“Communism is when no iphone.” - MT

## K

#### L: 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.

#### L: 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.

#### I: 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**.**

#### I: Cap’s unsustainable, it exacerbates their climate change impacts and causes extinction because of physical demands on space, water, forests, and habitat---tech can’t solve because collapse of ecosystem services is irreversible

David **Shearman 7**, Emeritus professor of medicine at Adelaide University, Secretary of Doctors for the Environment Australia, and an Independent Assessor on the IPCC; and Joseph Wayne Smith, lawyer and philosopher with a research interest in environmentalism, 2007, The Climate Change Challenge and the Failure of Democracy, p. 153-156

**Hundreds of scientists** writing in Millennium Assessment and other scientific reports **pronounce** that ***humanity is in peril*** **from environmental damage**. If liberal democracy is to survive it will need to offer leadership, resolve, and sacrifice to address the problem. To date there is not a shred of evidence that these will be provided nor could they be delivered by those at the right hand of American power. **Some liberal democracies that recognize** that global **warming** is a dire problem **are trying but** nevertheless **failing to have an impact** on greenhouse emissions. To arrest climate change, greenhouse reductions of 60 to 80 percent are required during the next few decades. By contrast the Kyoto Protocol prescribes reductions of only a few percent. **The magnitude of the problem** seems overwhelming, and indeed it is. So much so, it **is still denied by many because it cannot be resolved without cataclysmic changes to society**. **Refuge from necessary change is being sought in** ***technological advances*** that will allow fossil fuels to be used with impunity, **but this ignores** the kernel of **the issue. If all humanity had the ecological footprint of the average citizen of** Australia or **the U**nited **S**tates, at least **another three planets would be needed to support the present population of the world**.2 **The ecological services of the world** ***cannot be saved under a regime of attrition by growth economies*** **that each year use more land, water, forests, natural resources, and habitat**. ***Technological advances cannot retrieve dead ecological services.***

The measures required have been discussed and documented for several decades. None of them are revolutionary new ideas. We will discuss the main themes of a number of important issues such as the limits to growth, the separation of corporatism and governance, the control of the issue of credit (i.e., financial reform), legal reform, and the reclaiming of the commons. Each of these issues has been discussed in great depth in the literature, and a multitude of reform movements have been spawned. Unfortunately, given the multitude of these problems and the limited resources and vision of the reformers, each of the issues tends to be treated in isolation. From an ecological perspective, which is a vision seeking wholeness and integration, this is a mistake. These areas of reform are closely interrelated and must be tackled as a coherent whole to bring about change. Banking and financial reform is, for example, closely related to the issue of control and limitation of corporate power, because finance capital is the engine of corporate expansion. The issue of reclaiming the commons and protecting the natural environment from corporate plunder is also intimately connected to the issue of the regulation of corporate power. In turn this is a legal question, and in turn legal structures are highly influenced by political and economic factors. Finally, the issue of whether there are ecological limits to growth underlies all these issues. Only if an ecologically sustainable solution can be given to this totality of problems can we see the beginnings of a hope for reform of liberal democracy. And even then, there still remains a host of cultural and intellectual problems that will need to be solved. The prospects for reform are daunting, but let us now explore what in principle is needed.

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

#### P: 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.

#### R: 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.

#### R: 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.

## Case

**Vote neg on inherency – The National Labor Relation Act already protects workers right to strike – any 1AR response will prove that the law serves to circumvent legal protections on activism.  
National Labor Relations Board, no date,** “The Right to Strike”, <https://www.nlrb.gov/strikes#:~:text=Section%207%20of%20the%20National,for%20employees%20by%20this%20section>., //NL

Section 7 of the National Labor Relations Act states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows:

Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

It is clear from a reading of these two provisions that: **the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right.** See for example, restrictions on strikes in health care institutions (set forth below).

### Adv

#### 1. The entire advantage is a link – their discourse says economic decline is bad because it causes diversionary war AND it securitizes against civil war, which is most likely to occur via class war as per their scenario – this proves the aff is literally the front man for the squid game – keeping workers satisfied through the chance to regain economic stature through strikes while we all know in the background they’re way more likely to die before they ever see the payoff.

#### 2. Double bind – either the contradictions of capitalism will inevitably cause its collapse and trigger their civil war impacts OR capitalism sustains itself through rendering its surplus populations from prisons to inner cities killable, which is a system so monolithic that only the alt’s principled structure can solve it.

