised away from materialist interpretations** of racism and racist institutions **towards a focus on the history and racism of particular white European thinkers** (Curry 2017b). This derelictical demand is so powerful that **Black philosophers are rarely asked to verify, empirically or historically, their theories about racism. Instead, they are evaluated on the basis of the extent to which white philosophers can or do agree with their position**. Said differently, the racism of philosophy is so overwhelming and severe that **the question of whether or not a claim or statement about racism or Black people is true or false is arbitrated by whether or not there is a white consensus supporting or rejecting the claim**. Often, manifestly false statements about Black people are made by white and Black philosophers that are taken to be fact because white philosophers and the discipline at large agree to act and think as if the statement is true. These debates often concern easily verifiable facts of underrepresentation, the use of discourse and education to solve racism, and gender dynamics both intra- and inter-racially.

The problem of dereliction emphasizes the point that **philosophy is constructed with a white audience and public in mind. The admission of Black, Brown, and Indigenous students** into graduate programs across the country **is not meant to fundamentally change or reorient the discipline**. As a matter of professional survival, **racialized minority students are being professionalized to accept that their work must focus on global problems and sustain the supposed universalism of reason, ethics, and dialogue**, even while they rhetorically claim they reject such an orientation. Ensuring that young Black philosophers fear being labeled as too radical, or having their work designated as controversial or unsafe, is reason enough to self-censor and revise the original thinking of Black scholars. As such, **Black philosophy becomes a discipline accepted as philosophy by the extent to which it mirrors, or Blackfaces, the insights of white thinkers and theories**. Philosophy departments have ensured that conversations go unattended that concern the permanence of racism and the histories of trauma and bidirectional violence amongst Blacks (Hernandez et al. 1993; Cascardi and Avery-Leaf 2015; Curry and Utley 2018c). They have also ignored the imperialism and colonial heritage of feminism and the paternal benevolence that white women receive from patriarchal power and sexism, despite decades of research that documents the truth of such positions in the social sciences and history (Newman 1999, 2007; Glick and Fiske 2001).

Black philosophy is forced to interpret the world in the most elementary terms of white theory. Ellen Pence, one of the founders of the Duluth model, admitted that she simply made up the idea that patriarchy and sexist attitudes are causally linked to intimate partner violence, but Black philosophy commits itself to propagating this theory despite countless studies showing this is not true in white culture, and has never been the case amongst Blacks (Pence 1999; Mills 2009; Caetano et al. 2005). The intellectual repression of Black philosophers is so severe that popularly held opinions and majority (white) consensus can dictate the interpretations of race, class, and gender amongst Blacks. Many of the theories proposed by Black philosophers concerning racism, intimate partner violence, classism and privilege, underrepresentation, and sexism are routinely found to be out of line with, if not outright rejected by, the scientific accounts of the very same social problems. **The social sciences**, history, and epidemiology **have shown that the causes of social problems in white communities often have very different causes when analyzed in Black or Brown communities. In philosophy, however, there are no distinctions in causation. All social ills stem from** ignorance, patriarchy, or **some incredibly general theory that often lacks cultural specificity or racial nuance**. To appear legitimate, these categories simply mimic the already established thinking of whites and in doing so gain the appearance of truth. No matter the empirical findings or authoritative literatures by experts in other disciplines, all conversations about racism and Black folk that run contrary to the endorsed whites are effectively banned by social stigma and punished through professional ostracism.

**Black philosophy has a responsibility to engage the Black experience as a genuine site of existential reflection and epistemological tool making. The idea that Black experience and reality must be accounted for by white theories of causality or aim towards the same ends of white philosophy is delusional. Black philosophy must engage in radical theorizations that can be traced back to the problems tackled in the texts and debates of Black thinkers**. The **social prognoses suggested** by Black philosophers **should also have some accountability to the realities that Black people are facing in the U**nited **S**tates, **if not the world**. There is no time for idle thought that simply attempts to imitate white theories of causality and canonical traditions in order to be accepted. How can we demonstrate the importance of Black philosophy, if not for what we observe and verify in the lives of Black people in the world? **Its ability to express the full complexity of Black life and death in theory at the most abstract levels of thought is what is at stake in the Black philosophical project**.

### L/A: “Right” vs. “Freedom” to Strike

#### Framing strikes as a “right” to be granted instead of a “freedom” cements state power over the working class and destroys class solidarity.

Dimick 19

Matthew Dimick, Professor @ University at Buffalo School of Law, 12-13-2019, "Labor Rights Will Not Save the Labor Movement," Jacobin, <https://jacobinmag.com/2019/12/labor-rights-movement-freedom-nlra-nlrb-mass-picketing> //MLT

Everyone agrees that labor law is broken. Under the auspices of the National Labor Relations Act (NLRA) — which was passed in 1935 at the height of the New Deal and laid the foundation for our current regime of collective bargaining — union membership rates have declined to existentially low levels. Though the weaknesses in labor law have been glaringly apparent for some time, and intermittent attempts have been made to reform it, discussion about labor law reform is now reaching a critical mass. Labor law reform has been central to the campaign promises of both Bernie Sanders and Elizabeth Warren. There is much in common between the Sanders and Warren plans, though the level of detail in the Warren plan burnishes her reputation as a technocrat. Liberal think tanks have jumped on board. Left-leaning publications have also directed their attention to labor law reform. What unites most of these proposals is the idea of strengthening labor rights. I wrote an essay recently in Catalyst arguing that this approach is wrong. The labor movement should be wary of labor rights and instead seek to expand labor freedoms. A right is some legally enforceable claim, backed through the coercive machinery of the state (fines, injunctions, imprisonment, etc.), that one legal subject has against another because of some interference caused or threatened by that other. A freedom, in contrast, is the absence of a legally enforceable duty to refrain from some action. A “right to strike,” for example, means that workers are protected from any interference an employer might take against an employee for engaging in a strike. During a strike, hiring permanent replacement workers counts as the most obvious form of interference, and indeed such replacements have had a devastating impact on the effectiveness of strikes. A fully recognized right to strike would prohibit the hiring of permanent replacements and legally compel employers to discharge their replacements when striking workers decide to call off the strike and return to work. All well and good, except that this rights approach overlooks the most important reason employers get away with hiring permanent replacements: labor law effectively bans mass picketing, the picketing of large numbers of workers near the struck business. Before mass picketing was banned, it was the most potent weapon in labor’s arsenal in the 1940s, and its repeated use established an “unofficial norm” against hiring permanent replacements, a norm that lasted until employers started defying it in the 1980s. Elimination of the ban on mass picketing would give workers a labor freedom rather than a labor right. With the labor freedom, it is workers themselves, through mass picketing, who enforce their strike power; with the labor right, it is the state, through the ban on permanent replacements, that does the enforcement. One might ask, “What’s the difference, if workers win the strike in the end?” Part of the answer comes from asking yourself, “Which of the two will build stronger and longer-term working-class solidarity?” The other part of the answer is that in numerous other cases, the effect of labor rights has been far more insidious. Labor rights, unfortunately, have been frequently used by judges, politicians, and bureaucrats as reasons for prohibiting or eliminating protection for strikes and other forms of collective activity. One example of this is the NLRA’s ban on organization and recognition picketing. Labor law prohibits any picketing (or even threats of picketing) “where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees.” This provision exists not because of some cynical, ideologically motivated, anti-union impulse. Rather, it exists because the NLRA already provides workers with a “fair” and “neutral” administrative method for choosing a bargaining representative and establishing a bargaining relationship: the National Labor Relations Board’s election procedure. In practice, however, these provisions virtually compel workers to make use of the board’s election procedure, which is characterized by legal-bureaucratic delay and employer intimidation.

