# 1AC – Giroux v2

### Part 1 is Framework

#### Academia is under attack. Our conception has been molded by neoliberal rhetoric and education has been coopted by the academic industrial complex telling us to put our heads down and accept the system and restricting our freedom of thought.

**Giroux 15** (Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy, “Higher Education and the Promise of Insurgent Public Memory,” March 3, 2015, http://truth-out.org/news/item/29396-higher-education-and-the-promise-of-insurgent-public-memory)

"What happens to the memory of history when it ceases to be testimony?" - James Young (1) At a time when both political parties, anti-public intellectual pundits and mainstream news sources view **the purpose of higher education almost exclusively as a workstation for training a global workforce, generating capital for the financial elite, and as a significant threat to the power of the military, corporate and ultra-rich, it becomes more difficult to reclaim a history in which the culture of business is not the culture of higher education.** This is certainly not meant to suggest that higher education once existed in an ideal past in which it only functioned as a public good and provided a public service in the interest of developing a democratic polity. **Higher education has always been fraught with notable inequities and anti-democratic tendencies, but it also once functioned as a crucial reminder of both its own limitations and the potential role it might play in attacking social problems and deepening the promise of a democracy to come.** As difficult as it may seem to believe, John Dewey's insistence that "democracy needs to be reborn in each generation, and education is its midwife" was once taken seriously by many academic leaders. (2) Today, it is fair to see that Dewey's once vaunted claim has been willfully ignored, forgotten or made an object of scorn. (3) Throughout the 20th century, there have been flashpoints in which the struggle to shape the university in the interest of a more substantive democracy was highly visible. **Those of us who lived through the 1960s remember a different image of the university. Rather than attempt to train MBAs, define education through the lens of mathematical utility, indoctrinate young people into the culture of capitalism, decimate the power of faculty and turn students into mindless consumers, the university presented itself as a site of struggle. That is, it served, in part, as a crucial public sphere that held power accountable, produced a vast array of critical intellectuals, joined hands with the antiwar and civil rights movements and robustly challenged what Mario Savio once called "the machine" - an operating structure infused by the rising strength of the financial elite that posed a threat to the principles of critique, dissent, critical exchange and a never-ending struggle for inclusivity.** The once vibrant spirit of resistance that refused to turn the university over to corporate and military interests is captured in Savio's moving and impassioned speech on December 2, 1964, on the steps of Sproul Hall at the University of California, Berkeley: There is a time when the operation of the machine becomes so odious, makes you so sick at heart, that you can't take part; you can't even tacitly take part. And you've got to put your bodies upon the gears, upon the wheels, upon the levers, upon all the apparatus and you've got to indicate to the people who run it, to the people who own it, that unless you're free the machine will be prevented from working at all. (4) The 1960s may have been the high point of that period in US education in which the merging of politics, justice, civil rights and the search for truth made clear what it meant to consider higher education as a democratic public sphere. Not everyone was pleased or supported this explosion of dissent, resistance to the Vietnam War and struggle to make campuses across the United States more inclusive and emancipatory. Conservatives were deeply disturbed by the campus revolts and viewed them as a threat to their dream worlds of privatization, deregulation, militarization, capital accumulation and commodification. What soon emerged was an intense struggle for the soul of higher education. For instance, the Powell Memo was released on August 23, 1971, and authored for the Chamber of Commerce by Lewis F. Powell Jr., who would later be appointed as a member of the US Supreme Court. (5) Powell identified the US college campus "as the single most dynamic source" for producing and housing intellectuals "who are unsympathetic to the [free] enterprise system." (6) He recognized that one crucial strategy in changing the political composition of higher education was to convince university administrators and boards of trustees that the most fundamental problem facing universities was the lack of conservative educators, or what he labeled the "imbalance of many faculties." (7) **Conservatives have a long history of viewing higher education as a cradle of left-wing thought and radicalism.