# 1NC

## Off-Case

### K

#### 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.

#### Their focus on prison labor as a part of the prison industrial complex is a diversionary tactic that normalizes broader forms of population control utilized by neoliberal governments. This is not a semantic point – this mindset informs of how they view non-prison labor and replicates class based racism.

Ertel 15 - JACOB ERTEL Jacob Ertel is a graduate of Oberlin College (Oberlin), where he studied Political Economy. Ertel was an organizer for Students for a Free Palestine (SFP), an affiliate of Students for Justice in Palestine (SJP), on the Oberlin campus. AUGUST 10, 2015 https://www.counterpunch.org/2015/08/10/do-we-need-to-rethink-the-prison-industrial-complex/

As a rhetorical tool, the notion of the PIC has been central in galvanizing public interest in the country’s astounding incarceration boom—and the 2.2 million people enveloped by it, over 60 percent of who are people of color—since the 1980s. In self-referentially positioning itself in relation to the more widely known ‘military-industrial complex,’ moreover, the PIC effectively calls attention to the state’s capacity to reproduce itself through a range of disciplinary institutions crucial to capitalism’s functioning. Though the PIC is useful in its ability to accessibly demonstrate the conjoined interests of capital and the state, some have argued that the term glosses over key historical, theoretical, and material conditions that can negatively affect our ability to understand the prison system and ultimately act against it. French sociologist Loïc Wacquant is among the most brazen of the term’s critics. Though Wacquant obnoxiously dismisses the PIC as an “activist myth,” various elements of his critique should merit our attention, if for no other reason than their provocatively counterintuitive framing. First and perhaps most surprisingly, Wacquant explains that only a miniscule percentage of incarcerated people actually work for private firms. In 2009, for example, only 0.3 percent of inmates nation-wide were employed by such companies. Even if this trend were to develop exponentially in the coming years, it would still fail to account for the fundamental features of the prison system, as no single economic sector relies principally or even significantly on prison labor, however disturbing this dynamic may be. Prisons likewise do not actually constitute a significant boon to the United States’ economy; in fact, inmates are generally employed at a net loss to the government (though their activity is heavily subsidized and regulated), and US corrections-based spending at local, municipal, and federal levels constitutes only a small fraction of the GDP. None of this is to discount the disturbing reality of private prisons. And the private prison industry is growing: Corrections Corporation of America’s profits alone have increased by 500 percent in the past twenty years, and the three largest private prison corporations have spent over $45 million combined in lobbying efforts, giving some credence to Critical Resistance’s explication of the PIC. Yet despite increasing profit margins and appalling moral bankruptcy, private prisons are hardly the norm, and they likely won’t be anytime soon. One must also wonder whether the specific demonization of the private prison industry implicitly naturalizes the much larger and much more encompassing public prison nexus in the United States, one which has grown 790 percent since 1980 and which is not immune from the grave abuses (sexualized violence, correctional officer misconduct, food rationing, etc.) frequently cited as byproducts of the private prison industry. Such an analysis can tend towards a conspiratorial view of history that, regardless of whether or not it ultimately rings true, misses the central dynamic undergirding state involvement vis-à-vis both institutions of social welfare and institutions of imprisonment, detention, and poverty under neoliberalism. Wacquant identifies such a dynamic in Punishing the Poor as a “paradox of neoliberal rationality” in which “the state stridently reasserts its responsibility, potency, and efficiency in the narrow register of crime management at the very moment when it proclaims and organizes its own impotence on the economic front, thereby revitalizing the twin historical-cum-scholarly myths of the efficient police and the free market.” This trend is illustrated by dramatically changing state expenses—for instance, by 1995 US corrections budget appropriations exceeded funding for public housing by a factor of three, resembling the inverse relationship of 1980 funding allocations. In other words, explains Wacquant, the prison system has over time become the United States’ largest public housing initiative for the poor. This reframing of the PIC thus positions the state in a slightly different light, portraying the heightened capacity for incarceration within a frankly more grotesque functionality. If, as opposed to the traditional PIC framing in which labor done in both private and public prisons is conceived as a major economic boon, Black labor (which alone disproportionally constitutes roughly 36 percent of the prison population) is even more ineluctably characterized as surplus labor under post-Fordism, then the state can simply endow itself with the