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#### 1. claiming cap is essential to human life is the same logic that reproduces capitalist violence – it’s a link. Giroux 12

Henry A Giroux 12 [American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy], “Dangerous Pedagogy in the Age of Casino Capitalism and Religious Fundamentalism”, truthout, 29 Feb 2012.

All over the world, the forces of neoliberalism are on the march, dismantling the historically guaranteed social provisions provided by the welfare state, defining profit-making and market freedoms as the essence of democracy while diminishing civil liberties as part of the alleged "war" against terrorism. Secure in its dystopian vision that there are no alternatives to a market society, free-market fundamentalism eliminates issues of contingency, struggle and social agency by celebrating the inevitability of economic laws in which the ethical ideal of intervening in the world gives way to the idea that we "have no choice but to adapt both our hopes and our abilities to the new global market."[1] Coupled with an ever-expanding culture of fear, market freedoms seem securely grounded in a defense of national security and the institutions of finance capital. Under such circumstances, a neoliberal model now bears down on American society, threatening to turn it into an authoritarian state. The script is now familiar: there is no such thing as the common good; market values become the template for shaping all aspects of society; the free, possessive individual has no obligations to anything other than his or her self-interest; profit-making is the essence of democracy; the government, and particularly the welfare state, is the arch-enemy of freedom; private interests trump public values; consumerism is the essence of citizenship; privatization is the essence of freedom; law and order is the new language for mobilizing shared fears rather than shared responsibilities; war is the new organizing principle for organizing society and the economy; theocracy now becomes the legitimating code for punishing women, young people, the elderly, and those groups marginalized by class, race and ethnicity when religious moralism is needed to shore up the war against all social order.[2]¶ Given this current crisis, educators need a new political and pedagogical language for addressing the changing contexts and issues facing a world in which capital draws upon an unprecedented convergence of resources - financial, cultural, political, economic, scientific, military and technological - to exercise powerful and diverse forms of control. If educators and others are to counter global capitalism’s increased ability to separate the traditional nation-state-based space of politics from the transnational reach of power, it is crucial to develop educational approaches that reject a collapse of the distinction between market liberties and civil liberties, a market economy and a market society. This suggests developing forms of critical pedagogy capable of challenging neoliberalism and other anti-democratic traditions, such as the emerging religious fundamentalism in the United States, while resurrecting a radical democratic project that provides the basis for imagining a life beyond the "dream world" of capitalism. Under such circumstances, education becomes more than testing, an obsession with accountability schemes, zero-tolerance policies and a site for simply training students for the workforce. At stake here is recognizing the power of education in creating the formative culture necessary to both challenge the various threats being mobilized against the very idea of justice and democracy while also fighting for those public spheres and formative cultures that offer alternative modes of identity, social relations and politics.

## 1 - K

“Communism is when no iphone” – Marx

#### democracy promotion energizes neoliberalism globally

Lösche, 2009 (Max Lösche, Education administrator. Faculty Office of Business and Economics School of Business and Economics, “How has neoliberalism influenced US foreign politics?”, Gotland University, <https://www.diva-portal.org/smash/get/diva2:317574/FULLTEXT01.pdf>, 2009) MIA

Putzel argues similarly, by stating that there is a growing consensus that the United States has emerged as an imperial power- the world‘s single superpower. It appears that the US pursuits the ‗imperial‘ project as ‗an attempt to permanently order the world of states and markets according to its national interests.‘ What some argue from a humanitarian perspective, others argue from an economic perspective, underlining that the US has emerged as uncontested hegemonic capable of enforcing peace and property rights and presiding over a new ‗liberal international economic order‘, ensuring progress in both developed and developing regions of the world through globalization. The article further states that imperialism has become a precondition for democracy (Putzel 2006). As we have seen, the USA are hegemonic and tries to rank itself as the world‘s only superpower, and in order to do so, the concept of global democracy and the spreading of such was seen vital for the American government. This attempt to spread democracy globally will be discussed in the next part. According to Noam Chomsky, the main principle that the USA uses in order to be globally dominant is instead ―the spreading of democracy, and he explains that this imperial power is mainly represented by economic and financial grip holds and ―liberations that the US tries to force upon the entire planet. The USA is exporting its free-market values through global commercial agreements (―exporting American values‖). The ―American values‖ are most dramatically illustrated by the wave of the future: telecommunications, the Internet, advanced computer technology, and the other wonders created by the exuberant American entrepreneurial spirit unleashed by the market (Chomsky 1999:65f). Chomsky explains that the main political-economic principles and mission of American can be found in the ―crusade for democracy‖, which was first waged during the Reagan years. The results are commonly offered as a prime illustration of how the USA became ―the inspiration for the triumph of democracy in our time‖, to quote the editors of a leading intellectual journal of American liberalism (Chomsky 1999:95). The primary ―barriers to implementation‖ of democracy are efforts to ―protect domestic markets‖- that is to prevent foreign corporations to gain even more control over the society. We are to understand, then, that democracy is enhanced as significant decision making shifts even more into the hands of unaccountable private tyrannies, mostly foreign-based. Meanwhile the public arena is to shrink still further as the state is minimized in accordance with the neoliberal political and economic principles that have emerged triumphant. Thinking about this, we gain some useful insight into the concepts of democracy and markets, as well as American political-economic strategies, in the operative sense (Chomsky 1999:96). Given the definition of the ―barrier to implementation‖ of democracy, Chomsky further argues, the USA has totally failed to spread democracy globally. However, Washington has a totally different concept and strategy and merely seems to use the spreading of democracy as a sort of umbrella, in order to ―carry out the work‖. Chomsky regards Washington‘s ―impulse to promote democracy‖ as ―sincere‖, but largely a failure. Furthermore, the failure was systematic; where Washington‘s influence was least; there was real progress toward democracy (South America). Where its influence was greatest, progress was least, and where it occurred, the US role was marginal or negative (Chomsky 1999:96). There is an obvious similarity in Harvey‘s reasoning about freedom when compared to Chomsky‘s position on democracy. Harvey states that the idea of freedom (or democracy) degenerates into a mere advocacy of free enterprise. Free enterprise and private ownership are declared to be essentials of democracy and freedom. The justice, liberty and welfare that neoliberal states offer are decried as a camouflage of slavery, hidden under the well meant concept of democracy (Harvey 2005:37).

#### Capitalism is inherently unsustainable and will inevitably collapse, it’s only a question if we choose to keep it afloat. The contradictions of global neoliberalism will push humanity to total extinction.