## teachers

### NC

#### Public sector right to strike bankrupts state budgets

Coulson 12 (Andrew, director of Cato’s Center for Educational Freedom and senior fellow in education policy at the Mackinac Center for Public Policy, CATO Institute, "Chicago, and Why Public School Unions Strike," <https://www.cato.org/blog/chicago-why-public-school-unions-strike>)

Chicago's teachers have just walked off the job, and most of the media coverage is quick to point out that this is the city's first strike in a generation. But is anyone really that surprised by a public school union striking just as kids are supposed to be heading back to class in September? Wouldn't you be a lot more shocked if you logged on to Amazon.com and were greeted by the message that its site was down due to an employee walkout? Or if you took the kids to the movies to see the latest cartoon extravaganza and found picketing ticket-takers? What is it about public schools---and other government enterprises, for that matter—that have made their unions so much more dominant than those in the private sector? [Two thirds of the public school workforce is unionized compared to about 7 percent in the private sector]. Competitors. Or, rather, the lack of them. Private sector workers can only demand so much from their companies before the demands become self-defeating. Get a pension package that's too cushy, a salary that's too far above the market rate, and the employer will have to pass those costs on to customers. And if those higher prices aren't accompanied by correspondingly better quality, customers will simply go elsewhere---hurting the employees who asked for more than the market would bear. And there's the problem with public schooling: there's no "elsewhere." If you don't like the way your local school district is run, there isn't a competing school district vying to provide your kids with a better education at a lower cost. You've got no place else to go, and unions know this. So they can ask for more employees to be hired, better pensions or health benefits, and they can demand that their compensation not depend on their performance. And there's very little that parents and taxpayers can do about it. That's what's happened in Chicago, where the average teacher's salary is about $75,000 (almost 50% above the citywide private sector average), public sector retirement benefits are so generous that Illinois owes $203 billion for this purpose that it simply doesn't have, and the teachers' union has decided that it will not go along with the district's plan to make salaries depend partly on classroom performance. In the absence of real private sector competition and parental choice, public school unions have been able to drive up the system's costs without needing to show improvement in performance. Sooner or later, Illinois will adopt a system, like education tax credits, that provides real choice and competition, because the current system will ultimately bankrupt the state.

#### That guts funding from colleges and universities

Seltzer 17 (Rick, Reporter, covers business and management for Inside Higher Ed. He joined the publication in 2016 after working as a money and general-assignment reporter for The Baltimore Business Journal.) “Health Care vs. Higher Ed” https://www.insidehighered.com/news/2017/04/12/medicaid-funding-changes-pressure-state-higher-ed-funding

They’re just doing it under existing law, the Patient Protection and Affordable Care Act, which President Obama signed and President Trump sought to repeal. The way the current law was designed, states' share of Medicaid costs is rising as the federal government pulls back on incentives it used to encourage them to expand the program. And when federal spending requirements for states grow, public funding for colleges and universities -- one of the largest so-called discretionary pots of money most states control -- tends to be the target. Consequently, the current law has drawn attention from higher education experts, because more spending requirements on states translates into more pressure on public funding for colleges and universities. “Some states are going to be left really holding the bag,” said George Pernsteiner, president of the State Higher Education Executive Officers association. “It will put them in a pinch if they don’t have a booming economy. That’s what I worry about.” The increased costs are connected to the federal funding mechanism underpinning the expansion of Medicaid, which covers many low-income children and adults and people with disabilities. States and the federal government share Medicaid costs under a patchwork of funding mechanisms, including the Federal Medical Assistance Percentage, or FMAP, which guarantees a minimum of $1 in federal matching funds for every $1 states spend on Medicaid. But the Affordable Care Act sought to entice states to expand Medicaid to cover adults with incomes of up to 138 percent of the federal poverty level. It did so by paying 100 percent of the costs of such Medicaid expansion -- but only for a limited time. The 100 percent federal match started in the 2014 calendar year but ended in January 2017, when it dropped to 95 percent. It is set to phase down to 90 percent in 2020 and remain at that level afterward. Washington, D.C., and 31 states expanded Medicaid in response to the Affordable Care Act. That means they are now seeing their share of Medicaid costs rising. When states adopted their budgets for the 2017 fiscal year, their share of Medicaid spending was expected to grow by 4.4 percent on average, according to an April report from the Kaiser Family Foundation. The increase was expected in large part because of the decrease in federal funding for Medicaid expansion. While 4.4 percent might not sound like an overwhelming increase, Medicaid spending is a massive portion of states’ budgets. Medicaid spending across all states totaled $509 billion in the 2015 fiscal year, according to the Kaiser Family Foundation. States paid 38 percent of the costs, with the federal government picking up the rest. That means states spent about $193.4 billion on Medicaid in 2015. That dwarfs state higher education appropriations, which totaled about $83.6 billion across the country in 2016-17. State legislators are essentially locked into spending on Medicaid. So when costs in that program rise, lawmakers have to either raise revenue through taxes and fees or find money in their discretionary budgets to reallocate. Higher education represents one of the few big-ticket discretionary items from which they can draw. “They’re going to get the money somewhere,” Pernsteiner said. “Where they make the cuts is higher ed.”

#### Every step away from affordable college is closer to extinction

Miller, 8

(September, Professor of Education, Curry School of Education-UVA, Looking Ahead: Letters to the Next President from Higher Education's Leadershttp://www.changemag.org/archives/back%20issues/september-october%202008/full-looking-ahead.html

