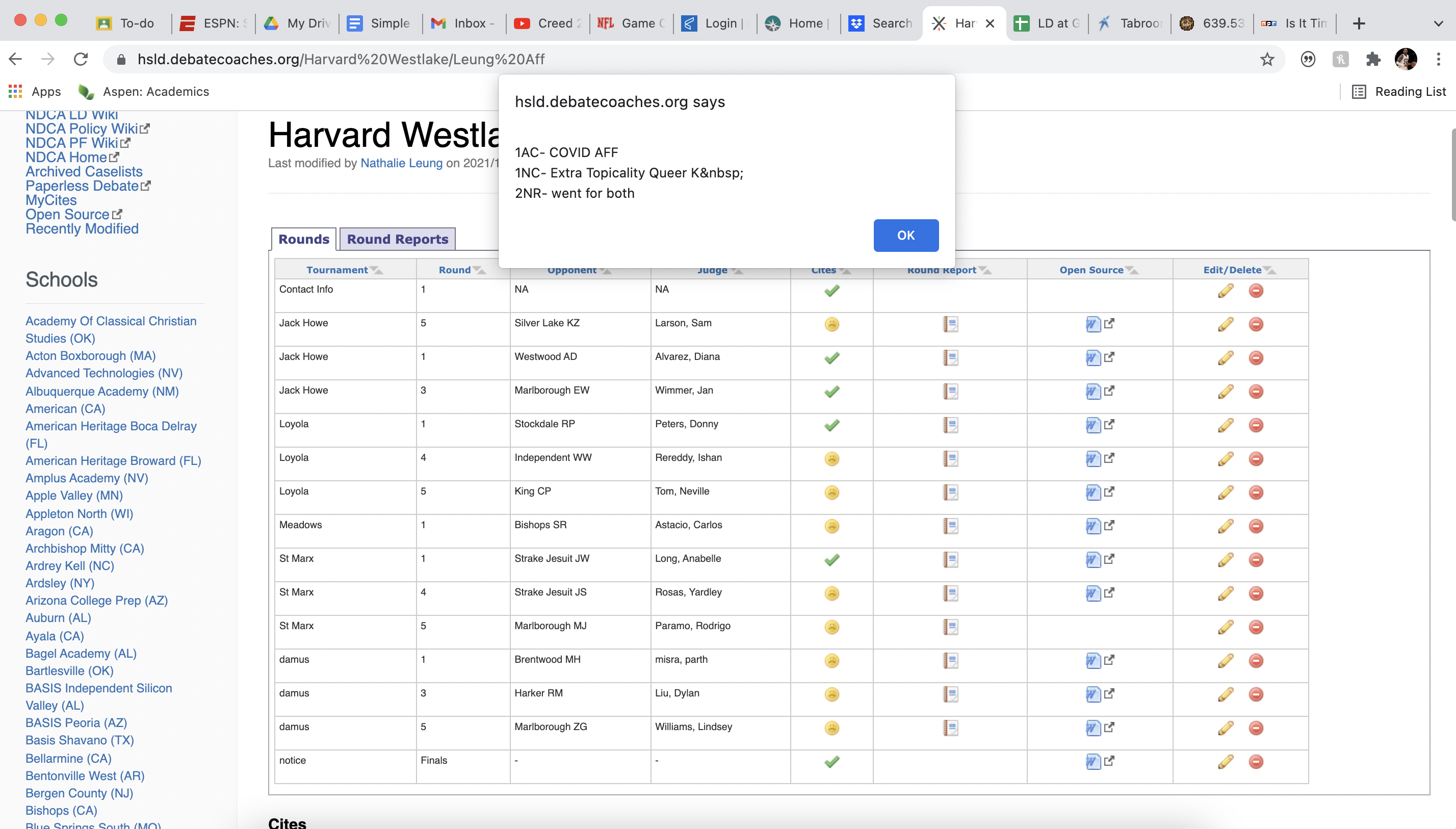
## RR

#### Interp: Debaters must disclose round reports on the 2021-2022 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech.

#### Violation: screenshot in the doc – they don’t disclose 1AR’s or 2ARs



#### Standards:

#### 1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key for them to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it's an impact multiplier.

#### 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs or 1Ars vs NC – helps compensate for kids who can't afford coaches to prep out affs.

#### 3] Pre-round prep –1ARs gives especially give an idea of what type of debater someone is – they could go for 1AR theory every round– otherwise I enter every round unknowing whereas you have an idea of what you want to go for from the start.

#### Fairness- consittutive of comp activites, args presume

#### Edu- funded ny schools

#### DTD- dta illogical, time skew

#### No RVI’s- illogical, baiting

#### CI- intervention, race to bottom, collapses, yours vs best

## T Just gov

#### Interpretation: the affirmative must defend that only just governments ought to recognize the right to strike

#### Just governments respect liberties

Dorn 12 James A. Dorn, Cato Journal, "The Scope of Government in a Free Society", Fall 2012, https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/12/v32n3-10.pdf

If laws are just, liberty and property are secure. The most certain test of justice is negative—that is, justice occurs when injustice (the violation of natural rights to life, liberty, and property) is prevented. The emphasis here is on what Hayek (1967) called “just rules of conduct,” not on the fairness of outcomes. No one has stated the negative concept of justice better than the 19th century French classical liberal Frederic Bastiat ([1850] 1964: 65): When law and force confine a man within the bounds of justice, they do not impose anything on him but a mere negation. They impose on him only the obligation to refrain from injuring others. They do not infringe on his personality, or his liberty or his property. They merely safeguard the personality, the liberty, and the property of others. They stand on the defensive; they defend the equal rights of all. They fulfill a mission whose harmlessness is evident, whose utility is palpable, and whose legitimacy is uncontested. In short, the purpose of a just government is not to do good with other people’s money, but to prevent injustice by protecting property and securing liberty.

