# 1NC V Marlborough JH

## 1NC - Off

#### Interpretation: the affirmative may not spec a government

#### 1] The letter “A” is an indefinite article that modifies “just government” – the resolution must be proven true in all instances, not one particular instance

CCC ND Capital Community College [a nonprofit 501 c-3 organization that supports scholarships, faculty development, and curriculum innovation], “Articles, Determiners, and Quantifiers”, http://grammar.ccc.commnet.edu/grammar/determiners/determiners.htm#articles AG

The three articles — a, an, the — are a kind of adjective. The is called the definite article because it usually precedes a specific or previously mentioned noun; a and an are called indefinite articles because they are used to refer to something in a less specific manner (an unspecified count noun). These words are also listed among the noun markers or determiners because they are almost invariably followed by a noun (or something else acting as a noun). caution CAUTION! Even after you learn all the principles behind the use of these articles, you will find an abundance of situations where choosing the correct article or choosing whether to use one or not will prove chancy. Icy highways are dangerous. The icy highways are dangerous. And both are correct. The is used with specific nouns. The is required when the noun it refers to represents something that is one of a kind: The moon circles the earth. The is required when the noun it refers to represents something in the abstract: The United States has encouraged the use of the private automobile as opposed to the use of public transit. The is required when the noun it refers to represents something named earlier in the text. (See below..) If you would like help with the distinction between count and non-count nouns, please refer to Count and Non-Count Nouns. We use a before singular count-nouns that begin with consonants (a cow, a barn, a sheep); we use an before singular count-nouns that begin with vowels or vowel-like sounds (an apple, an urban blight, an open door). Words that begin with an h sound often require an a (as in a horse, a history book, a hotel), but if an h-word begins with an actual vowel sound, use an an (as in an hour, an honor). We would say a useful device and a union matter because the u of those words actually sounds like yoo (as opposed, say, to the u of an ugly incident). The same is true of a European and a Euro (because of that consonantal "Yoo" sound). We would say a once-in-a-lifetime experience or a one-time hero because the words once and one begin with a w sound (as if they were spelled wuntz and won). Merriam-Webster's Dictionary says that we can use an before an h- word that begins with an unstressed syllable. Thus, we might say an hisTORical moment, but we would say a HIStory book. Many writers would call that an affectation and prefer that we say a historical, but apparently, this choice is a matter of personal taste. For help on using articles with abbreviations and acronyms (a or an FBI agent?), see the section on Abbreviations. First and subsequent reference: When we first refer to something in written text, we often use an indefinite article to modify it. A newspaper has an obligation to seek out and tell the truth. In a subsequent reference to this newspaper, however, we will use the definite article: There are situations, however, when the newspaper must determine whether the public's safety is jeopardized by knowing the truth. Another example: "I'd like a glass of orange juice, please," John said. "I put the glass of juice on the counter already," Sheila replied. Exception: When a modifier appears between the article and the noun, the subsequent article will continue to be indefinite: "I'd like a big glass of orange juice, please," John said. "I put a big glass of juice on the counter already," Sheila replied. Generic reference: We can refer to something in a generic way by using any of the three articles. We can do the same thing by omitting the article altogether. A beagle makes a great hunting dog and family companion. An airedale is sometimes a rather skittish animal. The golden retriever is a marvelous pet for children. Irish setters are not the highly intelligent animals they used to be. The difference between the generic indefinite pronoun and the normal indefinite pronoun is that the latter refers to any of that class ("I want to buy a beagle, and any old beagle will do.") whereas the former (see beagle sentence) refers to all members of that class

#### 2] Government is an indefinite singular– the aff may not defend a specific set of governments

Nebel 20 [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Indefinite Singular Generics in Debate” Victory Briefs, 19 Sept 2020. no url AG

I agree that if “a democracy” in the resolution just meant “one or more democracy,” then a country-specific affirmative could be topical. But, as I will explain in this topic analysis, that isn’t what “a democracy” means in the resolution. To see why, we first need to back up a bit and review (or learn) the idea of generic generalizations.

The most common way of expressing a generic in English is through a *bare plural*. A bare plural is a plural noun phrase, like “dogs” and “cats,” that lacks an overt determiner. (A determiner is a word that tells us which or how many: determiners include quantifier words like “all,” “some,” and “most,” demonstratives like “this” and “those,” posses- sives like “mine” and “its,” and so on.) LD resolutions often contain bare plurals, and that is the most common clue to their genericity.

We have already seen some examples of generics that are not bare plurals: “A whale is a mammal,” “A beaver builds dams,” and “The woolly mammoth is extinct.” The first two examples use indefinite singulars—singular nouns preceded by the indefinite article “a”—and the third is a *definite singular* since it is preceded by the definite article “the.” Generics can also be expressed with *bare singulars* (“Syrup is viscous”) and even verbs (as we’ll see later on). The resolution’s “a democracy” is an indefinite singular, and so it very well might be—and, as we’ll soon see, is—generic.

But it is also important to keep in mind that, just as not all generics are bare plurals, not all bare plurals are generic. “Dogs are barking” is true as long as some dogs are barking. Bare plurals can be used in particular ways to express existential statements. The key question for any given debate resolution that contains a bare plural is whether that occurrence of the bare plural is generic or existential.

The same is true of indefinite singulars. As debaters will be quick to point out, some uses of the indefinite singular really do mean “some” or “one or more”: “A cat is on the mat” is clearly not a generic generalization about cats; it’s true as long as some cat is on the mat. The question is whether the indefinite singular “a democracy” is existential or generic in the resolution.