In recent decades, the price of college has risen far faster than family income, inflation, even health care. Today, you can buy a fully loaded Honda Civic for less than the average cost of one year at a four-year private college. When 90 percent of the fastest-growing jobs require postsecondary education, it’s unacceptable that 90 percent of low-income students fail to earn a degree by the time they reach their mid-twenties—especially as our country diversifies and becomes a majority-minority nation. But until very recently, few were talking about the dramatic rise in tuition or the sad disparity in opportunity. The bipartisan Higher Education Commission I created three years ago shed new light on the issues of affordability, accountability, and access. First, access. We all know that students will not succeed in college if they lack the necessary educational foundation. We must increase access to higher education by better aligning K-12 curricula with college and workforce standards. This is a no-brainer. We must also provide better and more convenient postsecondary opportunities for adults and other nontraditional students. Thirty-two million Americans who started a college education have never finished. Our community colleges have taken the lead in providing these opportunities on the students’ terms. The rest of higher education must emulate their convenience, adaptability, and affordability. Which brings me back to cost. Even if students are academically prepared for college, they often cannot pay for it or are so burdened with debt that it haunts their future. Financial barriers are keeping nearly two million low- and middle-income qualified high school graduates from attending college. Five years ago, the average debt load approached $20,000 for a bachelor’s degree recipient. It’s worse today. At the federal level, we are doing our part. We have increased the availability of free need-based scholarships to help students pay for college. Student Pell grantees in 2008 will benefit from the largest increase in their annual award in 30 years. States and institutions must also play a role by increasing efficiency and productivity to reduce tuition. Only when institutions address the root causes of rising costs will more people enjoy greater access to the American Dream. Next, we must simplify and streamline our broken, Byzantine financial aid system. It’s as if we are trying to keep people out of college, not welcome them in. I urged a dramatic overhaul, but Congress has failed to act. Finally, in choosing a college, students and families need much more information than they currently have. They expect answers to questions such as, Will I graduate within four years? Will I get a job in the field I majored in? Am I going to have the skills I need to succeed? Decisions about postsecondary education are among the most important and costly that individuals make. They deserve to know what they’re getting. **To remain competitive in the global economy, we must help at least 20 million more Americans earn a college degree or postsecondary certificate by 2025.** I hope you will declare that by 2012, we will be at least halfway toward achieving this goal. Godspeed. —Margaret Spellings U.S. Secretary of Education To the next President of the United States: As you begin your term, our country faces a clear set of national and international challenges. I write on behalf of the leaders of more than 3,000 colleges and universities to convey our shared sense of urgency and purpose in the face of these challenges and our commitment to help you find constructive solutions. You and your administration will face four main challenges as you lead our country in the coming years: • Preserving peace and security in an increasingly interdependent world, • Revitalizing and sustaining a strong economy, • Expanding educational opportunity, and • Maintaining America’s research and innovation edge. Some of America’s greatest strengths come from the historic partnership between higher education and government that has lasted for more than six decades. Since World War II, that partnership, reinforced by the private sector, has opened the doors of opportunity for millions of veterans and other needy students, built the finest scientific enterprise in history, and improved the skills of the work force. As the country prepares to enter a new decade, we must reinvigorate that partnership. Over-regulation and a lack of sustained funding in key areas have frayed it, and your leadership is essential to its repair. Our colleges and universities have always responded to such leadership. They will do so again during your administration. In this letter, I present an agenda for you and for higher education that will draw forth the best our institutions can offer the nation. I hope you will make this agenda your own. Our greatest presidents have known that America’s progress depends on a fully engaged community of learning. Preserving Peace and Security in an Increasingly Interdependent World Finding ways to protect our national interests while promoting regional and international cooperation is a task of preeminent importance for the United States. In a world now threatened by terror, where people and nations are increasingly divided by military, political, economic, religious, and racial strife, **it is imperative that we diminish the risk of wider conflict** while maintaining the security of the nation. For nearly a century, America’s colleges and universities, resisting a tradition of isolationism deeply ingrained in our nation’s history, have emphasized the study of foreign cultures. During this period, higher education has also **played a central role in developing public understanding of economic, defense, and foreign policy issues;** in preparing diplomats and other experts in foreign and military affairs; and in providing critical analysis for national decision-making. To help formulate the nation’s foreign policy and defend our interests abroad, every modern president has drawn heavily on the resource of higher education. I ask now that you: • Support the strengthening of programs dedicated to international studies and research—including area studies centers and teaching at all levels about foreign countries and cultures. • Encourage exchanges that enable Americans to study and teach abroad and students and scholars from other countries to attend American institutions. • Expand the teaching and study of foreign languages in our schools, colleges, and universities. • Increase the investment by the Department of Defense to lead the world in research that will help develop the technologies and strategies needed to protect the nation from a broad range of security threats. Revitalizing and Sustaining a Strong Economy We currently face a time of economic uncertainty, marked by wide swings in the stock market, soaring energy prices, mounting budget and trade deficits, shrinking economic growth rates, and the loss of important markets to foreign competitors. As major sources of discovery, innovation, and invention, colleges and universities can help lead in the renewal of our advanced, knowledge-based economy. To do so effectively, we in higher education must translate discoveries into useful products by creating relationships with industry that will supplement basic scientific and economic research. At the same time, we must also increase our efforts to see that we are producing highly skilled graduates for the work force of the next decade—this includes partnerships with the nation’s schools to see that all students are well prepared for the rigors of college. There are a number of ways you could facilitate higher education’s efforts on behalf of the economy, among them: • Undertake new and dramatically expanded initiatives to provide educational access to high-school dropouts, displaced workers, and returning military personnel. • Respond to the nation’s need for more scientists and engineers by expanding federal support for graduate and undergraduate student financial assistance in these fields, as well as funding for faculty research. • Initiate programs to add to the supply and improve the training of teachers at all levels, particularly mathematics at the K-12 level and in high-technology and applied fields in the life and physical sciences. • Reinforce existing national programs for short-term employment training by providing tuition assistance for dislocated and displaced workers at community colleges. Expand Educational Opportunity For more than four decades, the partnership between higher education and government proved a powerful engine for expanding educational opportunity. Financial aid programs—supported by the federal government, state governments, and institutions—have opened doors to millions of students, transforming and revitalizing our colleges and universities and diversifying the leadership of our society. Over the last decade, however, **we have seen the re-emergence of barriers that threaten the progress made in equalizing opportunity. We have seen dramatic fluctuations in state and federal support. Rising tuitions, growing student-debt burdens, persistent participation gaps, increased dropout rates—these are all signs of a decline in access to higher education.** Such ominous trends come at a time when the knowledge economy demands an ever more highly skilled workforce. We must strengthen the access partnership to expand opportunities at all levels of our educational system. To that end, I ask that you do the following: • Intensify federal efforts to support disadvantaged students in completing school and pursuing a college education. • Increase funds for grant assistance to needy students, particularly the Pell Grant Program. • Enhance tax incentives to boost college access and expand tax-free alternatives that allow parents and families to save systematically for their children’s education. Maintain America’s Research and Innovation Edge While Americans have long enjoyed a high standard of living relative to other nations, our country continues to struggle with serious challenges, including environmental deterioration, crumbling urban infrastructures, uncertain energy supplies, inadequate healthcare delivery, poverty, hunger, and disease. In the past, academic and research expertise at America’s colleges and universities has provided the solutions that have led to dramatic breakthroughs in healthcare, environmental protection, transportation, nutrition, and food production. Not only does university research solve problems—the process itself, by engaging both undergraduate and graduate students, helps educate the next generation of scientists for even greater discovery. But America’s research and innovation prowess faces growing challenges from abroad, especially from emerging nations such as China and India. To maintain our global leadership, we must revitalize our research and innovation capacity. To do that, we must: • Continue to increase funding for basic research through the National Institutes of Health (NIH), National Science Foundation (NSF), and other agencies. • Increase funding in areas of national need, including energy self-sufficiency, climate change, environmental studies, and homeland security. • Strengthen the system of technology transfer in order to encourage the transformation of cutting-edge basic research into commercial products and medical advances that benefit society. We in higher education look forward to working with you to advance this agenda and enhance the important partnerships among our colleges and universities, the federal government, and the private sector. Together we can meet the challenges of the next decade and make great strides in providing the solutions to change society and the world. —Molly Corbett Broad President American Council on Education To the next President of the United States: I write as a friendly foreigner to urge that you act to strengthen and sustain higher education in the United States. You might ask: Why, with the stack of pressing issues on your desk, should you worry about higher education, where there is only a limited role for the federal government? In his book The Post-American World, the editor of Newsweek International, Fareed Zakaria, shows that although the U.S. is not declining, other countries are rising and challenging its preeminence in many fields. A long-term change in America’s relative position was always predictable, but, because of the previous administration’s inept economic management and callous diplomatic incompetence, the shift is happening more quickly than anyone expected. In this environment, America must nourish its strengths. Two of these, which complement each other well, are higher education and the armed forces. I offer you no advice on the military, except to suggest that you trade your predecessor’s motto, “In arms we trust,” for a more effective blend of hard and soft power. **The tremendous worldwide influence of U.S. higher education gives the country an abundant source of soft power**. It is not only America’s research universities that the world envies. Your **real treasure is the diversity of a system that gives opportunities for tertiary education and training to a large proportion of the population from all socioeconomic groups**. Other countries are keen to emulate U.S. higher education, using your model of the community college, your mix of public and private institutions, and your huge array of available programs. How can you, then, as President, strengthen the system and enhance its international influence? I suggest action on three fronts. Step 1, which will no doubt inspire your stance in international affairs generally, is to show that America supports multi-lateral approaches and can work effectively within them. At a time when Americans are touchy about the apparent decline in their international influence, this will take guts—but your courage will be well repaid, not only in goodwill, but in real influence. Although UNESCO might seem an odd place to start, it gives you a platform to show—in education, culture, communications, and science—that the era of “my way or the highway”-style diplomacy is over. As a recent article in the German magazine Der Spiegel noted: “With this attitude the U.S. often finds itself as isolated as only North Korea and Myanmar are in other forums... . Sometimes it seems that America only rejoined UNESCO to blow up the whole organisation from the inside.” In a world where demand for higher education is booming, where the international movement of students will triple in a decade, and where e-learning is challenging the notion of borders, America has nothing to fear and