power to hyper-criminalize without pretext in order to deal with those who both serve no use to the economy and frustrate the largely white middle class whose labor does provide such a benefit. The heightening of aggressive, ‘zero-tolerance’ policing functions associated with gentrification is case in point, as those who are shut out of the deteriorating welfare system and forced to turn to informal economies become even more vulnerable to warehousing or police brutality, thus aiding in the production of ‘renewed’ urban space for the gentrifying middle-class. These critiques of the contemporary framing of the ‘prison-industrial complex’ are not simply a practice in detached pseudo-intellectualization; they are important because they frame the role of Black labor to the US economy in a fundamentally different way, one that can be instructive for current struggles and movements. Rather than assuming that the hyper-exploited production process occurring in prisons is central to the growth of the economy and the private corporations that contribute to it, for example, perhaps it is worthwhile to consider prison labor’s actual relative lack of productivity as symptomatic of a post-Fordist economy that deals with its “relatively redundant population of laborers…of greater extant than suffices for the average needs of the self-expansion of capital” (in the words of Marx) through mass warehousing. Contrary to the popular slogan then, ontologically speaking, Black lives cannot matter under neoliberalism because they have been cast as inessential to the quotidian functioning of the economy. Any critique of the current iteration of the PIC, however, must seriously reckon with the not at all insignificant rise of privatized detention centers. Private prison companies are responsible for 62 percent of the beds used by the Department of Homeland Security’s Immigrations and Customs Enforcement branch, and private firms such as the Corrections Corporation of America and GEO Group operate nine out of ten of the country’s largest immigration detention centers. Both of these companies have lobbied the Department of Homeland Security on immigration policy, and thus constitute a formidable force in shaping the fate of undocumented migrants largely driven to cross the border due to free trade agreements and the drug war. For this reason, the PIC as depicted by Critical Resistance may more accurately describe a ‘security-industrial’ or ‘detention-industrial’ complex. One might incorrectly read this imputation as implying that the recent success of Columbia Prison Divest’s campaign is ultimately inessential or futile. One might also infer that a call to reframe the prison-industrial complex may necessarily entail solely Keynesian or social democratic solutions, as opposed to the explicitly abolitionist stance put forth by radical groups such as Critical Resistance. On the contrary, such a reframing affirms the importance of (for now) symbolic initiatives such as divestment from the private prison industry, and is in fact entirely compatible with the notion of abolition and the prescriptions for restorative and transformative justice platforms often associated with radical adherents to the traditional usage of the PIC. For one, if for no other purpose, the PIC is useful in its function as effective political propaganda that has and should continue to pique a widespread interest in, at the very least, prison expansion. The primary short-term goal of any abolitionist movement must be to call attention to injustice, and there is no reason why the PIC should be abandoned, even if its empirical grounding may be questioned and readjusted. Likewise, the movement to divest from the private prison industry carries not merely symbolic import, but the potential to unify a range of (unfortunately) often-disparate divestment movements. For instance, Group4Securicor (more commonly referred to as G4S), which was targeted by Columbia’s private prison divestment campaign, operates in 125 countries and manages prisons and detention centers in Israel and the occupied West Bank, often in contravention of the Fourth Geneva Convention. One can thus read a refreshingly global and intersectional element into the prison divestment movement, one that makes use of the traditional and incomplete formulation of the PIC. While the success of private prison divestment at Columbia should certainly be seen as a tremendous victory for all divestment movements, reframing the prison-industrial complex as suggested above could prove useful in the seemingly perennial and fraught struggle to build a unified Left in the United States. Such potential exists because this reframing of the prison system cuts across multiple dimensions of neoliberalism to explicitly address the rise of incarceration rates and prison expansion within the context of economic deregulation and the state’s reneging on social protections since the 1980s. It prompts us not to be satisfied when Obama mentions the ‘school-to-prison pipeline’ once every seven years, to strive beyond incomplete iterations of abolition that might inadvertently limit themselves to ultimately reformist paradigms, and above all to form stronger connections between the prison abolition movement and the labor movement, between the immigration movement and the Boycott, Divestment, and Sanctions (BDS) movement.