** The Powell Memo was designed to develop a broad-based strategy, not only to counter dissent but also to develop a material and ideological infrastructure with the capability to transform the US public consciousness through a conservative pedagogical commitment to reproduce the knowledge, values, ideology and social relations of the corporate state. **Not only did the Powell Memo understand and take seriously the educative nature of politics, it also realized that if a crisis of economics was not matched by a crisis of ideas, it was easier to reproduce a society in which conformity could be bought off through the swindle of a neoliberal mantra that used the discourse of freedom, individuality, mobility and security to serve the interests of the rich and powerful.** **The Powell Memo was the most influential of one of a number of ideological interventions in the 1970s that developed political roadmaps to crush dissent, eliminate tenure and transform the university into an adjunct of free-market fundamentalism. But it certainly was not the first shot fired as part of a larger conservative struggle to shape US higher education. (8) Conservatives have a long history of viewing higher education as a cradle of left-wing thought and radicalism. As early as the 1920s, conservatives were waging an ideological war against liberal education and the intellectuals who viewed higher education as a site of critical dialogue and a public sphere engaged in both the pursuit of truth and in developing a space where students learned to read both the word and world critically.** Conservatives were horrified by the growing popularity of critical views of education and modes of pedagogy that connected what students were taught to both their own development as critical agents and to the need to address important social problems**. During the McCarthy era, criticism of the university and its dissenting intellectuals cast a dark cloud over the exercise of academic freedom, and many academics were either fired or harassed out of their jobs because of their political activities outside the classroom or their alleged communist fervor or left-wing affiliations. In 1953, the Intercollegiate Studies Institute (ISI) was founded by Frank Chodorov in order to assert right-wing influence and control over universities. ISI was but a precursor to the present era of politicized and paranoid academic assaults.** In fact, William F. Buckley, who catapulted to fame among conservatives in the early 1950s with the publication of God and Man at Yale, in which he railed against secularism at Yale University and called for the firing of socialist professors, was named as the first president of ISI. The former president of ISI, T. Kenneth Cribb Jr., delivered the following speech to the Heritage Foundation in 1989, a speech that perfectly captures the elitist and ruling-class ideological spirit and project behind ISI's view of higher education: We must ... provide resources and guidance to an elite which can take up anew the task of enculturation. Through its journals, lectures, seminars, books and fellowships, this is what ISI has done successfully for 36 years. The coming of age of such elites has provided the current leadership of the conservative revival. But we should add a major new component to our strategy: **the conservative movement is now mature enough to sustain a counteroffensive on that last Leftist redoubt, the college campus.... We are now strong enough to establish a contemporary presence for conservatism on campus, and contest the Left on its own turf. We plan to do this greatly by expanding the ISI field effort, its network of campus-based programming. (9) ISI was an early effort on the part of conservatives to "'take back' the universities from scholars and academic programs regarded either as too hostile to free markets or too critical of the values and history of Western civilization."** (10) As part of an effort to influence future generations to adopt a conservative ideology and leadership roles in "battling the radicals and PC types on campus**," the Institute was just one of many right-wing foundations and institutes to have emerged since the 1980s,** in particular, to provide numerous scholarships, summer programs and fellowships. (11)