#### 3. A right to strike has an underside of a right for employers to replace – turns case and proves our links because failed strikes chill worker organizing and cause union-busting.

Richman, 10-20-21

[Shaun, Program Director of the Harry Van Arsdale Jr. School of Labor Studies at SUNY Empire State College: “Happy Striketober. Let's Restore the Legal Right to Strike.” Published by In These Times on 10-20-21. [https://inthesetimes.com/article/striketober-right-to-strike-nlrb-legal-john-deere]//AD](https://inthesetimes.com/article/striketober-right-to-strike-nlrb-legal-john-deere%5d//AD)

A moment in which tens of thousands of workers are on strike — at John Deere, at Kellogg’s, at Warrior Met Coal—might seem like a strange time to talk about a ​“right” to strike. But a legal right to strike must include the right to return to the job when the strike is over — win, lose or draw — and U.S. workers haven’t had that right since corporations and Ronald Reagan’s National Labor Relations Board (NLRB) conspired to weaponize a long-dormant Supreme Court decision to legalize union-busting.

Strikes are contagious. The example set by one group of workers going on strike and returning to their jobs with their heads held high (and their bosses massively inconvenienced) can inspire other workers to take action. But the contagion can cut both ways. A failed strike that ends with the strikers permanently replaced by scabs can spread fear and hopelessness across communities and industries.

The last year that some touted as a ​“strike wave” — 2018, when some 485,000 workers went on strike in over 20 large job actions — still only saw unions return to mid-1980s levels of strike activity. The 1980s were the midpoint of a historic long-range decline in strike activity. What happened, of course, was that President Ronald Reagan fired the federal air traffic controllers in 1981, signaling a new era of union-busting. A so-called ​“PATCO syndrome” kicked in: Workers were afraid to go on strike because it could mean not just the loss of their pay and the other hazards of the strike itself, but because a lost strike could mean the loss of their jobs.

Far more significant, however, was a copper mining company called Phelps Dodge that in 1983 bargained its union to impasse over draconian cuts in benefits and working standards. The company successfully dared its union out on strike, then bussed in scabs and offered them replacement jobs that would continue after the strike was over. And after 12 months, the company had the scabs vote to decertify the union. PATCO was symbolic; Phelps Dodge was the blueprint for getting rid of private-sector unions through failed strikes.

Phelps Dodge dusted off a 1938 Supreme Court decision NLRB v. Mackay Radio that purportedly granted employers the right to permanently replace strikers. And this is where the stars align for #Striketober and the new NLRB: The Mackay decision was poorly decided in the first place, rarely revisited and leaves the labor board with pretty wide discretion to narrow the Mackay doctrine to the point of meaninglessness for rich corporations.

First, it bears stressing that the National Labor Relations Act clearly states, ​“Nothing in this Act…shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.” And the substance of the Mackay decision actually upheld the right to strike by ruling in favor of an NLRB ruling that the employer could not discriminate against the strike’s leaders. Unfortunately, the patrician judge who wrote the majority’s decision, Justice Owen Roberts, had to put himself in the boss’s shoes and hem and haw about ​“right to protect and continue his business,” during those pesky strikes, ​“by supplying places left vacant by strikers.” And if business conditions required it, he pointlessly opined, he should be able to have the scabs continue after the strike as long as he is not motivated by anti-union animus and he doesn’t discriminate against the strikers for the remaining vacant positions.

#### 4. Unions can’t solve anyway – proves the aff puts a veneer over the worst excesses of capitalism.

Eidlin 20

Barry Eidlin, assistant professor of sociology @ McGill University, author of of Labor and the Class Idea in the United States and Canada, 1-6-2020, "Why Unions Are Good — But Not Good Enough," No Publication, <https://www.jacobinmag.com/2020/01/marxism-trade-unions-socialism-revolutionary-organizing> //MLT

Labor unions have long occupied a paradoxical position within Marxist theory. They are an essential expression of the working class taking shape as a collective actor and an essential vehicle for working-class action. When we speak of “the working class” or “working-class activity,” we are often analyzing the actions of workers either organized into unions or trying to organize themselves into unions. At the same time, unions are an imperfect and incomplete vehicle for the working class to achieve one of Marxist theory’s central goals: overthrowing capitalism. Unions by their very existence affirm and reinforce capitalist class society. As organizations which primarily negotiate wages, benefits, and working conditions with employers, unions only exist in relation to capitalists. This makes them almost by definition reformist institutions, designed to mitigate and manage the employment relationship, not transform it.