#### Violation—the US is not just their court system is racist

Nellis, Ph.D., 18, Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System, https://www.sentencingproject.org/publications/un-report-on-racial-disparities/, Sentencing Project,

The United States criminal justice system is the largest in the world. At yearend 2015, over 6.7 million individuals1) were under some form of correctional control in the United States, including 2.2 million incarcerated in federal, state, or local prisons and jails.2) The U.S. is a world leader in its rate of incarceration, dwarfing the rate of nearly every other nation.3) Such broad statistics mask the racial disparity that pervades the U.S. criminal justice system, and for African Americans in particular. African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, and they are more likely to experience lengthy prison sentences. African-American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely.4) As of 2001, one of every three black boys born in that year could expect to go to prison in his lifetime, as could one of every six Latinos—compared to one of every seventeen white boys.5) Racial and ethnic disparities among women are less substantial than among men but remain prevalent.6) The source of such disparities is deeper and more systemic than explicit racial discrimination. The United States in effect operates two distinct criminal justice systems: one for wealthy people and another for poor people and people of color. The wealthy can access a vigorous adversary system replete with constitutional protections for defendants. Yet the experiences of poor and minority defendants within the criminal justice system often differ substantially from that model due to a number of factors, each of which contributes to the overrepresentation of such individuals in the system. As former Georgetown Law Professor David Cole states in his book No Equal Justice,

#### Prefer –

#### 1] Precision — anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 2] Limits – there are 200 governments in the world – letting them pick an unjust ones explodes limits via infinite permutations of governments

#### 3] Phil ed – 1AR will claim no government is just but that just means that we defend ideal theory. That’s good –

#### A] forces philosophical contestation which can uniquely happen in LD debate whereas you can util debate on any topic

#### B] outweighs – framework debate allows to identify injustice which is a prereq to any other theory voter because they’re all philosophically grounded

## Kant

#### The meta ethic is practical reason-

#### Ethics must be derived a priori

#### 1] Uncertainty – experiences are locked within our own subjectivity and are inaccessible to others, however a priori principles are created in the noumenal world and are universally applied to all agents. Outweighs because founding ethics in the phenomenal world allows people to justify atrocities by saying they don’t experience the same.

#### 2] Is/Ought Gap – experience in the phenomenal world only tells us what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises within the noumenal world to make a moral theory.

#### Practical reason is inescapable - Any moral rule faces the problem of regress – I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” requires reason to do in the first place which concedes its authority.

#### Morality means we must treat others as ends in themselves.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) // LEX JB [brackets for gendered language]

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, [they] supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be**:** it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as goo**d**. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize t hem. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Practical reason means we must be able to universalize our maxims—our judgements are authoritative and can’t only apply to ourselves any more than 2+2=4 can be true only for me. The only constraint is noncontradiction.

**The standard is consistency with the categorical imperative. To clarify, consequences don’t link to the framework.**

### Offense

#### 1] The 1AC’s offense is bogus – it conflates “right to strike” with “right to quit” – striking is not a legitimate right and is fundamentally unfair.

**Gourevitch, 16** **(Alex Gourevitch, associate professor of political science at Brown University, 6-13-2016, accessed on 10-12-2021, *Perspectives on Politics*, "Quitting Work but Not the Job: Liberty and the Right to Strike",** [**https://sci-hub.se/10.1017/S1537592716000049**](https://sci-hub.se/10.1017/S1537592716000049)**) \*brackets in original //D.Ying**

The right to strike is peculiar. It is not a right to quit. The right to quit is part of freedom of contract and the mirror of employment-at-will. Workers may quit when they no longer wish to work for an employer; employers may fire their employees when they no longer want to employ them. Either of those acts severs the contractual relationship and the two parties are no longer assumed to be in any relationship at all. The right to strike, however, assumes the continuity of the very relationship that is suspended. Workers on strike refuse to work but do not claim to have left the job. After all, the whole point of a strike is that it is a collective work stoppage, not a collective quitting of the job. This is the feature of the strike that has marked it out from other forms of social action. If a right to strike is not a right to quit, what is it? It is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is. 16 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of strikers.… Strikers … withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour. The jobs from which they have withdrawn performance belong to them, they maintain. 17 On what possible grounds may workers claim a right to a job they refuse to perform? While many say that every able-bodied person should have a right to work, and they might say that the state therefore has an obligation to provide everyone with a job, the argument for full employment never amounts to saying that workers have rights to specific jobs from specific private employers. For instance, in 1945, at the height of the push for federally-guaranteed full employment, the Senate committee considering the issue took care to argue that “the right to work has occasionally been misinterpreted as a right to specific jobs of some specific type and status.” After labeling this a “misinterpretation,” the committee’s report cited the following words from one of the bill’s leading advocates: “It is not the aim of the bill to provide specific jobs for specific individuals. Our economic system of free enterprise must have free opportunities for jobs for all who are able and want to work. Our American system owes no man a living, but it does owe every man an opportunity to make a living.” 18 These sentences remind us how puzzling, even alarming, the right to specific jobs can sound. In fact, in a liberal society the whole point is that claims on specific jobs are a relic of feudal thinking. In status-based societies, specific groups had rights to specific jobs in the name of corporate privilege. Occupations were tied to birth or guild membership, but not available to all equally. Liberal society, based on freedom of contract, was designed to destroy just that kind of unfair and oppressive status-based hierarchy. A common argument against striking workers is that they are latter-day guilds, protecting their sectional interests by refusing to let anyone else perform “their jobs.” 19 As one critic puts it, the strikers’ demand for an inalienable right to, and property in, a particular job cannot be made conformable to the principles of liberty under law for all … the endowment of the employee with some kind of property right in a job, [is a] prime example of this reversion to the governance of status. 20