#### Neutrality is an Orwellian lie which masks over the fact that neoliberalism is violent. The critical scholarship of the affirmatives endorsement can we expand paths of freedom

**Giroux 13** (Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy, “Public Intellectuals Against the Neoliberal University,” 29 October 2013, http://www.truth-out.org/opinion/item/19654-public-intellectuals-against-the-neoliberal-university)

Increasingly, as universities are shaped by an audit culture, the call to be objective and impartial, whatever one's intentions, can easily echo what George Orwell called the official truth or the establishment point of view. Lacking a self-consciously democratic political focus, teachers are often reduced, or reduce themselves, to the role of a technician or functionary engaged in formalistic rituals, unconcerned with the disturbing and urgent problems that confront the larger society or the consequences of one's pedagogical practices and research undertakings. Hiding behind appeals to balance and objectivity, too many scholars refuse to recognize that being committed to something does not cancel out what C. Wright Mills once called hard thinking. Teaching needs to be rigorous, self-reflective, and committed not to the dead zone of instrumental rationality but to the practice of freedom, to a critical sensibility capable of advancing the parameters of knowledge, addressing crucial social issues, and connecting private troubles and public issues. In opposition to the instrumental model of teaching, with its conceit of political neutrality and its fetishization of measurement, I argue that academics should combine the mutually interdependent roles of critical educator and active citizen. This requires finding ways to connect the practice of classroom teaching with important social problems and the operation of power in the larger society while providing the conditions for students to view themselves as critical agents capable of making those who exercise authority and power answerable for their actions. Higher education cannot be decoupled from what Jacques Derrida calls a democracy to come, that is, a democracy that must always "be open to the possibility of being contested, of contesting itself, of criticizing and indefinitely improving itself."33 Within this project of possibility and impossibility, critical pedagogy must be understood as a deliberately informed and purposeful political and moral practice, as opposed to one that is either doctrinaire, instrumentalized or both. Moreover, a critical pedagogy should also gain part of its momentum in higher education among students who will go back to the schools, churches, synagogues and workplaces to produce new ideas, concepts and critical ways of understanding the world in which young people and adults live. This is a notion of intellectual practice and responsibility that refuses the professional neutrality and privileged isolation of the academy. It also affirms a broader vision of learning that links knowledge to the power of self-definition and to the capacities of students to expand the scope of democratic freedoms, particularly those that address the crisis of education, politics, and the social as part and parcel of the crisis of democracy itself. In order for critical pedagogy, dialogue and thought to have real effects, they must advocate that all citizens, old and young, are equally entitled, if not equally empowered, to shape the society in which they live. This is a commitment we heard articulated by the brave students who fought tuition hikes and the destruction of civil liberties and social provisions in Quebec and to a lesser degree in the Occupy Wall Street movement. If educators are to function as public intellectuals, they need to listen to young people who are producing a new language in order to talk about inequality and power relations, attempting to create alternative democratic public spaces, rethinking the very nature of politics, and asking serious questions about what democracy is and why it no longer exists in many neoliberal societies. These young people who are protesting the 1% recognize that they have been written out of the discourses of justice, equality and democracy and are not only resisting how neoliberalism has made them expendable, they are arguing for a collective future very different from the one that is on display in the current political and economic systems in which they feel trapped. These brave youth are insisting that the relationship between knowledge and power can be emancipatory, that their histories and experiences matter, and that what they say and do counts in their struggle to unlearn dominating privileges, productively reconstruct their relations with others, and transform, when necessary, the world around them.

#### Therefore, I affirm Resolved: A just government ought to recognize an unconditional right of workers to strike as a means to support resistance to the ideology of capitalism in educational spaces.

#### The Role of the Ballot is to vote for the debater that both counters the Hegemonic discourse and supports a system that procedurally prevents normalization and system of ideology that entrench oppressive structures. We must challenge them.

**Kirker**, Jessica. “Professional Friction: Racialized Discourse And The Practice Of Teaching Art.” Journal of Social Theory in Art Education. **2017**. Web. October 13, 2021. .

Language is crucial in situating our selves and others. **Discursive patterns create alliances or factions, establish hierarchies, and subjugate individuals or groups.** In this autoethnographic study, I consider how I, as a White woman teaching art, participate in, maneuver, and manipulate spoken and unspoken racialized discourses within the context of a high school with a diverse population of students. Through the data collection process of journaling over one school year, I recorded reflections on conversations, speeches, and written communication with, between, and regarding teachers, students, parents, and school administrators. I employed discourse analysis on these texts and draw upon Critical Race Theory and Whiteness Studies to examine the discourses that govern the school and inform its social conventions as manifested in my professional identity as it intersects with various collegial spaces. I also show the value in performing an autoethnography as a way to evolve as a social justice educator and scholar as well as a means to give voice to teachers’ stories so that we can render visible the way radicalized discourses and discords they create can shape the daily practice of teaching art. **Discussions of racial discrimination often only exist as history lessons, but the lessons taught throughout U.S. schools about racial identity are deeply embedded within the daily practices of all members of a school community.** Racial identities are established on a daily basis through (seemingly) casual interactions and microagressions between teachers, students, parents, and administrators. The discourses that position and subjugate individuals can be as simple as an informal email or a casual hallway conversation to more public approaches like disciplinary hearings or faculty meetings. These messages establish relationships of sameness or difference, power or subordination, and allegiance or contention. Beyond the interactions of daily personal relationships, **there are normalizing school practices; ways of doing things, guiding principles, and procedures, that define and shape parties in relationship to each other as well as ascertaining a dominant value system over the school context. Rules as well as social norms are communicated through highly visible social etiquette conventions as well as formalized policies and legislation (Hodge & Kress, 1988). The discourses that define these rules are often structured to ensure dominant parties remain unchallenged (Hodge & Kress, 1988). In the context of U.S. schools, censorship of speech or imagery, management tactics, and disciplinary policies are often designed to fit the interests and desires of dominant White educational leaders.**