### US heg

#### TURN The war on terror cemented US decline and decked soft power– disproved uncontested hegemony and enabled revisionist military-building.

Ackerman 8-24-21 [Elliot Ackerman, former U.S. Marine and intelligence officer and a co-author, with James Stavridis, of 2034: A Novel of the Next World War. "Winning Ugly," Foreign Affairs, 8-24-2021, accessed 9-8-2021, https://www.foreignaffairs.com/articles/middle-east/2021-08-24/winning-ugly] HWIC

But what makes the war on terror different from other wars is that victory has never been based on achieving a positive outcome; the goal has been to prevent a negative one. In this war, victory doesn’t come when you destroy your adversary’s army or seize its capital. It occurs when something does not happen. How, then, do you declare victory? How do you prove a negative? After 9/11, it was almost as though American strategists, unable to conceptualize a war that could be won only by not allowing a certain set of events to replicate themselves, felt forced to create a war that conformed to more conventional conceptions of conflict. The wars in Afghanistan and Iraq represented a [familiar type of war](https://www.foreignaffairs.com/articles/afghanistan/2021-05-04/ashraf-ghani-afghanistan-moment-risk-and-opportunity), with an invasion to topple a government and liberate a people, followed by a long occupation and counterinsurgency campaigns. In addition to blood and treasure, there is another metric by which the war on terror can be judged: opportunity cost. The COVID-19 pandemic has revealed the depths of American political dysfunction and has hinted at the dangers of a civil-military divide. Perhaps even more important from a national security perspective, it has also brought the United States’ complex relationship with China into stark relief. For the past two decades, while Washington was repurposing the U.S. military to engage in massive counterinsurgency campaigns and precision counterterrorism operations, Beijing was busy building a military to fight and defeat a [peer-level competitor](https://www.foreignaffairs.com/articles/2019-12-10/age-great-power-competition). Today, the Chinese navy is the largest in the world. It boasts 350 commissioned warships to the U.S. Navy’s roughly 290. Although U.S. ships generally outclass their Chinese counterparts, it now seems inevitable that the two countries’ militaries will one day reach parity. China has spent 20 years building a chain of artificial islands throughout the South China Sea that can effectively serve as a defensive line of unsinkable aircraft carriers. Culturally, China has become more militaristic, producing hypernationalist content such as the Wolf Warrior action movies. In the first, a former U.S. Navy SEAL plays the archvillain. The sequel, released in 2017, became the highest-grossing film in Chinese box-office history. Clearly, Beijing has no qualms about framing Washington as an antagonist. China isn’t the only country that has taken advantage of a preoccupied United States. In the past two decades, Russia has expanded its territory into Crimea and backed separatists in Ukraine; Iran has backed proxies in Afghanistan, Iraq, and Syria; and North Korea has acquired nuclear weapons. After the century opened with 9/11, conventional wisdom had it that nonstate actors would prove to be the greatest threat to U.S. national security. This prediction came true, but not in the way most people anticipated. Nonstate actors have compromised national security not by attacking the United States but by diverting its attention away from state actors. It is these [classic antagonists](https://www.foreignaffairs.com/articles/china/competition-with-china-without-catastrophe)—China, Iran, North Korea, and Russia—that have expanded their capabilities and antipathies in the face of a distracted United States. How imminent is the threat from these states? When it comes to legacy military platforms—aircraft carriers, tanks, fighter planes—the United States continues to enjoy a healthy technological dominance over its near-peer competitors. But its preferred platforms might not be the right ones. Long-range land-based cruise missiles could render large aircraft carriers obsolete. Advances in cyberoffense could make tech-reliant fighter aircraft too vulnerable to fly. The greatest minds in the U.S. military have now, finally, turned their attention to these concerns, with the U.S. Marine Corps, for example, shifting its entire strategic focus to a potential conflict with China. But it may be too late. WORN OUT After two decades, the United States also suffers from war fatigue. Even though an all-volunteer military and the lack of a war tax have exempted most Americans from shouldering the burdens of war, that fatigue has still manifested. Under four presidents, the American people at first celebrated and then endured the endless wars playing in the background of their lives. Gradually, the national mood soured, and adversaries have taken notice. Americans’ fatigue—and rival countries’ recognition of it—has limited the United States’ strategic options. As a result, presidents have adopted policies of inaction, and American credibility has eroded. This dynamic played out most starkly in Syria, in the aftermath of the August 2013 sarin gas attack in Ghouta. When Syrian President Bashar al-Assad crossed Obama’s stated redline by using chemical weapons, Obama found that not only was the international community no longer as responsive to an American president’s entreaties for the use of force but also that this reluctance appeared in Congress, as well. When Obama went to legislators to gain support for a military strike against the Assad regime, he encountered bipartisan war fatigue that mirrored the fatigue of voters, and he called off the attack. The United States’ redline had been crossed, without incident or reprisal. After two decades, the United States suffers from war fatigue. Fatigue may seem like a “soft” cost of the war on terror, but it is a glaring strategic liability. A nation exhausted by war has a difficult time presenting a credible deterrent threat to adversaries. This proved to be true during the Cold War when, at the height of the Vietnam War, in 1968, the Soviets invaded Czechoslovakia, and when, in the war’s aftermath, in 1979, the Soviets invaded Afghanistan. Because it was embroiled in a war in the first case and reeling from it in the second, the United States could not credibly deter Soviet military aggression. The United States is in a similar spot today, particularly with regard to China. When Americans were asked in a recent poll whether the United States should [defend Taiwan](https://www.foreignaffairs.com/articles/china/2021-06-03/china-taiwan-war-temptation#author-info) if it were confronted with an invasion by China, 55 percent of respondents said that it should not. Obviously, if the Chinese undertook such an action, particularly if Americans or the citizens of allied countries were killed in the process, public opinion might change swiftly; nevertheless, the poll suggested that the threshold for the use of force has risen among Americans. U.S. adversaries understand this. It is no coincidence that China, for instance, has felt empowered to infringe on Hong Kong’s autonomy and commit brazen human rights abuses against its minority Uyghur population. When American power recedes, other states fill the vacuum. U.S. adversaries have also learned to obfuscate their aggression. The cyberwar currently being waged from Russia is one example, with the Russian government claiming no knowledge of the spate of ransomware attacks emanating from within its borders. With Taiwan, likewise, Chinese aggression probably wouldn’t manifest in conventional military ways. Beijing is more likely to take over the island through gradual annexation, akin to what it has done with Hong Kong, than stage an outright invasion. That makes a U.S. military response even more difficult—especially as two decades of war have undermined U.S. military deterrence.