#### 2] Strikes violate fundamental rights.

**Gourevitch, 16** **(Alex Gourevitch, associate professor of political science at Brown University, 6-13-2016, accessed on 10-12-2021, *Perspectives on Politics*, "Quitting Work but Not the Job: Liberty and the Right to Strike", https://sci-hub.se/10.1017/S1537592716000049) //D.Ying**

Yet there is more. The standard strike potentially threatens the fundamental freedoms of three specific groups. • Freedom of contract. It conflicts with the freedom of contract of those replacement workers who would be willing to take the job on terms that strikers will not. Note that this is not a possible conflict but a necessary one. Strikers claim the job is theirs, which means replacements have no right to it. But replacements claim everyone should have the equal freedom to contract with an employer for a job. • Property rights. A strike seriously interferes with the employer’s property rights. The point of a strike is to stop production. But the point of a property right is that, at least in the owner’s core area of activity, nobody else has the right to interfere with his use of that property. The strikers, by claiming that the employer has no right to hire replacements and thus no way of employing his property profitably, effectively render the employer unfree to use his property as he sees fit. To be clear, strikers claim the right not just to block replacement workers, but to prevent the employer from putting his property to work without their permission. For instance, New Deal “sit-down” strikes made it impossible to operate factories, which was one reason why the courts claimed it violated employer property rights. 24 Similarly, during the Seattle general strike in 1919, the General Strike Committee forced owners to ask permission to engage in certain productive activities—permission it often denied. 25 • Freedom of association. Though the conceptual issues here are complicated, a strike can seriously constrain a worker’s freedom of association. It does so most seriously when the strike is a group right, in which only authorized representatives of the union may call a strike. In this case, the right to strike is not the individual’s right in the same way that, say, the freedom to join a church or volunteer organization is. Moreover, the strike can be coercively imposed even on dissenting members, especially when the dissenters work in closed or union shops. That is because refusal to follow the strike leads to dismissal from the union, which would mean loss of the job in union or closed shops. The threat of losing a job is usually considered a coercive threat. So not only might workers be forced to join unions—depending on the law—but also they might be forced to go along with one of the union’s riskiest collective actions. Note that each one of these concerns follows directly from the nature of the right to strike itself. Interference with freedom of contract, property rights, and the freedom of association are all part and parcel of defending the right that striking workers claim to “their” jobs. These are difficult forms of coercive interference to justify on their own terms and they appear to rest on a claim without foundation. Just what right do workers have to jobs that they refuse to perform?

#### 3] Promise breaking – employees sign a contract with their employer and promise to work – striking is a unilateral violation of that.

## CP

#### Counterplan: The United States Federal Government ought to recognize an unconditional right of workers to strike except in the instance that strikes directly demand discrimination towards certain groups of individuals

BPSC[Unfair Labor Practices by Union, http://bpscllc.com/unfair-labor-practices-by-unions.html, N.D., Business & People Strategy Consulting Group, California's trusted source for workplace human resources and employment law] [SS]

Causing or Attempting to Cause Discrimination: Section 8(b)(2) makes it an unfair labor practice for a labor organization to cause or attempt to cause an employer to discriminate against an employee in violation of Section 8(a)(3). The section is violated by agreements or arrangements with employers, other than lawful union-security agreements, that condition employment or job benefits on union membership, on the performance of union membership obligations or on arbitrary grounds. But union action that causes detriment to an individual employee does not violate Section 8(b)(2) if it is consistent with nondiscriminatory provisions of a bargaining contract negotiated for the benefit of the total bargaining unit, or if the action is based on some other legitimate purpose. A union’s conduct, accompanied by statements advising or suggesting that action is expected of an employer, may be enough to find a violation of this section if the union’s action can be shown to be a causal factor in the employer’s discrimination. Contracts or informal arrangements with a union under which an employer gives preferential treatment to union members also violate Section 8(b)(2). However, an employer and a union may agree that the employer will hire new employees exclusively through the union hiring hall if there is no discrimination against nonunion members on the basis of union membership obligations. In setting referral standards, a union may consider legitimate aims such as sharing available work and easing the impact of local unemployment. The union may also charge referral fees if the amount of the fee is reasonably related to the cost of operating the referral service. A union that attempts to force an employer to enter into an illegal union-security agreement, or that enters into and keeps in effect such an agreement, also violates Section 8(b)(2), as does a union that attempts to enforce such an illegal agreement by bringing about an employee’s discharge. Even when a union-security provision of a bargaining contract meets all statutory requirements, a union may not lawfully require the discharge of employees under the provision unless they were informed of the union-security agreement and their specific obligation under it. A union violates Section 8(b)(2) if it tries to use the union-security provisions of a contract to collect payments other than those lawfully required, such as assessments, fines and penalties. Other examples of Section 8(b)(2) violations include: Causing an employer to discharge employees because they circulated a petition urging a change in the union’s method of selecting shop stewards Causing an employer to discharge employees because they made speeches against a contract proposed by the union Making a contract that requires an employer to hire only members of the union or employees “satisfactory” to the union Causing an employer to reduce employees’ seniority because they engaged in anti-union acts Refusing referral or giving preference on the basis of race or union activities when making job referrals to units represented by the union Seeking the discharge of an employee under a union-security agreement for failure to pay a fine levied by the union