everything to gain by leading the development of international rules of interaction. Where the previous administration fanned the embers of xenophobia and paranoia, you must lead the world’s most multicultural nation to engage confidently with other countries—a much more natural stance. Step 2 is to work from the good principle, “If it ain’t broke, don’t fix it.” Just as other countries begin to accept that universities perform better autonomously, with a light touch from the state, America is moving in the opposite direction through attempts in Congress to suck the accreditation system more deeply into the federal ambit. This will do damage. The current regional and national systems of accreditation may not be perfect, but the federal government should push to correct their perceived weaknesses rather than launch a hostile takeover. For example, robust action—including legislation—by your administration to suppress degree mills would be very welcome. These bogus operations, and the equally phony accreditation mills behind which they hide, undermine the credibility of U.S. accreditation and have a negative influence on higher education worldwide. Through the Bologna process, Europeans are trying to raise the quality and standards of higher education across 46 countries in Europe. They face an uphill struggle because of the hodgepodge of national legislation. The U.S., already well ahead on this front, should now lead the international community in freezing these fraudulent and dangerous scams out of their safe havens around the globe. A war on degree mills is winnable, presents no risk of collateral damage, and would earn America international plaudits. Step 3 is to achieve a better balance between the recruitment of foreign talent for the U.S. economy and the strengthening of universities in developing countries. Under current trends, including the external dimension of the Bologna process, more students are becoming global nomads. This increase in mobility is a force for peace. However, poorer countries lament the loss of their brightest people through brain-drains to the U.S. and Europe. Thirty percent of Africa’s tertiary-trained professionals live outside the continent, which loses about 20,000 professionals annually. Because the U.S. economy needs a steady influx of trained workers, it is in America’s interest to strengthen universities in developing countries as well as to promote mobility. It could do this by encouraging U.S. universities to help local universities in poorer countries develop solid Ph.D. programs in situ, which would allow more people to train as researchers without going abroad. Substantially increasing the number of doctorates awarded in these countries would provide a pool of highly qualified people to contribute to their national development without decreasing the overall availability of talent to the U.S. This would be an excellent and much-appreciated form of soft power. What better way for America to extend its long-term influence for good than by nurturing the universities across the world whose graduates will create the future? To adapt the well-known Chinese proverb: if you educate foreigners in the U.S., they will benefit for a lifetime; if you nurture foreign universities, the benefits will extend to future generations. —Sir John Daniel President and Chief Executive Officer Commonwealth of Learning Former Vice-Chancellor, UK Open University To the next President of the United States: As I began to write this letter, I thought about the words of one of my sheroes, Dr. Mary McLeod Bethune, a daughter of slaves who went on to found one of our nation’s historically black colleges, known today as Bethune Cookman University. Dr. Bethune said, “Education is the prime need of the hour.” What was true during her time is no less so today. Among our nation’s critical issues, education occupies a special place, and I urge you to make it one of your highest domestic priorities. Education should be viewed as a seamless process that begins early in a child’s life and continues through primary and secondary schooling and into the tertiary or college level, and then into a post-baccalaureate stage. However, as someone who has served for many years as a college professor and president, I want to focus my comments on higher education. To have or not to have a college education has definitive consequences. College graduates earn on average twice as much as high school graduates their first year out of college and throughout their careers. That impact ripples through the entire economy and society. Because college graduates earn more, their families enjoy greater economic security. They pay the taxes that support better schools, hospitals, and cultural institutions. And every community needs more teachers, physicians and other college-educated professionals. Research indicates, moreover, that college graduates are more likely to play active roles in the civic life of their communities—and I am proud to say that graduates of historically black colleges and universities (HBCUs) tend to be especially active in community and civic affairs. The importance of a college education has national dimensions as well. We are no longer living in an industrial economy that needs a low-skilled workforce to operate equipment on routinized production lines. Ours is a knowledge-based, highly technological economy. And that economy requires a workforce with sophisticated skills. Jobs follow well-educated pools of labor. So we must prepare our students today—all of our students—for a more demanding job market, whether they go to college or not. Given that I have had the honor to serve as president of the only two historically black colleges for women in our nation, Spelman College in Atlanta and Bennett College for Women in Greensboro, North Carolina, you will not be surprised that I urge you to give very special attention to the education of people of color. By 2050, these populations will be nearly fifty percent of our nation’s total population. Yet in 2005, African Americans represented only fifteen and Hispanic Americans only ten percent of the students enrolled in college. Both groups’ academic performance is further weakened by lagging graduation rates. They are 20 percent of those in college but less than 12 percent of college graduates. Mr. President, I also urge you to do everything you can to eliminate the financial barriers to a good education. There was a time in our country when young people could work their way through college. Those days are behind us. College tuitions are so high that they cannot be covered by full-time adult jobs, much less student employment. This is why I hope you will give priority to helping students, especially low- and moderate-income students, pay for the good college education they need. I also hope you will support efforts to restore the purchasing power of Pell Grants, the largest national education assistance program. Please see if elite institutions with endowments measured in the billions can be persuaded to use some of the income from those endowments to further the education of students who cannot afford the full cost of college. Finally, Mr. President, please make sure that our nation gives America’s HBCUs the support they have earned. Today, as in years past, these institutions provide an educational home to many students who have been shortchanged by the public schools but flourish in the small-college environments and social support systems HBCUs provide for their students. In an age of escalating tuitions, theirs are substantially lower than those of comparable institutions, and they have higher average graduation rates than the average African-American graduation rates of majority institutions. HBCUs have served their students and their country well. They deserve your support. We must invest as a nation in proven educational approaches and foster an atmosphere in which new ideas can be tested and, if they work, expanded. In that spirit, the words of President Franklin D. Roosevelt, spoken a few months before he was inaugurated, offer sound counsel: “The country demands bold, persistent experimentation. Take a method and try it: If it fails, admit it frankly and try another. But above all, try something.” —Johnnetta B. Cole President emerita Spelman College and Bennett College for Women To the next President of the United States: No one hears the story of why it takes a student six years to graduate from college. You do not hear about the student body president and promising leader who had to drop out of school mid-semester because of a family tragedy, and you won't hear that he has returned to school. But virtually any community college student has some such inspiring story to tell. A community college has the most diverse student body of any postsecondary institution. Each student comes in with a different background, a different hope for the future, and a different reason for why a community college is the mechanism for getting there. There is the forty-year-old woman who has come back to finish the college education she started twenty years ago; there is the recent high school graduate whose family cannot afford to send him to a four-year college; there is the thirty-five-year-old man who was recently laid off from work; there is the high school student taking college classes in order to fulfill high school requirements; there is the fifty-four-year-old man who is there for the sole purpose of personal enrichment; there is the high school dropout who has no choice but to begin at a community college; there is the single mother looking to get a two-year degree in order to make a better life for herself and her children. But this diverse group does have something in common: most struggle with juggling school and work and family, typically staying awake till the wee hours of the morning studying because the kids were up late or they had to take an extra shift. You have never seen perseverance like this before. So what is my story? I started at community college my sophomore year of high school. I had been home schooled; my family and I had lost confidence in our local public high schools and did not have the money to send me to a private school. Home schooling offered me flexibility and inspired creativity, but it did not allow for interaction and dialogue with my peers and teachers. In order to satisfy that need, I took my first college class at College of San Mateo at the age of fourteen. I fell in love with my college and quickly involved myself in its clubs and activities. When I graduated from high school, I was elected co-president of the College of San Mateo’s honor society and student trustee of its district board, a position in which I had the opportunity to represent the 40,000 students who enroll in our tri-college district each year. Just this month I was elected president of the Student Senate for the California Community Colleges, which makes me the official voice for 2.6 million students. Since I first came to College of San Mateo I have changed from girl to young woman, from naïve follower to passionate leader, and from ordinary volunteer to aspiring visionary. My story is not the only one of unexpected—and unlikely—achievement and success. Rather, I am one of millions whose life was changed drastically by my community college. The benefits of a college education become more apparent in my life each day. All of the skills that my professors have taught me—to write, listen, speak, manage my time, share ideas, do research, and think critically—I use daily. College has prepared me to take full advantage of the opportunities I have, including an internship this summer in Washington, D.C., with a California congresswoman. More than anything, I have been given my voice at community college and now can give voice to others. Community colleges are charged with being all things to all people. This is to the benefit of the diverse student body, but it is a great challenge for the college. Community colleges provide more than any other educational institution—programs and services for first-generation college students, veterans, the disabled, honors students, athletes, and more—yet they are funded the least per student. They have made it their trade to squeeze dimes out of nickels and make miracles a daily reality. But our nation’s lack of commitment to the community colleges’ mission of providing accessible, affordable, high-quality education to at-risk students is leaving those colleges less able to reach out and support the people who need it most. Our country needs to make it a national priority to restore and enhance funding for community colleges and to increase the financial assistance available to their students. Our nation will reap the long-term benefits—a diverse, educated, and civically engaged population—that will make our investment worthwhile. Please give our students and colleges the support they need in order to enable students to find their voices, as I have found mine. —Richael Young Student College of San Mateo To the next President of the United States: The worldwide preeminence of American higher education over the last half-century is due in large part to the generous federal and state financial support that poured into universities after World War II. Government investment in university research was richly repaid, since it contributed greatly to America’s postwar productivity and affluence. At the same time, the expansion of universities, which opened their doors for the first time to new social groups, vastly increased the opportunity and upward mobility of American citizens. The American dream, in short, has been closely linked to the health of the American campus. That **health is now seriously endangered by the steady withdrawal of public financial support from higher education**, a trend that started in the 1970s and has reached crisis proportions with the economic downturn that has lingered since 2001. State and federal support as a percentage of public universities’ budgets today is a fraction of what it was in the 1960s and 1970s. No institution can lose so much of its support without serious consequences, and the impact on public universities has been devastating. The loss of governmental support has contributed to the dramatic increase in college tuition, which reverses the earlier gains in economic opportunity for the many who now can no longer afford college. The lost support also explains a less widely publicized trend: the shrinking of the permanent faculty as campuses rely increasingly on poorly paid part-time instructors, who at some institutions now comprise over 70 percent of the instructional staff.