Foster, PhD, 19

(Professor Foster received his PhD from York University. 2-1-2019, " Capitalism Has Failed—What Next?," Monthly Review, <https://monthlyreview.org/2019/02/01/capitalism-has-failed-what-next/>, JKS)

Less than two decades into the twenty-first century, it is evident that capitalism has failed as a social system. The world is mired in economic stagnation, financialization, and the most extreme inequality in human history, accompanied by mass unemployment and underemployment, precariousness, poverty, hunger, wasted output and lives, and what at this point can only be called a planetary ecological “death spiral.”1 The digital revolution, the greatest technological advance of our time, has rapidly mutated from a promise of free communication and liberated production into new means of surveillance, control, and displacement of the working population. The institutions of liberal democracy are at the point of collapse, while fascism, the rear guard of the capitalist system, is again on the march, along with patriarchy, racism, imperialism, and war. To say that capitalism is a failed system is not, of course, to suggest that its breakdown and disintegration is imminent.2 It does, however, mean that it has passed from being a historically necessary and creative system at its inception to being a historically unnecessary and destructive one in the present century. Today, more than ever, the world is faced with the epochal choice between “the revolutionary reconstitution of society at large and the common ruin of the contending classes.”3 Indications of this failure of capitalism are everywhere. Stagnation of investment punctuated by bubbles of financial expansion, which then inevitably burst, now characterizes the so-called free market.4 Soaring inequality in income and wealth has its counterpart in the declining material circumstances of a majority of the population. Real wages for most workers in the United States have barely budged in forty years despite steadily rising productivity.5 Work intensity has increased, while work and safety protections on the job have been systematically jettisoned. Unemployment data has become more and more meaningless due to a new institutionalized underemployment in the form of contract labor in the gig economy.6 Unions have been reduced to mere shadows of their former glory as capitalism has asserted totalitarian control over workplaces. With the demise of Soviet-type societies, social democracy in Europe has perished in the new atmosphere of “liberated capitalism.”7 The capture of the surplus value produced by overexploited populations in the poorest regions of the world, via the global labor arbitrage instituted by multinational corporations, is leading to an unprecedented amassing of financial wealth at the center of the world economy and relative poverty in the periphery.8 Around $21 trillion of offshore funds are currently lodged in tax havens on islands mostly in the Caribbean, constituting “the fortified refuge of Big Finance.”9 Technologically driven monopolies resulting from the global-communications revolution, together with the rise to dominance of Wall Street-based financial capital geared to speculative asset creation, have further contributed to the riches of today’s “1 percent.” Forty-two billionaires now enjoy as much wealth as half the world’s population, while the three richest men in the United States—Jeff Bezos, Bill Gates, and Warren Buffett—have more wealth than half the U.S. population.10 In every region of the world, inequality has increased sharply in recent decades.11 The gap in per capita income and wealth between the richest and poorest nations, which has been the dominant trend for centuries, is rapidly widening once again.12 More than 60 percent of the world’s employed population, some two billion people, now work in the impoverished informal sector, forming a massive global proletariat. The global reserve army of labor is some 70 percent larger than the active labor army of formally employed workers.13 Adequate health care, housing, education, and clean water and air are increasingly out of reach for large sections of the population, even in wealthy countries in North America and Europe, while transportation is becoming more difficult in the United States and many other countries due to irrationally high levels of dependency on the automobile and disinvestment in public transportation. Urban structures are more and more characterized by gentrification and segregation, with cities becoming the playthings of the well-to-do while marginalized populations are shunted aside. About half a million people, most of them children, are homeless on any given night in the United States.14 New York City is experiencing a major rat infestation, attributed to warming temperatures, mirroring trends around the world.15 In the United States and other high-income countries, life expectancy is in decline, with a remarkable resurgence of Victorian illnesses related to poverty and exploitation. In Britain, gout, scarlet fever, whooping cough, and even scurvy are now resurgent, along with tuberculosis. With inadequate enforcement of work health and safety regulations, black lung disease has returned with a vengeance in U.S. coal country.16 Overuse of antibiotics, particularly by capitalist agribusiness, is leading to an antibiotic-resistance crisis, with the dangerous growth of superbugs generating increasing numbers of deaths, which by mid–century could surpass annual cancer deaths, prompting the World Health Organization to declare a “global health emergency.”17 These dire conditions, arising from the workings of the system, are consistent with what Frederick Engels, in the Condition of the Working Class in England, called “social murder.”18 At the instigation of giant corporations, philanthrocapitalist foundations, and neoliberal governments, public education has been restructured around corporate-designed testing based on the implementation of robotic common-core standards. This is generating massive databases on the student population, much of which are now being surreptitiously marketed and sold.19 The corporatization and privatization of education is feeding the progressive subordination of children’s needs to the cash nexus of the commodity market. We are thus seeing a dramatic return of Thomas Gradgrind’s and Mr. M’Choakumchild’s crass utilitarian philosophy dramatized in Charles Dickens’s Hard Times: “Facts are alone wanted in life” and “You are never to fancy.”20 Having been reduced to intellectual dungeons, many of the poorest, most racially segregated schools in the United States are mere pipelines for prisons or the military.21 More than two million people in the United States are behind bars, a higher rate of incarceration than any other country in the world, constituting a new Jim Crow. The total population in prison is nearly equal to the number of people in Houston, Texas, the fourth largest U.S. city. African Americans and Latinos make up 56 percent of those incarcerated, while constituting only about 32 percent of the U.S. population. Nearly 50 percent of American adults, and a much higher percentage among African Americans and Native Americans, have an immediate family member who has spent or is currently spending time behind bars. Both black men and Native American men in the United States are nearly three times, Hispanic men nearly two times, more likely to die of police shootings than white men.22 Racial divides are now widening across the entire planet. Violence against women and the expropriation of their unpaid labor, as well as the higher level of exploitation of their paid labor, are integral to the way in which power is organized in capitalist society—and how it seeks to divide rather than unify the population. More than a third of women worldwide have experienced physical/sexual violence. Women’s bodies, in particular, are objectified, reified, and commodified as part of the normal workings of monopoly-capitalist marketing.23 The mass media-propaganda system, part of the larger corporate matrix, is now merging into a social media-based propaganda system that is more porous and seemingly anarchic, but more universal and more than ever favoring money and power. Utilizing modern marketing and surveillance techniques, which now dominate all digital interactions, vested interests are able to tailor their messages, largely unchecked, to individuals and their social networks, creating concerns about “fake news” on all sides.24 Numerous business entities promising technological manipulation of voters in countries across the world have now surfaced, auctioning off their services to the highest bidders.25 The elimination of net neutrality in the United States means further concentration, centralization, and control over the entire Internet by monopolistic service providers. Elections are increasingly prey to unregulated “dark money” emanating from the coffers of corporations and the billionaire class. Although presenting itself as the world’s leading democracy, the United States, as Paul Baran and Paul Sweezy stated in Monopoly Capital in 1966, “is democratic in form and plutocratic in content.”26 In the Trump administration, following a long-established tradition, 72 percent of those