#### Racist union strikes have happened before

Allison Keyes, JUNE 30, **2017**, "The East St. Louis Race Riot Left Dozens Dead, Devastating a Community on the Rise," Smithsonian Magazine, https://www.smithsonianmag.com/smithsonian-institution/east-st-louis-race-riot-left-dozens-dead-devastating-community-on-the-rise-180963885/ //SR

Racial tensions began simmering in East St. Louis—a city where thousands of blacks had moved from the South to work in war factories—as early as February 1917. The African-American population was 6,000 in 1910 and nearly double that by 1917. In the spring, the largely white workforce at the Aluminum Ore Company went on strike. Hundreds of blacks were hired. After a City Council meeting on May 28, angry white workers lodged formal complaints against black migrants. When word of an attempted robbery of a white man by an armed black man spread through the city, mobs started beating any African-Americans they found, even pulling individuals off of streetcars and trolleys. The National Guard was called in but dispersed in June.

# Case

#### 1] Us is already too divided, aff is not enough to overcome inequality, your ev specifically highlights the top 1%, they cant solve

#### Top Level- there is no 1AC evidence on how a right to strike creates more strikes- missing a key internal link that takes out all of their offense because its predicated on the actions of strikes being good

#### Conceded no AC evidence that strikes are unsuccessful or that strikes will actually happen, vote neg on presumption

#### Strikes fail and spark backlash – leads to fragmentation.

Grant and Wallace 91 [Don Sherman Grant; Ohio State University; Michael Wallace; Indiana University; “Why Do Strikes Turn Violent?” University of Chicago Press; March 1991; <https://www.jstor.org/stable/pdf/2781338.pdf?refreqid=excelsior%3Aca3144a9ae9e4ac65e285f2c67451ffb>]//SJWen

\*\*RM = Resource-Mobilization, or Strikes

3. Violent tactics.-Violent tactics are viewed by RM theorists exclu- sively as purposeful strategies by challengers for inciting social change with little recognition of how countermobilization strategies of elites also create violence. The role of elite counterstrategies has been virtually ig- nored in research on collective violence. Of course, history is replete with examples of elites' inflicting violence on challenging groups with the full sanction of the state. Typically, elite-sponsored violence occurs when the power resources and legal apparatus are so one-sidedly in the elites' favor that the outcome is never in doubt. In conflicts with weak insiders, elites may not act so openly unless weak insiders flaunt the law. Typically, elite strategies do not overtly promote violence but rather provoke violence by the other side in hopes of eliciting public condemnation or more vigorous state repression of challenger initiatives. This is a critical dynamic in struggles involving weak insiders such as unions. In these cases, worker violence, even when it appears justified, erodes public support for the workers' cause and damages the union's insider status.

4. Homogeneity and similarity.-Many RM theorists incorrectly as- sume that members of aggrieved groups are homogeneous in their inter- ests and share similar positions in the social structure. This (assumed) homogeneity of interests is rare for members of outsider groups and even more suspect for members of weak-insider groups. Indeed, groups are rarely uniform and often include relatively advantaged persons who have other, more peaceful channels in which to pursue their goals. Internal stratification processes mean that different persons have varying invest- ments in current structural arrangements, in addition to their collective interest in affecting social change. Again, these forces are especially prev- alent for weak insiders: even the group's lowest-status members are likely to have a marginal stake in the system; high-status members are likely to have a larger stake and, therefore, less commitment to dramatic change in the status quo.

Internal differences may lead to fragmentation of interests and lack of consensus about tactics, especially tactics suggesting violent confronta- tion. While group members share common grievances, individual mem- bers may be differentially aggrieved by the current state of affairs or differentially exposed to elite repression. White's (1989) research on the violent tactics of the Irish Republican Army shows that working-class members and student activists, when compared with middle-class partici- pants, are more vulnerable to state-sponsored repression, more likely to be available for protest activities, and reap more benefits from political violence. When we apply them to our study of strike violence, we find that differences in skill levels are known to coincide with major intraclass 1120 Strikes divisions in material interests (Form 1985) and are likely to coincide with the tendency for violent action. For instance, skilled-craft workers, who are more socially and politically conservative than unskilled workers, are less likely to view relations with employers as inherently antagonistic and are prone to separate themselves from unskilled workers, factors that should decrease their participation in violence.

#### Educator strikes are devastating – they ruin generational educational outcomes, distort democracy, cause massive violence, and perpetuate inequality, le Grange 12:

Corlene le Grange, [BA, LLB Submitted in accordance with the requirements for the degree Magister Legum in Comparative Child Law at the North-West University (Potchefstroom Campus), South Africa]April 2012, “The limitation of the educator’s right to strike by the child’s right to basic Education” <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.840.4795&rep=rep1&type=pdf> //LHP AV