#### Neoliberalism and violence are inextricably intertwined—violence is a reflection and expression of capitalism

Springer, assistant Professor in the Department of Geography at the University of Victoria12 (Simon, “Neoliberalising violence: of the exceptional and the exemplary in coalescing moments”, Area 44:2, Royal Geographical Society, 2012, Wiley Online)// JJN from file

The existing relationship between neoliberalism and violence is directly related to the system of rule that neoliberalism constructs, justifies and defends in advancing its hegemonies of ideology, of policy and programme, of state form, of governmentality and ultimately of discourse. Neoliberalism is a context in which the establishment, maintenance and extension of hierarchical orderings of social relations are re-created, sustained and intensified. Accordingly, neoliberalisation must be considered as an integral part of the moment of violence in its capacity to create social divisions within the constellations of experiences that delineate place and across the stories-so-far of space ([Massey 2005](http://onlinelibrary.wiley.com.proxy.lib.umich.edu/doi/10.1111/j.1475-4762.2012.01084.x/full#b30)). Violence has a distinctive ‘reciprocity of reinforcement’ ([Iadicola and Shupe 2003](http://onlinelibrary.wiley.com.proxy.lib.umich.edu/doi/10.1111/j.1475-4762.2012.01084.x/full" \l "b25" \o "Link to bibliographic citation), 375), where not only may inequality lead to violence, but so too may violence result in inequality. In this light, we can regard a concern for understanding the causality of violence as being a consideration that posits where neoliberalism might make its entry into this bolstering systematic exchange between inequality and violence. The empirical record demonstrates a marked increase in inequality under neoliberalism ([Wade 2003](http://onlinelibrary.wiley.com.proxy.lib.umich.edu/doi/10.1111/j.1475-4762.2012.01084.x/full#b41)), encouraging Harvey (2005) to regard this as neoliberalism's primary substantive achievement. Yet to ask the particular question ‘does neoliberalism cause violence?’ is, upon further reflection, somewhat irrelevant. Inequality alone is about the metrics and measuring of disparity, however qualified, while the link between inequality and violence is typically treated as an assessment of the ‘validity’ of a causal relationship, where the link may or may not be understood to take on multiple dimensions (including temporally, spatiality, economics, politics, culture, etc.). However, the point is that inequality and violence are mutually constitutive, which is precisely what [Galtung (1969](http://onlinelibrary.wiley.com.proxy.lib.umich.edu/doi/10.1111/j.1475-4762.2012.01084.x/full#b14)) had in mind when he coined the term ‘structural violence’. Inequality begets violence, and violence produces further inequalities. Therefore, if we want to disempower the abhorrent and alienating effects of either and rescind the domination they both encourage, we need to drop the calculative approaches and consider violence and inequality together as an enclosed and resonating system, that is, as a particular moment. As [Hartsock](http://onlinelibrary.wiley.com.proxy.lib.umich.edu/doi/10.1111/j.1475-4762.2012.01084.x/full#b20) argues [t]hinking in terms of moments can allow the theorist to take account of discontinuities and incommensurabilities without losing sight of the presence of a social system within which these features are embedded. (2006, 176) Although the enduring phenomenon of violence is riven by tensions, vagaries and vicissitudes as part of its fundamental nature, within the current moment of neoliberalism, violence is all too frequently a reflection of the turbulent landscapes of globalised capitalism. Capitalism at different moments creates particular kinds of agents who become capable of certain kinds of violence dependent upon both their distinctive geohistorical milieu and their situation within its hierarchy. It is in this distinction that future critical inquiries could productively locate their concerns for understanding the associations between violence and neoliberalism. By examining the contingent histories and unique geographies that define individual neoliberalisations, geographers can begin to interpret and dissect the kaleidoscope of violence that is intercalated within neoliberalism's broader rationality of power. It is critically important to recognise and start working through how the moment of violence and the moment of neoliberalism coalesce, to which I now turn my attention.

#### The alternative is to affirm the model of the Communist Party – only party organizing can provide effective accountability mechanisms to correct chauvinist tendencies, educate and mobilize marginalized communities, and connect local struggles to a movement for global liberation.

Escalante, Philosophy @ UOregon, 18

[Alyson, M.A., is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. “PARTY ORGANIZING IN THE 21ST CENTURY” September 21st, 2018 <https://theforgenews.org/2018/09/21/party-organizing-in-the-21st-century/>] rVs