appointed to the cabinet have come from the higher corporate echelons, while others have been drawn from the military.27 War, engineered by the United States and other major powers at the apex of the system, has become perpetual in strategic oil regions such as the Middle East, and threatens to escalate into a global thermonuclear exchange. During the Obama administration, the United States was engaged in wars/bombings in seven different countries—Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Pakistan.28 Torture and assassinations have been reinstituted by Washington as acceptable instruments of war against those now innumerable individuals, group networks, and whole societies that are branded as terrorist. A new Cold War and nuclear arms race is in the making between the United States and Russia, while Washington is seeking to place road blocks to the continued rise of China. The Trump administration has created a new space force as a separate branch of the military in an attempt to ensure U.S. dominance in the militarization of space. Sounding the alarm on the increasing dangers of a nuclear war and of climate destabilization, the distinguished Bulletin of Atomic Scientists moved its doomsday clock in 2018 to two minutes to midnight, the closest since 1953, when it marked the advent of thermonuclear weapons.29 Increasingly severe economic sanctions are being imposed by the United States on countries like Venezuela and Nicaragua, despite their democratic elections—or because of them. Trade and currency wars are being actively promoted by core states, while racist barriers against immigration continue to be erected in Europe and the United States as some 60 million refugees and internally displaced peoples flee devastated environments. Migrant populations worldwide have risen to 250 million, with those residing in high-income countries constituting more than 14 percent of the populations of those countries, up from less than 10 percent in 2000. Meanwhile, ruling circles and wealthy countries seek to wall off islands of power and privilege from the mass of humanity, who are to be left to their fate.30 More than three-quarters of a billion people, over 10 percent of the world population, are chronically malnourished.31 Food stress in the United States keeps climbing, leading to the rapid growth of cheap dollar stores selling poor quality and toxic food. Around forty million Americans, representing one out of eight households, including nearly thirteen million children, are food insecure.32 Subsistence farmers are being pushed off their lands by agribusiness, private capital, and sovereign wealth funds in a global depeasantization process that constitutes the greatest movement of people in history.33 Urban overcrowding and poverty across much of the globe is so severe that one can now reasonably refer to a “planet of slums.”34 Meanwhile, the world housing market is estimated to be worth up to $163 trillion (as compared to the value of gold mined over all recorded history, estimated at $7.5 trillion).35 The Anthropocene epoch, first ushered in by the Great Acceleration of the world economy immediately after the Second World War, has generated enormous rifts in planetary boundaries, extending from climate change to ocean acidification, to the sixth extinction, to disruption of the global nitrogen and phosphorus cycles, to the loss of freshwater, to the disappearance of forests, to widespread toxic-chemical and radioactive pollution.36 It is now estimated that 60 percent of the world’s wildlife vertebrate population (including mammals, reptiles, amphibians, birds, and fish) have been wiped out since 1970, while the worldwide abundance of invertebrates has declined by 45 percent in recent decades.37 What climatologist James Hansen calls the “species exterminations” resulting from accelerating climate change and rapidly shifting climate zones are only compounding this general process of biodiversity loss. Biologists expect that half of all species will be facing extinction by the end of the century.38 If present climate-change trends continue, the “global carbon budget” associated with a 2°C increase in average global temperature will be broken in sixteen years (while a 1.5°C increase in global average temperature—staying beneath which is the key to long-term stabilization of the climate—will be reached in a decade). Earth System scientists warn that the world is now perilously close to a Hothouse Earth, in which catastrophic climate change will be locked in and irreversible.39 The ecological, social, and economic costs to humanity of continuing to increase carbon emissions by 2.0 percent a year as in recent decades (rising in 2018 by 2.7 percent—3.4 percent in the United States), and failing to meet the minimal 3.0 percent annual reductions in emissions currently needed to avoid a catastrophic destabilization of the earth’s energy balance, are simply incalculable.40 Nevertheless, major energy corporations continue to lie about climate change, promoting and bankrolling climate denialism—while admitting the truth in their internal documents. These corporations are working to accelerate the extraction and production of fossil fuels, including the dirtiest, most greenhouse gas-generating varieties, reaping enormous profits in the process. The melting of the Arctic ice from global warming is seen by capital as a new El Dorado, opening up massive additional oil and gas reserves to be exploited without regard to the consequences for the earth’s climate. In response to scientific reports on climate change, Exxon Mobil declared that it intends to extract and sell all of the fossil-fuel reserves at its disposal.41 Energy corporations continue to intervene in climate negotiations to ensure that any agreements to limit carbon emissions are defanged. Capitalist countries across the board are putting the accumulation of wealth for a few above combatting climate destabilization, threatening the very future of humanity. Capitalism is best understood as a competitive class-based mode of production and exchange geared to the accumulation of capital through the exploitation of workers’ labor power and the private appropriation of surplus value (value generated beyond the costs of the workers’ own reproduction). The mode of economic accounting intrinsic to capitalism designates as a value-generating good or service anything that passes through the market and therefore produces income. It follows that the greater part of the social and environmental costs of production outside the market are excluded in this form of valuation and are treated as mere negative “externalities,” unrelated to the capitalist economy itself—whether in terms of the shortening and degradation of human life or the destruction of the natural environment. As environmental economist K. William Kapp stated, “capitalism must be regarded as an economy of unpaid costs.”42 We have now reached a point in the twenty-first century in which the externalities of this irrational system, such as the costs of war, the depletion of natural resources, the waste of human lives, and the disruption of the planetary environment, now far exceed any future economic benefits that capitalism offers to society as a whole. The accumulation of capital and the amassing of wealth are increasingly occurring at the expense of an irrevocable rift in the social and environmental conditions governing human life on earth.43 Some would argue that China stands as an exception to much of the above, characterized as it is by a seemingly unstoppable rate of economic advance (though carrying with it deep social and ecological contradictions). Yet Chinese development has its roots in the 1949 Chinese Revolution, carried out by the Chinese Communist Party headed by Mao Zedong, whereby it liberated itself from the imperialist system. This allowed it to develop for decades under a planned economy largely free of constraints from outside forces, establishing a strong agricultural and industrial economic base. This was followed by a shift in the post-Maoist reform period to a hybrid system of more limited state planning along with a much greater reliance on market relations (and a vast expansion of debt and speculation) under conditions—the globalization of the world market—that were particularly fortuitous to its “catching up.” Through trade wars and other pressures aimed at destabilizing China’s position in the world market, the United States is already seeking to challenge the bases of China’s growth in world trade. China, therefore, stands not so much for the successes of late capitalism but rather for its inherent limitations. The current Chinese model, moreover, carries within it many of the destructive tendencies of the system of capital accumulation. Ultimately, China’s future too depends on a return to the process of revolutionary transition, spurred by its own population.44 How did these disastrous conditions characterizing capitalism worldwide develop? An understanding of the failure of capitalism, beginning in the twentieth century, requires a historical examination of the rise of neoliberalism, and how this has only served to increase the destructiveness of the system. Only then can we address the future of humanity in the twenty-first century.