Now, my own view is that, if we understand the difference between existential and generic statements, and if we approach the question impartially, without any invest- ment in one side of the debate, we can almost always just tell which reading is correct just by thinking about it. It is clear that “In a democracy, voting ought to be compul- sory” doesn’t mean “There is one or more democracy in which voting ought to be com- pulsory.” I don’t think a fancy argument should be required to show this any more than a fancy argument should be required to show that “A duck doesn’t lay eggs” is a generic—a false one because ducks do lay eggs, even though some ducks (namely males) don’t. And if a debater contests this by insisting that “a democracy” is existen- tial, the judge should be willing to resolve competing claims by, well, judging—that is, by using her judgment. Contesting a claim by insisting on its negation or demanding justification doesn’t put any obligation on the judge to be neutral about it. (Otherwise the negative could make every debate irresolvable by just insisting on the negation of every statement in the affirmative speeches.) Even if the insistence is backed by some sort of argument, we can reasonably reject an argument if we know its conclusion to be false, even if we are not in a position to know exactly where the argument goes wrong. Particularly in matters of logic and language, speakers have more direct knowledge of particular cases (e.g., that some specific inference is invalid or some specific sentence is infelicitious) than of the underlying explanations.

But that is just my view, and not every judge agrees with me, so it will be helpful to consider some arguments for the conclusion that we already know to be true: that, even if the United States is a democracy and ought to have compulsory voting, that doesn’t suffice to show that, in a democracy, voting ought to be compulsory—in other words, that “a democracy” in the resolution is generic, not existential.

Second, existential uses of the indefinite, such as “A cat is on the mat,” are upward- entailing.3 This means that if you replace the noun with a more general one, such as “An animal is on the mat,” the sentence will still be true. So let’s do that with “a democracy.” Does the resolution entail “In a society, voting ought to be compulsory”? Intuitively not, because you could think that voting ought to be compulsory in democracies but not in other sorts of societies. This suggests that “a democracy” in the resolution is not existential.

#### It applies to government:

#### Upward entailment test – spec fails the upward entailment test because saying that China ought to have the unconditional right to strike does not entail that those governments ought to have the unconditional right to strike.

#### Adverb test – adding “usually” to the res doesn’t substantially change its meaning because a recognition is universal and permanent

#### Violation – they only defend the United States

#### Vote neg:

#### Semantics outweigh:

#### T is a constitutive rule of the activity and a basic aff burden – they agreed to debate the topic when they came here

#### Jurisdiction – you can’t vote aff if they haven’t affirmed the resolution

#### It’s the only stasis point we know before the round so it controls the internal link to engagement – there’s no way to use ground if debaters aren’t prepared to defend it

#### Standards:

#### Limits – there are 195 affs accounting for hundreds of governments— unlimited topics incentivize obscure affs that negs won’t have prep on – limits are key to reciprocal prep burden – potential abuse doesn’t justify foregoing the topic and 1AR theory checks PICs.

Banerjee 4/12 [(Vasabjit Banerjee, Assistant Professor of Political Science, Mississippi State University),”How many states and provinces are in the world?” , The Conversation, <https://theconversation.com/how-many-states-and-provinces-are-in-the-world-157847>, April 12, 2021] SS

There are 195 national governments recognized by the United Nations, but there are as many as nine other places with nationlike governments, including Taiwan and Kosovo, though they are not recognized by the U.N.

Most of these countries are divided into smaller sections, the way the U.S. is broken up into 50 states along with territories, like Puerto Rico and Guam, and a federal district, Washington, D.C.

They are not all called “states,” though: Switzerland has cantons, Bangladesh has divisions, Cameroon has regions, Germany has lander, Jordan has governorates, Montserrat has parishes, Zambia has provinces, and Japan has prefectures – among many other names.

#### Ground – spec guts core generics like the econ DA which rely on all governments having the unconditional right to strike because individual governments don’t have an impact on the global economy as a whole – also means there is no universal DA to spec affs

#### TVA solves – read as an advantage to whole rez

#### Paradigm issues:

#### Drop the debater – their abusive advocacy skewed the debate from the start

#### Comes before 1AR theory – NC abuse is responsive to them not being topical

#### Competing interps – reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation

#### No RVIs – fairness and education are a priori burdens – and encourages baiting – outweighs because if T is frivolous, they can beat it quickly

#### Fairness is a voter ­– necessary to determine the better debater

#### Education is a voter – why schools fund debate

## 1NC-Off

#### Interpretation: A worker is an employee that works under a contract for employment.

**Quest n.d.** [(Quest, based in Leicestershire, but covering the whole of the UK, is a specialist and training solutions, delivering bespoke professional services with resounding results. With over two decades of experience, Quest make it their responsibility to fully understand your specific needs before personalising a tailored solution to ensure that your HR, Health and Safety and training solution complements your business plan and achieves your goals.) “Employees & Workers: The Difference Between a Worker and an Employee” Quest. N.d.] AW

A worker is defined as either an employee working under a Contract for Employment or someone who works under a contract other than a Contract of Employment and is offering his personal service in return for remuneration to the employer who is not his/her client or customer. These contracts are commonly called Contracts for Services and such workers are often referred to as non-employee workers.