I would argue that within the base building movement, there is a move towards party organizing, but this trend has not always been explicitly theorized or forwarded within the movement. My goal in this essay is to argue that base building and dual power strategy can be best forwarded through party organizing, and that party organizing can allow this emerging movement to solidify into a powerful revolutionary socialist tendency in the United States. One of the crucial insights of the base building movement is that the current state of the left in the United States is one in which revolution is not currently possible. There exists very little popular support for socialist politics. A century of anticommunist propaganda has been extremely effective in convincing even the most oppressed and marginalized that communism has nothing to offer them. The base building emphasis on dual power responds directly to this insight. By building institutions which can meet people’s needs, we are able to concretely demonstrate that communists can offer the oppressed relief from the horrific conditions of capitalism. Base building strategy recognizes that actually doing the work to serve the people does infinitely more to create a socialist base of popular support than electing democratic socialist candidates or holding endless political education classes can ever hope to do. Dual power is about proving that we have something to offer the oppressed. The question, of course, remains: once we have built a base of popular support, what do we do next? If it turns out that establishing socialist institutions to meet people’s needs does in fact create sympathy towards the cause of communism, how can we mobilize that base? Put simply: in order to mobilize the base which base builders hope to create, we need to have already done the work of building a communist party. It is not enough to simply meet peoples needs. Rather, we must build the institutions of dual power in the name of communism. We must refuse covert front organizing and instead have a public face as a communist party. When we build tenants unions, serve the people programs, and other dual power projects, we must make it clear that we are organizing as communists, unified around a party, and are not content simply with establishing endless dual power organizations. We must be clear that our strategy is revolutionary and in order to make this clear we must adopt party organizing. By “party organizing” I mean an organizational strategy which adopts the party model. Such organizing focuses on building a party whose membership is formally unified around a party line determined by democratic centralist decision making. The party model creates internal methods for holding party members accountable, unifying party member action around democratically determined goals, and for educating party members in communist theory and praxis. A communist organization utilizing the party model works to build dual power institutions while simultaneously educating the communities they hope to serve. Organizations which adopt the party model focus on propagandizing around the need for revolutionary socialism. They function as the forefront of political organizing, empowering local communities to theorize their liberation through communist theory while organizing communities to literally fight for their liberation. A party is not simply a group of individuals doing work together, but is a formal organization unified in its fight against capitalism. Party organizing has much to offer the base building movement. By working in a unified party, base builders can ensure that local struggles are tied to and informed by a unified national and international strategy. While the most horrific manifestations of capitalism take on particular and unique form at the local level, we need to remember that our struggle is against a material base which functions not only at the national but at the international level. The formal structures provided by a democratic centralist party model allow individual locals to have a voice in open debate, but also allow for a unified strategy to emerge from democratic consensus. Furthermore, party organizing allows for local organizations and individual organizers to be held accountable for their actions. It allows criticism to function not as one independent group criticizing another independent group, but rather as comrades with a formal organizational unity working together to sharpen each others strategies and to help correct chauvinist ideas and actions. In the context of the socialist movement within the United States, such accountability is crucial. As a movement which operates within a settler colonial society, imperialist and colonial ideal frequently infect leftist organizing. Creating formal unity and party procedure for dealing with and correcting these ideas allows us to address these consistent problems within American socialist organizing. Having a formal party which unifies the various dual power projects being undertaken at the local level also allows for base builders to not simply meet peoples needs, but to pull them into the membership of the party as organizers themselves. The party model creates a means for sustained growth to occur by unifying organizers in a manner that allows for skills, strategies, and ideas to be shared with newer organizers. It also allows community members who have been served by dual power projects to take an active role in organizing by becoming party members and participating in the continued growth of base building strategy. It ensures that there are formal processes for educating communities in communist theory and praxis, and also enables them to act and organize in accordance with their own local conditions. We also must recognize that the current state of the base building movement precludes the possibility of such a national unified party in the present moment. Since base building strategy is being undertaken in a number of already established organizations, it is not likely that base builders would abandon these organizations in favor of founding a unified party. Additionally, it would not be strategic to immediately undertake such complete unification because it would mean abandoning the organizational contexts in which concrete gains are already being made and in which growth is currently occurring. What is important for base builders to focus on in the current moment is building dual power on a local level alongside building a national movement. This means aspiring towards the possibility of a unified party, while pursuing continued local growth. The movement within the Marxist Center network towards some form of unification is positive step in the right direction. The independent party emphasis within the Refoundation caucus should also be recognized as a positive approach. It is important for base builders to continue to explore the possibility of unification, and to maintain unification through a party model as a long term goal. In the meantime, individual base building organizations ought to adopt party models for their local organizing. Local organizations ought to be building dual power alongside recruitment into their organizations, education of community members in communist theory and praxis, and the establishment of armed and militant party cadres capable of defending dual power institutions from state terror. Dual power institutions must be unified openly and transparently around these organizations in order for them to operate as more than “red charities.” Serving the people means meeting their material needs while also educating and propagandizing. It means radicalizing, recruiting, and organizing. The party model remains the most useful method for achieving these ends. The use of the party model by local organizations allows base builders to gain popular support, and most importantly, to mobilize their base of popular support towards revolutionary ends, not simply towards the construction of a parallel economy which exists as an end in and of itself. It is my hope that we will see future unification of the various local base building organizations into a national party, but in the meantime we must push for party organizing at the local level. If local organizations adopt party organizing, it ought to become clear that a unified national party will have to be the long term goal of the base building movement. Many of the already existing organizations within the base building movement already operate according to these principles. I do not mean to suggest otherwise. Rather, my hope is to suggest that we ought to be explicit about the need for party organizing and emphasize the relationship between dual power and the party model. Doing so will make it clear that the base building movement is not pursuing a cooperative economy alongside capitalism, but is pursuing a revolutionary socialist strategy capable of fighting capitalism. The long term details of base building and dual power organizing will arise organically in response to the conditions the movement finds itself operating within. I hope that I have put forward a useful contribution to the discussion about base building organizing, and have demonstrated the need for party organizing in order to ensure that the base building tendency maintains a revolutionary orientation. The finer details of revolutionary strategy will be worked out over time and are not a good subject for public discussion. I strongly believe party organizing offers the best path for ensuring that such strategy will succeed. My goal here is not to dictate the only possible path forward but to open a conversation about how the base building movement will organize as it transitions from a loose network of individual organizations into a unified socialist tendency. These discussions and debates will be crucial to ensuring that this rapidly growing movement can succeed.