#### The alternative is revolutionary citizenship – a redefinition of democratic social life that centers a de-valorization of capital itself. Only this collective vision can transcend neoliberal alienation.

#### The plan is not compatible – the strike is a simply a valorization and pursuit of capital by the lower class

McLaren and Farahmandpur 1

(Peter McLaren and Ramin Farahmandpur, “Educational Policy and the Socialist Imagination: Revolutionary Citizenship as a Pedagogy of Resistance”, http://zeze.sci-hub.cc/4d4d6f8379ca8f61ffd8152d2ada4273/mclaren2001.pdf, McLaren is a Distinguished Professor in Critical Studies at Chapman University, Farahmandpur has his PhD from and teaches at Portland State University)

Part of the pedagogical project for creating a new revolutionary politics is what we refer to as the praxis of revolutionary citizenship. Such a praxis can be won in the classrooms, in the workplace, in class struggle for ownership of the means of production, and in those volatile and contested spaces of the public sphere where people struggle to redefine the meaning of democratic social life. Because it is a sociopolitical form of praxis, it ventures beyond abstractions and platitudes and refuses to linger inactively in the ambit of the apologists. Citizenship, as it is constructed within capitalist democracy, can be described as “a sociopolitical form that isolates individuals from social problems that have their roots in the individualization of goods and their sell- ers . . . [and] negates real social life by creating a political abstraction that obfuscates the major contradictions of society” (Costilla, 2000, p. 94). By contrast, revolutionary citizenship heeds unflinchingly the intrepid role of the activist and condemns those who would pusillanimously evade the moral issues surrounding neoliberalism’s scandalously unbalanced assault on and treatment of the world’s poor and aggrieved communities.¶ The project of revolutionary citizenship works directly against the politics of neoliberalism and seeks to build alliances between unionized workers and political leadership in the interest of increased socialist democracy. Revolu- tionary citizens work toward a new type of democratic governance and a redistribution of economic and political power that results in an oppositional form of globalization that, according to Costilla (2000), “is not subordinated to capital but humane in its economy, political system, mass media, culture, and citizenship” (p. 87). It works toward bringing all property under the con- trol of the working class (Allman, 1999), with the eventual goal of eliminat- ing private property and capital itself.¶ We argue that the revolutionary citizenship praxis as a form of creative collective action should be centered on the devalorization of capital as a pro- cess of dealienation. That is, the revolutionary citizenship praxis should rec- ognize, following Dinerstein (1997), the contradictory mode of existence of labor; that is, it should recognize that action is a form of alienation and dealienation. Because society fundamentally involves the objectification of subjectivity, revolutionary citizenship becomes the constitution of revolu- tionary subjectivity within the class struggle itself and the tension produced between the acceptance and negation of capitalist relationships (Dinerstein, 1997).¶ In obtaining some necessary political justice for our project, we follow Sam Gindin and Leo Panitch (2000) in arguing for a rethinking and reformu- lation of socialist utopian goals that exceed what capital and the state will accommodate. Rehabilitating a distinctly concrete Marxist utopianism, Gindin and Panitch addressed an “educated desire” as distinct from a “con- servative desire.” The former type of desire is described by the notion that “I want to change the world” and the latter by the notion that “I want to change my own place in the world” (Gindin & Panitch, 2000, p. 41). Gindin and Panitch argued that socialist morality¶ educates desire toward the goal of realizing our potential to be full human beings and extending that principle to all members of society. Socialist analysis discovers, in the dynamics of capitalist society, the repressed possibility of that new world and the agency that, in the process of “doing-other,” can change both itself (including its dreams) and society, thereby “becoming-other.” (p. 41)¶ The utopian Marxism and reenchantment of socialist agency that is articu- lated in the project of revolutionary citizenship refuses to obliterate liberal ¶ democracy’s traumatic origin in the production systems of imperialism and capitalist exploitation. It is underwritten by a socialist hope nurtured by par- ticular social capacities that represents the crucial link between the ideal and the possibility of constructing a class collective in which workers “develop the social capacity to dream, to understand, to participate, and to act politi- cally” (Gindin & Panitch, 2000, p. 41). Socialist dreaming is not about the liberation of the individual from the social but is about a collective dreaming through the social in the service of ensuring that workers are able to create a new world on their own terms and in their own voice without seeking permis- sion to narrate their own futures. It enables workers to see the past as (to bor- row a phrase from Lukács) “the prehistory of the present.” It also enables a vision of the future that interweaves with the objective movement of history itself. The recent uprising in Cincinnati has revealed to us that the melting pot has turned into a meltdown. The ravages of capital—including institutional- ized forms of racist violence—have singled out all of the working class as its victim, but the most cruel form of violence and exploitation have been reserved for people of color. Surely, it is among the people of color where the leadership will arise to lead the assault against capitalism and its racist forma- tions and practices.¶ The most important social capacity is that of acting politically as a class; this serves as the coordinating capacity for other capacities and attempts to make them less sporadic and more cumulative, especially with respect to the role of workers’ organizations. Ideals that help steer such a collective vision include overcoming alienation, attenuating the division of labor, transform- ing consumption, creating alternative ways of living, socializing markets, planning ecologically, internationalizing equality, communicating demo- cratically, realizing democracy, and abolishing private property. As Gindin and Panitch (2000) pointed out, capitalism is “the wrong dream” (p. 50).

## 2 - da

#### Court legitimacy is fragile now though it will hold absent huge controversial decisions

Pacelle 9/28/21 (Richard, Professor of Political Science University of Tennessee, "The Supreme Court's immense power may pose a danger to its legitimacy," <https://theconversation.com/the-supreme-courts-immense-power-may-pose-a-danger-to-its-legitimacy-168600>)

Groups, of course, might use the courts because the judiciary is the most appropriate venue to defend the rights of unpopular groups or ensure protections for defendants. The courts might better protect against tyranny of the majority. Groups might bring a case to protect the free exercise of religion by Muslims or challenge aid to religious schools as favoring one religion over another. The ultimate resource: legitimacy The Supreme Court’s public approval annually hovers around 50% to 60%, which is much better than Congress and typically better than the president. But that approval is at its lowest ebb in decades. The controversy over recent nominations, threats to pack the court, and whispers that certain precedents are about to be overturned have held the court up to more attention and threaten its legitimacy. And the court’s ultimate authority rests on its legitimacy. If the court is seen as too political, it will bleed this precious resource. The Supreme Court has almost complete discretion over the cases that it hears. It annually gets 7,000 to 8,000 petitions for its attention and it routinely takes about 85 cases for full review. The court takes cases to resolve disputes between lower courts and because the parties are raising important issues. But having a really important issue does not ensure the court will review it. Sometimes the court simply wants to let an issue develop a little more in the lower courts before addressing it. The court may not want to get ahead of public opinion. For years, the court simply refused to take cases involving gay rights. Sometimes, they try to avoid an issue in hopes Congress or the states might be compelled to intervene. The court’s ultimate decision is binding precedent on lower courts and the justices themselves. The justices have been criticized for using the court to make policy decisions. This is controversial in part because the justices are not elected and enjoy lifetime tenure. They cannot be voted out of office. Critics prefer that the court adopt judicial restraint and defer to the elected branches of government who could be removed by the voters if they oppose their policies. Both sides charge the other with being activists, which is the worst insult you could levy at a judge. But the court’s willingness to push its way into the political maelstrom has quietly been welcomed by the other branches that can avoid the difficult questions and then curry favor with the voters by criticizing the court. A court of law or of men and women? As this Supreme Court term begins, opponents and proponents of reproductive rights are predicting the court will overrule one of its precedents, Roe v. Wade. Of course, this would not be the first time that such a prediction has been made. Anyone analyzing the court needs to reconcile two competing realities. First, justices are relatively consistent in their decision-making: Conservatives issue conservative decisions and liberals issue liberal ones. Second, the court itself seldom overrules one of its precedents. In addition, despite the divisions on the court, usually about one-third of the cases are decided unanimously. Two decades ago, seven of the sitting justices at the time expressed the view that Roe was wrongly decided, but a majority of that court never voted to relegate it to the dustbin of history. On the other hand, when the court does overturn precedents – for instance, Brown reversed Plessy v. Ferguson, ending legal segregation – it is after the passage of time. Fifty years is typical and Roe is approaching that hallmark. [Over 110,000 readers rely on The Conversation’s newsletter to understand the world. Sign up today.] Occasionally, the court makes a decision that is out of step with public opinion and may pay a hefty institutional price. When the Taney Court issued the Dred Scott v. Sanford ruling in 1857, claiming freed enslaved people could not become citizens and overruling the Missouri Compromise that balanced the number of free and slave states, the decision weakened the judiciary for decades. When the conservative-leaning court gutted portions of the New Deal, President Franklin Roosevelt attacked the court and the court backed down.