Spring9 argues that **strikes in the American educational sector occur when a teachers’ union and the department** of education **are unable to reach an agreement** with regard to educators’ salaries and working conditions**. In South Africa the situation is similar**: Solidarity states that **people in South Africa generally strike to direct attention to a grievance they might experience and to reach an agreement** regarding a problem which pertains to interests of employers as well as employees.10 In chapter 1 of this study it was shown that, in the educational sector, these grievances are generally related to educators’ compensation.11 Strikes are usually preceded by union representatives who bargain with the department of education over a new contract, containing a particular wage scale and labour rules.12 Examples of these proposed bargaining agreements can be seen on various South African education unions’ web pages.13 Wage scales will typically include educators’ salaries and other benefits such as health benefits. The length of school days, class sizes and teaching loads are discussed in the labour rules. When the unions and the department of education cannot agree on contract terms, conflict is generated and a strike may follow.14 It is said that the implementation of collective bargaining into public education is the primary cause of strikes by educators.15 Collective bargaining can be described as a:16 good faith process between an organisation’s management and a trade union representing its employees, for negotiating wages, working hours, working conditions, and other matters of mutual interest. This process usually presents the management with a group of people with whom to negotiate, while greatly enhanced bargaining power is given to employees. The trade union system is based on the principle of collective bargaining.17 **A strike (which is usually induced by trade unions) can be seen as:18 the partial or complete concerted refusal to work**, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purposes of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to work in this definition includes overtime work, whether it is voluntary or compulsory.’ It is Neal’s19 opinion that the industrial mode of collective bargaining, in particular labour strikes, should not have been transferred to the public sector, the reason being that **monopoly government services (services that can’t be purchased)20 are essential to the health, safety and welfare of the public**. **Strikes are furthermore**, in principle, **an economic** **weapon** that is **inappropriate to public employment**. **Strikes by teachers are** strikes against the South African community as a whole,21 and, as part of the public sector, these strikes do not serve the same purpose as in the private sector.22 **When teachers strike, there exists no fair relationship** **between the economic gains for the educators** on strike **and the damage they inflict upon fellow citizens**,23 **in this case, specifically children who are an especially vulnerable group of society**. It is different in a private company where strikes are more legitimate because those who strike and those who employ are mutually dependent on each other in the following sense: if any of the two groups are unreasonable, the company and all involved will suffer irreparable damage.24 People in general have a choice to make use of a certain company or product, but apart from the extremely wealthy, **most people have no other option but to make use of government services**.25 **Strikes** in the public sector **are thus inappropriate because they “distort the political decisionmaking process.”**26 It is in the opinion of Mahlomola Kekana, president of the National Association of Parents in School Governance (NAPSG) that27 **the impact of the [2010] strike may affect** the entire generation **as the damage far outweighs the gains made by public servants, in particular the teachers**. He further states that such a strike perpetuates the class system and causes inequality, **because the majority of South Africans** do not have a choice **between public and private schools**.28 It has been reported that **the nation-wide strike in 2010 caused disruption and was extremely destabilising**.29 **Schools** were **shut**,30 **teachers attacked pupils and pupils retaliated**.31 **This left an array of broken relationships** that had to be repaired.32 In a previous educator strike in 2007,33 grade 12 learners were prohibited from applying for bursaries on time, because they could not hand in their first term marks or testimonials from their teachers. Furthermore, **many of the grade 12 learners that were to fail due to 2-3 months of missed classes, were not able to repeat their final year**, because the school syllabus was changed.34 It is obvious that **this situation jeopardized the futures of countless children, especially learners from previously disadvantaged backgrounds.** The 2010-strike that had lasted about 3 weeks35 occurred less than 2 months before the final grade 12 examinations.36 It has been reported during this time that Allen Thompson, president of NATU (National Teacher’s Union), made the following staggering announcement:37 There will be no Matric exams written this year in South Africa. We have decided to use the Matric exams as a lever if the government does not come forward with a better offer. **This shows an absolute disregard for children’s right to education.