#### 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.

### T

#### Interp: Workers have certain employment rights endowed to them.

UK Government, ND

[UK Government: “Employment status,” no publication date. https://www.gov.uk/employment-status/worker]//AD

Employment rights Workers are entitled to certain employment rights, including:getting the National Minimum Wage protection against unlawful deductions from wages the statutory minimum level of paid holiday the statutory minimum length of rest breaks to not work more than 48 hours on average per week or to opt out of this right if they choose protection against unlawful discrimination protection for ‘whistleblowing’ - reporting wrongdoing in the workplace to not be treated less favourably if they work part-time

#### Violations:

#### 1. No minimum wage – 1AC Fulcher

#### 2. Wage theft – 1AC Fulcher

#### 3. No rest breaks or paid leave – 1AC Eisen

#### 4. Involuntary servitude is allowed for prisoners.

Ourdocuments.gov, ND

[Government website: “Transcript of 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865) ,” no publication date. [https://www.ourdocuments.gov/doc.php?flash=false&doc=40&page=transcript]//AD](https://www.ourdocuments.gov/doc.php?flash=false&doc=40&page=transcript%5d//AD)

AMENDMENT XIII Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation.

#### Net benefits:

#### 1. Critical education – flattening the afterlives of slavery to work naturalizes the conditions of prisons – limiting this aff out specifically is a refusal to capitulate to liberal notions of work that include proto-slave labor. Outweighs all their offense because whiteness has a hold on our political imaginaries, which voting neg represents a decisive break from.

#### 2. Ground – no unifying core neg generics AND no reasonable answer to the “slavery shouldn’t exist” aff – you shouldn’t vote aff just because we have case defense – it is horrible to endorse a model of debate where students defend prisons.

#### Topicality must be a voting issue because it tells the neg what they do and don’t have to prepare – use competing interps because T is a yes/no question

## Case

#### Top-level be skeptical of the aff-

#### They give zero uniqueness of why prisoners aren’t striking enough in the squo- in fact, most of their cards cite examples of prisoners literally going on strike. That means all of their impacts should already have triggered. NONE of their ev ever says that we need to give prisoners a right to strike because they currently don’t have that, they just talk about why the prison strikes we literally have right now are good and helpful

#### Double-bind- if they defend only non-violent strikes then they get no solvency because most strikes will turn violent or result in crackback which is proven by their own ev. If they want to defend all prison strikes they still get no solvency because prisoners are already striking

#### There’s already a law that prevents violence in prisons but it’s being super easily circumvented. That means there’s no reason why a R2S for prisoners won’t lead to violence

Equal Justice Initiative ND [EJI is a private, 501(c)(3) nonprofit organization that provides legal representation to people who have been illegally convicted, unfairly sentenced, or abused in state jails and prisons. We challenge the death penalty and excessive punishment and we provide re-entry assistance to formerly incarcerated people. “Prison Conditions.” Equal Justice Initiative. <https://eji.org/issues/prison-conditions/>] HW AL

2 Escalating Violence **The Constitution requires that prison and jail officials protect incarcerated people from physical harm and sexual assault. But facilities nationwide are failing to meet this fundamental duty, putting incarcerated people at risk** of being beaten, stabbed, and raped. Alabama’s prisons are the most violent in the nation. The U.S. Department of Justice found in a statewide investigation that Alabama routinely violates the constitutional rights of people in its prisons, where homicide and sexual abuse is common, knives and dangerous drugs are rampant, and incarcerated people are extorted, threatened, stabbed, raped, and even tied up for days without guards noticing. Serious understaffing, systemic classification failures, and official misconduct and corruption have left thousands of incarcerated individuals across Alabama and the nation vulnerable to abuse, assaults, and uncontrolled violence.3

#### Prisons would go down fighting – causes legal lobbying to extend prison sentences to secure the labor pool – turns case.

Serwer, 14

[Adam, Buzzfeed News National Editor: "California AG "Shocked" To Learn Her Office Wanted To Keep Eligible Parolees In Jail To Work," BuzzFeed News, 11-18-2014. https://www.buzzfeednews.com/article/adamserwer/some-lawyers-just-want-to-see-the-world-burn]//AD

Lawyers for California Attorney General Kamala Harris argued in court this fall against the release of eligible nonviolent prisoners from California's overcrowded prisons — because the state wanted to keep them as a labor force.

Harris, a rising star in the Democratic Party, said she learned about the argument when she read it in the paper.

"I will be very candid with you, because I saw that article this morning, and I was shocked, and I'm looking into it to see if the way it was characterized in the paper is actually how it occurred in court," Harris told BuzzFeed News in an interview Monday. "I was very troubled by what I read. I just need to find out what did we actually say in court."

The Supreme Court found California's prisons were so overcrowded in 2011 that the conditions violated the Constitution's prohibition on cruel and unusual punishment. Since then, California has been under federal court supervision as it seeks to comply with the order that the state reduce its prison population. In February, the state had agreed to reduce its population by releasing nonviolent prisoners with only two felonies who had served half their sentences.