### Part 2 is Offense

#### Limiting the right to strike masks over the violence perpetuated by capitalism and collusion of the state

Marc **Crépon**, 20**19**, Professor of Philosophy at the Ecole Normale Superieure and director of research at the Archives Husserl, National Center for Scientific Research. The Right to Strike and Legal War in Walter Benjamin’s ‘Toward the Critique of Violence’. Translation by Micol Bez. Critical Times (2019) 2 (2): 252–260. https://read.dukeupress.edu/critical-times/article/2/2/252/141479/The-Right-to-Strike-and-Legal-War-in-Walter

Let us return to the place that the right to strike occupies within class struggle. To begin with, the very idea of such a struggle implies certain forms of violence. The strike could then be understood as one of the recognizable forms that this violence can take. However, **this analytical framework is undermined as soon as this form of violence becomes regulated by a “right to strike,” such as the one recognized by law in France in 1864. What this recognition engages is, in fact, the will of the state to control the possible “violence” of the strike. Thus, the “right” of the right to strike appears as the best, if not the only, way for the state to circumscribe within (and via) the law the relative violence of class struggles.** We might consider this to be the perfect illustration of the aforementioned hypothesis. Yet, there are two lines of questioning that destabilize this hypothesis that we would do well to consider.

First, is it legitimate to present the strike as a form of violence? Who has a vested interest in such a representation? In other words, how can we trace a clear and unequivocal demarcation between violence and nonviolence? Are we not always bound to find residues of violence, even in those actions that we would be tempted to consider nonviolent? The second line of questioning is just as important and is rooted in the distinction established by Georges Sorel, in his Reflections on Violence, between the “political strike” and the “proletarian general strike,” to which Benjamin dedicates a set of complementary analyses in §13 of his essay. Here, again, we are faced with a question of limits. What is at stake is the possibility for a certain type of strike (the proletarian general strike) to exceed the limits of the right to strike— turning, in other words, the right to strike against the law itself. The phenomenon is that of an autoimmune process, in which the right to strike that is meant to protect the law against the possible violence of class struggles is transformed into a means for the destruction of the law. The difference between the two types of strikes is nevertheless introduced with a condition: “The validity of this statement, however, is not unrestricted because it is not unconditional,” notes Benjamin in §7. We would be mistaken in believing that the right to strike is granted and guaranteed unconditionally. Rather, it is structurally subjected to a conflict of interpretations, those of the workers, on the one hand, and of the state on the other. **From the point of view of the state, the partial strike cannot under any circumstance be understood as a right to exercise violence, but rather as the right to extract oneself from a preexisting (and verifiable) violence: that of the employer. In this sense, the partial strike should be considered a nonviolent action, what Benjamin named a “pure means.”**

The interpretations diverge on two main points. The first clearly depends on the alleged “violence of the employer,” a predicate that begs the question: Who might have the authority to recognize such violence? Evidently it is not the employer. The danger is that the state would similarly lack the incentive to make such a judgment call. It is nearly impossible, in fact, to find a single instance of a strike in which this recognition of violence was not subject to considerable controversy. **The political game is thus the following: the state legislated the right to strike in order to contain class struggles, with the condition that workers must have “good reason” to strike. However, it is unlikely that a state systematically allied with** (and accomplice to) **employers will ever recognize reasons as good, and, as a consequence, it will deem any invocation of the right to strike as illegitimate**. Workers will therefore be seen as abusing a right granted by the state, and in so doing transforming it into a violent means. On this point, Benjamin’s analyses remain extremely pertinent and profoundly contemporary. They unveil the enduring strategy of governments confronted with a strike (in education, transportation, or healthcare, for example) who, after claiming to understand the reasons for the protest and the grievances of the workers, deny that the arguments constitute sufficient reason for a strike that will likely paralyze this or that sector of the economy. **They deny, in other words, that the conditions denounced by the workers display an intrinsic violence that justifies the strike**. Let us note here a point that Benjamin does not mention, but that is part of Sorel’s reflections: this denial inevitably contaminates the (socialist) left once it gains power. What might previously have seemed a good reason to strike when it was the opposition is deemed an insufficient one once it is **the ruling party**. **In the face of popular protest, it always invokes a lack of sufficient rationale, allowing it to avoid recognizing the intrinsic violence of a given social or economic situation, or of a new policy**. And it is because it refuses to see this violence and to take responsibility for it that the left regularly loses workers’ support.