** Anne Bernstein, director for the Centre for Enterprise Development has stated that between 75-89% of South African public schools are dysfunctional.38 In 2007, pass rates fell from 67% in 2006 to 61%.39 Also, in a 2007-study of forty one countries by United States-based National Centre for Education Statistics, South African Grade 8 learners came last in Maths and Science.40 South Africa has also recently finished last of all developing countries when literacy and numeracy skills of children were tested.41 South Africa has further participated in two crosscountry comparative studies during recent years: Progress in International Reading Literacy, which focuses on Grade 4 reading skills, and the Southern and Eastern Africa Consortium for Monitoring Education Quality, which focuses on Grade 6 reading and mathematical skills. Our country compared poorly to our more impoverished neighbouring countries and even worse to developing countries in other parts of the world.42 Woolman and Fleisch43 correctly state that “we stand very much at risk of losing a second generation of learners.” The Minister of Basic Education, Angie Motshekga, has stated that although South African schools are doing relatively well on enrolments, “our weakness is in the quality of education.”44 It has been found with regard to rural primary schools that the absence of teachers, the neglect of their duties and lack of discipline had lead to a decrease in pupil discipline, increased learner absences and the repetition of grades.45 Another big problem that is related to **an average teachers’ strike is the intimidation of other teachers who choose to keep working, as well as of schoolgoing pupils**. A grade 10 pupil of a high school in Gauteng told a reporter that they were busy writing a test when about a 100 presumed striking teachers from other schools stormed into the classroom and assaulted the learners.46 **One striker hit a non-striking teacher in the face and tore up test papers while other pupils were threatened that they would be hurt if they contacted their parents**. At another high school, **armed strikers took down a fence to gain entry, broke windows and threw garbage cans from the first floor.**47 **Learners and teachers left school early** on the day of the attack **and** were afraid to return because of threats to burn down the school.48 It is clear that **violence and intimidation during strikes erode people’s freedom to choose whether they want to strike or not and negatively affect the safety and security of non-striking educators and children during strikes**.49 There exists an important issue relating to the main question posed in the introduction of this study that needs to be answered at this point, namely, whether educator strikes aimed at influencing government policy should be permitted in a democratic state. In answer to this question: 50 it can be said that **that political issues should be exposed, debated, decided, and legislated upon in the open political arena of Parliament, and those involved at the centre of the political process be accountable to the electorate.** **If strikes can be used to influence government policy, governments can no longer act upon the views of the majority of the people they purport to represent**. Because the typical municipal political structure is vulnerable to strikes by public sector employees, like educators, **a non-strike model is preferable** to a strikemodel.51 Schermers52 is of the strong opinion that political strikes are unacceptable in a society where the wishes of the majority of the population are the basis for decisions. He also states that a small group of persons in key positions that try to force a democratic government into a policy that the majority doesn’t want, cannot be tolerated.53 An important sub-question, as identified by Spring54 is: Should teachers worry only about fulfilling their instructional duties without concern for their wages or working conditions? Coombe55 suggests that **while severe budget constraints do not at the moment allow for dramatic increases in teachers’ salaries**, **policy makers** and planners **must**: **reflect a positive intention to pay teachers a wage which enables them to give their best** as professionals. There are however, ways in which educators’ conditions of service can be temporarily improved which are not dependant on salary levels.56 **The government can formally diversify all resources** on which teachers depend for their survival **by rationalising and streamlining benefits** that teachers already receive from outside the public budget, for example, community built houses. **The government can also decentralise fiscal responsibilities and do its best to ensure that the delays, inconsistencies, inconvenience and errors that currently occur in paying teachers’ salaries are eliminated** or, at least, drastically reduced.57 **Educators’ conditions** of service **must be framed to suit the specific nature of the educational sector**. These conditions must be put on paper and drafted in consultation with educators’ representatives and must include leave arrangements the length and configuration of teaching periods, an educators’ code of conduct, arrangements with regard to transfers and maternity leave, cover for educators on leave, appraisal and staff development and arrangements with regard to promotions.58 Negotiated agreements should be transformed into tangible benefits for educators and their families. The administrative capacity and sensitivity of government officials can diffuse a potential explosive situation and peaceful negotiations are definitely an alternative to an educator strike.59 It is, however, also claimed that the state’s legislative, regulatory and budgetary attempts come down to almost nothing more than ‘hand-waiving.’60 It is therefore suggested that, in accordance with our country’s commitment to transformative constitutionalism,61 courts are in the position to help the government to achieve an adequate basic education for all,62 as well as provide educators with a voice with regards to the problems they face. Keeping the above mentioned in mind it can be said that **to strike is wrong when one’s decision to strike causes someone else’s vulnerability; people that cannot solve their own problems and who are not involved in a dispute between an employer and employee or have any say in the solution.**63 Although many people are not content with their salaries, it is important to remember what a salary is, which is the minimum sum that a person and his/her employer agrees on that is to be paid for services rendered according to our country’s labour laws, which makes extreme exploitation very difficult. We also have a very open labour market, so **if one doesn’t like his/her job, he/she can always get another one if his/her services are so highly in demand**.64 **South Africa has a great number of unemployed, qualified teachers who would gladly take over some of the employment and salaries educators are striking over**.65 These circumstances make it clear that **a strike shifts the emphasis from the child as first priority with regard to education to the problems of teachers with teaching authorities**.66 This displacement of emphasis is strongly prohibited, as will be seen in the next chapter on international and regional law.

