#### 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

Map

Description automatically generated

Global estimates 2012: Results and Methodology

Summary of the ILO 2012 Global Estimate of Forced Labour

Profit estimates of forced labour

Chart

Description automatically generated

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

#### [A just government ought to] request the International Court of Justice issue an advisory opinion over whether they ought to [establish an unconditional right to strike]. [A just government] should abide by the outcome of the advisory opinion.

#### Solves – the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### ICJ legitimacy is key to global multilateralism and crisis stability – it’s declining now.

Kornelios Korneliou 18 [Permanent Representative of Cyprus and Vice-President of the 73rd Session of the UN General assembly, "Report of the International Court of Justice," United Nations, 10-25-2018 <https://www.un.org/pga/73/2018/10/25/report-of-the-international-court-of-justice/>] Recut Justin

In the face of the headwinds against the multilateral system and global institutions, including direct attacks on their legitimacy, the International Court of Justice stands as testament to the principles of peace and justice in a multilateral world. Today’s debate builds on fifty years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. This historic exchange is particularly pertinent to the 73rd Session of the General Assembly, which aims to ‘make the UN relevant to all’. The court system serves as a bulwark against arbitrariness and provides the mechanism for peaceful settlement of disputes, guaranteeing the stability so necessary for international cooperation. For the peoples of the world, the court may be far away but its impact is real. Excellencies, I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court’s workload increased over the last 20-years but this trend has continued into the period under review, demonstrating unequivocally that there remains a need and desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the court, and the fact that these cases stem from four continents, is also testament to the universality of the Court. In fact, as of today a total of 73 Member States have accepted, as compulsory, the jurisdiction of the Court. In addition to the Court’s role in advancing multilateralism, its judgements and advisory opinion directly influence the development and strengthening of the rule of law in countries the world over. As stated by the report: “everything the court does is aimed at promoting and reinforcing the rule of law, through its judgement and advisory opinions, it contributes to developing and clarifying international law.” Finally, at a time when human rights abuses and conflict devastate the lives of millions, and when tensions simmer in regions throughout the world, the adjudication of disputes between states remains an essential role of the Court in preserving peace and security. We welcome the continued readiness by the Court to intervene when other diplomatic or political means have proven unsuccessful. For Member States, respect for the decisions, judgements, advice, and orders of the Court remains critical for the efficacy and longevity of the international Justice System. The General Assembly has thus called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. In closing, allow me to reiterate: if we are to preserve the international multilateral system, then adherence and respect for international law remains key.

**The CP's key to ICJ cred that solves territorial conflicts -- perm fails**

**Angehr 8 –** Mark, Expert @ the Federalist Society for Law & public policy studies, JD candidate @ Northwestern Law, Engage, Vol 9 Issue 2, June, http://www.fed-soc.org/publications/detail/saying-what-the-law-is-arguments-for-an-icj-that-is-less-deferential-to-security-council-and-general-assembly-resolutions.