#### Workers are structurally oppressed under unchecked capitalism with no out--the right to strike is an assertion of their freedom against its violation.

**Gourevitch**, Alex. “A Radical Defense Of The Right To Strike.” Jacobin. **2018** Web. October 13, 2021.

<https://jacobinmag.com/20**18**/07/right-to-strike-freedom-civil-liberties-oppression>.

**Class-based oppression is inextricable from liberal capitalism. While meaningful variation exists across capitalist societies, one of the fundamental unifying facts is this: the majority of able- bodied people are forced to work for members of a relatively small group, who dominate control over productive assets and who, thereby, enjoy control over the activities and products of those workers.** **There are workers, and then there are owners and their managers. Workers are pushed into the labor market because they have no reasonable alternative to looking for a job. They cannot produce the goods they need for themselves, nor can they rely on the charity of others, nor can they count on adequate state benefits.** Depending on how we measure income and wealth, about 60 to 80 percent of Americans fall into this category for most of their adult lives. **This structural compulsion is not symmetric. A significant minority of the population has enough wealth — whether inherited or accumulated or both — that they can avoid entering the labor market**. They might happen to work, but they are not forced to do so. The oppression, then, stems not from the fact that some are forced to work. After all, if socially necessary work were shared equally, then it might be fair to force each to do their share. The oppression stems from the fact that the forcing is unequal —that only some are made to work for others, producing whatever employers pay them to produce. This structural inequality feeds into a second, interpersonal dimension of oppression. **Workers are forced to join workplaces typically characterized by large swathes of uncontrolled managerial power and authority.** **This oppression is interpersonal because it is power that specific individuals (employers and their managers) have to get other specific individuals (employees) to do what they want. We can distinguish between three overlapping forms that this interpersonal, workplace oppression takes: subordination, delegation, and dependence. Subordination: Employers have what are sometimes called “managerial prerogatives” — legislative and judicial grants of authority to owners and their managers to make decisions about investment, hiring and firing, plant location, work process, and the like.** Managers may change working speeds and assigned tasks, the hours of work, or, as Amazon currently does, force employees to spend up to an hour going through security lines after work without paying them. They can fire workers for Facebook comments, their sexual orientation, for being too sexually appealing, or for not being appealing enough. They can give workers more tasks than can be performed in the allotted time, lock employees in the workplace overnight, require employees to labor in extreme heat and otherphysically hazardous conditions, or punitively isolate workers from other coworkers. They can pressure employees to take unwanted political action, or, in the case of nurses, force employees to work for twenty-two different doctors. What unifies these seemingly disparate examples is that, in all cases, **managers are exercising legally permitted prerogatives. The law does not require that workers have any formal say in how those powers are exercised. In fact, in nearly every liberal capitalist country (including social democracies like Sweden), employees are defined, in law, as “subordinates.” This is subordination in the strict sense: workers are subject to the will of the employer. Delegation: There are additional discretionary legal powers that managers enjoy not by legal statute or precedent but because workers have delegated these powers in the contract.** For instance, workers might sign a contract that allows managers to require employees to submit to random drug testing or unannounced searches. **In the United States, 18 percent of current employees and 37 percent of workers in their lifetime work under noncompete agreements. These clauses give managers the legal power to forbid employees from working for competitors, in some cases reducing these workers to near indentured service.** The contract that the Communications Workers of America had with Verizon until 2015 included a right for managers to force employers to perform from ten to fifteen hours of overtime per week and to take some other day instead of Saturday as an off-day. While workers have granted these prerogatives to employers voluntarily, in many cases it’s only technically voluntary because of the compulsion to work. This is especially true if workers can only find jobs in sectors where these kinds of contracts proliferate. Which leads to the third face of oppression: the distributive effects of class inequality. The normal workings of liberal capitalism elevate a relatively small group of owners and highly paid managers to the pinnacle of society, where they accumulate most of the wealth and income. Meanwhile, most workers do not earn enough to both meet their needs and to save such that they can employ themselves or start their own businesses. The few that do rise displace others or take the structurally limited number of opportunities available. The rest remain workers. **Dependence: Finally, managers might have the material power to force employees to submit to commands or even to accept violations of their rights because of the worker’s dependence on the employer. A headline example is wage theft**, which affects American workers to the tune of $8 to $14 billion per year. Employers regularly break labor law, by disciplining, threatening, or firing workers who wish to organize, strike, or otherwise exercise supposedly protected labor rights. In other cases, workers have been refused bathroom breaks and resorted to wearing diapers, denied legally required lunch breaks or pressured to work through them, forced to keep working after their shift, or denied the right to read or turn on air conditioning during break. In particularly egregious examples, employers have forced their workers to stay home rather than go out on weekends or to switch churches and alter religious practices on pain of being fired and deported. There are also the many cases of systematic sexual harassment, in those wide regions of the economy where something more than a public shaming is needed to control bosses. In all these instances, employers are not exercising legal powers to command. Instead they are taking advantage of the material power that comes with threatening to fire or otherwise discipline workers. This material power to get workers to do things that employers want is in part a function of the class structure of society, both in the broad sense of workers being unequally dependent on owners, and in the narrower sense of workers being legally subordinate to employers. The oppression lies not just in the existence of these powers, nor in some capitalist bad apples, but in how these powers are typically used. **Managers tend to use these powers “rationally,” to exploit workers and extract profits. Each of these different faces of oppression — structural, interpersonal, and distributive — is a distinct injustice. Together they form the interrelated and mutually reinforcing elements of class domination that are typical of capitalist societies. Defenders of liberal capitalism insist that it provides the fairest way of distributing work and the rewards of social production. They often speak in the idiom of freedom. Yet liberal capitalism fundamentally constrains workers’ liberty, generating the exploitation of one class by another. It is this oppression that explains why workers have a right to strike and why that right is best understood as a right to resist oppression.**