#### Teacher Unions destroy quality of education, drain funding and maintain the squo

Sol Stern 97 How Teachers’ Unions Handcuff Schools," City Journal, <https://www.city-journal.org/html/how-teachers%E2%80%99-unions-handcuff-schools-12102.html> Cho

When Tracey Bailey received the National Teacher of the Year Award from President Clinton in a festive Rose Garden ceremony in 1993, American Federation of Teachers chief Albert Shanker called to say how pleased he was that a union member had won this prestigious honor. But Bailey, a high school science teacher from Florida, is an AFT member no more. Today he believes that the big teachers' unions are a key reason for the failure of American public education, part of the problem rather than the solution. The unions, he thinks, are just "special interests protecting the status quo," pillars of "a system that too often rewards mediocrity and incompetence." Such a system, he says, "can't succeed." Bailey is right. In the final analysis, no school reform can accomplish much if it does not focus on the quality of the basic unit of education

—that human interaction between an adult and a group of children that we call teaching. The big teachers' unions, through the straitjacket of work rules that their contracts impose, inexorably subvert that fundamental encounter. These contracts structure the individual teacher's job in ways that offer him or her no incentives for excellence in the classroom—indeed, that perversely reward failure. So as Tracey Bailey and many other dedicated teachers have learned, schools can't improve until reformers confront the deadly consequences of the power that teachers' unions wield over a monopolistic industry, not only through contracts but also through the unions' influence on the elected officials who regulate the education industry. Until then, any reform—whether more money for the schools or smaller classes or high national standards or charter schools—will get short-circuited from the very outset. Trade unionism is a recent development in public education. During the first 100 years of taxpayer-funded public schools, teachers had no collective bargaining rights, though many enjoyed civil-service protection. While the public schools made steady progress during those years, it's indisputable that teachers were underpaid and often were moved around like interchangeable parts in a one-size-fits-all system. Many teachers, along with principals and other administrators, belonged to a staid professional organization called the National Education Association, to which the words "unionism" and "strike" were anathema. Inevitably, teachers working in a factory-style system figured they might as well organize themselves into factory-style unions. The big breakthrough came in New York City in 1961, when the United Federation of Teachers (UFT), led by a charismatic high school math teacher named Albert Shanker—whose recent death deprived the teachers' unions of one of the towering figures in the American labor movement—went on strike and won the right to bargain for all city teachers. Though Shanker insisted that the struggle was about more than mere bread-and-butter issues—that it was also about improving the quality of public education and strengthening democracy—the contract the UFT signed with the New York City Board of Education nevertheless reflected the traditional industrial model. It set up uniform pay scales and seniority rights for teachers, limited their classroom hours, and required new teachers to be automatically enrolled in the union and have their dues deducted from their paychecks. Following this example, the once conservative NEA also veered toward militant trade unionism. By the mid-seventies it had a majority of the nation's teachers covered by collective bargaining agreements. Now the NEA and the AFT, the national parent body of New York's UFT, together represent more than 3 million school employees, including 80 percent of the nation's 3 million public school teachers. The two unions and their state and local affiliates take in $1.3 billion each year from dues and employ 6,000 full-time staff members. Today the two national unions cast a giant shadow over not just American public education but also Democratic Party politics. As a California judge recently found, that state's NEA affiliate spent only half of its dues income on activities related to collective bargaining and used the other half for electoral politics, lobbying, and general advocacy for social, educational, and political causes. Nationally, in the 1996 election, the teachers' unions contributed more than $9 million directly to Bill Clinton and other Democratic candidates through political action committees. But the PACs were just the visible tip of a vast iceberg of soft money, independent media buys, thousands of full-time campaign workers paid with union dues, and in-kind services such as phone banks and direct mail advertising. Myron Lieberman, author of a forthcoming book on teachers' unions, estimates that the NEA and AFT together spent at least $50 million for the campaign compared to the $35 million that the AFL-CIO spent. And at last summer's Democratic convention, the teachers' union caucus constituted 11 percent of all delegates—a bigger share than the delegation from California. These political investments have paid off. In the Clinton Department of Education, former NEA issues director Sharon Robinson is assistant secretary for research and educational improvement, shaping the national education debate with her office's research reports and assessments of student performance. And when the Republican Congress was on the verge of passing legislation last year to rescue a few thousand poor students from Washington, D.C.'s hopelessly broken public school system by offering them private school scholarships, the NEA, fearful that these vouchers might encourage similar legislation in the states, furiously lobbied the White House. President Clinton, who had first indicated that he would sign the bill, backtracked and said he would veto it. The teachers' unions spend millions each year on advertising to convince the American people that when they flex their political muscle

#### Strikes have no impact and hurt workers, Orechwa 19

Jennifer Orechwa, 2019, "General Motors Strike A Reminder Unions Hurt Workers," UnionProof, https://projectionsinc.com/unionproof/how-unions-hurt-workers-the-gm-strike-continues/

**Employees Hurt the Most by a Strike** The reality is that a strike hurts the workers the most. They don’t hurt the union. In fact, union leaders see a strike as a chance to get some nationwide publicity as an organization helping the “little guys” take on the big bad abusive employer. Strikes don’t hurt permanently hurt the company because a large company like GM has a contingency plan and is prepared to keep operating without the striking workers by taking steps like temporarily shutting down some plants and consolidating operations. It’s the workers that are hurt, encouraged by the unions and some politicians to subject themselves to loss of income and job stability. Instead of encouraged, it should read that workers are “used” by the unions and [political parties](https://www.cnbc.com/2019/09/16/2020-election-democrats-cheer-uaw-strike-against-gm-criticize-trump.html) to push their agenda. Unions thrive on making employers look bad, and politicians that believe America’s big businesses take advantage of employees use the strikes as proof. The general line is that, “If employees are willing to suffer a loss of income, benefit and job stability, the workplace policies must be abusive.”

#### Strengthening unions is just bad --- they’ve gone to great efforts to institutionalize racism within ranks which kills democracy

Watson 6-14 [Travis Watson is the creator of ADOSConstruction.org and chair of the Boston Employment Commission (BEC). Appointed by former Boston mayor and current US Department of Labor Secretary Martin J. Walsh, the BEC oversees the Boston Residents Jobs Policy, which sets employment standards on city-assisted construction projects. “Union Construction’s Racial Equity and Inclusion Charade.” June 14, 2021. https://ssir.org/articles/entry/union\_constructions\_racial\_equity\_and\_inclusion\_charade]