#### Violation: Prisoners don’t have employment contracts—they’re working as a form of punishment.

Zatz 13 [(Noah, Professor of Law at UCLA) “Employment Without Contract? Prison Laborers as Statutory Employees” Paper presented at the annual meeting of the The Law and Society Association 2013-12-16] AT

Paid labor by prisoners is an increasingly important part of incarceration in the U.S. Prison laborers repeatedly have sought legal redress for violations of labor & employment laws, including minimum wage and antidiscrimination protections. Courts then have had to decide whether these protections apply to this form of work, and they have struggled to square the existence of an exchange of labor and economic benefits with an impulse to distinguish a distinctly non-economic field of punishment from a fundamentally economic employment relationship. For the most part, prison laborers have been denied "employee" status on the ground that they do not work in a labor market organized through free contract. This identification of statutory employment rights with individual employment contracts is ironic because, in other contexts, labor & employment statutes often are understood as repudiating contractual orderings. This paper explores how legal classification as "employment" serves not simply as the basis for a regulatory intervention in the labor market but also as a means of constituting and bounding "the market" as a distinct social field.

#### Standards:

#### 1] Limits— Allowing Affs about workers without contracts justifies the slavery, child labor, human trafficking, and indentured servants AC — incentives reading any aff about forced labor that negs don’t have prep on— a] incentivizes running to the margins in order to cut fringe affs— that destroys iterative content mastery which is key to education. B] explodes the negs prep burden to prep for hundreds amounts of affs due to different circumstances that result in forced labor.

#### There are hundreds of affs under their interp— they allow for any instance of forced labor in any of these countries— means that they explode limits.

ILO No Date [(International Labor Organization, The only tripartite U.N. agency, since 1919 the ILO brings together governments, employers and workers of 187 member States , to set labour standards, develop policies and devise programmes promoting decent work for all women and men.) “Statistics on forced labour, modern slavery and human trafficking,” ILO, No Date, <https://www.ilo.org/global/topics/forced-labour/policy-areas/statistics/lang--en/index.htm>] RR

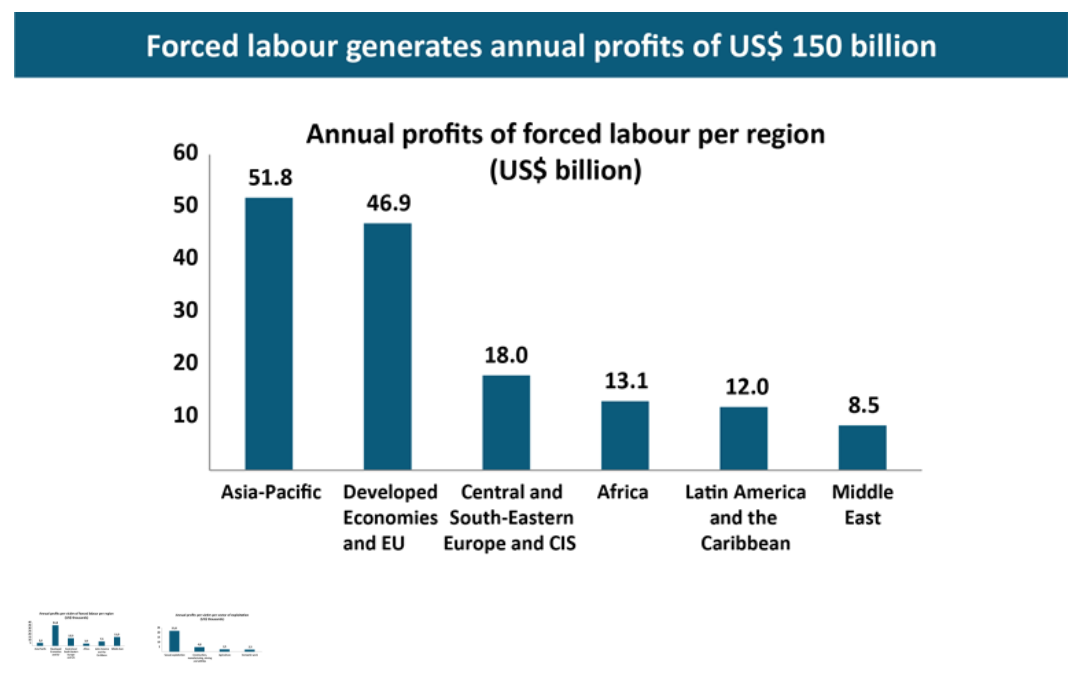
Global estimates on forced labour



Global estimates 2012: Results and Methodology

Summary of the ILO 2012 Global Estimate of Forced Labour

Profit estimates of forced labour



Profit estimates 2014: The Economics of Forced Labour

Profits and Poverty: The Economics of Forced Labour - Executive Summary

ICLS and forced labour

The 19th ICLS (International Conference of Labour Statisticians) in 2013, adopted the Resolution II concerning further work on statistics of forced labour recommending that the Office set up a working group with the aim of sharing best practices on forced labour surveys in order to encourage further such surveys in more countries. The working group should engage ILO constituents and other experts in discussing and developing international guidelines to harmonize concepts, elaborate statistical definitions, standard lists of criteria and survey tools on forced labour, and to inform the 20th International Conference of Labour Statisticians on the progress made.

Based on this decision, the ILO has initiated the "ILO Data Initiative on Modern Slavery ", a global research programme to take stock of national and international initiatives measuring forced labour, human trafficking and slavery, to discuss strengths and limitations of existing methodologies and build a consensus on concepts, statistical definitions and standard list of criteria, survey tools and estimation methodologies which could be used to develop surveys in the future.

#### 2] Ground— all the neg can say against the aff is exploitation good— their interp skirts links to the Workforce DA, Business Confidence DA, Cap K because the workers Affs under their interp are about do not participate in the formal economy. We even lose access to the Kant and Contracts NC which all assume an injury to legally recognized contracts.

#### 3] TVA solves— read as an advantage to a US specific aff.

#### Cross apply Paradigm issues from above.

## 1NC-Off

#### CP: The United states shoul implement the SCR-69 for all states.

CLI 20 [(CLI, California Legislative information),”SENATE CONCURRENT RESOLUTION” , https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\_id=201920200SCR69, Introduced by Senator Bradford August 14, 2019, AMENDED IN SENATE JANUARY 23, 2020] SS

Relative to prisoner compensation.