Organizational Dynamic of the ICJ’s Advisory Jurisdiction Th e ICJ is largely modeled on its predecessor court, the Permanent Court of International Justice (PCIJ), established by the League of Nations.7 However, unlike the PCIJ, which was not formally part of the League of Nations, the ICJ is a principal organ of the UN as well as the UN’s principal judicial organ.8 Only States may be parties in cases before the fi fteen-member Court, though the State need not be a member of the UN in order to appear.9 Member States may request that the Court exercise jurisdiction over any dispute involving interpretation of a treaty or international law, or the “existence of any fact which, if established, would constitute a breach of an international obligation.”10 Once jurisdiction has been established, the Court must decide disputes in accordance with international law, which is limited to international conventions, custom, and general principles of law.11 Th e Assembly and the Council are authorized to submit advisory opinion requests to the ICJ on “any legal question,” which the Court has broadly construed to include complex factual disputes or political issues.12 Th e advisory opinion request must be “accompanied by all documents likely to throw light upon the question.”13 Th e advisory opinion, while truly a peculiar notion to federal courts in the United States, is permitted in many U.S. courts.14 However, the advisory jurisdiction as exercised in the World Court diff ers from the practice in the United States of a state legislator requesting a court’s opinion on the constitutionality of a proposed law.15 Th e ICJ’s advisory opinions have often involved hotly debated political disputes16 and legal questions embedded in broader bilateral disputes.17 State consent, while required for the exercise of contentious jurisdiction, is not required for the ICJ to exercise advisory jurisdiction over a dispute.18 Th e ICJ’s status as “principal judicial organ” of the UN has been characterized as an “organic link” to the shared goals of the UN system.19 Th e ICJ, like all other principal organs in the UN system, has a **duty** to further the purposes and principles of the UN These purposes are to “**maintain peace** and security,” and “take collective measures for the **prevent**ion and removal of threats to the peace.”20 The advisory function of the ICJ, even more than its contentious jurisdiction, serves as a **vehicle for the Court’s participation** in the “Purposes and Principles” of the UN Charter.21 Proponents of the advisory jurisdiction argue that by rendering advisory opinions, the Court is able to place another organ’s operation upon a firm and secure foundation. Judge Bedjaoui has written that the Court’s advisory function assists the political organs by taking into account “its preoccupations or diffi culties and by selecting, from all possible interpretations of the Charter, the one which best serves the actions and objectives of the political organ concerned.”22 In the Wall Opinion, the Court explained that its obligation to clarify a legal issue for the Assembly outweighed any concerns about the judicial propriety of adjudicating an ongoing political dispute and armed conflict between Israel and Palestine.23 Accordingly, the Court stressed the organizational purpose of the advisory opinion: “Th e Court’s Opinion is given not to the States, but to the organ which is entitled to request it.”24 Th e ICJ characterized the opinion as that which “the General Assembly deems of assistance to it in the proper exercise of its function.”25 Accordingly, the Court placed the matter “in a **much broader frame** of reference than a bilateral dispute,” as it was “of particularly acute concern to the United Nations.”26 Th e Court is strongly inclined to not only answer a request for an advisory opinion, but to facilitate the larger aims of the UN by arriving at a conclusion in line with the preference of the political organ.27 Judge Azevedo has stated that the Court “must do its utmost to co-operate with the other organs with a view to attaining the aims and principles that have been set forth.”28 Th e closer the institutional connection of the ICJ to the requesting organ, he argues, the greater the usefulness of that opinion to the operation of the requesting organ. However, the advisory function threatens the institutional legitimacy of the Court because it often resolves disputes without the consent of the relevant States,29 and the political organ making the request has often already ruled on the issue.30 Organizational theory helps to explain why the ICJ is not **functioning as a check on the actions of the political organs** in its advisory jurisdiction. By examining the benefi ts and drawbacks of coordination among organizations and within organizations, organizational theory predicts the most effi cient modes of cooperation.31 Studies of coordination mechanisms within organizations suggest that the ICJ is likely motivated to undertake advisory opinions out of a fear of institutional isolation and marginalization.32 An organization might “seek[] to forestall or prevent future crisis which may imperil its success or even continuation.”33 Because organizations have incentives to increase their authority and prestige, the Court is unlikely to decline the opportunity to contribute to the progress of international law by rendering an advisory opinion.34 Given the institutional incentives for rendering advisory opinions, the ICJ will continue to do so as long as the perceived benefi ts of cooperation outweigh the loss in judicial autonomy.35 Similarly, the political organ will make the request as long as the perceived advantage to its operations outweighs any loss to its political autonomy. Th e ICJ’s reliance on the political organs to enforce compliance with its decisions incentivizes the Court not only to take on advisory opinions, but to give opinions in accordance with the **political preferences** of the requesting organ. Th e main impediment to coordination between the ICJ and the political organ is the line between cooperation and competition. If the degree of interdependence is high, and the degree of antagonism is high, the result will be competition and confl ict.36 By contrast, if the degree of interdependence is high, and the degree of antagonism is low, the result will be cooperation. The ICJ has an incentive to reduce competition and increase smooth cooperation in order to avoid alienating the requesting organ and risking institutional isolation. If we map the interaction of the ICJ and the Assembly in the Wall Opinion onto this organizational dynamic, we see a high level of interdependence due to their “organic link” and a low level of antagonism due to the Court’s incentive to contribute to the shared goals of the UN as reflected in the stated policy preference of the Assembly. Th e resultant “cooperation” between the two organs reduces the need for information processing and furthers the shared mission of the UN. By systematizing coordination through a process that provides the Court with “an exact statement of the question” as well as a “voluminous dossier”37 of documents “likely to throw light on the question,”38 the Court is unlikely to conduct its own investigation outside of the given universe of documents. From an organizational theory perspective, the Court will not engage in its own extensive review of the background material and facts, because such a duplicative inquiry would bring the Court into competition with the functioning of the requesting organ. In relying on the resolutions and factual studies made by the political organs, the likelihood that the Court will render an opinion in line with the policy preferences of the political organ is thus greater. Th e results of such a model have been borne out in the Court’s case law. In 1949, the Court held in an advisory opinion that South Africa had no legal obligation to place its mandate, South West Africa (now Namibia), under a trusteeship with the UN39 Th e Assembly had advocated for South Africa’s withdrawal from South West Africa, but the Court found in favor of South Africa’s continued occupation. Th e opinion weakened the Court’s credibility, especially among African nations.40 Th e loss of political capital to the Assembly outweighed any potential benefi t of further coordination with the Court on the issue, and, as a result, the Assembly never revisited the issue with the Court. Th en, in 1971, the Council requested an advisory opinion on the “legal consequences” of South Africa’s continued presence in Namibia.41 The request was seen as an opportunity for the Court to “**redeem its impaired image**,” since its advisory jurisdiction had been unused since 1962.42 Th e Council had in fact already passed Resolution 276, which strongly condemned the “illegal” presence of South Africa in Namibia.43 The Court in this iteration of coordination produced an opinion in line with the clear political preference of the Council by **holding that South Africa’s presence** in Namibia **was illegal**.44 Th e Court’s interaction with the Council was thus cooperative, and in rendering an opinion that mirrored the eff ect of the Council’s resolution on the issue, the Court avoided confl ict with the political organ. Th e Court consequently repaired its image and staved off institutional marginalization by indicating its willingness to cooperate with the political organs. Although this coordination effect has positive value as an explanation of the ICJ’s behavior, it should not be seen as normative. Th e ICJ **overestimates the institutional benefits** it receives from such coordination. The fear of institutional isolation motivates the ICJ to defer to the political organ, but there is little evidence that behaving in such a way increases in the long-term the number of advisory requests that the Court receives. If the Court were correct in the assumption that advisory opinions deferent to the preferences of the political organs lessen the court’s marginalization and increase the volume of its advisory jurisdiction caseload, there would be an increase in advisory opinions after the ICJ rendered a deferent advisory opinion. Although advisory requests two and four years later followed the deferent South West Africa opinion, a statistical breakdown of the Court’s advisory docket shows no long-term changes in the number of opinions rendered from its fi rst opinion in 1947 to its last in 2004. Th e Court averages about four advisory opinions a decade. As of 2008, the Court has not received another advisory request since the Wall Opinion, and it would appear that the Court will have a below-average number of advisory opinions this decade, despite the accommodation it provided the Assembly in the cooperative Wall Opinion. While the ICJ is concerned about institutional marginalization and orders its behavior in rendering advisory opinions accordingly, the motivation of the political organs in requesting advisory opinions proves to be more complex. First, the Council or Assembly may refer a dispute to the ICJ’s advisory jurisdiction when the intractability of the dispute does not lend itself to political resolution. Second, a referral to the ICJ’s advisory jurisdiction can take place if the particular dispute is susceptible to judicial resolution, that is, if the ICJ can help the organ overcome a political impasse by settling a question of international law. Th ird, if the political organ doubts the utility of the advisory opinion it will receive, or if it fears an opinion not in line with its political preferences, it can take steps to make known its preferences before the Court composes its opinion. Th erefore, the political organ’s perception of the ICJ’s propensity to render an opinion not in line with the organ’s political preference is just one of three factors that determine when the ICJ will be asked to exercise its advisory jurisdiction. Th e Court’s fear of marginalization is thus overblown; the factors determining when the organs refer a dispute to its advisory jurisdiction depend more on the peculiar nature of the dispute itself than on the Court’s perceived deference to the political will of the Council or Assembly. In other words, the Assembly’s decision to refer to the ICJ the question of the legality of the wall in Palestine depended more on the exigencies of that particular situation—namely, the need for a legal and not political resolution—than on the ICJ’s recent record of deference to the Assembly in its advisory jurisdiction. In light of the cost in **loss of judicial autonomy and reduced institutional benefits**, a new calculation shows that the Court should **defer less** to the requesting organ. Th e Court should thus be **more competitive** by undertaking its own fact- fi nding and by **rendering decisions that may not line up with** the **political preferences** of the requesting organ. The result of such an undertaking is **more independent and legitimate** advisory opinions. As more authoritative statements of the law, the opinions would provide a **better enforcement mechanism** against the political organs to police the behavior of States that have violated their legal obligations. By asserting its jurisdiction over fact-finding and legal interpretation, the ICJ would **signal** to the requesting organ **that the function each organ was to perform had changed**. In the long-term, the functional differentiation of each organ would **shift to accommodate the Court’s new role**, and the organs could ultimately **resume a cooperative interaction**. Th e political organ would continue to request opinions, because the benefit of receiving **truly independent** advisory opinions would outweigh the risk of an opinion not in line with its political preference. A **revitalized** advisory jurisdiction could **aid the political organs in providing another strong enforcement mechanism against States that violate international norms**. This model has the **additional advantage of better serving the shared goals of the UN system**. In reclaiming its judicial autonomy within its advisory jurisdiction, the Court is **aiding the UN’s settlement of international disputes** “in conformity with the principles of justice and international law.”45 **In contrast, an opinion that reproduces the politically-determined legal conclusion** of the requesting organ **does not further this goal, because it abdicates judicial responsibility to a political organ**.