## Communitarianism

### Comm Bad

#### Communitarian ideals are totalitarian—they deny rights and impose tyrannical views on individuals

**Ross 2005** (Kelley L., Instructor of Philosophy at Los Angeles Valley College, “Rights, Responsibilities, and Communitarianism,” http://www.friesian.com/rights.htm)

Communitarians, however, promote a certain view of rights and responsibilities that is quite different from that of John Locke, Thomas Jefferson, James Madison, etc. It is more in the tradition of G.W.F. Hegel, where the community, or the state, is more real than the individual and the individual who does not fit in with the social norms or the law is objectively irrational. Hegel has been regarded, justly, as the father of modern totalitarianism. How different these attitudes are comes out in the Communitarian treatment of things like seat-belt and motorcycle helmet laws. Etzioni would deny to the automobile or motorcycle rider the right to decide for themselves whether to wear seat-belts or motorcycle helmets because, if they are injured, the public is liable to end up paying for their injuries. Thus the riders have a duty to protect themselves in such a way as to not impose a burden on the public through their injuries. This is interesting reasoning, for the denial of the right of choice about seat-belts and motorcycle helmets is really predicated on the concession of another right: that the injured riders have the right to be treated at public expense. The claim of that right is then used to deny the other [3]. The question is not even asked: do those who don't want to use seat-belts or motorcycle helmets really want their liberty curtailed for the privilege of their injuries being treated at public expense? Evidently they are not even asked. The consequence, then, is not that Communitarians want to balance rights and responsibilities; it is that they want to deny certain rights in favor of certain other ones, without asking whether that is the particular choice other people really want to make. The rights that Communitarians seem to prefer curtailing are what traditionally are called "liberties," and the rights they seem willing to sacrifice those to are what traditionally are called "powers" or "privileges." A "right" can mean a number of things. The following diagrams (versions of the logical Square of Opposition) show the relationships between different kinds of rights: Rights, liberties, powers, and immunities are all kinds of "rights." Most importantly, each kind of right implies a certain kind of liability in others, and each kind of right also has its opposite form of liability. Thus a "right," plain and simple, always implies some duty in others: they must observe your right through some kind of appropriate behavior or recognition. Thus, if you have a "right" to have a job, it is going to mean that someone is going to have the duty of giving you a job. A "responsibility" is a duty [4]. What we can call the responsibility to take care of one's own interests really means a duty not to be a burden to others, which means a duty not to use them by trying to fraudulently impose a non-contractual duty of commission on them. The opposite of a "duty" is a liberty, which means that there are no rights of others that need be observed in a particular case. A liberty is a right to act without restraint, which means that a liberty implies no right in any other -- bringing us back to the opposite of a right. Similarly, in the other diagram, a "power" [5] is the ability to change the legal status of something or force a legal compliance in another. A power thus implies a liability in another, that they must recognize or comply with the power exercised upon them. The opposite of a "liability" is an immunity, which is an exemption from being subject to someone else's powers. An "immunity" implies a disability in another, that they are without a power to affect the immune person in that case. Since liberties, powers, and immunities are all rights, any right may be said, after a fashion, to imply certain duties, liabilities, or disabilities in others. In the case of the seat-belt and motorcycle helmet laws, the conflict is between a "liberty" to use one's own judgment and be responsible for one's own injuries, and a right or a power to be treated at public expense, which imposes a duty or liability on the public to do that. Communitarianism wishes to deny the liberty and give to the public (the "community") the power to regulate the behavior of individuals (impose disabilities) in order to limit public liabilities. That is the point: the Communitarian emphasis on the "community" makes everyone a ward of the community and responsible to the community, rather than their own keeper and responsible to themselves for their own actions. This is not a "balance" between individualism and community; it is a historic reversal of the manner in which mediaeval society, in which everyone was a ward of the King and/or the Church, was replaced by modern conceptions of autonomy and freedom. This also comes out in the Communitarian attitude towards the War on Drugs. Etzioni says that drugs cannot be legalized because the laws "communicate and symbolize those values that the community holds dear." Repealing the drug laws would send the message that "the community approves of people being in a drug-induced stupor." This is a common response from both Conservatives and Liberals; but it is not right. The proper role of the laws is to forbid and punish judicial wrongs (of negligence, violence, and fraud) and protect judicial rights (of person, property, and contract). The law should not be used to send any "messages," especially messages that reflect moralistic views of prudential virtues as imposed by the tyranny of the majority. The absence of drug laws does not mean that drug usage is endorsed or promoted. Frederic Bastiat addressed this issue in relation to socialism in his 1850 classic The Law: Socialism, like the ancient ideas from which it springs, confuses the distinction between government and society. As a result of this, every time we object to a thing being done by government, the socialists conclude that we object to its being done at all.

#### Even if communitarianism provides people with ends, it still demands universal self sacrifice which moots the gain.

**Smith, 1995** (Tara, Assistant Professor of Philosophy, University of Texas, Austin, “MORAL RIGHTS AND POLITICAL FREEDOM”, p. 74)

Altruism is complicated by the fact that a person occupies two roles: she must subordinate her own interest in order to advance oth­ers', yet she must also accept others' altruistic offerings. The fact that a person will sometimes stand on the receiving end, however, does not relieve the tension between viewing individuals as means and view­ing individuals as ends. Under altruism, standing as the beneficiary of others' sacrifices does not elevate a person to the status of an end. A person is not to receive these offerings on the grounds that her own happiness should be her highest purpose. Rather, in accepting these offerings, she is simply fulfilling her role in the larger scheme, allow­ing the mandated sacrifices to be completed. The central altruistic in­junction remains: serve others, meaning: be an instrument for others' ends. (Notice that if a person believes that the same altruistic duty binds others, she must also regard others as means whose duty is to subordinate their interests to those of still others.) The point is: individuals who are regarded as ends require freedom to pursue their lives. Individuals who are regarded as means do not. For altruism, respecting individuals' freedom would actually stand in the way of fulfilling our obligations to serve one another. To appreciate fully the incompatibility between rights and altruism, we must consider again the extensive protections that rights afford. Rights protect individuals' authority to rule their lives as they see fit. This entails that demands that a person sacrifice herself for others do not weaken the rightholder's sovereignty. Her title to independence is undisturbed by such demands. It would be inconsistent, however, to maintain that people who are in fact obligated to serve others' needs should enjoy such license to turn away from those needs. Since altru­ism posits that we owe others our efforts on their behalf, under altru­ism, we would be justified in forcing people to act for others' benefit. Altruism demands self-sacrifice. Rights, however, protect against such mandatory sacrifice.