LEGISLATIVE COUNSEL'S DIGEST

SCR 69, as amended, Bradford. Prisoners: wages.

This measure would express the Legislature’s support for fair and just wages for incarcerated persons working for the Prison Industry Authority, the Division of Juvenile Facilities, and the Department of Corrections and Rehabilitation.

Fiscal Committee: yes

BILL TEXT

WHEREAS, This country has long recognized the value of human labor and the importance of fair wages. California has demonstrated this recognition through its ongoing commitment to offering quality pay careers for Californians through enactments like the California Equal Pay Act; and

WHEREAS, The dignity of every person is inherent, and it is incumbent on the state to protect the dignity of all its citizens; and

WHEREAS, Fair and just wages are intrinsically tied to human dignity; and

WHEREAS, The factors of disparities within imprisonment are partially a result of disproportionate social factors in African American and Latinx communities that are associated primarily with poverty, employment, housing, and family differences; and

#### Solves the aff but avoids the case turns.

## 1NC – OFF

**The standard is maximizing expected wellbeing**

**Moral uncertainty means preventing extinction should be our highest priority.  
Bostrom 12** [Nick Bostrom. Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority.” Global Policy (2012)]  
These reflections on **moral uncertainty suggest** an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ **Our present understanding of axiology might** well **be confused. We may not** nowknow — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet **be able to imagine the best ends** of our journey. **If we are** indeedprofoundly **uncertain** about our ultimate aims,then we should recognize that **there is a great** option **value in preserving** — and ideally improving — **our ability to recognize value and** to **steer the future accordingly. Ensuring** that **there will be a future** version of **humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way** available to us **to increase the probability that the future will contain** a lot of **value.** To do this, we must prevent any existential catastrophe.

**Reducing the risk of extinction is always priority number one.   
Bostrom 12** [Faculty of Philosophy and Oxford Martin School, University of Oxford.], Existential Risk Prevention as Global Priority.  Forthcoming book (Global Policy). MP. http://www.existenti...org/concept.pdfEven if we use the most conservative of these estimates, which entirely ignores the   possibility of space colonization and software minds, **we find that the expected loss of an existential   catastrophe is greater than the value of 10^16 human lives**.  **This implies that the expected value of   reducing existential risk by a mere one millionth of one percentage point is at least a hundred times the   value of a million human lives.**  The more technologically comprehensive estimate of 10  54 humanbrain-emulation subjective life-years (or 10  52  lives of ordinary length) makes the same point even   more starkly.  Even if we give this allegedly lower bound on the cumulative output potential of a   technologically mature civilization a mere 1% chance of being correct, we find that the expected   value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth   a hundred billion times as much as a billion human lives. **One might consequently argue that even the tiniest reduction of existential risk has an   expected value greater than that of the definite provision of any ordinary good, such as the direct   benefit of saving 1 billion lives.**  And, further, that the absolute value of the indirect effect of saving 1  billion lives on the total cumulative amount of existential riskâ€”positive or negativeâ€”is almost   certainly larger than the positive value of the direct benefit of such an action.

## Case

### Framing

#### Util w extinction impacts first outweighs— inflicts endless violence on everyone.

### Case

#### Prison strikes have happened in the past— no warrant why recognition of those would change it.

#### Prison labor programs loose money if there are strikes.

Blakinger 9/2 [(Keri, a staff writer at The Marshall Project.) “Some prison labor programs lose money — even when prisoners work for pennies,” NBC News, 9/2/21. <https://www.nbcnews.com/news/us-news/some-prison-labor-programs-lose-money-even-when-prisoners-work-n1278326>] RR

Across the country, prisoners like Nora harvest cotton, fight fires, fix school buses and even make gavels for judges. According to state and federal prison policies, if they refuse to work they can lose privileges, get sent to solitary confinement or be denied parole. On average, they earn less than a dollar an hour. In five states, they typically make no money at all.

Despite paying minuscule wages, prison labor programs often lose money. Earlier this year, a Texas audit found that 46 percent of the prison system’s agricultural products cost more to grow than they are worth, and the state could have saved $17 million over five years by simply buying canned foods and certain crops — including cotton — instead of relying on prisoners to produce them. In past years, reports from Washington, Georgia, California and at least half a dozen other prison systems identified similar financial losses.

Wanda Bertram, a spokesperson for Prison Policy Initiative, a research and advocacy nonprofit group, said it was “not uncommon” for prison labor programs to operate in the red.

#### Prison jobs are essential to rehabilitation services— but giving them a stable wage is key means that the CP solves.

Shemkus 15 [(Sarah, a reporter for The Guardian.) “Beyond cheap labor: can prison work programs benefit inmates?” The Guardian, 12/9/15. <https://www.theguardian.com/sustainable-business/2015/dec/09/prison-work-program-ohsa-whole-foods-inmate-labor-incarceration>] RR

About 1.5 million people were incarcerated in state and federal prisons at the end of 2014, according to the federal Bureau of Justice Statistics. In the most recent Bureau of Justice Statistics census of the prison population, which uses 2005 data, 88% of the nation’s prisons had work programs of some kind. The vast majority of working inmates are employed in support roles within the prison: washing dishes, doing laundry, delivering mail. The wages for these jobs are a fraction of what similar work would earn outside of prison; in the federal prison system, for example, the pay range is between $0.12 and $0.40 per hour. A few states do not require prisoners to be paid at all.