#### Multilateralism solves a laundry list of impacts – even a tiny net benefit is enough to o/w the AFF

Esther Brimmer 14 [Assistant Secretary for the Bureau of International Organization Affairs at the United States Department of State from April 2009 to June 2013, “Smart Power” and Multilateral Diplomacy, June, <http://transatlantic.sais-jhu.edu/publications/books/Smarter%20Power/Chapter%204%20brimmer.pdf>] Recut Justin

Over the subsequent decade, the variable definitions of Smart Power have evolved to reflect a rapidly changing foreign affairs landscape – a landscape shaped increasingly by transnational issues and what can only be described as truly global challenges. Nations of the world must now calibrate their foreign policy investments to try to leverage new opportunities while protecting their interests from emerging vulnerabilities. Smart Power is no longer an alternative path; it is a four-lane imperative. ¶ The world in 2014 is fundamentally different from previous periods, growing vastly more interconnected, interdependent, networked, and complex. National economies are in many cases inextricably intertwined, with cross-border imports and exports increasing nearly tenfold over the past forty years, and more than doubling over just the past decade. At the same time, we are all connected – and connected immediately – to news and events that in past generations would have been restricted to their local vicinities.¶ Consider, for example, the 2011 tsunami that devastated parts of Japan. Not only did we know in real time of the earthquake that triggered the tsunami, we had live coverage of some of the tsunami’s most devastating impacts and then round-the-clock coverage of the Fukushima nuclear power plant crisis. Communications technology brings such events to us without delay and in high definition. This communications revolution, headlined by the explosion of social media, carries with it the almost unlimited potential to inform and educate. It also provides people and communities with new ability to influence and advance their causes – both benevolent and otherwise, as the dramatic events of recent years in North Africa and the Middle East have made clear. ¶ At the same time, global power is more diffuse today than in centuries. Although predictions of the nation-state’s demise have gone unrealized, non-state actors – including NGOs, corporations, and international organizations - are more influential today than perhaps at any point in human history. The same might be said for transnational criminal networks and other harmful actors. Concurrently, we are witnessing the rise of new centers of influence – the so-called “emerging” nations – that are seeking and gaining positions of global leadership. These emerging powers bring unique histories and new perspectives to the discussion of current challenges and the future of global governance. Several of these countries are democracies and share many of the core values of the United States; others have sharply different political systems and perspectives. All are gauging how to be more active in the global arena. ¶ It is this new, more diffused global system that must now find means of addressing today’s pressing global challenges – challenges that in many cases demand Smart Power ingenuity. From terrorism to nuclear proliferation, climate change to pandemic disease, transnational crime to cyber attacks, violations of fundamental human rights to natural disasters, today’s most urgent security challenges pay no heed to state borders. ¶ So, just as global power is more diffuse, so too are the opposing threats and challenges, and it is in this new reality that the United States must define and employ its Smart Power resources. That reality demands a definition that must now far exceed the origin parameters of hard and soft. Many of these challenges would be unresponsive to traditional Hard tools (coercion, economic sanctions, military force), while the application of Soft tools (norm advancement, cultural influence, public diplomacy) in customary channels is likely to provide unsatisfactory impact. ¶ Ultimately, the other component necessary in today’s Smart Power alchemy is robust, focused, and sustained international cooperation. In effect, in an increasing number of instances, Smart Power must now feature shared power, and in that context foreign policy choices must follow two related but distinct axes. ¶ First, those policy choices must strengthen a state’s overall stature and influence (rather than diminish it), leaving the state undertaking the action in a position of equal or greater global standing. This is easier said than done. The proliferation in challenges facing all states has created a need for multiple, simultaneous diplomatic transactions among a broadening cast of actors. Given the nature of today’s threats facing states both large and small, those transactions have never been more frequent and at times overlapping – a reality that requires new agility and synchronization within foreign policy hierarchies. States that are less capable of responding to this new reality may experience diminished political capital and international standing by acting on contemporary threats in isolation or without a full appreciation of the reigning international sentiment. Many observers have highlighted U.S. decision-making in advance of the 2003 Iraq invasion as indicative of just this phenomenon. ¶ Alternatively, states applying a new Smart Power approach to their foreign policy recognize the overlapping need to maintain global standing and stature while seeking resolution of individual policy challenges. We see considerable effort on the part of emerging powers to find just that balance, and I would argue that the United States has also made great strides in that regard since 2009. ¶ Second, Smart Power policy choices must contribute to the strength and resilience of the international system. As noted above, the globalization of contemporary challenges and security threats has augmented the need for effective cooperation among states and other international actors, and placed even greater demands on the global network of international institutions, conferences, frameworks, and groupings in which these challenges are more and more frequently addressed. Given this heightened need for structures to facilitate international collaboration, states are more rarely undertaking foreign policy courses of action that entirely lack a multilateral component, or that feature no interaction with or demands upon the international architecture. As recent American history shows, even states with unilateral tendencies have found themselves returning to the multilateral fold to address aspects of a threat or challenge that simply cannot be addressed effectively alone.

**Goes nuclear**

**Chakraborty 10** – Tuhin Subhro, Research Associate at Rajiv Gandhi Institute for Contemporary Studies (RGICS), his primary area of work is centered on East Asia and International Relations. His recent work includes finding an alternative to the existing security dilemma in East Asia and the Pacific and Geo Political implications of the ‘Rise of China’. Prior to joining RGICS, he was associated with the Centre for Strategic Studies and Simulation, United Service Institution of India (USI) where he examined the role of India in securing Asia Pacific. He has coordinated conferences and workshops on United Nation Peacekeeping Visions and on China’s Quest for Global Dominance. He has written commentaries on issues relating to ASEAN, Asia Pacific Security Dilemma and US China relations. He also contributed in carrying out simulation exercise on the ‘Afghanistan Scenario’ for the Foreign Service Institute (FSI). Tuhin interned at the Indian Council of World Affairs (ICWA), Sapru House, wherein he worked on the Rise of People’s Liberation Army (PLA) military budget and its impact on India. He graduated from St. Stephen’s College, Delhi and thereafter he undertook his masters in East Asian Studies from University of Delhi. His areas of interest include China, India-Japan bilateral relations, ASEAN, Asia Pacific security dynamics and Nuclear Issues, The United States Service Institution of India, 2010, “The Initiation and Outlook of ASEAN Defence Ministers Meeting (ADMM) Plus Eight”, http://www.usiofindia.org/Article/?pub=Strategic%20Perspectiveandpubno=20andano=739

The first ASEAN Defence Ministers Meeting Plus Eight (China, India, Japan, South Korea, Australia, New Zealand, Russia and the USA) was held on the 12th of October. When this frame work of ADMM Plus Eight came into news for the first time it was seen as a development which could be the initiating step to a much needed security architecture in the Asia Pacific. Asia Pacific is fast emerging as the economic center of the world, consequently securing of vulnerable economic assets has becomes mandatory. The source of threat to economic assets is basically unconventional in nature like natural disasters, terrorism and maritime piracy. This coupled with the **conventional security threats** and **flashpoints** based on **territorial disputes** and **political differences** are very much a part of the region posing a **major security challenge**. As mentioned ADMM Plus Eight can be seen as the first initiative on such a large scale where the security concerns of the region can be discussed and areas of cooperation can be explored to keep the threats at bay. The defence ministers of the ten ASEAN nations and the eight extra regional countries (Plus Eight) during the meeting have committed to cooperation and dialogue to counter insecurity in the region. One of the major reasons for initiation of such a framework has been the new face of threat which is non-conventional and transnational which makes it very difficult for an actor to deal with it in isolation. Threats related to violent extremism, maritime security, vulnerability of SLOCs, transnational crimes have a direct and indirect bearing on the path of economic growth. Apart from this the existence of territorial disputes especially on the maritime front plus the issues related to political differences, rise of China and dispute on the Korean Peninsula has aggravated the security dilemma in the region giving rise to areas of potential conflict. This can be seen as a more of a conventional threat to the region. The question here is that how far this ADMM Plus Eight can go to address the conventional security threats or is it an initiative which would be confined to meetings and passing resolution and playing second fiddle to the ASEAN summit. It is very important to realize that when one is talking about effective security architecture for the Asia Pacific one has to talk in terms of addressing the conventional issues like the territorial and political disputes. These issues serve as bigger **flashpoint** which can **snowball** into a **major conflict** which has the possibility of turning into a **nuclear conflict**.