#### TURN Heg is unsustainable – spending, entanglement

Ackerman 8-24-21 [Elliot Ackerman, former U.S. Marine and intelligence officer and a co-author, with James Stavridis, of 2034: A Novel of the Next World War. "Winning Ugly," Foreign Affairs, 8-24-2021, accessed 9-8-2021, https://www.foreignaffairs.com/articles/middle-east/2021-08-24/winning-ugly] HWIC

Every war the United States has fought, beginning with the American Revolution, has required an economic model to sustain it with sufficient bodies and cash. The Civil War, for instance, was sustained with the first-ever draft and the first-ever income tax. World War II saw a national mobilization, including another draft, further taxation, and the selling of war bonds. One of the chief characteristics of the Vietnam War was an extremely unpopular draft that spawned an antiwar movement and sped that conflict to its eventual end. Like its predecessors, the war on terror came with its own model: the war was fought by an all-volunteer military and paid for largely through deficit spending. It should be no surprise that this model, which by design anesthetized a majority of Americans to the costs of conflict, delivered them their longest war; in his September 20, 2001, speech, when describing how Americans might support the war effort, Bush said, “I ask you to live your lives and hug your children.” This model has also had a profound effect on American democracy, one that is only being fully understood 20 years later. Today, with a ballooning national deficit and warnings of inflation, it is worth noting that the war on terror became one of the earliest and most expensive charges Americans placed on their national credit card after the balanced budgets of the 1990s; 2001 marked the last year that the federal budget passed by Congress resulted in a surplus. Funding the war through deficit spending allowed it to fester through successive administrations with hardly a single politician ever mentioning the idea of a war tax. Meanwhile, other forms of spending—from financial bailouts to health care and, most recently, a pandemic recovery stimulus package—generate breathless debate. If deficit spending has anesthetized the American people to the fiscal cost of the war on terror, technological and social changes have numbed them to its human cost. The use of drone aircraft and other platforms has facilitated the growing automation of combat, which allows the U.S. military to kill remotely. This development has further distanced Americans from the grim costs of war, whether they be the deaths of U.S. troops or those of foreign civilians. Meanwhile, the absence of a draft has allowed the U.S. government to outsource its wars to a military caste, an increasingly self-segregated portion of society, opening up a yawning civil-military divide as profound as any that American society has ever known.