A much smaller number of prisoners – 62,600, or about 4% of the total population – work in programs known as “correctional industries”. These programs produce goods and services that are sold to outside customers, often government agencies, schools, and nonprofits; it is through one of these programs that inmates were producing milk and tilapia destined for Whole Foods. Every state has its own correctional industries program and the federal prison system has a similar initiative called Unicor.

“They are coveted jobs,” said Beth Schwartzapfel, staff writer at the Marshall Project, a New York City nonprofit focused on criminal justice issues. “The work is actually interesting.”

Employees in these programs can receive wages slightly higher than those paid to other prison workers. In North Carolina, these jobs pay between $0.16 and $0.26 per hour, but workers can earn weekly bonuses of up to 30%. In Colorado, bonuses can bring monthly pay up to $400.

Critics often point to the disparity between the low pay earned by workers and the premium prices some of these products can fetch. And some economists have suggested that paying inmates at least minimum wage would have a positive effect on the national economy, by creating more spending power and reducing recidivism. Still, even at today’s wages, the high cost of security in a prison workplace eats up much of the potential profit. And in most states, the revenue from these sales is legally required to go back into improving and staffing the programs themselves. “They are not money-makers,” Schwartzapfel said.

Within the field of correctional industries, the Prison Industry Enhancement program employs about 5,000 people, usually in partnership with private industries who contract with the correctional system. These workers must be paid the prevailing wage for their work. For jobs like welding, the rate can range as high as $15 per hour, said Dee Kiminki, chief administrative officer of PRIDE Enterprises, Florida’s correctional industries program. Up to 80% of inmates’ earnings, however, can be garnished to go toward room and board, victim restitution, child support and mandatory savings.

Advocates of these programs believe working while incarcerated can teach inmates not just technical skills, but soft skills as well. Many offenders have never worked a legal job and need to learn the basics like showing up on time, listening to a supervisor and working as part of a team, said Gina Honeycutt, executive director of the National Correctional Industries Association.

Among those with knowledge of the prison work system, it is generally believed that work experience helps reduce recidivism rates; several states, including Florida, California and Washington, have numbers showing that their program graduates a far less likely than average to reoffend.

It is important to note, however, that participation in correctional industries programs is usually limited to the most trustworthy and motivated inmates, so it is hard to be sure exactly what factors lead to these lower recidivism rates. “You have a chicken-and-egg problem with recidivism studies,” Schrwatzapfel said.

In recent years, the focus of many work programs has shifted to concentrate even more on effective rehabilitation of inmates, Honeycutt said. “The transition in the last five years has been away from producing a product to producing a successful offender as our product,” she said.

To that end, the association in April released a guide outlining 10 steps correctional industries programs can take to maximize the good they do for employees. The suggestions include replicating private industry conditions as closely as possible within the prison, training prison staff to manage the specific training and mentorship needs of offenders, and providing comprehensive pre-release services for inmates.

Some states are already pursuing these guidelines. In North Carolina, for example, the agency Correction Enterprises works in 17 different industries; in each case, the agency partners with a formal certificate or apprentice program, allowing inmates to earn a recognized credential in fields ranging from welding to braille transcription.

Efforts to connect released prisoners to jobs are also essential to a successful program, supporters say. Florida runs a transition program that helps inmates find jobs post-release, Kiminki said. More than 60% of participants in the transition program find work, she said, with an average wage of $10 per hour. In North Carolina, Correction Enterprises staff actively recruits employers to take on released prisoners as employees.

#### Strikes cause economic collapse— reducing business confidence and investment.

**Tenza 20** [(Mlungsisi Tenza- LB LLM LLD Senior Lecturer, University of KwaZulu-Natal) “The effects of violent strikes on the economy of a developing country: a case of South Africa” SciElo. 2020] AW

1 INTRODUCTION

Economic growth is one of the most important pillars of a state. Most developing states put in place measures that enhance or speed-up the economic growth of their countries. It is believed that if the economy of a country is stable, the lives of the people improve with available resources being shared among the country's inhabitants or citizens. However, it becomes difficult when the growth of the economy is hampered by the exercise of one or more of the constitutionally entrenched rights such as the right to strike.[1](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn1) Strikes in South Africa are becoming more common, and this affects businesses, employees and their families, and eventually, the economy. It becomes more dangerous for the economy and society at large if strikes are accompanied by violence causing damage to property and injury to people. The duration of strikes poses a problem for the economy of a developing country like South Africa. South Africa is rich in mineral resources, the world's largest producer of platinum and chrome, the second-largest producer of zirconium and the third-largest exporter of coal. It also has the largest economy in Africa, both in terms of industrial capacity and gross domestic product (GDP).[2](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn2) However, these economic advantages have been affected by protracted and violent strikes.[3](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn3) For example, in the platinum industries, labour stoppages since 2012 have cost the sector approximately R18 billion lost in revenue and 900 000 oz in lost output. The five-month-long strike in early 2014 at Impala Platinum Mine amounted to a loss of about R400 million a day in revenue.[4](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn4) The question that this article attempts to address is how violent strikes and their duration affect the growth of the economy in a developing country like South Africa. It also addresses the question of whether there is a need to change the policies regulating industrial action in South Africa to make them more favourable to economic growth.

These strikes are not only violent but take long to resolve. Generally, a lengthy strike has a negative effect on employment, reduces business confidence and increases the risk of economic stagflation. In addition, such strikes have a major setback on the growth of the economy and investment opportunities. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty.

One of the measures that may boost the country's economic growth is by attracting potential investors to invest in the country. However, this might be difficult as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment may not materialise if the labour environment is not fertile for such investments as a result of, for example, unstable labour relations. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment.