# Strikes-General

## Turns

### Strikes bad for employees

#### Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

Levine 1, Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean.) JG

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength **by overriding private rights.** They routinely block anyone from working **under a non-union contract**, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent **customers and workers** from **entering company property**; they may **fine employees who cross these lines.** They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt and unaccountable union leaders. But even a completely democratic union sometimes supplants private rights. As libertarians like Morgan O. Reynolds point out, majorities within a union are able to ignore minorities’ preferences.

### Strikes Bad for Wages

#### Strikes reduce real wages of workers as a whole – companies mitigate losses by hiring less employees. Strikes also make gains at the expense of other workers who are excluded despite wanting to fill vacant jobs.

**Hazlitt 19** (Henry Hazlitt (1894–1993) was a well-known journalist who wrote on economic affairs for the New York Times, the Wall Street Journal, and Newsweek, “How Unions Reduce Real Wages” \*\*\*\*Note ---The Text in the card comes from Chapter 13 of Henry Hazlitt’s 1973 Book “The Conquest of Poverty,” which the Mises Institute posted on 12/17/2019 The Mises Institute cites 12/17/2019 as the publication date, but the text originally appeared in Hazlitt’s book in **1973** the url: https://mises.org/wire/how-unions-reduce-real-wages)

Case For more than a century the economic thinking not only of the public but of the majority of economists has been dominated by a myth — the myth that labor unions have been on the whole a highly beneficent institution, and have raised the level of real wages far above what it would have been without union pressure. Many even talk as if the unions had been chiefly responsible for whatever gains labor has made. **Yet the blunt truth is that labor unions cannot raise the real wages of all workers.** We may go further: **the actual policies that labor unions have systematically followed from the beginning of their existence have in fact reduced the real wages of the workers as a whole below what they would otherwise have been.** Labor unions are today the chief antilabor force. To realize why this is so we must understand what determines wages in a free market. **Wage rates are prices. Like other prices they are determined by supply and demand.** And the demand for labor is determined by the marginal productivity of labor. **If wage rates go above that level, employers drop their marginal workers because it costs more to employ them than they earn. They cannot long be employed at a loss**. If, on the other hand, wage rates fall below the marginal productivity of workers, employers bid against each other for more workers up to the point where there is no further marginal profit in hiring more or bidding up wages more. So assuming mobility of both capital and labor, assuming free competition between workers and free competition between employers, there would be full employment of every person wanting and able to work, and the wage rate of each would tend to equal his marginal productivity. It will be said — it has in fact repeatedly been said — that such an analysis is merely a beautiful abstraction and that in the actual world this mobility and competition of labor and capital do not exist. There is, some economists have argued, in fact a wide range of "indeterminacy" in wages, and it is the function of unions to make sure that wage rates are fixed at the top rather than the bottom of this range or zone. We cannot reply that this indeterminacy theory is wholly wrong; but what we can say is that in relation to the problem of unions it is unimportant. The indeterminacy theory is true of wages only to the extent that it is true of other prices: it is true where the market is narrow or specialized. It is true, say, of highly specialized jobs in journalism, or in the universities, or in scientific research, or in the professions. But wherever we have large numbers of unskilled workers, or large numbers of approximately equal special but widespread skills — such as carpenters, bricklayers, painters, plumbers, printers, train-men, truckdrivers — this zone of indeterminacy shrinks or disappears. It is the craft unions themselves who insist that their individual members are so nearly equal to each other in competence that all should be paid on equal "standard" wage. And so we have the paradox that the unions exist and flourish precisely where they are least necessary to assure that their members get a market wage equal to their marginal productivity. It is true, of course, that an individual union can succeed in forcing the money wage rates of its members above what the free market rate would be. It can do this through the device of a strike, or often merely through the threat of a strike. Now a strike is not, as it is constantly represented as being, merely the act of a worker in "withholding his labor," or even merely a collusion of a large group of workers simultaneously to "withhold their labor" or give up their jobs. The whole point of a strike is the insistence by the strikers that they have not given up their jobs at all. They contend that they are still employees — in fact, the only legitimate employees. They claim an ownership of the jobs at which they refuse to work; they claim the "right" to prevent anybody else from taking the jobs that they have abandoned. That is the purpose of their mass picket lines, and of the vandalism and violence that they either resort to or threaten. They insist that the employer has no right to replace them with other workers, temporary or permanent, and they mean to see to it that he doesn't. **Their demands are enforced always by intimidation and coercion, and in the last resort by actual violence. So wherever a union makes a gain by a strike or strike threat, it makes it by forcibly excluding other workers from taking the jobs that the strikers have abandoned. The union always makes its gains at the expense of these excluded workers.**

### Illegal Strikes Solve Better

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state- TURNS CASE

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.

### Econ/Innovation Turn

#### Prolific strikes undermine economic growth - discourage new investment and innovation

**Hazlitt 19** (Henry Hazlitt (1894–1993) was a well-known journalist who wrote on economic affairs for the New York Times, the Wall Street Journal, and Newsweek, “How Unions Reduce Real Wages” \*\*\*\*Note ---The Text in the card comes from Chapter 13 of Henry Hazlitt’s 1973 Book “The Conquest of Poverty,” which the Mises Institute posted on 12/17/2019 The Mises Institute cites 12/17/2019 as the publication date, but the text originally appeared in Hazlitt’s book in **1973** the url: https://mises.org/wire/how-unions-reduce-real-wages)

Discouraging Capital Investment This result will follow not only because of the success of previous strikes or strike threats in that particular industry. **When strike threats have become chronic in an industry, and seem likely to be systematically repeated, new capital and new investment will no longer venture into that industry.** **Union tactics may even end by discouraging and gravely reducing new investment everywhere. Hence the strike gains of unions are at best short-run gains.** **In the long run they not only reduce employment but reduce the real wages of the whole body of workers**. For the productivity of industry — and the real wages of workers — are dependent on the amount of investment of capital per head of the working population. It is only because American manufacturing industry has invested more than industry in any other country — some $30,000 for every production worker1 — that American wages so greatly exceed wages in any other country. **Labor unions can only exploit capital already invested, and they can do this only at the cost of discouraging new investment. By discouraging new investment, by discouraging maintenance, expansion, and modernization, labor unions in the long run reduce real wages below what they would otherwise have been.** But this is not the only way in which labor unions reduce real wages. They do so, and they have done so since the beginning of their existence, by jurisdictional disputes, by forcing the employment of more workers than are necessary for a particular job, by systematic hostility to piecework, by forcing slow-downs, soldiering and malingering on the excuse that they are combatting unreasonable speed-ups, and by countless other featherbedding practices. In a famous review of William Thornton's book on labor, John Stuart Mill wrote in 1869: Some of the Unionist regulations go even further than to prohibit improvements; they are contrived for the express purpose of making work inefficient; they positively prohibit the workman from working hard and well, in order that it may be necessary to employ a greater number. Regulations that no one shall move bricks in a wheelbarrow, but only carry them in a hod, and then no more than eight at a time; that stones shall not be worked at the quarry while they are soft, but must be worked by the masons at the place where they are to be used; that the plasterers shall not do the work of plasterers' laborers, nor laborers that of plasterers, but a plasterer and a laborer must both be employed when one would suffice; that bricks made on one side of a particular canal must lie there unused, while fresh bricks are made for work going on upon the other; that men shall not do so good a day's work as to "best their mates"; that they shall not walk at more than a given pace to their work when the walk is counted "in the master's time"—these and scores of similar examples … will be found in Mr. Thornton's book. These depressingly familiar practices, in short, have been going on for more than a century. **The unions, far from "maturing," show not the slightest sign of abandoning them, but create more unreasonable obstacles than ever, still combat the introduction of labor-saving machinery, refuse to accept discipline, and undermine more and more management's ability to manage. To reduce productivity is to reduce wages. These short-sighted practices can only have the long-run effect of keeping real wages far below that they could otherwise be.**