#### Communitarianism fails – humans are inherently individualist, not teams- it can’t explain individual moral choices

**Machan 1995** (Tibor, Professor of Philosophy, Auburn University, Private Rights and Public Illusions, p. 17-18)

However, this abandonment is a tragic mistake. Sometimes, it is even an excuse for grabbing the power to achieve goals that arguments could not support. First, **society is no team**. Pace Karl Marx, who wrote that "the Human essence is the true collectivity of man," we are all essentially individual human beings.38 We do have roughly the same capacity to start out on our journeys, never mind our starting point. But how well we will do on these journeys is ultimately up to us—provided we are left to our own resources even in the company of others. Individual initiative is, contrary to the dictates of scientism, the driving force of human life. We think by our own initiative and live by our own initiative, often—even largely—in the company and with the assistance of others. But without that initiative which makes us all human, we would not even have ideas about ethics, politics, science, law, and bbb n’’the arts.39 The belief that we are moved by forces that work on us is itself the result of hasty generalization if not extrapolation. The fact that some events in nature occur by virtue of efficient causation does not demonstrate that all events do so. I have explained this elsewhere but will repeat some of the needed points in later chapters.40 The essential point is that human initiative and nothing else is the central cultural force. If it were not, nothing we think and do would be wrong or right, true or false. We could not even know which of our "knowledge" would simply be programmed belief. Accordingly, what counts most for us together, in each other's company, is not fairness but **the right to liberty**. A team is a wrong and destructive analogy for political life. A friendly marathon race, perhaps, or carnival, would do much better.

Solvency – Advantage

**Aff doesn't lead to strikes**

**A right does not guarantee more/better strikes – multiple warrants**

**Waas PhD 12**

Professor Bernard Waas, Sep 2012, "Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens " World Congress General Report, [https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf //](https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf%20//) AW

No national laws on strike action are alike. Notably, the law on strike action is part of a much broader picture. As strikes are mostly related to collective bargaining, distinct perspectives that may exist in national systems in this regard inevitably influence assessments of strikes. If the room for bargaining is deemed an area in which the state does not interfere, the decision to use strike action may essentially be left to the autonomous decision-making of trade unions. If, on the other hand, the state tightly regulates collective bargaining, then it seems plausible for regulations on strikes to be subject to similar rules. A possible link between collective bargaining and strikes may also have other implications. If the right to conclude collective agreements is, for instance, limited to the most representative unions only, then the case might be that only members from those unions actually enjoy the right to strike. More generally, legal systems differ considerably with respect to who may represent workers´ interests. In many countries, trade unions exercise monopoly power in the representation of workers. In other countries, dual systems are in place. Works councils, for instance, may be the representative bodies at the level of the individual establishment, while trade unions may represent workers´ interests at the company and, in particular, at the branch level. Though collective agreements can be concluded at all these levels, it may very well be that works councils are prevented from staging a strike when the employer is reluctant to conclude an agreement. Instead of calling a strike, the works council may have to take recourse to arbitration as is indeed the case, for instance, in Germany. 2 Second, entirely different attitudes exist towards strikes. In some countries, strikes are considered “a right to self-defence” which is not necessarily directed at the employer; in other countries, the area of admissible industrial action may be necessarily congruent with the relationship between employers and employees. In yet other countries, strikes are seen as acts of “self-empowerment” which have very little to do with a legal order granting certain powers or rights. Finally, in some countries, the right to strike is viewed as being firmly rooted in human dignity, granted to each individual worker and not waivable by him or her, and in others, the perspective may be more “technical” with a considerable power to dispose of the right to strike. Third, as strikes are a means of balancing power between the employer and the workers, socio-economic conditions which influence this relationship may have to be considered when determining the rules on strikes. To give only two examples: Today, many companies are highly dependent on each other. Some of them may even form clusters. A move to reduce in-process inventory and associated carrying costs has made just in time production prevalent among, for instance, car manufacturers. Accordingly, a strike at a supplier will quickly start affecting the customers, a fact that lends additional power to unions and can therefore not be easily disregarded when determining the rules on strikes. Similarly, if employers can move factories beyond borders, which is indeed possible in times of a globalized economy, the question what workers should be able to throw into the balance needs to be addressed. The following comparative overview tries to shed light on the various legal systems and the solutions they provide to the most important issues relating to strikes. It must be noted, however, that **descriptions of the legal situation can only do so much**. As every comparatist knows, **a considerable gap exists between the “law in the books” and reality**. This may, in particular, be true with regard to strikes, because **striking is part of a “fight” which raises the question of power, a question that cannot be answered by simply referring to legal rules**. In some countries, into strike action often takes place outside the scope of the legal framework. Not only are many strikes unofficial, strikers all too often do not care much about the law. Accordingly, to get a clear understanding of what strike action means “on the ground”, one would have to broaden the perspective and take industrial relations as whole account. In this context, many questions would have to be raised, for instance, about the number and structure of the relevant “players”, about trade union democracy, discipline 3 among trade union members, accountability and the feeling of responsibility on the part of unions as well as employers, dependence or independence of trade unions, the scope of inter-union rivalry, etc. Many questions have yet to be answered and the answers may often be disputable. The following section discusses the legal situation of strike law.

**Assign the aff very low solvency- workers aren’t striking, so even if aff wins strikes could be beneficial, they get no material impacts**

**Henwood 2-21** [Doug Henwood edits Left Business Observer and is the host of Behind the News. His latest book is My Turn. “American Workers Aren’t Striking.” Jacobin. February 21, 2021. <https://jacobinmag.com/2021/02/us-workers-strike-data-2020>] HW Alex Lee

Strikes are the labor movement's muscle, and **when unions don't strike, that muscle atrophies**. Unfortunately, the **latest data shows** just how atrophied that muscle is. **Simply put, workers aren't striking**. Although there have been plenty of reports of rising labor militancy in the United States — teachers’ strikes, tech and delivery app organizing — it’s sadly not showing up in the strike data. In its annual release, the Bureau of Labor Statistics (BLS) reports that there were just seven major “work stoppages” (which include lockouts as well as strikes) in 2020, tied with 2017 for the second-lowest number since 1947, and beaten only by 2009’s five. What strike action there was, says the BLS, was mainly against state and local government employers (five of them), not private ones (two). Here’s a graph of the grim trajectory. Over the period shown, total employment has tripled, meaning that the collective power of these strikes is a fraction of what it once was. If you adjust for employment growth, last year’s seven would have been just over two by 1950’s standard. That year, there were over four hundred strikes. Another measure, known as days of “idleness” (a nice Victorian touch) — **the share of total workdays lost to strikes or lockdowns — was immeasurably small: 0.00%**, rounded to two decimal points, which is how it’s published. Last year was the twelfth in the last twenty that scored a 0.00%; that never happened before 2001. Presented with these stats, people sometimes point to smaller strikes as where the action is. That’s probably not the case, but numbers are hard to come by. Another agency, the Federal Mediation and Conciliation Service, publishes data on stoppages involving fewer than one thousand workers, but they’re presented in a very user-hostile format: monthly spreadsheets listing strikes underway that month, with no aggregated summary numbers like the larger strike data. When I last looked at the data, in 2018, it was telling the same story as larger strikes. I don’t want to come across as somebody sitting in a comfy desk chair lecturing, Spartacist-style, about what labor should do. US law and business practice have made it very difficult to mount strikes. Bosses and their politicians understand that without the option to withhold labor, workers are nearly powerless, and they’ve mounted innumerable obstacles to walkouts. But for those of us who think you can’t have a better society without stronger unions, these symptoms are dire. Jane McAlevey’s mentor at 1199 New England, Jerry Brown, says that the strike is labor’s muscle and if you don’t exercise it regularly it atrophies. Strike just for practice, even if you don’t really need to, he says. The strike muscle is looking very atrophied.