3 THE COMMISSION OF VIOLENCE DURING A STRIKE AND CONSEQUENCES

The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike.[11](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn11)The Constitution grants these rights to a "worker" as an individual.[12](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn12)However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket[13](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn13) can only be exercised by workers acting collectively.[14](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn14)

The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 1995[15](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn15) (LRA). The main purpose of the LRA is to "advance economic development, social justice, labour peace and the democratisation of the workplace".[16](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn16) The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society.

Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike [17](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn17) are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally.[18](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn18) For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful.[19](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn19) Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.[20](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn20) The question is whether employers succumb easily to workers' demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows:

"[T]here is no sweet strike, there is no Christian strike ... A strike is a strike. [Y]ou want to get back what belongs to you ... you won't win a strike with a Bible. You do not wear high heels and carry an umbrella and say '1992 was under apartheid, 2007 is under ANC'. You won't win a strike like that."[21](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004" \l "back_fn21)

**Economic decline causes global nuclear war**

**Tønnesson 15** [(Stein, Research Professor, Peace Research Institute Oslo; Leader of East Asia Peace program, Uppsala University) “Deterrence, interdependence and Sino–US peace,” International Area Studies Review, Vol. 18, No. 3, p. 297-311, 2015] SJDI

Several **recent works** on China and Sino–US relations **have made** substantial **contributions to the current understanding of how and under what circumstances** a combination of **nuclear deterrence and economic interdependence may reduce the risk of war between major powers**. At least four conclusions can be drawn from the review above: first, those who say that **interdependence may both inhibit and drive conflict** are right. **Interdependence raises the cost of conflict** for all sides **but** **asymmetrical or unbalanced dependencies and negative trade expectations** may **generate tensions leading to trade wars among inter-dependent states that** in turn **increase the risk of military conflict** (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, **decisions for war** and peace **are taken by very few people, who act on the basis of their future expectations**. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. **If leaders** on either side of the Atlantic **begin to seriously fear or anticipate their own nation’s decline** then **they may blame** this on **external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain** respect or **credibility, adopt protectionist policies, and** ultimately **refuse to be deterred by** either **nuclear arms or prospects of socioeconomic calamities. Such a dangerous shift could happen abruptly**, i.e. under the instigation of actions by a third party – or against a third party.

Yet as long as there is both nuclear deterrence and interdependence, the tensions **in East Asia** are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. **The greatest risk is not** that **a territorial dispute** leads to war under present circumstances **but that changes in the world economy alter those circumstances in ways that render inter-state peace more precarious**. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. **This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so**. **Deterrence could lose its credibility**: one of the two **great powers might gamble that the other yield in a cyber-war or conventional** limited **war**, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.

#### There are many alt causes to inequality, none of which have quick fixes

Bhala 15 – Kara Tan Bhala, President and Founder, Seven Pillars Institute for Global Finance and Ethics - ‎Seven Pillars Institute for Global Finance and Ethics (“The Causes of Economic Inequality” January 21st, 2015, <http://sevenpillarsinstitute.org/case-studies/causes-economic-inequality>) LADI

(ii) Education affects wages

Individuals with different levels of education often earn different wages [2]. This is probably related to reason one: the level of education is often proportional to the level of skill. With a higher level of education, a person often has more advanced skills that few workers are able to offer, justifying a higher wage.

The impact of education on economic inequality is still profound in developed countries and cities [3]. Although there are usually policies of free education in developed nations, levels of education received by each individual still differ, not because of financial ability but innate qualities like intelligence, drive and personal ability. For example, in Hong Kong, 12 years of free education are provided for each citizen, not covering tertiary education, offered only when students receive certain results on public exams.

Moreover, receiving the same level of education does not mean receiving education of the same quality. This accounts for the difference in abilities and hence wages for individuals all receiving, for example, 12 years of education. Therefore, it seems no matter how good the social welfare policy of a country is at preventing denial of education due to financial difficulties, differences in education, in terms of levels and quality, still play a prominent role in economic inequality.

(iii) Growth in technology widens income gap

Growth in technology arguably renders joblessness at all skill levels [3]. For unskilled workers, computers and machinery perform a lot of tasks these workers used to be do. In many jobs, such as packaging and manufacturing, machinery works even more effectively and efficiently. Hence, jobs involving repetitive tasks have largely been eliminated. Skilled workers are not immune to the nightmare of losing jobs. The rapid development in artificial intelligence may ultimately allow computers and robots to perform knowledge-based jobs [3].

The impact of increasing unemployment is stagnant or decreasing wages for most workers, as there is a low demand for but high supply of labor. A small portion of society, usually the owners of capital, controls an ever-increasing fraction of the economy [3]. The income gap between workers who earn by their skills and owners who earn by investing in capital has widened.

Although both skilled and unskilled workers are adversely affected by the technological advance, it seems unskilled workers are subject to worse outcomes [3]. This is because the labor market may still need skilled workers to use computers and operate the advanced machines. The rightward shift in the demand for skilled labor creates an increase in the relative wages of the skilled compared to the unskilled workers. Hence, the income gap among workers also has widened.

(iv) Gender does matter

In many countries, there is a gender income gap in the labor market [3]. For example, in America, the median full-time salary for women is 77 percent of that of men [4]. However, women who work part time make more on average than men who work part-time [4]. Additionally, among people who never marry or have children, women make more than men [4].

It may be difficult to justify such differences. According to a U.S. Census report [4], the wage gap is not fully explained even after accounting for key factors that affect earnings, such as discrimination and the tendency of women to consider factors other than pay when looking for work. The only thing we know for sure is that gender does contribute to a difference in wages in society and hence economic inequality.