#### Unions cause protectionism – that slows growth and causes tariffs

Epstein 16 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Rise of American Protectionism." https://www.hoover.org/research/rise-american-protectionism]

This point explains why the American labor movement has historically opposed free trade. The essence of unionism is, and always will be, the acquisition of monopoly power. There is no way for a union to obtain that monopoly power in the marketplace. It can only secure it through legislation. The first step in that process was the exemption of unions from the antitrust laws under Section 6 of the Clayton Act of 1914. The second major step was the legitimation of collective bargaining under the National Labor Relations Act of 1935, which gave the union the exclusive bargaining rights against the firm once it was successful in a union election. These major statutory benefits strengthened private sector unions and imposed inefficiencies on unionized firms. This, in turn, opened the field for new firms, like the Japanese automobile companies, to organize outside the union envelope. In response, labor’s strategy went one step further. It pushed hard on trade and tariff barriers to keep out foreign imports, and exerted political influence to encourage local zoning boards to exclude new businesses that do not use union labor. Add to these issues the aggressive rise of minimum wage laws and other mandates like Obamacare and family leave statutes, and you construct a regulatory fortress that defeats the corrective forces of free trade and renders the nation less economically resilient and productive than before.

### Turn- Inequality

#### Unions don’t solve inequality – they’re too weak and tons of alt causes

Epstein 20 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Decline Of Unions Is Good News." https://www.hoover.org/research/decline-unions-good-news]

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.

#### The right to strike gets utilized against black laborers, forcing them to be strikebreakers marshalling white workers while workers unions remain exclusive to non-blacks

Arnesen 03 (Eric Arnesen is an American historian. He is currently the James R. Hoffa Professor of Modern American Labor History at George Washington University. He was a Fulbright Scholar, and is a member of the Organization of American Historians.), “Specter of the Black Strikebreaker: Race, Employment, and Labor Activism in the Industrial Era”, Labor History, Vol. 44, No. 3, 2003, pg. 320-322, <https://library.fes.de/libalt/journals/swetsfulltext/18650602.pdf> NT

The image of the black male strikebreaker in the late 19th and early 20th centuries was a powerful and broadly provocative one,4 arousing the concern, albeit in opposing ways, of white trade unionists and black elites alike. That image haunted organized white labor. The black strikebreaker appeared, alternately, ignorant and aggressive, manipulated and defiant, docile and violent. In both their reflections and their policies, **white trade unionists exaggerated black strikebreakers’ role and deemed them a greater threat to white labor’s interests than other groups of non-black strikebreakers.** But over the closing decades of the 19th century, many, perhaps most, whites would scarcely have questioned the characterization of African Americans as a “scab race.” After all, too many strikes in too many trades and industries—including mining, meat packing, longshoring, team driving, and even textile and iron and steel manufacturing—had been weakened, at times decisively, by employers’ deployment of black labor. Although in reality blacks constituted only a small if ultimately undeterminable percentage of strikebreakers in the history of American industrial relations—white native-born and immigrant workers constituted a clear majority—white trade unionists and, indeed, much of American society **would express little hesitation in hanging the charge, like a proverbial lynching rope, around the neck of the race**.5 If white workers perceived African Americans as a threat to their economic well being, they made little attempt to understand the motivations and goals of the black workers they confronted on the industrial battlefield. **Instead, they depicted black strikebreakers as depraved and dangerous threats to their livelihoods and collective power**. Viewing black workers as ignorant, depraved, largely unassimilable, and the dupes of capital, they drew the line at admitting blacks into membership in the labor movement with little apology. Black strikebreakers, AFL official John Roach insisted in 1904, were “huge strapping fellows, ignorant and vicious, whose predominating trait was animalism.”6 In response to the arrival of southern black strikebreakers during the 1894 Chicago packinghouse strike white stockyard workers even hung the effigy of a black roustabout from a telegraph pole. “A black false face of hideous expression had been fixed upon the head of straw,” a Chicago white daily paper reported, “and a placard pinned upon the breast of the figure bore the skull and cross-bones with the word ‘nigger scab’ above and below in bold letters.”7 A decade later, another influx of southern black laborers—perhaps as many as 5800—was met by outrage and widespread racial violence on the part of white workers and their sympathizers in the teamsters’ conflict. “It was the niggers that whipped you in line,” the rabidly anti-black southern politician Ben Tillman informed white Chicago stockyard workers after the collapse of their strike. “They were the club with which your brains were beaten out.”8 The number of examples could easily be expanded. Again and again, white workers drew similar connections between black strikebreakers and the failure of their strikes. At their most charitable, white workers tended to dismiss black strikebreakers as misguided, ill-informed pawns of capital. Had they inquired further into their opponents’ motives, many of their fears would have undoubtedly been confirmed. Certainly some **black strikebreakers were recruited under false pretenses or were honestly unaware that they were being used as weapons against white labor**, as whites occasionally claimed. “The reason I left the camp,” explained black strikebreaker Daniel Webster during the 1891 Washington state mining strike, “was that matters had been misrepresented to us. We were told there was no strike, but that we were going to a new mine.”9 But others knew exactly what they were doing: the Negro “fairly aches for the opportunity to scab against whites,” one white union journal insisted.10 Daniel Webster was only one of a small handful of defectors from the ranks of black strikebreakers brought to the mines of Franklin, Washington; the vast majority, numbering as many as 600, clung to their new jobs despite white harassment and racial violence. Given the racially exclusionary barriers erected by many white unions and the racial division of labor that confined blacks to inferior positions, strikebreaking by African Americans could naturally serve as the threat white unionists perceived it to be. It also represented something that most white workers, as well as black leaders, were scarcely prepared to comprehend: black strikebreaking was nothing less than a form of working-class activism designed to advance the interests of black workers and their families. In many instances a collective strategy as much as trade unionism, strikebreaking afforded black workers the means to enter realms of employment previously closed to them and to begin a long, slow climb up the economic ladder. As a strategy, of course, strikebreaking was not without its drawbacks, as many contemporaries, white and black, pointed out. The strikebreaking option was always a calculated risk. **Black workers’ value to white employers rested largely on their ability to check the power of white workers; they remained highly vulnerable in the labor market, often subject to the harsh—or even harsher—conditions that had prompted whites to organize in the first place**. They also exposed themselves to potential or real violence at the hands of strikers and their sympathizers, who bitterly resented their intrusion into local industrial conflicts. Many white workers rejected outright the legitimacy of black workers’ grievances about racial exclusion from unions and employment. Choosing instead to blame the victim, they not only refused to see strikebreaking as a form of working-class activism, but often proved resistant to recognizing or appreciating more familiar forms of activism—namely, labor organizing—in which black workers might engage.