#### Recognizing an unconditional right to strike breaks the floodgate for First Amendment protections over labor – creates a flood of legal challenges that destroys court legitimacy and returns to Lochner-era doctrine

Weinrib 17 (Laura, Professor of Law and an Associate Member of the University of Chicago Department of History. A legal historian, her scholarship explores the intersection of constitutional law and labor law, University of Chicago Law School, "The Right to Work and the Right to Strike," <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2121&context=public_law_and_legal_theory>)

As the Roberts Court has forged ahead with the Lochnerization of the First Amendment, it has begun to expand constitutional protections for employees who object to the payment of union dues. It has curtailed the ability of public sector unions to collect payments toward ideological activity by adjusting the default rules of non-member contributions, 116 and it has reduced the class of state-funded workers covered by Abood. 117 Thus far, it has declined to extend reciprocal protection to labor’s expressive activity. It has rejected unions’ freedom of association claims,118 and it has accepted statutory restrictions on secondary activity and the right to strike. This outcome would have been a tremendous surprise to interwar advocates and judges. By the end of the New Deal, all the signs pointed the other way. Unions enjoyed burgeoning First Amendment rights, whereas the objections of non-members were of minimal constitutional concern. There were comparatively few advocates for a union’s duty of fair representation to bargaining unit employees, whether statutory or constitutional, and, within the New Deal administration at least, the closed shop was widely accepted as a legitimate outcome of workplace democracy.119 If the Supreme Court ultimately recognizes a First Amendment right to work, a cascade of cases will follow. As an initial matter, the dues-paying members in that new regime may plausibly object that the government is forcing them to subsidize nonmembers in violation of their First Amendment rights. 120 But the slippery slope is steeper than that. Union members may also feel that an injunction to enforce a no-strike clause is incompatible with the First Amendment. They may argue that they are entitled to express their solidarity with other struggling workers—that picketing over disputes at distant workplaces is protected by the Constitution, even when unions are involved.121 For their part, the right-to-work forces are almost certain to transpose their argument onto private sector labor law, which the Supreme Court (sidestepping a significant state action question with respect to constitutional claims122) has proven inclined to align with its public sector decisions as a matter of statutory interpretation. One might imagine that the Court’s one-sided First Amendment expansion will prove difficult to contain. In fact, lower courts have already begun to narrow the class of secondary activity subject to regulation. And to the extent the justices hold the line, they will open themselves to the same charges of hypocrisy and antilabor bias that beset their Lochner-era forebears. Moving forward, lawyers, litigants, and judges will have to decide whether robust First Amendment review of labor law would ultimately serve their interests, and at what cost. 123 During the decades after the Constitutional Revolution, the Supreme Court insisted that the First Amendment must occasionally yield to legislative choices about “the competing interests of unions, employers, their employees, and the public at large.”124 In upholding a state injunction against peaceful picketing in the 1957 decision Teamsters Union v. Vogt, 125 Justice Frankfurter explained on behalf of the Supreme Court majority that constitutional protection for free speech did not immunize labor activity from state regulation.126 In a mournful dissent, Justice Douglas described the decision as a “formal surrender.” 127 “[F]or practical purposes,” he explained, the law had reverted to the “situation . . . as it was when Senn v. Tile Layers Protective Union was decided.” Organized labor was protected by statute rather than the Constitution, as it was in the brief period been between the Supreme Court’s validation of the NLRA in Jones & Laughlin Steel and its subsequent decisions elevating union activity to First Amendment status. That is, labor picketing was subject to government regulation, as it was before the modern First Amendment took shape. 128 But in accusing the Court of “com[ing] full circle,” 129 Justice Douglas exaggerated the extent of the Court’s retreat. The picketing decisions of the midtwentieth century reflected a durable compromise, pursuant to which labor and antiunion speech were equivalently inured to First Amendment challenge. Lurking behind labor’s First Amendment exceptionalism was the recognition that the postwar labor law regime, with its complicated balancing of employer and worker rights, had operated to dampen industrial unrest and facilitate American economic growth. 130 To advance these goals— which may have seemed like “compelling government interests,” though the accommodation was rarely framed in conventional doctrinal terms—the courts constrained the operation of the First Amendment in the labor context. Just as an unequivocal right to strike would unleash unpalatable economic power, an unequivocal right to work would disturb the New Deal settlement and impugn the legitimacy of the courts, not to mention the stability of the postwar legal order. Against this broader backdrop, recognizing a First Amendment obstacle to public sector agency fees threatens to unweave the web. To couch the right to work in the Constitution while licensing courts and legislatures to suppress the right to strike would truly be to “come full circle.” It would replicate the constitutional dynamics of the Lochner-era, an approach excoriated by generations of scholars and judges for its lopsided attentiveness to the interests of antiunion workers and employers. 131 It would, in short, mark a return “for practical purposes” to the “situation . . . as it was” before Jones & Laughlin Steel was decided. And the situation then, it bears remembering, was a world on the brink of revolution.