#### The structural Oppression caused by unchecked corporate power leads to physical violence

Richard **Rubenstein**, **2018**, Responsibility For Peacemaking In The Context Of Structural Violence, International Journal on Responsibility. May, https://commons.lib.jmu.edu/cgi/viewcontent.cgi?article=1019&context=ijr

**Within these nested systems, Galtung points out, structural violence and direct violence “crossbreed.” Repressive structures generate rebellion, crime, and self-destructive behaviors such as suicide and substance abuse, while rebellious acts incubate repressive institutions and punitive norms.** To illustrate how this crossbreeding occurs, the theorist introduces a third element of the conflict triangle, cultural violence, defined as “those aspects of culture ... that can be used to justify or legitimize direct or structural violence.” 14 The cultural products that he considers especially potent in this regard are religion, ideology, language, art, science, and cosmology, although he might also have noted the peculiar importance in today’s world of narrative forms, including the graphic arts (films, videogames, images and stories shared on social media), as well as the subconscious imagery explored by psychoanalysts like Freud, Jung, and Lacan. Like Pierre Bourdieu, who sees “symbolic violence” as authority’s most effective tool, **Galtung stresses the extent to which cultural conditioning maintains the oppressive structures that end by provoking and delivering violence: The culture preaches, teaches, admonishes, eggs on, and dulls us into seeing exploitation and/or repression as normal and natural, or into not seeing them (particularly not exploitation) at all. Then come the eruptions, the efforts to use direct violence to get out of the structural iron cage ... and counter-violence to keep the cage intact.**15 Other commentators, noting that cultural ideas and practices tend to lag behind changes in the system of production, consider deep-rooted socioeconomic shifts the primary causal factor.16 But the causes can flow in any direction once the triangle – an integrated violent system – has been established. Moreover, Galtung’s theory points to the fact that the generation and crossbreeding of violent conflict can take place in a wide variety of social systems. **The family, school, workplace, religious community, nation, and empire – all can become sites and producers of direct, structural, and cultural violence**. This is especially likely to happen under certain conditions, which will be described differently, of course, by those challenging the system and those defending it. What are those conditions? And, what sorts of violent system do they produce?

#### Strikes curb the economically harmful effects of concentrated market power---and, by reducing economic inequality, strike gains ensure that the benefits of economic growth are shared more broadly – we help the proletariat to ensure the fight can go on

**Bahn**, Kate. “The Once And Future Role Of Strikes In Ensuring U.S. Worker Power.” Washington Center for Equitable Growth. August 29, **2019**. Web. October 12, 2021.

<https://equitablegrowth.org/the-once-and-future-role-of-strikes-in-ensuring-u-s- worker-power/>.