(v) Personal factors

It is generally believed that innate abilities play a part in determining the wealth of an individual. Hence, individuals possessing different sets of abilities may have different levels of wealth, leading to economic inequality [3]. For example, more determined individuals may keep improving themselves and striving for better achievements, which justifies a higher wage.

Another example is intelligence [3]. A lot of people believe that smarter people tend to have higher income and hence more wealth. This is debatable. In the book IQ and the Wealth of Nations, Dr. Richard Lynn opined that there is a correlation of 0.82 between average IQ and GDP. However, Stephen Jay Gould, in the book The Mismeasure of Man, criticized it for employing the wrong methods of evaluation.

In addition to innate abilities, diversity of preferences, within a society or among different societies, contributes to the difference in wealth [3]. When it comes to working harder or having fun, equally capable individuals may have totally different priorities, resulting in a difference in their incomes. Their saving patterns may also differ, leading to different levels of accumulated wealth.

Inequality is a vicious cycle

“The rich get richer, the poor get poorer” is not just a cliche. The concept behind it is a theoretical process called “wealth concentration.” Under certain conditions, newly created wealth is concentrated in the possession of already-wealthy individuals [5]. The reason is simple: People who already hold wealth have the resources to invest or to leverage the accumulation of wealth, which creates new wealth. The process of wealth concentration arguably makes economic inequality a vicious cycle.

The effects of wealth concentration may extend to future generations [3]. Children born in a rich family have an economic advantage, because of wealth inherited and possibly education, which may increase their chances of earning a higher income than their peers. These advantages create another round of the vicious cycle.

#### Strikes fail— benefits only come from competitive economy.

**Epstein 20** [(Richard A. Epstein, the Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, is the Laurence A. Tisch Professor of Law, New York University Law School, and a senior lecturer at the University of Chicago. In 2011, Epstein was a recipient of the Bradley Prize for outstanding achievement. In 2005, the College of William & Mary School of Law awarded him the Brigham-Kanner Property Rights Prize. Epstein researches and writes in a broad range of constitutional, economic, historical, and philosophical subjects. He has taught administrative law, antitrust law, communications law, constitutional law, corporation criminal law, employment discrimination law, environmental law, food and drug law, health law, labor law, Roman law, real estate development and finance, and individual and corporate taxation.) Hoover Institution. January 27, 2020.]AW

The United States Department of Labor [released](https://www.bls.gov/news.release/pdf/union2.pdf) a report last week that chronicled the continued decline of the American labor movement in 2019. In our [boom economy](https://www.wsj.com/articles/u-s-union-membership-hits-another-record-low-11579715320), more than 2.1 million new jobs were added to the market last year, but the number of unionized workers fell by 170,000. The percentage of union workers, both public and private, fell from 10.5 percent to 10.3 percent, or roughly 14.6 million workers out of 141.7 million. The [percentage](https://www.heritage.org/jobs-and-labor/report/labor-unions-stagnant-membership-shows-need-labor-law-modernization) of unionized workers dipped even lower in the private sector, from about 20 percent in 1983 to 6.2 percent of workers in 2019, a far cry from the 35 percent union membership high mark last seen in 1954. Decline was lower in the public sector, where just over one-third of workers are union members, as a modest increase in state government employees partially offset somewhat larger declines in federal and local unionized workers.

This continued trend has elicited [howls](https://www.sfchronicle.com/business/article/Workers-are-fired-up-But-union-participation-is-14996456.php) of protest from union supporters who, of course, want to see an increase in union membership. It has also led several Democratic presidential candidates to make calls to reconfigure labor law. Bernie Sanders [wants](https://berniesanders.com/issues/workplace-democracy/) to double union membership and give federal workers the right to strike, as well as ban at-will contracts of employment, so that any dismissal could be subject to litigation under a “for cause” standard. Not to be outdone, Elizabeth Warren [wants to make](https://elizabethwarren.com/plans/empowering-american-workers) it illegal for firms to hire permanent replacements for striking workers. They [are joined by](https://peteforamerica.com/policies/empower-workers/) Pete Buttigieg in demanding a change in federal labor law so that states may no longer pass right-to-work laws that insulate workers from the requirement to pay union dues in unionized firms. All of these new devices are [proven](https://www.chicagobusiness.com/opinion/wrongheaded-idea-about-right-work-illinois) job killers.

The arguments in favor of unions are also coming from some unexpected sources in academia, where a [conservative case](https://www.theatlantic.com/magazine/archive/2017/07/the-conservative-case-for-unions/528708/) has been put forward on the ground that an increase in union membership is needed to combat job insecurity and economic inequality.

All of these pro-union critiques miss the basic point that the decline of union power is good news, not bad. That conclusion is driven not by some insidious effort to stifle the welfare of workers, but by the simple and profound point that the greatest protection for workers lies in a competitive economy that opens up more doors than it closes. The only way to achieve that result is by slashing the various restrictions that prevent job formation, as Justin Haskins of the Heartland Institute [notes](https://thehill.com/opinion/campaign/479579-trumps-big-reelection-weapon-a-remarkable-manufacturing-jobs-boom) in a recent article at The Hill. The central economic insight is that jobs get created only when there is the prospect of gains from trade. Those gains in turn are maximized by cutting the multitude of regulations and taxes that do nothing more than shrink overall wealth by directing social resources to less productive ends.

President Trump is no master of transaction-cost economics, and he has erred in using [tariffs](https://www.hoover.org/research/donald-trumps-trade-travesty) as an impediment to foreign trade. But give the devil his due, for on the domestic front he has repealed more regulations than he has imposed and lowered overall tax rates, especially at the corporate level.