**Multiple status quo worker intimidation tactics deck aff solvency- it cancels out the right to strike and means strikes are not effective and don’t happen. Prefer our ev- it aggregates data and analyzes inside accounts of unionization and employers**

**Lafer & Loustaunau 20** [Gordon Lafer is a political economist and is a Professor at the University of Oregon’s Labor Education and Research Center. He has written widely on issues of labor and employment policy, and is author of The Job Training Charade (Cornell University Press, 2002). Lafer has served as an economic policy analyst for the Office of the Mayor in New York City and has testified as an expert witness before the U.S. Senate, House of Representatives, and state legislatures. Lafer is the founding co-chair of the American Political Science Association’s Labor Project, and has taught as a visiting faculty member at the University of Massachusetts’ Union Leadership Academy and at the Universidad Latina de America in Michoacan, Mexico. In 2009–2010, Lafer took leave from his faculty position to serve as Senior Labor Policy Advisor for the U.S. House of Representatives Committee on Education and Labor. Lola Loustaunau is an assistant research fellow at the Labor Education and Research Center, University of Oregon, Eugene. “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 Insititute. July 23, 2020. <https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/>] HW Alex Lee

What this report finds: **Most American workers want a union in their workplace but very few have it, because the right to organize—supposedly guaranteed by federal law—has been effectively cancelled out by a combination of legal and illegal employer intimidation tactics.** This report focuses on the legal tactics—heavy-handed tactics that would be illegal in any election for public office but are regularly deployed by employers under the broken National Labor Relations Board’s union election system. Under this system, employees in workplace elections have no right to free speech or a free press, are threatened with losing their jobs if they vote to establish a union, and can be forced to hear one-sided propaganda with no right to ask questions or hear from opposing viewpoints. Employers—including many respectable, name-brand companies—**collectively spend $340 million per year on “union avoidance”** consultants who teach them how to exploit these weakness of federal labor law to effectively scare workers out of exercising their legal right to collective bargaining. Inside accounts of unionization drives at a tire manufacturing plant in Georgia and at a pay TV services company in Texas illustrate what those campaigns look like in real life. Below are some of the common employer tactics that often turn overwhelming support for unions at the outset of a campaign into a “no” vote just weeks later. All of these are legal under current law: **Forcing employees to attend daily anti-union meetings where pro-union workers have no right to present alternative views and can be fired on the spot if they ask a question.** Plastering the workplace with anti-union posters, banners, and looping video ads—and denying pro-union employees access to any of these media. Instructing managers to tell employees that there’s a good chance they will lose their jobs if they vote to unionize. Having supervisors hold multiple one-on-one talks with each of their employees, stressing why it would be bad for them to vote in a union. Having managers tell employees that pro-union workers are “the enemy within.” Telling supervisors to grill subordinates about their views on unionization, effectively destroying the principle of a secret ballot. 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. What we can do about it: Congress must act to ensure that workers have a right to vote to unionize in an atmosphere defined by free speech and open communication, and without fear of retaliation for one’s political views. The House of Representatives took an important step in this direction when it passed the Protecting the Right to Organize (PRO) Act in February 2020. If adopted by the Senate, the PRO Act would help ensure that workers have a meaningful right to organize and bargain collectively by streamlining the process when workers form a union, bolstering workers’ chances of success at negotiating a first agreement, and holding employers accountable when they violate the law. Beyond passing the PRO Act, legislators should back a package of proposals advanced by a group of 70 economists, academics, and labor leaders led by Harvard University’s Center for Labor and Worklife program. Their Clean Slate for Worker Power agenda includes extending labor rights to farmworkers, domestic workers, and independent contractors who are now excluded from federal union rights; requiring meaningful employee representation on corporate boards of directors; mandating a national requirement that employees may only be fired for just cause rather than arbitrarily; and enabling workers to engage in sector-wide negotiations rather than single-employer bargaining. These proposals would help create shared prosperity by starting to restore balance and effective democratic standards in federal labor law. Introduction The central fact of our economy is the long-term decline of employment conditions over the past 40 years. Since the late 1970s, corporate profits, executive salaries, and shareholder returns have grown handsomely while wages of workers creating this prosperity have stagnated.1 Chief executive officer compensation grew 940% from 1978 to 2018, while typical worker compensation rose only 12% in that period.2 Even the low unemployment rate reached by 2018 had not been enough to spur truly significant wage growth, leading one economic analyst to declare that “the competitive supply-and-demand model of labor markets is fundamentally broken.”3 Workers have responded to falling wages by working longer hours.4 Thus, American workers find themselves working harder, running faster, and still sliding slowly backwards. One of the primary causes of this growing economic inequality is the shrinking share of American workers who have a union in their workplace.5 When workers have the ability to bargain collectively with their employers, the division of corporate profits is more equally shared. On average, if one compares a union employee with a nonunion employee of the same gender, race, ethnicity, education, and years of experience, working in the same occupation, same industry, and same geographic area, the unionized worker’s wages are 13.2% higher than the nonunion counterpart. When the value of health and pension benefits are added in, the union pay advantage is greater still.6 Unsurprisingly, many nonunion workers wish that they too could earn union wages and benefits and access the other protections that come with unions. In a 2017 survey, 49% of nonmanagerial nonunion employees—who in the population at large represent roughly 58 million workers—told pollsters they would vote for having a union if given the opportunity to do so.7 Yet that same year, only 50,000 employees were able to establish a new union through National Labor Relations Board (NLRB) elections, or less than 1% of the number who want a union.8 What makes unions so rare despite being so popular? The fact that federal labor law is profoundly broken. Instead of serving as a neutral expression for workers’ preferences, the NLRB election system forces workers to run a gauntlet of fear, threats, intimidation, forced propaganda, and stifled speech. This is what must change for American workers to have a meaningful right to collective bargaining and for our country to find our way out of the crisis of economic inequality. Current events make the need to reform labor laws even more urgent. The COVID-19 pandemic and the national protests around racial justice have heightened the importance of unions. As the pandemic swept across the country, 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.9 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.10 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.11 Elections without democracy As the world’s first modern democracy, the United States has long served as the global standard-bearer for defining what constitutes “free and fair” elections, including equal access to the voters for all political parties, equal access to the media, freedom of speech for both candidates and voters, and a guarantee that voters will not be financially bribed or coerced to support one candidate or another. People who first hear of union “elections” may assume these elections are conducted according to the same standards. However, the standard practice of anti-union employers makes NLRB-supervised elections look more like the discredited customs of rogue regimes abroad than anything we would call American. First, because there is no meaningful enforcement for violating voters’ rights, these rights are often violated. And those rights themselves are limited. There is, for instance, no right of free speech for voters in union elections. There is no equal access to media. Indeed, there is not even equal access to the names and contact information of eligible voters. And there is no protection against economic coercion of voters. Anti-union employers take advantage of the lack of rights in many ways, as the following sections show. Finally, even when workers vote to unionize and that vote is legally certified by the NLRB, employers often continue to deny these employees the right to collective bargaining by refusing to negotiate a contract. As illustrated in the second of the case studies below, this can be accomplished through both illegal and legal means, including legal tactics that create multiyear delays, causing workers to lose faith in their own power and often leading activists to quit the employer. Again, the norms of American democracy require that winning candidates assume their positions at the appointed time; if there are challenges about the election, these are addressed at a later time, but legal delaying tactics cannot be used to perpetuate an incumbent’s rule after voters have elected to replace the incumbent with a challenger. But under the National Labor Relations Act (NLRA), even when employees vote for collective bargaining, the outcome of this vote may not be implemented for years, if at all. Lawlessness at work: How employers undermine workers’ legal right to organize The National Labor Relations Act of 1935 established the right to a union and collective bargaining for all private-sector workers. However, in the 85 years since the law was enacted, those rights have become increasingly unattainable. In 2018, only 6.4% of private-sector workers had unions.12 Workers’ inability to secure union representation is in large part a product of the rampant lawlessness that characterizes NLRB elections, made possible by the absence of meaningful penalties under the law. In elections for Congress, those who violate elections law may face fines, imprisonment, or loss of commercial licenses. But in NLRB elections, even employers who willfully and repeatedly break the law by threatening employees, bribing employees, destroying union literature, firing union supporters, or lying to federal officials in an effort to cover up these deeds can never be fined a single cent, have any license or other commercial privilege revoked, or serve a day in prison. As a result, it is not merely rogue employers who violate workers’ rights under law, but many mainstream employers who decide it is worth breaking the law in order to intimidate employees out of organizing a union. A December 2019 EPI report highlighted the rampant lawlessness that characterizes workplace elections under the NLRB.13 In 2016–2017: Employers were charged with violating workers’ legal rights in 41.5% of all NLRB-supervised union elections.14 Employers were charged with illegally firing workers in at least one-fifth (19.9%) of elections. In nearly a third (29.2%) of all elections, employers were charged with illegally coercing, threatening, or retaliating against workers for union support. Larger employers are even more likely than others to break the law: in elections involving more than 60 voters, more than half (54.4%) of employers were charged with at least one illegal act. To put these findings in the context of what we normally expect from democratic elections, the Federal Elections Commission reports a total of 372 charges of illegal activity related to federal election campaigns in 2016–2017, or one charge for every 367,000 voters.15 In comparison, NLRB-supervised elections saw one charge for every 161 eligible voters.16 By this math, illegalities are more than 2,000 times more common in NLRB elections than in elections for the U.S. Congress or president. Such widespread intimidation recalls the worst of authoritarian regimes abroad; but these are the conditions that govern unionization elections in workplaces across the country. Lawful but exploitive coercion: Employers spend $340 million per year on “union avoidance” consultants to deny workers the right to organize Even when employers obey the law, they rely on a set of tactics that are legal under the NLRA but illegal in elections for Congress, city council, or any other public office. A $340 million industry of “union avoidance” consultants helps employers exploit the weaknesses of federal labor law to deny workers the right to collective bargaining.17 Over the past five years, employers using union avoidance consultants have included FedEx, Bed Bath & Beyond, and LabCorp, among others. Table 1, reproduced from an EPI report published in late 2019, lists just a few of these employers, along with the reported financial investments they made to thwart union organizing during the specified years.18 TABLE 1 Employers spend millions on union avoidance consultants Amounts union avoidance consultants reported receiving from selected employers for work performed in 2014–2018 Employer Amount reported Years Laboratory Corporation of America $4,300,000 2014–2018 Mission Foods $2,900,000 2016–2017 Albert Einstein Medical Center $1,100,000 2014–2017 Simmons Bedding Co. $848,000 2015–2017 FedEx $837,000 2014–2018 Trump International Hotel Las Vegas $569,000 2015–2016 Nestle, USQ $566,000 2014–2018 Bed Bath & Beyond $506,000 2014, 2018 J.B. Hunt Transport $354,000 2016–2018 Hilton Grand Vacations $340,000 2014–2015 Owens Corning $340,000 2014–2017 Archer Daniels Midland $324,000 2016–2017 Robert Wood Johnson University Hospital $316,000 2014–2016 Caterpillar $279,000 2014–2016 Quest Diagnostics $200,000 2015–2017 Associated Grocers of New England $190,000 2014–2017 Pier 1 Imports $169,000 2015–2016 Source: Lafer and Loustaunau’s analysis of LM-20 and LM-21 forms filed by consultants with the U.S. Department of Labor (DOL) Office of Labor-Management Standards (OLMS), 2014–2018 Share Tweet Embed Download image These firms’ tactics **lie at the core of explaining why so few American workers who want a union actually get one**, and their success in blocking unionization efforts represents a significant contribution to the country’s ongoing crisis of economic inequality. The lack of a right of free speech enables coercion NLRB elections are fundamentally framed by one-sided control over communication, with no free-speech rights for workers. Under current law, employers may require workers to attend mass anti-union meetings as often as once a day (mandatory meetings at which the employer delivers anti-union messaging are dubbed “captive audience meetings” in labor law). Not only is the union not granted equal time, but pro-union employees may be required to attend on condition that they not ask questions; those who speak up despite this condition can be legally fired on the spot.19 The most recent data show that nearly 90% of employers force employees to attend such anti-union campaign rallies, with the average employer holding 10 such mandatory meetings during the course of an election campaign.20 In addition to group meetings, employers typically have supervisors talk one-on-one with each of their direct subordinates.21 In these conversations, the same person who controls one’s schedule, assigns job duties, approves vacation requests, grants raises, and has the power to terminate employees “at will” conveys how important it is that their underlings oppose unionization. As one longtime consultant explained, a supervisor’s message is especially powerful because “the warnings…come from…the people counted on for that good review and that weekly paycheck.”22 Within this lopsided campaign environment, the employer’s message typically focuses on a few key themes: unions will drive employers out of business, unions only care about extorting dues payments from workers, and unionization is futile because employees can’t make management do something it doesn’t want to do.23 Many of these arguments are **highly deceptive or even mutually contradictory**. For instance, the dues message stands in direct contradiction to management’s warnings that unions inevitably lead to strikes and unemployment. If a union were primarily interested in extracting dues money from workers, it would never risk a strike or bankruptcy, because no one pays dues when they are on strike or out of work. But in an **atmosphere in which pro-union employees have little effective right of reply, these messages may prove extremely powerful**. Table 2 list the most common legal but anti-democratic tactics used to defeat union organizing.