#### Prefer our evidence its from a US Marine and intelligence officer themselves, the most experienced in the field. No bias they’re literally stating the issues with US heg reversing patriotism bias

#### No transition wars extinction impact – withdrawal solves blowback and diplomatic influence replaces forward presence

Cooley 8-23-21 [Alexander Cooley, Director of Columbia University’s Harriman Institute and Claire Tow Professor of Political Science at Barnard College. "A Post-American Central Asia," Foreign Affairs, 8-23-2021, accessed 9-8-2021, https://www.foreignaffairs.com/articles/afghanistan/2021-08-23/post-american-central-asia] HWIC

Washington’s withdrawal and failure to build a [legitimate Afghan state](https://doi.org/10.1017/CBO9781316286890) will inevitably fuel the narrative of U.S. decline and great-power competition. The countries that now retain embassies in Kabul, including China, Iran, and Russia, are among the United States’ greatest adversaries. These states, however, must now confront the practical challenges of providing security guarantees, developing economic networks, and pushing for a durable political transition. The United States will therefore still wield important international leverage, including controlling access to the dollars required to avoid a prolonged bank run and sorely needed external financing from the International Monetary Fund. U.S. officials, for instance, can push for international donors to [condition](https://www.usip.org/sites/default/files/Afghanistan-Peace-Process_Talibans-Quest-for-International-Recognition.pdf) aid and reconstruction fundinqg on an inclusive political transition and basic human rights benchmarks.

The absence of U.S. troops and a friendly government in Afghanistan also opens up the possibility of new regional diplomatic partnerships and agendas. U.S. officials could make Afghanistan’s security one of a bundle of issues in future bilateral negotiations with Pakistan and use the topic to broaden the agenda of Washington’s regular C5+1 dialogue with Central Asian states. U.S. policymakers can also drop their long-running reluctance to engage with the CSTO and the SCO on the grounds that they are mere “talk shops” and begin regularly consulting with these groups on security and humanitarian issues.

Although U.S. troops may be leaving, Washington can still remain an important part of Afghanistan’s and Central Asia’s future. Freed from the political sensitivities of dealing with a client government, U.S. policymakers might finally be able to deal with the region in a more evenhanded fashion, including by aggressively pursuing an anticorruption agenda focused on former senior Afghan officials who embezzled foreign funds. The era of U.S. military intervention in Central Asia may be over, but that does not mean that Washington’s influence must disappear, as well.

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#### Inclusion of the aff dooms alt solvency – we must give up our attachments to rights and the law in favor of examining the relationship of domination with existence itself.

Gabel, 84

[Peter, Prof. Law @ New College of California School of Law, San Francisco: “The Phenomenology of Rights-Consciousness and the Pact of the Withdrawn Selves,” Texas Law Review 62, no. 8 (May 1984). [https://heinonline.org/HOL/Page?handle=hein.journals/tlr62&div=65&g\_sent=1&casa\_token=&collection=journals]//AD](https://heinonline.org/HOL/Page?handle=hein.journals/tlr62&div=65&g_sent=1&casa_token=&collection=journals%5d//AD)

But it is wrong to think that the critique of rights is 'Just a matter of degree," or that all we need is to get the good meaning of rights into the law and get rid of the bad meaning, or that what we need are collective rights instead of individual rights or human rights instead of property rights. And it is also wrong to think that a transformation movement can be advanced by a conceptualized "combination" of rights-victories at the legal level and community organizing at the grass-roots level, as if we could produce a quantity of movement and then freeze it in stone, and then another and freeze that in stone, until we had the right to everything we wanted. To think any of these things is to participate in the illusion that the right to an experience can create the experience itself, and to reverse the true relationship between the meaning of verbal concepts and the qualitative or lived milieu out of which they arise. From my point of view, the critique of rights is a critique of that reversal; it is aimed at clarifying the possible existential meanings that rights can acquire once their true relationship to existence itself has been understood.