During the 2016 election, President Obama [chided Trump by saying](https://youtu.be/CKpso3vhZtw?t=193): “He just says, ‘Well, I’m going to negotiate a better deal.’ Well, what, how exactly are you going to negotiate that? What magic wand do you have? And usually the answer is, he doesn’t have an answer.” This snarky remark reveals Obama’s own economic blindness. The gains in question don’t come from any “negotiations.” And they don’t require any “magic wand.” They come from unilateral government decisions that allow for private parties on both sides of a transaction to negotiate better deals for themselves.

True to standard classical liberal principles, the market has responded to lower transaction costs with improvements that Obama, as President, could only have dreamed of creating. [Overall job growth](https://www.bls.gov/charts/employment-situation/civilian-employment.htm) was 5.53 million jobs between 2007 and 2017. But [new job creation](https://www.wsj.com/articles/tax-reform-has-delivered-for-workers-11577045463) has exceeded 7 million in the first three years of the Trump administration. In addition, the sharp decline in manufacturing jobs that started in the late Clinton years and which continued throughout the Obama years has also been reversed. Over 480,000 [manufacturing jobs](https://www.bls.gov/charts/employment-situation/employment-levels-by-industry.htm) have been added to the economy since Trump took office, compared to the 300,000 manufacturing jobs lost in the eight years under Obama.

Happily, the [distribution](https://www.cnbc.com/2019/10/04/black-and-hispanic-unemployment-is-at-a-record-low.html) of these jobs has been widespread, causing drops in Hispanic and African unemployment levels to 3.9 percent and 5.5. percent respectively, both new lows. Basic neoclassical theory predicts that regulatory burdens hit lowest paid workers the hardest. Hence, the removal of those burdens gives added pop to their opportunities and to the economy at large.

Trump’s domestic labor performance is even better than these numbers suggest. Too many state-level initiatives hurt employment, like raising the [minimum wage](https://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx) or imposing foolish legislation such as California’s [Assembly Bill 5](https://www.hoover.org/research/california-wrecks-its-gig-economy), which takes aim at the gig economy. The surest way to improve the situation is to repeal these regulations en masse. But progressive prescriptions to strengthen unions cut in exactly the wrong direction.

Unions are monopoly institutions that raise wages through collective bargaining, not productivity improvements. The ensuing higher labor costs, higher costs of negotiating collective bargaining agreements, and higher labor market uncertainty all undercut the gains to union workers just as they magnify losses to nonunion employers, as well as to the shareholders, suppliers, and customers of these unionized firms. They also increase the risk of market disruption from strikes, lockouts, or firm bankruptcies whenever unions or employers overplay their hands in negotiation. These net losses in capital values reduce the pension fund values of unionized and nonunionized workers alike.

Employers are right to oppose unionization by any means within the law, because any gains for union workers come at the expense of everyone else. Of course, the best way for employers to proceed would be to seek efficiency gains by encouraging employee input into workplace operations—firms are quite willing to pay for good suggestions that lower cost or raise output. But such direct communications between workers and management are blocked by [Section 8(a)(2)](https://www.nlrb.gov/rights-we-protect/whats-law/employers/interfering-or-dominating-union-section-8a2) the National Labor Relations Act (NLRA), which mandates strict separation between workers and firms. This lowers overall productivity and often prevents entry-level employees from rising through the ranks.

So what then could justify this inefficient provision? One common argument is that unions help reduce the level of income inequality by offering union members a high living wage, as seen in the golden age of the 1950s. But that argument misfires on several fronts. Those high union wages could not survive in the face of foreign competition or new nonunionized firms. The only way a union can provide gains for its members is to extract some fraction of the profits that firms enjoy when they hold monopoly positions.

When tariff barriers are lowered and domestic markets are deregulated, as with the airlines and telecommunications industries, the size of union gains go down. Thus the sharp decline in union membership from 35 percent in both 1945 and 1954 to about 15 percent in 1985 led to no substantial increase in the fraction of wealth earned by the top 10 percent of the economy during that period. However, the income share of the top ten percent rose to about 40 percent over the next 15 years as union membership fell to below 10 percent by 2000.

But don’t be fooled—that 5 percent change in union membership cannot drive widespread inequality for the entire population, which is also affected by a rise in the knowledge economy as well as a general aging of the population. The far more powerful distributive effects are likely to be those from nonunion workers whose job prospects within a given firm have been compromised by higher wages to union workers.

It is even less clear that the proposals of progressives like Sanders, Warren, and Buttigieg to revamp the labor rules would reverse the decline of unions. Not only is the American labor market more competitive, but the work place is no longer dominated by large industrial assembly lines where workers remain in their same position for years. Today, workforces are far more heterogeneous and labor turnover is far higher. It is therefore much more difficult for a union to organize a common front among workers with divergent interests.

Employers, too, have become much more adept at resisting unionization in ways that no set of labor laws can capture. It is no accident that plants are built in states like [Tennessee and Mississippi](https://usa.nissannews.com/en-US/releases/release-1f86e762de6b437e99e860578a877f71-nissan-invests-170-million-in-u-s-assembly-plants-to-build-all-new-altima), and that [facilities are designed](http://cresprit.com/en/2019/03/29/future-factory-how-technology-is-transforming-manufacturing1/) in ways to make it more difficult to picket or shut down. None of these defensive maneuvers would be necessary if, as I have long [advocated](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2243&context=journal_articles), firms could post notices announcing that they will not hire union members, as they could do before the passage of the NLRA.

Such changes to further weaken unions won’t happen all at once. But turning the clock back to increase union power is not the answer. It will only cripple the very workers whom those actions are intended to help.