Last week, the Los Angeles Times reported that attorneys in Harris' office had unsuccessfully argued in court that the state could not release the prisoners it had agreed to release because "if forced to release these inmates early, prisons would lose an important labor pool." Those prisoners, the Times reported, earn wages that range from "8 cents to 37 cents per hour."

In a Sept. 30 filing in the case, signed by Deputy Attorney General Patrick McKinney but under Harris' name, the state argued, "Extending 2-for-1 credits to all minimum custody inmates at this time would severely impact fire camp participation — a dangerous outcome while California is in the middle of a difficult fire season and severe drought."

Approximately 4,400 California prisoners help the state battle wildfires, at wages of about $2 a day. There is an exception in the agreement that allows the state to retain firefighters — but only firefighters — who are otherwise eligible for release.

Like incarcerated firefighters, inmates who perform "assignments necessary for the continued operation of the institution and essential to local communities" draw from the same pool of inmates who pose a limited threat to public safety, the state argued in a September filing. Therefore, reducing that population would require the prisons to draw more incarcerated workers away from its firefighting crews.

### Racism

#### The American labor system is built upon discriminating against Black people and excluding them. From collective unity (unions), which is still a prevalent issue today - strikes are ingrained in this system and thus inherently racist.

**Dogan ‘17**

(Shamed Dogan, November 13, 2017, Dogan is a Missouri State Representative abd he was served for 7 years, his agenda focusing on education reform, ethics reform, and criminal justice reform, “Unions ignore long history of excluding minorities from jobs”, [https://www.stltoday.com/opinion/columnists/unions-ignore-long-history-of-excluding-minorities-from-jobs/article\_ef58bccd-f04a-5172-8dbd-18b8ee5eb9e2.html //](https://www.stltoday.com/opinion/columnists/unions-ignore-long-history-of-excluding-minorities-from-jobs/article_ef58bccd-f04a-5172-8dbd-18b8ee5eb9e2.html%20//) HM)

One such tool wielded against minorities was prevailing wage laws. In the 1930s, New York Congressman Robert Bacon, angry that black Americans were competing with white workers for jobs, introduced the Davis-Bacon Act, which requires contractors on federally funded construction projects to pay the “local prevailing wage.” This policy has been implemented in many states as well, including Missouri, to force governments to only negotiate with white-dominated unions. This policy remains as a vestige of a racist past, and it **harms American workers** and **taxpayers to this day.** In addition, minimum wage laws were instituted a century ago in large part to prevent white workers from having to compete with cheaper labor from immigrants and African-Americans. Even though today’s “Fight for $15” effort to raise the minimum wage to $15/hour is supported by many minority groups with good intentions, it would likely have the unintended consequence of replacing young low-wage workers with older workers, disproportionately hurting minority youth. Unfortunately, the days of union bosses fighting to protect their own interests over the interests of minority workers are not just in the past. According to a 2016 report prepared for the AFL-CIO, “Whole sectors of workers have been ignored or neglected by the labor movement for shortsighted or xenophobic reasons. ... Those workers also tend to be largely **p**eople **o**f **c**olor and women, further enlarging the racial and gender divide that makes up the labor movement.” And in Virginia’s recent election, unions made headlines for successfully demanding that the African-American candidate for lieutenant governor be deleted from the Democratic Party’s campaign mailers and then excluding him from the union’s sample ballot on Election Day. (The candidate, Justin Fairfax, won despite the union’s opposition.) Here in Missouri, union leaders have long clashed with African-American leaders because of a lack of inclusion on big union projects and a disparity in contributions to African-American political candidates, even when those candidates have pro-union voting records. Before her comments hoping for President Donald Trump to be assassinated thrust her into the national spotlight, state Sen. Maria Chappelle-Nadal, D-University City, made headlines last year with a speech on the Senate floor that highlighted “the racism and inequality that exists in the labor movement” and in which she read numerous racist and sexist comments from union members directed to her on social media. Though the unions have formed various diversity councils and hired staffers to work on making their ranks more diverse, they still have a long way to go to produce the hoped-for results. Systems designed to be discriminatory and anti-competitive should not be the basis for our economy: Prevailing wage, arbitrary minimum wages and forced union membership are examples of policies that unfairly exclude Americans from the workplace. For Missouri to move forward, we should not allow such misguided policies to determine employer/employee relations. Bold reform is needed, and the Republican Legislature is paving the way for just that.

#### Racism is institutionalized in the creation of Unions and in turn striking – It creates a Catch 22 and stonewalls Black workers, so they feel the lack of accessibility to unions is their own fault rather than the racist institution.