#### That spills over – there’s no logical limit to its deregulatory potential of free speech and that has MASSIVE impacts on the administrative state

Shanor 16 (Amanda, Ph.D Candidate Yale Law JD Yale Law, Wisconsin Law Review, "The New Lochner" Lexis, 2/1)

The current movement for robust commercial speech rights is premised on the notion that all speech is speech and so entitled to equal constitutional protection. In the words of one advocate on the heels of the Supreme Court's decision in Sorrell, "A free society would be better served by striving to achieve First Amendment parity among forms of speech that are occasionally treated differently through artificial, illogical, and increasingly unenforceable distinctions. Thankfully, the Supreme Court appears to be heading in that direction by acknowledging that speech is speech." n236 Floyd Abrams, the preeminent First Amendment advocate, captured the concept perhaps [\*192] most compellingly: "Liberty is liberty... . [and] the First Amendment is about liberty." n237 Due to the pervasiveness of speech and expression, that contention, however attractive, has no principled limit. Because of that pervasiveness, the logical conclusion of the notion that "speech is speech' and liberty, liberty is a radical reconfiguration of governmental power. Take much of the work of the Securities and Exchange Commission, Consumer Financial Protection Bureau, or Federal Drug Administration. Each agency requires hundreds if not thousands of mandated disclosures about matters from financial statements to mortgage conditions to drug contents and warnings. Under a "speech is speech' theory, all of these mandates would be subject to strict scrutiny. As the First Circuit observed: There are literally thousands of similar regulations on the books - such as product labeling laws, environmental spill reporting, accident reports by common carriers, SEC reporting as to corporate losses and (most obviously) the requirement to file tax returns to government units who use the information to the obvious disadvantage of the taxpayer. n238 The approach of commercial speech advocates would subject innumerable laws to strict scrutiny - including those that require nutritional labels, n239 disclosure of information related to securities, n240 Truth in Lending Act disclosures, n241 disclosures in prescription drug advertisements, n242 warnings for pregnant women on alcoholic beverages, n243 airplane safety information, n244 and required exit signs. n245 Not only that, but a "speech is speech' theory would subject deliberately false commercial statements - that is, outright fraud - to "fatal in fact' review on the basis that the distinction between false and true [\*193] statements is content discrimination. n246 It would constitutionalize ordinary contract law and the filing of tax returns. There is, in short, no logical limit to the new Lochner. As I argue below, such a limitless contention cannot be required by the First Amendment. But before turning to that argument, this Part will explore the implications of the current contest between the First Amendment and the modern regulatory state.

#### Court legitimacy solves nuclear terrorism.

Knowles 10 (2010 (Robert, Visiting assistant professor of Chicago-Kent college of law, “Responses to the ten questions,” William Mitchell Law Review, 36 Wm. Mitchell L. Rev. 5061)

Courts are widely regarded as rule-based institutions, rather than political institutions, that can ensure that the political branches do not shortcircuit processes for changing the law or act to violate fundamental constitutional principles. The approval of courts lends legitimacy to government action. When other nations see the United States following the law, they are more likely to acquiesce in U.S. leadership. This makes this task of providing global public goods-such as fighting terrorism-easier for the United States. As the largest public-goods consumer, the United States benefits the most from perceptions of its own legitimacy. Legitimacy becomes especially important in view of declining U.S. influence relative to other powers. The world may not be multi-polar today, but it could be by mid-century. America's enormous military advantage will decrease over time, and its reduced share of global economic output will give it less ability to throw its weight around. Although the costs for the United States of disregarding international legal norms may seem worth it now, those costs will increase from year-to-year. To the extent that international institutions-including frameworks of international law-provide some "stickiness," the United States is better off investing its own legitimacy in these institutions now, while it has maximum influence. If the United States leaves its imprint on international law and institutions, they will be less costly for the United States to comply with in the future and much more costly for a rising rival, such as China, to ignore. Nonetheless, there are some who argue that we are already living in a multi-polar world, and that rogue states and terrorist groups like al Qaeda are our true rivals. Advances in technology will-if they do not already-enable terrorists or rogue states to deploy small nuclear and biological weapons to threaten American cities, making up in sheer mayhem what they lack in armies and navies. A nuclear explosion in a large metropolitan area-such as New York-has the potential to change life as we know it. In this sense, al Qaeda can be viewed as an existential threat. 9 However, the capacity for small groups to leverage extremism into great destruction does not alter the fundamental structure of geopolitics. Not all existential threats are the same. A nuclear device would be just as dangerous in the hands of a domestic group or a lone wolf as it would be in the hands of al Qaeda. It would be a mistake to assume that these new threats are best pursued by giving the executive branch greater deference. In fact, the dangers from terrorism make even clearer the need to adhere to established principles. The United States will occupy a global leadership role for decades to come. Successful management of global crises-including a catastrophic terrorist attack-lies not in counterbalancing rivals, but in better management of the international system. The United States cannot hope to tackle large-scale global problems-terrorism especially-if the rest of the world loses confidence in American leadership. The best way for courts to help carry out this task is to ensure that the political branches adhere to the rule of law.

## Case

#### Their pope card concedes inherency – giving examples of how the right to strike has been used

#### It totally decks solvency – pope souded the alarm of organized labor 3 years ago and it hasn’t taken place yet because r2s exists

\*\*I read green\*\*

Pope September 18 [James Gray Pope is a distinguished professor of law at Rutgers Law School and serves on the executive council of the Rutgers Council of AAUP/AFT Chapters, AFL-CIO. He can be reached at jpope@law.rutgers.edu. "Labor’s right to strike is essential." https://www.psc-cuny.org/clarion/september-2018/labor%E2%80%99s-right-strike-essential]

Any way you look at it, striking will be absolutely essential if American organized labor, now down to 11 percent of the workforce, is to revive. As AFL-CIO President Richard Trumka once warned, workers must have “their only true weapon – the right to strike,” or “organized labor in America will soon cease to exist.” Red-state teachers have shown the way, exercising their constitutional and human right to strike in defiance of “law.” Will Democrats and labor leaders celebrate their example, or will they follow Cuomo, de Blasio and the Republicans down the path of suppression?

**Key players refuse to stand with striking workers – no chance for strikes to hurt capitalism or help democracy**

**Jabali 19**

Malaika Jabali, (Masters degree and law degree from Columbia University), 10-4-2019, "A wave of labour organizing is sweeping America. Will Democratic leadership catch on?," [https://www.theguardian.com/commentisfree/2019/oct/04/a-wave-of-strikes-is-sweeping-the-us-will-the-democratic-party-stand-with-workers //](https://www.theguardian.com/commentisfree/2019/oct/04/a-wave-of-strikes-is-sweeping-the-us-will-the-democratic-party-stand-with-workers%20//) AW