#### Worker strikes empirically fail in prisons and there’s a laundry list of tactics non-employers use within the system to prevent effectiveness without technically violating the right to strike – prisons don’t even have strike task forces because they don’t criminalize the actual striking

Washington 18 (Robin Washington – former interim commentary editor for The Marshall Project interviewing a prison warden, The Marshall Project, “A Former Warden’s View on Prison Strikes”, https://www.themarshallproject.org/2018/08/22/a-former-warden-s-view-on-prison-strikes, 22 August 2018, EmmieeM)

This week, a prison strike has been called for inmates at 17 facilities nationwide in response to an April riot at South Carolina’s Lee Correctional Institution, where seven inmates were killed while prison staff failed to immediately respond.

Among 10 demands stated by the [Incarcerated Workers Organizing Committee](https://incarceratedworkers.org/campaigns/prison-strike-2018), one of several groups endorsing the strike, are improvements in prison conditions, prevailing wages for incarcerated workers, voting rights for all confined citizens and an end to the racial overcharging, over-sentencing and parole denials to people of color. The strike is planned to continue until Sept. 9, the 47th anniversary of [the Attica prison uprising](https://www.themarshallproject.org/records/292-attica-correctional-facility).

For a view into the nature of prison strikes and how authorities respond to them, The Marshall Project spoke with Cameron Lindsay, a retired warden of three federal facilities: the Federal Correctional Institution in Lompoc, California, the U.S. Penitentiary in Canaan, Pennsylvania, and the Metropolitan Detention Center in Brooklyn, N.Y. Lindsay also ran privatized institutions in Philipsburg and Glen Mills, Pennsylvania, and has taught at several colleges. He now serves as a consultant and an expert witness in corrections cases. He spoke with Interim Commentary Editor Robin Washington. The views expressed are his own, and this interview has been edited for brevity and clarity.

Q: Have you experienced any strikes, hunger strikes, work strikes or other organized prisoner actions?

A: I’ve seen pretty much all of that over the course of 29 years. The most widespread strike that I ever saw that comes close to what I’m hearing about this week was in federal prisons in October of 1995. It was mostly African American inmates. They were protesting the vast disparity of sentencing laws between powder cocaine and crack cocaine.

It was the first and only time in history that (the federal prison system) announced a nationwide lockdown. The lockdown of a facility is something to be taken very, very seriously. It’s complicated and fraught with all kinds of problems. It’s not a decision to be made lightly.

I can promise you if these inmates do engage in some kind of systematic strikes that wardens will lock down the facilities.

Q: What have you experienced specifically?

In 1995, I worked at the Federal Correctional Institution, McKean, in Bradford, Pennsylvania. It started as a work strike. The first inmate called to duty is at 4 a.m. What we experienced on Oct. 24, 1995, was the inmate crew refused to go to work. There were some that wanted to but they didn’t because they feared retaliation. I have had others on a less severe scale. We had a very brief food strike at the (U.S. Penitentiary) in Lewisburg, Pennsylvania. It was small and isolated.

There are food strikes, work strikes, then all-out disturbances and/or riots, depending on the severity. You might have food service inmates who are upset about wages or the way they are being treated by staff. A work strike is the most common way — inappropriate, I might add — that inmates will demonstrate in an attempt to get the attention of the staff. Typically when it happens, the warden will lock down the facility until they have a chance to gauge what really is going on. They’ll gather intelligence, talk to informants, listen to telephone calls, until they can figure out what is going on out there. They may even reach out to certain inmate leaders. Usually, the next thing they do is remove the quote-unquote “agitators” from the general population and put them in isolation. Then they interview every single inmate so that nobody feels singled out.

Q: Does a strike ever work? From the inmate point of view?

In the short term, no. They don’t work because the ringleaders tend to get locked up, and after they are isolated they’re transferred to other facilities.

In the long term, they may be able to effect some change because they do get some media and political attention. In 1987 in Oakdale, Louisiana, and Atlanta, there were simultaneous riots. There was a specific cadre of Cuban inmates from the Mariel boatlift. Our government decided to repatriate them to Cuba. They did not want to go, so they raised hell in their facility. In the long term, their actions did lead to some changes.

Q: The cocaine sentencing disparities protested in the 1995 strike also were eventually changed.

There you go.

Q: Do prisons have a strike task force of some kind, with COs appointed to investigate?

That’s a tough answer. People talk about the “criminal justice system,” but it’s not one system, it’s a whole bunch of systems. There are local corrections, state corrections and federal corrections. There’s very rarely a coordinated effort on a widespread basis for a type of strike.

In the federal Bureau of Prisons, they are really good about gathering and cultivating intelligence. The staffers should be able to predict when one of these happens. Conversely, if you have a correctional facility that is not well operated and they don’t know that something is going to go down, when it does, they’re not going to know how to react.

#### Government recognition doesn’t involve policy action or any change – this is terminal defense to the aff’s solvency since they don’t actually cause strikes or even protect it.

Law Dictionary ‘ND [The Law Dictionary; Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.; No Date; “What is RECOGNIZE?”; https://thelawdictionary.org/recognize/; Accessed 10-28-2021] AK

To try; to examine in order to determine the truth of a matter. Also to enter into a recognizance.

#### Increased strikes sabotage the economy – they cause major disruptions and lower income for workers.

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Labor strikes can cause major disruptions to industry, commerce and the lives of many people who aren't even connected to the strike itself. The Professional Air Traffic Controllers Association strike in 1981 resulted in the firing of thousands of air traffic controllers, and the New York City transit strike in late 2005 affected millions of people. The history of strikes and labor unions is a key chapter in the story of the Industrial Revolution.

While the reasons behind strikes can be complex, they all boil down to two key elements: money and power. In this article, we'll find out how labor strikes have affected the balance of power between corporations and workers, what laws regulate strikes and learn about some important strikes in history.

It's difficult to say when the first real labor strike occurred. The word "strike" was first used in the 1700s, and probably comes from to notion of dealing a blow to the employer [ref]. In 1786, a group of printers in Philadelphia requested a raise and the company rejected it. They stopped working in protest and eventually received their raise. Other professionals followed suit in the next few decades. Everyone in a city who practiced the same profession agreed to set prices and wages at the same rate. Members would shun anyone who diverged from the agreement, refusing to work in the same shop and forcing employers to fire them. By the 1800s, formal trade societies and guilds began to emerge.

To have a strike today, you must have a union (though not necessarily an official union) -- an organization of workers that bargain collectively with an employer. Workers form unions because an individual worker is powerless compared to an employer, who can set low wages and long working hours as long as it adheres to labor laws. When workers combine to form a union, they collectively have enough power to negotiate with the employer. The main weapon the union has against the employer is the threat of a strike action.

At its most basic level, a strike occurs when all the workers in the union stop coming to work. With no workers, the business shuts down. The employer stops making money, though it is still spending money on taxes, rent, electricity and maintenance. The longer the strike lasts, the more money the employer loses. Of course, the workers aren't getting paid either, so they're losing money as well. Some unions build up "war chests" -- funds to pay striking workers. But it isn't usually very much, and it's often not enough for a prolonged strike.

Strikes help explain why unions are more powerful than individuals. Imagine if an employer refuses to give a raise to an individual worker. She then decides to stop coming to work in protest. The employer simply fires her for not coming to work. That one worker has no power to influence the employer. However, it can be very costly for an employer to fire every single worker when a union goes on strike (though it has happened).

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state – TURNS CASE

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.

#### Prison strikes don’t work – at best they cause incremental, half-hearted reforms; at worst prisoners get punished for them.