**Watson 6-14**

(Travis Watson, June 14, 2021, Watson is the chair of the Boston Employment Commission (BEC), he is also a member of the board for YouthBuild Boston and NEI General Contracting’s Workforce Opportunity Resource Center, and he created ADOSconstruction.org which helps to create more inclusive construction unions, ““Union Construction’s Racial Equity and Inclusion Charade (SSIR)”, [https://ssir.org/articles/entry/union\_constructions\_racial\_equity\_and\_inclusion\_charade //](https://ssir.org/articles/entry/union_constructions_racial_equity_and_inclusion_charade%20//) HM)

**Six Practices That Institutionalized Racism in Union Construction** The Catch 22 | White union construction workers often stymie prospective Black workers’ attempts to join a union by trapping them in a Catch-22: requiring the worker to have a job prior to being admitted into a union, but also requiring union membership before getting a construction job. Former United Community Construction Workers activist Omar Cannon recalls **Black workers being told by white union officers** that they “had to be in the union to get a job.” However, the problem, [Cannon explains](https://www.jstor.org/stable/j.ctv941wxz.23?seq=1#metadata_info_tab_contents), is that “you had to get a job to get in the union.” Former Army veteran and construction worker Gilbert Banks has told a [similar story](https://www.google.com/books/edition/Black_Power_at_Work/16RmDwAAQBAJ?hl=en&gbpv=0) about treatment by foremen and unions: “They’d say, ‘Have you got a (union membership) book?’ I’d say, ‘No.’ ‘Well,’ they said, ‘Go get a book and we’ll give you a job.’ And I’d go to the union and ask them for a book. They’d say, ‘Listen, if you get the job, we’ll give you a book.’ There was no way of fighting it.” This no-win situation is not a coincidence. This Catch-22 is a form of structural racism intended to **exclude people not already on the inside**. Stonewalling | Another strategy white union members use to frustrate Black workers into giving up their effort to join a union is intentionally **refusing communication, ignoring, and silencing them**. Stonewalling effectively blocks Black workers from jobs and from unions, even when those workers have superlative skills, training, and experience. For example, former member of the Congress of Racial Equity (CORE) and construction activist [Oliver Leeds recalls](https://www.jstor.org/stable/10.7591/j.ctt7v804) how his work as an Army engineer wasn’t enough to even get considered for work and union acceptance: “I was in the Corps of Engineers. And you know what we do? We worked to win the war. We built anything that could be built: bridges, tunnels, houses, officers’ quarters, Myers quarter, roads, and airstrips. We loaded and unloaded ships. We did anything in the way that involved work, construction work. You know, when I got back to the United States, after the war, I couldn’t get a job in construction, that **there was no union that would let me in**? And there was damn little that I couldn’t do in the way of construction work. They’ll take you and turn you into construction workers in the army, in a segregated army, and then when you get back into civilian life, you can’t get a construction job.” These first two strategies—the Catch 22 and stonewalling—cloak the structural racism operating within unions by displacing the consequence onto the Black person: that they gave up, or that they got frustrated, rather than seeing the mechanisms at work that produced this outcome.

#### Unions are built around keeping Black workers out and/or beneath white workers by stealing opportunities for greater societal advancement via: gatekeeping, racist testing, voter suppression, etc.

**Watson 6-14**

(Travis Watson, June 14, 2021, Watson is the chair of the Boston Employment Commission (BEC), he is also a member of the board for YouthBuild Boston and NEI General Contracting’s Workforce Opportunity Resource Center, and he created ADOSconstruction.org which helps to create more inclusive construction unions, ““Union Construction’s Racial Equity and Inclusion Charade (SSIR)”, [https://ssir.org/articles/entry/union\_constructions\_racial\_equity\_and\_inclusion\_charade //](https://ssir.org/articles/entry/union_constructions_racial_equity_and_inclusion_charade%20//) HM)