The Catch 22 | White union construction workers often stymie prospective Black workers’ attempts to join a union by trapping them in a Catch-22: requiring the worker to have a job prior to being admitted into a union, but also requiring union membership before getting a construction job. Former United Community Construction Workers activist Omar Cannon recalls Black workers being told by white union officers that they “had to be in the union to get a job.” However, the problem, Cannon explains, is that “you had to get a job to get in the union.” Former Army veteran and construction worker Gilbert Banks has told a similar story about treatment by foremen and unions: “They’d say, ‘Have you got a (union membership) book?’ I’d say, ‘No.’ ‘Well,’ they said, ‘Go get a book and we’ll give you a job.’ And I’d go to the union and ask them for a book. They’d say, ‘Listen, if you get the job, we’ll give you a book.’ There was no way of fighting it.” This no-win situation is not a coincidence. This Catch-22 is a form of structural racism intended to exclude people not already on the inside. Stonewalling | Another strategy white union members use to frustrate Black workers into giving up their effort to join a union is intentionally refusing communication, ignoring, and silencing them. Stonewalling effectively blocks Black workers from jobs and from unions, even when those workers have superlative skills, training, and experience. For example, former member of the Congress of Racial Equity (CORE) and construction activist Oliver Leeds recalls how his work as an Army engineer wasn’t enough to even get considered for work and union acceptance: “I was in the Corps of Engineers. And you know what we do? We worked to win the war. We built anything that could be built: bridges, tunnels, houses, officers’ quarters, Myers quarter, roads, and airstrips. We loaded and unloaded ships. We did anything in the way that involved work, construction work. You know, when I got back to the United States, after the war, I couldn’t get a job in construction, that there was no union that would let me in? And there was damn little that I couldn’t do in the way of construction work. They’ll take you and turn you into construction workers in the army, in a segregated army, and then when you get back into civilian life, you can’t get a construction job.” These first two strategies—the Catch 22 and stonewalling—cloak the structural racism operating within unions by displacing the consequence onto the Black person: that they gave up, or that they got frustrated, rather than seeing the mechanisms at work that produced this outcome. Biased Gatekeepers | Many construction unions place unemployed members “on the bench” while they wait to be sent to work by dispatchers, the union members who distribute the jobs. Dispatchers play a central role in access to jobs and, therefore, to union entry. However, by intentionally refusing to send Black workers to jobs, racially biased dispatchers play a pivotal role in keeping unions white. In Boston, former construction worker Earl Quick recalls receiving his union book but never being assigned work. “White guys would come in and go right into the business agent’s office and they’d get work and me and the rest of the Black guys would just sit there,” he explains. “I never did work in Boston.” According to the former Northwest American Friends Service Committee Director Arthur Dye, “Some [Black] workers appeared at the hiring hall day after day for several months and were never dispatched. If they began to ask questions why they were not dispatched they would be sent out to jobs … a hundred miles or so away, only to find out that when they arrived at their destination there wasn’t a job. Or they would be dispatched to a job where there was considerable possibility for physical intimidation.” Because this is a well-known practice, Black workers have often applied directly to employers, going around the union hiring halls. But in most cases, employers are required by union policy to hire only workers referred by union hiring hall dispatchers. And even when employers intentionally seek to diversify their employees and union contractors, dispatchers can thwart this effort. For example, when Robert Lucas, the president of the refrigeration contractor Lewis Refrigeration, who is a white man, called Local Union 32 and specifically asked for a Black plumber to be dispatched to his job, the dispatcher reportedly laughed and dismissed his request. Discriminatory Testing | Some construction unions require that applicants pass a test for admittance. To keep their membership as white as possible, some local unions went so far as to pass white applicants regardless of how they scored, while failing nearly every Black applicant. Journalist Gary McMillan reported in the Boston Globe, that “in 1980, a federal court in Boston found that the oral section of the exam given by the Ironworkers was so subjective and so open to abuse that it had almost no bearing on ability to do the job. For some reason, the court also found, whites almost always passed the test but Blacks almost always failed.” This blatant discriminatory testing enables the construction industry to remain an “old-boys club,” and barring entry to people of color keeps their ranks as white as possible going forward. Without equal access to unions, Black workers have been deprived of apprenticeship, mentorship, and other networking opportunities that are crucial to their professional advancement and success. Explicit Racism | Some white construction workers take a more overtly racist and aggressive approach to keeping Black membership as low as possible. This strategy has been tactically employed through the use of racist language and putting Black workers in dangerous situations. In Seattle, Donald Kelly, a white apprentice in Local 86 recalls hearing, “We have no Negro apprentices, and we will never have no Negro apprentices … No Black [expletives] will ever work out of this union as long as I am business agent.” In Boston, Earl Quick had union men drop bolts on him and call him the N-word. As McMillan enumerated, “almost every Black construction worker interviewed by the Boston Globe in 1983 … has had ‘accidents’ on the job: boards or bolts dropped from above, a steel beam swing very close to his head, live wires left at his feet as he walked by.” But these incidents of overt racism and aggression aren’t just relics of the past. Last year, places like Toronto, Las Vegas, and Portland, Oregon, have had incidents of nooses being left at construction sites. And this year, in Boston, International Brotherhood of Electrical Workers International Vice President Mike Monahan referred to Black people as “colored.” And, in response to my critique about the lack of diversity in union construction, he emailed me with the following threatening message, which included a pointed reference to “sun down towns”: “Goodnight — what time does the sun set and rise in Falmouth? Make sure you lock the doors.” Voter Suppression | And lastly, some unions go to great lengths to exclude Black people from participating in their elections. In Boston, for example, union construction limits the number of Black members through voter suppression. Voter suppression is as American as the second amendment, a tool used to maintain white power and silence Black voices for decades. For most of us, voter suppression manifests itself through draconian policies—things like making it more difficult to vote by mail, voter ID laws, and restricting access to early voting. But while many of the elected officials behind such policies are Republican lawmakers, the Greater Boston building trades unions have been taking a page from their book; one of Boston’s most extensive and ingrained systems of voter suppression resides within their halls.

#### Strikes inhibit democratization and aren’t enough to induce transition – your evidence is overly optimistic.

Ahlquist 17 [John; School of Global Policy and Strategy, University of California San Diego; “Labor Unions, Political Representation, and Economic Inequality,” 3/9/17; AnnualReviews; https://www.annualreviews.org/doi/pdf/10.1146/annurev-polisci-051215-023225] Justin

But strikes and union alliances are almost never sufficient to induce a regime transition on their own. Unions, even if successful at mobilizing workers under authoritarian systems or as voters, are not always prodemocratic elements (Valenzuela 1989, Levitsky & Mainwaring 2006). Unions deeply incorporated into populist or Marxist parties can end up inhibiting democratization, even when independent labor organizations are pushing in the opposite direction (Levitsky 2001). Union leaders, when insulated from rank-and-file pressure, can become co-opted by parties or even criminal elements. Whether unions are part of pro- or antidemocratic coalitions can vary across cases and across unions within a country, depending on the instrumental benefits offered to union leaders and members as well as the expected outcomes under different regime types.