Thompson ’16 (Christie; writer for the Marshall Project; 9-21-2016; “Do Prison Strikes Work?”; Marshall Project; https://www.themarshallproject.org/2016/09/21/do-prison-strikes-work; Accessed: 11-8-2021; AU)

On Sept. 9, prisoners across the country stopped showing up for their work assignments to protest what they call slave-like conditions for incarcerated workers. Inmates make pennies an hour keeping the prison running — such as cleaning and cooking — or providing cheap manufacturing for private businesses. Inmates involved in the protest are calling for higher wages, better working conditions and less severe punishment while on the job. The work stoppage was organized by inmates in multiple states and labor activists with the Industrial Workers of the World to coincide with the 45th anniversary of the Attica riot, which was preceded by a strike in the prison’s metal shop. Prisoners and labor organizers on the outside hoped it would be the largest prison strike in history. It’s hard to quantify exactly how many prisoners in how many states have participated, as prison officials and organizers give conflicting accounts of its scope. Activists claim inmates in at least 11 states are taking part. This strike is the latest in a long history of prisoners trying to use what little leverage they have — whether work stoppages or hunger strikes — to demand change from administrators. Some have been more successful **than others**. Here’s a look at five other prison strikes and **what came of them**: Post-WWII Labor Strikes University of Michigan professor Heather Ann Thompson’s history of labor movements in prison details how a series of work stoppages and sit-down protests took off in prisons across the U.S. in 1947. In little over a decade, hundreds of prisoners in Connecticut, New Jersey, New York, Wisconsin, Louisiana, Ohio, and Georgia stopped working to protest long hours, trifling pay, and grueling work environments. Prisoners in Georgia and Louisiana went even further and slit their heel tendons so they could not be forced to work. While the work stoppages **did not lead** to immediate **changes**, they inspired another era of prison protest in the ‘60’s and ‘70’s, which included the Attica work stoppage and eventual riot. Those movements achieved **slight pay raises** and improved safety precautions in some states and led to the creation of prisoner-led unions. 2010 Georgia Labor Strike In 2010, state prisoners across Georgia launched what many then called the largest prison work strike in U.S. history — though official numbers are difficult to confirm. At the protest’s height, organizers said thousands of inmates participated across at least six state prisons. Georgia inmates were paid nothing for their work, as dictated by state law, and were asking for better conditions and more access to programming. Not only were Georgia inmates not showing up to their job assignments — they refused to leave their cells at all until their demands were met. The strike **lasted six days**, and garnered coverage in news outlets like The New York Times. It ended when prisoners decided to leave their cells to go to the law library and try to sue for improvements instead. (It’s **unclear** what became of those efforts). **Prisoners in Georgia are still not paid for their labor**. 2011-2013 Pelican Bay Hunger Strike In 2011, 400 prisoners in California’s supermax prison started refusing their meals. Their numbers grew to 7,000 as they were joined by prisoners all over the state. The inmates had a list of five demands, including limits on solitary confinement and changes to how the prison determines gang membership. Their fast ended after three weeks when prison officials agreed to reconsider some of their solitary confinement policies. Inmates returned to hunger-striking later in 2011 and again in 2013 saying the **changes were too small and too slow**. But the protests did have a significant impact. After the initial strike, the chair of the California Assembly’s Public Safety Committee held a hearing on conditions at Pelican Bay. In 2012, the nonprofit Center for Constitutional Rights filed a class-action lawsuit against the state over its use of prolonged isolation. Todd Ashker, one of the strike’s organizers, was the lead plaintiff. The suit was settled in September 2015, addressing many of the strikers’ concerns about how people end up in solitary and how long they remain there. 2013 Guantanamo Hunger Strike Detainees at the U.S. military prison in Cuba began hunger-striking in March 2013 to fight against their indefinite detention and alleged mistreatment. At the strike’s peak in July that year, 106 men were refusing to eat and 45 were being force-fed through nasal tubes. The strike — for its duration, size, and the graphic nature of force-feeding — **outraged** the public and policymakers and increased pressure on President Obama to fulfill his promise of closing the controversial prison. Since the strike, Obama has lowered the number of men held at Guantanamo from over 2,000 to 61, but has yet to close the prison entirely. 2015-2016 Immigration Detention Center Hunger StrikesSince 2015, hunger strikes have begun at various immigration detention centers — prison-like facilities where immigrants are held while their deportation case is decided — throughout the U.S. Roughly 200 detainees at Eloy Detention Center in Arizona stopped eating in June 2015, in part to pressure an investigation into recent deaths at the facility. That fall, immigrants in detention in California, Alabama, Louisiana, and Texas also stopped eating to object to their indefinite detention and poor conditions. More recently, 22 mothers being held with their children in a family detention center in Pennsylvania went on a hunger strike this August. Their strike accompanied a series of handwritten letters they sent to immigration officials asking to be released from indefinite detention. The strike has continued off-and-on since then, with even their children threatening to refuse to attend classes in solidarity with their mothers. It’s too soon to tell what the impact of their protests might be.

1) Workers don’t have leverage – there’s zero incentive for prisons to raise wages since workers have to be there anyway. Private-sector strikes work because companies are scared of losing labor, so they have to negotiate; but prisons are a monopoly and thus control the labor market. That’s 1NC Thompson.

#### 2) No visibility – lack of public attention means strikes never generate sufficient pressure to spark change.

HLR ’19 (Harvard Law Review; 3-8-2019; “Striking the Right Balance: Toward a Better Understanding of Prison Strikes”; Harvard Law Review; https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/; Accessed: 11-8-2021; AU)

But more broadly, the prison strikers sought to draw public attention to longstanding grievances over inhumane treatment within prisons across the country and to call for significant criminal justice reforms. The strikers, through the inmate organization Jailhouse Lawyers Speak, issued a list of ten national demands, calling for, among other things, improved prison conditions, better access to rehabilitation programs, voting rights for all current and former prisoners, and the “immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans.”4× Most critically, the strikers passionately called for the “immediate end to prison slavery”5× — the label that activists use to describe the exploitative labor practices within prisons of putting prisoners to work, sometimes compulsorily, for just “cents an hour or even for free.”6× Although **none of the strikers’ ten demands have yet been met**, the 2018 nationwide prison strike was still a remarkable event in its scope and coordination, as well as its ability to generate public support and attention. An estimated 150 different organizations endorsed the strike; citizens held numerous demonstrations outside of prisons in solidarity; and a range of national media publications provided detailed coverage of the protest’s motivations, objectives, tactics, and status as potentially the “largest prison strike in U.S. history.”7× Despite the 2018 prison strike’s apparent gravity, it is difficult to fully contextualize its significance because **surprisingly little attention** has been paid to prison strikes previously. For instance, just two years prior, in 2016, a similar nationwide prison strike was described as “[t]he **largest** prison strike . . . you [probably] **haven’t heard about**.”8× In light of this reality, this Note peers behind prison walls to improve our understanding of prison strikes — the end goal being to open the door to a broader discussion of why and how these strikes should receive legal protection. Part I briefly documents America’s history of prison strikes, showing that the 2018 nationwide strike is the latest in a long, important tradition of prisoners using the only real means available to them — collective actions against prison administrators — to protest labor conditions and other deeply held grievances. Part II then evaluates the legal framework governing prison strikes, demonstrating that such strikes likely do not receive sufficient protections under either the Constitution or federal and state statutes and therefore can be shut down by prison administrators without fear of judicial oversight. Part III, informed by the rich history of prison strikes, argues that their potential and demonstrated value demands, at the very least, consideration of the merits of protecting incarcerated individuals’ right to strike, and it contends that the First Amendment framework offers one potential avenue to allow prisoners to peacefully surface pressing problems in our carceral system and to collectively express their humanity and dignity.