Biased Gatekeepers | Many construction unions place unemployed members “on the bench” while they wait to be sent to work by dispatchers, the union members who distribute the jobs. Dispatchers play a central role in access to jobs and, therefore, to union entry. However, by intentionally refusing to send Black workers to jobs, racially biased dispatchers play a pivotal role in keeping unions white. In Boston, former construction worker Earl Quick [recalls](https://www.newspapers.com/newspage/437214073/) receiving his union book but never being assigned work. “White guys would come in and go right into the business agent’s office and they’d get work and me and the rest of the Black guys would just sit there,” he explains. “I never did work in Boston.” [According to](https://www.jstor.org/stable/10.7591/j.ctt7v804) the former Northwest American Friends Service Committee Director Arthur Dye, “Some [Black] workers appeared at the hiring hall day after day for several months and were never dispatched. If they began to ask questions why they were not dispatched they would be sent out to jobs … a hundred miles or so away, only to find out that when they arrived at their destination there wasn’t a job. Or they would be dispatched to a job where there was considerable possibility for physical intimidation.” Because this is a well-known practice, Black workers have often [applied directly to employers](https://www.jstor.org/stable/10.7591/j.ctt7v804), going around the union hiring halls. But in most cases, employers are required **by union policy** to hire only workers referred by union hiring hall dispatchers. And even when employers [intentionally](https://www.reviewjournal.com/local/local-las-vegas/vegas-discrimination-lawsuit-could-be-headed-to-arbitration/) seek to diversify their employees and union contractors, dispatchers can thwart this effort. For example, when Robert Lucas, the president of the refrigeration contractor Lewis Refrigeration, who is a white man, [called Local Union 32](https://hcommons.org/deposits/objects/hc:16486/datastreams/CONTENT/content) and **specifically asked for a Black plumber** to be dispatched to his job, the dispatcher reportedly laughed and dismissed his request. Discriminatory Testing | Some construction unions require that applicants pass a test for admittance. To keep their membership as white as possible, some local unions went so far as to pass white applicants regardless of how they scored, while failing nearly every Black applicant. Journalist Gary McMillan reported in the [Boston Globe](https://www.newspapers.com/newspage/437214073/), that “in 1980, a federal court in Boston found that the oral section of the exam given by the Ironworkers was so subjective and so open to abuse that it had almost no bearing on ability to do the job. For some reason, the court also found, whites almost always passed the test but Blacks almost always failed.” This blatant discriminatory testing enables the construction industry to remain an “old-boys club,” and barring entry to people of color keeps their ranks as white as possible going forward. Without equal access to unions, Black workers have been deprived of apprenticeship, mentorship, and other networking opportunities that are crucial to their professional advancement and success. Explicit Racism | Some white construction workers take a more overtly racist and aggressive approach to keeping Black membership as low as possible. This strategy has been tactically employed through the use of racist language and putting Black workers in dangerous situations. In Seattle, Donald Kelly, a white apprentice in Local 86 [recalls hearing](https://www.jstor.org/stable/10.7591/j.ctt7v804), “We have no Negro apprentices, and we will never have no Negro apprentices … No Black [expletives] will ever work out of this union as long as I am business agent.” In Boston, Earl Quick had union men [drop bolts on him and call him the N-word.](https://www.newspapers.com/newspage/437214073/) As McMillan enumerated, “almost every Black construction worker interviewed by the [Boston Globe in 1983](https://www.newspapers.com/newspage/437214073/) … has had ‘accidents’ on the job: boards or bolts dropped from above, a steel beam swing very close to his head, live wires left at his feet as he walked by.” But these **incidents of overt racism and aggression aren’t just relics of the past**. Last year, places like Toronto, Las Vegas, and Portland, Oregon, have had incidents of [nooses](https://www.archpaper.com/2020/06/nooses-found-at-construction-sites-in-las-vegas-toronto-and-elsewhere/) being left at construction sites. And this year, in Boston, International Brotherhood of Electrical Workers International Vice President Mike Monahan referred to Black people as “[colored.](https://www.wgbh.org/news/local-news/2021/03/18/boston-planning-agency-vice-chair-criticized-for-racist-language)” And, in response to my critique about the lack of diversity in union construction, he emailed me with the following threatening message, which included a pointed reference to “sun down towns”: “Goodnight — what time does the sun set and rise in Falmouth? Make sure you lock the doors.” Voter Suppression | And lastly, some unions go to great lengths to exclude Black people from participating in their elections. In Boston, for example, union construction limits the number of Black members through voter suppression. Voter suppression is as American as the second amendment, a tool used to maintain white power and silence Black voices for decades. For most of us, voter suppression manifests itself through draconian policies—things like making it more difficult to vote by mail, voter ID laws, and restricting access to early voting. But while many of the elected officials behind such policies are Republican lawmakers, the Greater Boston building trades unions have been taking a page from their book; one of Boston’s most extensive and ingrained systems of voter suppression resides within their halls. First, let’s take a closer look at the Greater Boston building trades unions as a system: The Greater Boston building trades union is a group of 20 construction unions operating in the Greater Boston area. Each of the 20 construction unions is governed by their own elected officials/officers. Of these elected officials/officers, 100 percent of the senior leadership is white men. The overwhelming majority of members that are responsible for recruiting new members, administering entrance exams, and conducting interviews are white men. Not a single union will disclose the number of Black members they have or the number of union-signatory companies owned by Black people. What does this have to do with voter suppression? By keeping Black membership low through exclusionary practices, the Greater Boston building trades unions control the total number of Black voters participating in union elections. This ensures that Black representation in union votes will never be sufficient to correct exclusionary or racist union policies. This also suffocates any possibility for progressive Black leadership to be elected to senior leadership positions. White union members have gone to extreme lengths to maintain their power and dominance in the construction industry. They have designed the entire system to benefit themselves and other white men, often in direct opposition to Black membership. While many of these examples occurred in the past, their roots took hold and are still manifest in today’s union construction industry, which helps white men keep unions—and especially their leadership—white.