Workers are fed up. From teachers and hotel workers to nurses and auto workers, about three dozen labor strikes since 2018 have made the nation’s headlines. Over the weekend, a youth-led climate strike spanned the globe and a [walkout of General Motors workers entered its second week.](https://www.freep.com/story/money/cars/general-motors/2019/09/25/gm-uaw-strike-update-why-so-long-bernie-sanders/2434259001/) For the [past several weeks](https://www.modernhealthcare.com/providers/85000-kaiser-permanente-workers-threaten-strike), thousands of medical practitioners at Kaiser Permanente have been preparing for a national strike against the healthcare company in October. This groundswell of labor activism has intersected with a number of progressive issues debated among Democratic party presidential candidates, including the urgency of climate change, exploitation of undocumented immigrants, Medicare for All, and concentrated wealth amassed by corporate profiteers, often at the expense of everyday workers. The signs indicate American workers are moving left. The question is: will the national Democratic party leadership move with them? Frequently, strikes and other forms of labor organizing transcend the specific demands of a company’s employees – they raise questions about corporate malfeasance more broadly and make workers more attuned to the systems that enable inequality. The Fight for $15 campaign, for instance, started in 2012 with New York City fast-food workers demanding $15 an hour and union rights. The campaign now fights for “underpaid workers everywhere”, according to the group’s website, and has spread to more than [300 cities on six continents](https://fightfor15.org/about-us/). Likewise, Amazon workers formed Amazon Employees for Climate Justice and [nearly 2,000](https://medium.com/@amazonemployeesclimatejustice/amazon-employees-are-joining-the-global-climate-walkout-9-20-9bfa4cbb1ce3) participated in the recent climate strike to protest against the company’s role in climate change. Workers in its Whole Foods division have [pushed back](https://www.businessinsider.com/whole-foods-workers-demand-amazon-sever-ties-to-ice-2019-8) against the company’s contract with Palantir, a big data company that has [helped Ice raid workplaces for undocumented immigrants.](https://www.businessinsider.com/palantir-employees-ice-petition-alex-karp-2019-8) Instead of championing this progressive wave, House leaders, Democratic leaders seem to be taking steps to undermine it On Wednesday, in Detroit, Senator Bernie Sanders [joined](https://www.detroitnews.com/story/business/autos/2019/09/25/bernie-sanders-calls-justice-outside-detroit-hamtramck-gm-plant/2423023001/) United Auto Workers members participating in the General Motors strike and addressed corporate greed beyond GM executives. Peppering his remarks were [supportive shouts and applause from the audience](https://twitter.com/_ericdlawrence/status/1176874954043875328) when he mentioned justice, inadequate healthcare, the practice of corporate offshoring and the fatigue of Americans around the country who work multiple jobs. Strikers joined him in shouting “[enough is enough](https://twitter.com/_ericdlawrence/status/1176876591638622209?s=20)”. Despite this growing progressive fervor, the Democrats’ congressional leadership – including Nancy Pelosi and Chuck Schumer – have focused almost entirely on targeting Donald Trump, reaching a zenith with Pelosi’s announcement to [launch an impeachment inquiry](https://www.theguardian.com/us-news/2019/sep/24/pelosi-impeachment-inquiry-trump-ukraine) into his interactions with Ukraine. Outside of this singular focus, where is the Democrats’ vision? What policies are they advocating to show that they, too, stand with the thousands of workers enduring economic stagnation and a weakened social safety net as [corporate profits soar?](https://www.nytimes.com/2018/07/13/business/economy/wages-workers-profits.html) Unfortunately, instead of championing this progressive wave, House leaders, Democratic leaders seem to be taking steps to undermine it. In September, the Los Angeles Times [reported](https://www.latimes.com/politics/story/2019-09-03/democratic-committee-accused-of-trying-to-hinder-progressive-candidates) that political consultants were warned that the Democratic Senatorial Campaign Committee would boycott their services if they worked with progressive senatorial candidates in Colorado and Maine. The likely justification Democratic leaders will fall back on is that they are catering to the center to win competitive swing districts and thus the Senate. But instead of “Blue No Matter Who”, the approach seems to be more like “Blue, But Not You”. And there is no evidence that it’s a winning a strategy. In a May [New York Times interview,](https://www.nytimes.com/2019/05/04/us/politics/nancy-pelosi.html) Pelosi pressed Democrats to “own the center left, own the mainstream”, and have been [backing moderate Senate candidates](https://www.latimes.com/politics/story/2019-09-03/democratic-committee-accused-of-trying-to-hinder-progressive-candidates) over progressives, including the pro-fracking John Hickenlooper. In last year’s midterms, the Democratic Congressional Campaign Committee [reportedly sent internal memos](https://www.vox.com/policy-and-politics/2018/5/3/17290902/dccc-2018-midterms-primaries-democrats-nancy-pelosi-laura-moser) telling candidates not to fight for gun reform or Medicare for All. If electability is the concern, why waffle on policies [most Americans agree with?](https://www.cnbc.com/2019/03/27/majority-of-americans-support-progressive-policies-such-as-paid-maternity-leave-free-college.html) The steady support for Bernie Sanders and increasing support for Elizabeth Warren have cut into Joe Biden’s lead in [some polls](http://emersonpolling.com/2019/09/17/biden-sanders-warren-in-statistical-tie-in-democratic-primary-harris-struggles-in-home-state/), while the centrist candidates the DSCC is championing [have done little to prove that they can actually win.](https://theintercept.com/2019/08/15/senate-democrats-2020-chuck-schumer/) **The 2016 election should have been a sign that there was a growing disconnect between the priorities of the political establishment and the American public**. Impeachment proceedings may provide temporary cover, but they do not replace sustainable, visionary leadership. For that, we may have to rely on those emboldened workers who continue to shout across America that “enough is enough”.

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

**Waas PhD 12**

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

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

**Strikes hurt unions and their members – turns case**

**Gardapee 12**

Pamela Gardapee (studied accounting, computers and writing before offering her tax, computer and writing services to others, 2012-08-16 (date found in source code), "How Do Strikes Affect Labor Union Members?," Your Business, [https://yourbusiness.azcentral.com/strikes-affect-labor-union-members-2432.html //](https://yourbusiness.azcentral.com/strikes-affect-labor-union-members-2432.html%20//) AW

Whether you are a small business or a big business, strikes can hurt both the business and the members. Although companies have options during a strike, the labor union members have very few options after the strike vote is cast and the members walk out. **The affect of a strike on union members is just as hard as it is for the business.** Earnings The earnings that a labor union member is used to making will stop. Although there is a strike fund that provides some money to strikers every week, the amount doesn’t make up for lost wages. Every union is different, but members could only make a fraction of their normal wages, depending on the union to which they belong and the funds available. However, the only way to get paid from the union strike fund is to walk the picket line. If an employee belongs to the union, that person cannot choose to work without resigning from the union or he could face fines because he is not abiding by the bylaws set forth by the union. If a union member doesn’t resign from the union before working for the employer, the union will fine that person and can sue him for the money. Benefits ref Labor union members who strike for long periods of time can lose benefits such as sick pay, vacation and medical insurance. The company can only stop benefits if the actual expired contract stipulates it, however. Some unions also have funds to pay for some or all employee benefits during a strike. Morale Moral is likely to deteriorate if the strike drags on. Companies will be watching for this problem with labor union members. Members start feeling the strain from loss of wages, benefits and available work. Relationships feel the strain when a wage earner is no longer bringing home enough money to feed the family or pay the bills. When the strike lasts longer than a few weeks, morale continues to decline. Communication Communication with the company may stop. This can affect all the striking members. Companies can opt to hire workers to replace the striking members. When and if the strikers return to work, there will be a strain between the members and the management team caused by a strike. The workers hired during the strike can keep their jobs even after the strike is over if the company chooses, which means labor union members will lose their jobs. The company does not have to rehire the union members.