**Legal battles deck solvency**

**Waas PhD 12**

Professor Bernard Waas, Sep 2012, "Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens " World Congress General Report, [https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf //](https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf%20//) AW

The constitutions of many States have explicitly recognised the right to strike. In others, it is not explicit but implied. In several States it is not possible to speak of a right but only of a freedom to strike. However, the **issue is not whether the right to strike exists, but whether there are limits on the modality** **of engaging** in industrial conflict. Some time ago the following was observed: “The problems most frequently arising in connection with the right to strike are: the imposition of compulsory arbitration by decision of the authorities or at the initiative of one of the parties; the imposition of penal sanctions for organizing or participating in unlawful strikes; the requirement of an excessively large majority of votes to be able to call a strike; the ban on strikes by public servants who do not exercise authority in the name of the State; the power forcibly to requisition striking workers and, in many countries, the ban on strikes in certain non-essential services” (Gernigon/Odero/Guido, ILO Principles Concerning the Right to Strike, 2000). These problems still persist.

### Strikes ineffective

**Strikes are generally not effective- the ones that work are surprises to the employer, meaning aff’s recognition of an unconditional right to strike undermines any chance of solvency**

**Garneau 19** [Marianne Garneau is a labor educator and organizer with the historic IWW, Industrial Workers of the World. She’s the publisher of the website Organizing.Work. “Why Don’t Strikes Achieve More?” Organizing Work. May 1, 2019. <https://organizing.work/2019/05/why-dont-strikes-achieve-more/>] HW Alex Lee

Under this legal framework, strikes are a blunted tactic, quite intentionally so. They do accomplish something – in each of the three cases described above, workers would almost certainly have got a worse deal had they not struck. There are also strikes that yield apparently better deals, such as the contract bargained by Unite Here with Marriott hotels – arguably in part because contracts at seven different bargaining units expired simultaneously, allowing almost 8,000 workers to strike at once. But **strikes don’t change the big-picture balance of power between employers and workers**. Most of the time, strikes are like a fistfight in which one side gets a bloody nose, the other gets a black eye, and **each walks away saying “You shoulda seen the other guy.”** At best, a win looks like giving the other side two wounds while you only suffer one. Where do we go from here? Strikes can nonetheless be powerful, of course: it remains the case that withholding production is the greatest tool workers have. **Strikes are most effective when they contain an element of surprise, when the employer does not see them coming**, or when they skirt the framework described above. Quickie strikes and sit-downs can resolve a problem before things even escalate to appealing to the labor relations infrastructure (grievances, lawyers, arbitration). Fairly spontaneous, mass strikes do frighten and intimidate employers and tilt things in workers’ favor. It’s important for us on the left to maintain our ability to accurately analyze and assess strikes and their resolutions. If you were to look at union press releases following strikes, you would never know they were incorporating two-tiers or other losses. Unions tend to minimize the damage, so as not to demoralize workers or shake their faith in the union. However, if we keep calling losses (or pyrrhic victories) wins, we may lose the ability to discern wins and losses, and the difference. And we will lose sight of what makes a strike effective.