#### Multiple alt causes to recidivism – low wages are a drop in the bucket.

Tegeng et al. ’18 (Goche; professor in the Department of Psychology at Wollo University; 2018; “Exploring Factors Contributing to Recidivism: The Case of Dessie and Woldiya Correctional Centers”; Arts and Social Sciences Journal; https://www.hilarispublisher.com/open-access/exploring-factors-contributing-to-recidivism-the-case-of-dessie-and-woldiya-correctional-centers-2151-6200-1000384.pdf; Accessed: 11-8-2021; AU)

Recidivism is “one of the most fundamental concepts in criminal justice” and relevant in understanding the core functions of the criminal justice system such as incapacitation, deterrence, and rehabilitation [1]. Within criminal justice agencies, the level of recidivism is an important outcome variable that provides the basis for determining the extent to which an agency has been able to effectively intervene in the criminality of the offender populations it serves, identifying the needs for more effective programs, communicating the need for increased resources, and demonstrating accountability to the public and to legislators [2]. There are **many different plausible contributing factors** that might explain why released offenders could not successfully reenter the community. A notable number of studies examined the contributing factors to recidivism among released offenders. The **most plausible reasons** to explain the relatively high recidivism rate among released offenders were centered on the offenders’ **educational illiteracy**, **lack** of vocational **job skills**, lack of interpersonal skills, or **criminal history**. Besides, socio-economic factors such as gender, **age and employment status** influence the possibility of committing crimes after first conviction. In terms of gender, men are more likely to return to prison because of **criminal peer associations**, **carrying weapons**, alcohol abuse, and **aggressive feelings** [3]. According to United States Sentencing commission 24.3 and 13.7 percent of males and females were recidivates respectively in USA. **Age is** also another demographic **determinant factor** for recidivism. A study in USA shows that recidivism rates decline relatively consistently as age increases. So youths are more likely to offend than older people. Among all offenders under age 21, the recidivism rate is 35.5 percent, while offenders over age 50 have a recidivism rate of 9.5 percent (United States Sentencing commission, 2004). Therefore, incarceration, particularly at a young age, can lead to an accumulation of disadvantages over the life course, with future opportunities severely restricted [4]. On the other hand, the **absence of employment** is a consistent factor in recidivism and parole or probation violations, and **having a criminal history** limits employment opportunities and **depresses wages**. In New York State, labor statistics show that **89%** of formerly incarcerated people who violate the terms of their probation or parole are unemployed at the time of violation. Further research suggests that 1 year after release, up to 60% of former inmates are not employed. Nationally, according to a study by Bushway and Reuter [5], one in three incarcerated people reported being unemployed before entering state prison, and fewer than half had a job lined up before release. Moreover, family is **another main factor** in the formation of individual and social personally of the child. From the child’s point of view, parents are the most important and most valuable models of the universe. Prisoners’ recidivism rates are associated with the amount of contact they receive with their families [6]. Less care of family to their children [7] and lack of family involvement is **strongly related** to crime and incarceration rates. In line with this, studies in Australia revealed that, offenders with limited family support or attachment are more likely to reoffend. Alongside, drugs problem is one of the **main headline crime stories** of our times which leads to crime. The urge to commit crimes by drug addicts and alcoholics is **motivated** by the desire to support their habits. Much of these offenders’ behavior can be linked to substance abuse and addictions (UNODC, 2012). Because they tend to serve short-term sentences, their access to treatment and other programmers while in detention is quite limited and they remain at high risk of reoffending. The issue crime in general and recidivism in particular has attracted the interest of some researchers in Ethiopia. These studies were basically focused on criminal behavior; juvenile delinquency and the criminal justice system i.e. have tried to point out from legal perspectives. Yet the amount of researches and the knowledge obtained from those researches do not suffice to explain the extent and depth of the problem related to recidivism rather they try to highlight the issue from criminal behavior. Andargachew [8] in his book “The Crime Problem and Its Correction” found that Ethiopian prisons are suffered from over crowdedness, lack of sanitation, and insufficient amount and quality of food service. He has also focused the history of Ethiopian police force as well as the history of judicial system in Ethiopia. However, Andargachew failed address the issue of recidivism and lack of rehabilitation on repeat offenders. Daniel [9] also studied Crime incidences in Addis Ababa with an emphasis on the nature, spatial pattern, causes, consequences and possible remedies and showed different variables causing criminal behavior. But he too failed to identify the major causes of recidivism. Nayak [10] studies magnitude and impact Juvenile Delinquency in Gondar, explored that Juveniles who were from large sized /or disintegrated family commit delinquent act than smaller sized and healthy family. It has a greater impact on different levels like, individual, family, community and society at large. Yet, he also lacked from discussing recidivism. In addition to this, Meti [11] in his/her study in Addis Ababa tried analyze the influence of socio economic factors on crime with particular emphasis on the triggering factors that prompt criminal behavior is a timely endeavor. But he still refrained from explaining the factors contributing to recidivism. On top of that, methodologically, the aforementioned studies gave a huge emphasis on quantitative method in the understanding of crime and criminal behavior, for the sake of describing socio-economic and demographic characteristics of study participants’ vis-à-vis recidivism. On the contrary, in the present study attempt has made to incorporate qualitative method intensively due to the fact that lived experience of recidivists are more understandable through a detailed and rich data that could be collected by giving more attention to qualitative method.

Claiming that a right to strike is sufficient to overhaul the prison system and solve recidivism is laughable. Even if the aff reduces one trigger for prisoners re-offending, they have no evidence about how that one trigger is sufficient to explain why all cases of recidivism occur. Three alt causes:

#### 1) Housing – local environments influence decision-making post-imprisonment.

Flores ’18 (Nayely; contributor to the Research Journal of Justice Studies and Forensic Science; 5-21-2018; “Contributing Factors to Mass Incarceration and Recidivism”; San Jose State University; https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1061&context=themis; Accessed: 11-8-2021; AU)

Neighborhood environmental context has been found to **influence** the **behavior** of those that reside in that neighborhood. The social organization of neighborhoods, specifically poor ones, have a **significant impact** on the level of crime and recidivism rate in that particular neighborhood. According to Kubrin and Stewart’s (2006) study, when offenders are released back into their neighborhoods, they seek resources **in their neighborhood** to successfully integrate back into society; however, when that is not present the probability of them returning to the criminal justice system is **significantly higher**. Moreover, when individuals in neighborhoods have high rates of crime, poverty, and high social disorganization, the risk of youth falling into the criminal justice system also increases. Harris’s (2010) study finds that Blacks who find themselves in these neighborhoods are at a higher risk to become incarcerated than whites. In addition, socioeconomic disparities between Blacks and whites make it more difficult for Blacks to access resources once they are in the criminal justice system, making them **susceptible to recidivism**. Typically, offenders return to their neighborhoods with little to no money, the clothes on their back, and no employment. When they are returning to a neighborhood that has those same characteristics (high unemployment, poverty, etc.), there is a **considerable likelihood** of reoffending (Stahler et al., 2013). Overall, many studies show a **significant relationship** between mass incarceration and neighborhood environment.

2) Unemployment – former felons are locked out of the labor market because of a lack of vocational skills. It’s the single biggest factor that drives recidivism – that’s 1NC Tegeng.

3) Education, drug abuse, family support, rehabilitative programs in prison, etc. all matter far more.