**A right to strike is circumvented through the use of temps and scabs who are readily available to employers and can have the skills of union workers. They allow employers to continue business during a strike.**

**Hatton 14 (Erin Hatton (PhD, Associate Professor of Sociology at University of Buffalo), January 2014, "Temporary Weapons: Employers’ Use of Temps Against Organized Labor," *ILR Review*,** https://www.jstor.org/stable/pdf/24369593.pdf**) // CR**

While this single counterexample is hardly conclusive, it underlines a central finding of this study: The temporary help industry has become a tool for implementing employers' anti-union offensive. This study thus suggests that the temporary help industry has had a more direct role in restructuring the employment relationship than previously thought. The temp industry has not only enabled the wide-scale replacement of permanent employees with temps and exerted downward pressure on employment standards, as previous research has shown, but has also facilitated employers' attacks against unions by helping employers block union organization drives, weaken or eliminate existing unions, force concessions at the bargaining table, and harass striking workers. Although employers have a long history of hiring "scab" labor to accomplish these goals, the scale of worker replacement afforded by the temporary help industry makes this a distinctly different anti-union weapon. Temp agencies are not only able to mobilize hundreds of workers with little notice, they are able to mobilize hundreds of highly skilled workers, as evidenced by the agencies that specialize in supplying nurses and other health care workers to medical facilities during disputes. As a result, employers are using agency temps not only to replace workers who go on strike but also to replace workers who try to organize a union, workers who might vote in favor of a union, workers who refuse to capitulate at the bargaining table, and workers who consider going on strike but do not. In other words, as a result of the easy availability of temps, the bar for replacing pro-union workers with nonunion labor has been lowered. Without such easy access to so many workers, however, employers' ability to do so would be severely diminished, as suggested by the Heartland Human Services case. But easy access to large numbers of workers is not the only basis for temps' strength as an anti-union weapon. The unique precarity of agency temps means that, even if they support unions, they almost certainly cannot unionize. Aside from a few well-publicized exceptions, temps are often considered "un organizable" (Cook 2000). Although temp agencies might employ thousands of temporary workers, few of them actually work together. Instead they are sent from workplace to workplace, isolated from both their temporary and permanent counterparts. Even if they work for a prolonged time at a single worksite, few temps can risk engaging in union activities. They could lose their current job as well as any future jobs by being branded so-called trouble makers. Temps' economic survival depends on the continued approbation of their worksite employer and their temp agency, which generally means not getting involved in union activities. The structure of the triangular employment relationship requires temps to depend on their worksite employer for their economic survival, and it also requires temp agencies to depend on those same employers. As these findings suggest, at times this means that temp agencies will comply with employer demands—both legal and not—at the expense of workers in order to retain the company's business. Thus we saw temp agencies—at the behest of their client companies—illegally screening temps for union sentiment, illegally harassing workers on the picket line, and bending over backward to convert temps into permanent employees over the course of a weekend. If temps were to risk unionizing, moreover, the structural ambiguity of the triangular employment relationship hinders their ability to defend their right to union organizing. Although all workers cannot legally be fired or discriminated against for engaging in union activities, temps who try to organize might not be "fired." Instead, they might be assigned to a new job, or not sent out on assignment at all. If proven to be retaliatory, such actions would be considered illegal. But for most temps the burden of proof would be too great: both temp agencies and employers can blame a temp's job loss on the vagaries of the business cycle rather than their union activities. (In 17 states, in fact, temps are not considered "unemployed"—even if they have not been given a job assignment—if they do not contact their temp agencies before applying for unemployment insurance [NELP 2001].) Such ambiguity means that temporary workers are less protected against illegal retribution for union activities, which adds yet another layer of vulnerability to their structural precarity. The very structure of the triangular employment relationship—which generally positions the temp agency as the official employer of temps—also currently acts as a legal barrier to temps' union organizing. This structure allows employers to replace pro-union workers with another employer's (highly precarious) employees, and it prevents temps from joining the unions of regular employees—at least under labor law as currently construed. As mentioned above, at the time of this writing the NLRB maintains that, because temps and their permanent counterparts are legally employed by different employers, bargaining units containing temps are "multi employer" units that require the consent of each employer—consent that is seldom forthcoming. Ultimately, then, employers' use of agency temps to defeat workers' unions is a distinctively new weapon. "Temporary weapons" offer employers a range of anti-union tools – tools that might once have been used only by large, dedicatedly anti-union employers but are now available to any company with a phone. While it is difficult to know the scale of their use, taking measure of that scale is of utmost importance, foremost because currently little stands in the way of expanding implementation of such tools. Scholars and labor practitioners should thus focus on 1) bringing temps into the labor movement and 2) taking them out of the anti-labor movement.

#### Democracy will catastrophically delay action on climate change---authoritarianism is necessary to ensure rapid state-led transformation

Mann & Wainwright ’18 (Geoff, teaches political economy and economic geography at Simon Fraser University, where he directs the Centre for Global Political Economy, Joel *Climate Leviathan: A Political Theory of Our Planetary Future*, pp. 38-40, ME)

Relative to the institutional means currently available to capitalist liberal democracy and its sorry attempts at “consensus,” this trajectory has some distinct advantages with respect to atmospheric carbon concentration, notably in terms of the capacity to coordinate massive political-economic reconfiguration quickly and comprehensively. In light of our earlier question—how can we possibly realize the necessary emissions reductions?—it is this feature of Climate Mao that most recommends it. As the climate justice movement struggles to be heard, most campaigns in the global North are premised on an unspoken faith in a lop-sided, elite-biased, liberal proceduralism doomed to failure given the scale and scope of the changes required. If climate science is even half-right in its forecasts, the liberal model of democracy is at best too slow, at worst a devastating distraction. Climate Mao reflects the demand for rapid, revolutionary, state-led transformation today. Indeed, calls for variations on just such a regime abound on the Left. Mike Davis and Giovanni Arrighi have more or less sided with Climate Mao, sketching it as an alternative to capitalist Climate Leviathan.35 We might even interpret the renewal of enthusiasm for Maoist theory (including Alain Badiou’s version) as part of the prevailing crisis of ecological-political imagination.36 Minqi Li’s is arguably the best developed of this line of thought, and like Arrighi he locates the fulcrum of global climate history in China, arguing that Climate Mao offers the only way forward: [U]nless China takes serious and meaningful actions to fulfill its obligation of emissions reduction, there is little hope that global climate stabilization can be achieved. However, it is very unlikely that the [present] Chinese government will voluntarily take the necessary actions to reduce emissions. The sharp fall of economic growth that would be required is something that the Chinese government will not accept and cannot afford politically. Does this mean that humanity is doomed? That depends on the political struggle within China and in the world as a whole.37 Taking inspiration from Mao, Li says a new revolution in the Chinese revolution—a re-energization of the Maoist political tradition—could transform China and save humanity from doom. He does not claim this is likely; one need only consider China’s massive highway expansions, accelerated automobile consumption, and subsidized urban sprawl.38 But he is right that if an anticapitalist, planetary sovereign is to emerge that could change the world’s climate trajectory, it is most likely to emerge in China.