The role of monopsony power in the U.S. labor market Monopsony power is a situation in the labor market where individual employers exercise effective control over wage setting rather than wages being set by competitive forces (akin to monopoly power, where a limited number of firms exercise pricing power over their customers.) In a new Equitable Growth working paper by Mark Paul of New College of Florida and Mark Stelzner of Connecticut College, the role of collective action in offsetting employer monopsony power is examined in the context of institutional support for labor. **Paul and Stelzner construct an abstract model with the assumption of monopsonistic markets and follow the originator of monopsony theory Joan Robinson’s insight that unions can serve as a countervailing power against employer power. Their model shows that institutional support for unions, such as legislation protecting the right to organize, is necessary for this dynamic process of balancing employers’ monopsony power.** In an accompanying column, the two researchers write that they “find that a lack of institutional support will devastate unions’ ability to function as a balance to firms’ monopsony power, potentially with major consequences … In turn, labor market outcomes will be less socially efficient.” In short, policies and enforcement that support collective action such as **strikes not only creates benefits for workers directly but also addresses a larger problem of concentrated market power.** The return of strikes in the U.S. labor market Within the past few years, strikes have been revived as a bargaining tool. “Red for Ed” became the name referring to teachers strikes that took place across traditionally conservative right-to-work states. Beginning with the closure of all schools in West Virginia in 2018 following 20,000 teachers across the state walking out, this movement spread to Oklahoma, Kentucky, Arizona, and Colorado, among other places. These strikes were led by rank-and-file union members, rather than by union leadership, rendering them illegal under the Taft-Hartley Act, which prohibits so- called wildcat strikes. These strikes led to significant gains for these public-sector workers through organizing against policymakers rather than direct management. Before Red for Ed, **the “Fight for Fifteen” movement starting in 2012 and “OUR Walmart” starting in 2010 exemplified labor organizing in new mediums by conducting worker-led actions against large corporations that directly employ or control the employment (as in the franchisor-franchisee model) of low- wage workers. The efforts of Fight for Fifteen directly impacted New York state’s minimum wage increase to $15 per hour and has paved the way for a national movement for a higher minimum wage.** OUR Walmart led walkouts and Black Friday protests in the years leading up to Walmart’s decision to increase wages. Many structural changes, such as the fissuring of the workplace, have reduced the ability of private-sector unions to make gains against employers, yet these strikes and labor actions represent an opportunity for growth. With the U.S. labor market increasingly dominated by the services sector, these strikes were conducted by workers whose jobs cannot move elsewhere and whose work we interact with in our daily lives. Ruth Milkman of the City University of New York describes these labor actions as similar to those that existed before the Fair Labor Standards Act of 1938 protected the right strike (before these rights were subsequently chipped away by the Taft-Hartley Act 20 years later) in order to unionize. With popular and successful strikes in unexpected places, what will the role of strikes be in the future? Will workers continue recognize the strength of the strike and other labor actions, and will policymakers and enforcers make it a successful tool for increasing worker bargaining power? Research by Alex Hertel-Fernandez, Suresh Naidu, and Adam Reich of Columbia University looked at the response to strikes following the Red for Ed movement in conservative states and found that residents of areas affected by the teacher walkouts broadly supported the strikes, with 39 percent saying they strongly supported the walkouts and another 27 percent somewhat in support of the walkouts, including half of self-identified Republicans supporting the strikes. What’s more, the three researchers found that families that learned about them from their teachers or directly from the union had even stronger support for the strikes, compared to those who learned about them from other sources, such as talk radio. First-hand knowledge of strikes increases support for them. In addition to Hertel-Fernandez’s work showing broad support for unions generally and increasing support for bold labor actions, more policymakers and advocates are providing much-needed proposals on how to foster a robust U.S. labor market and strengthen institutions that would make collective action more successful. Emblematic of this is Harvard Law’s Labor and Worklife Program’s Clean Slate Project, led by Sharon Block and Ben Sachs of Harvard University, which gathers academic experts and labor organizers to develop strong proposals that would increase worker bargaining power. Multiple 2020 presidential campaigns have followed suit, with new proposals to boost unions. Conclusion Unions in the United States are at their lowest level of density since they became legal around 80 years ago, with 6.4 percent of private-sector workers in unions today. Yet there is increasing energy for bringing back this crucial force to balance the power of capital and ensure the fruits of economic growth are more broadly shared among everyone who creates it. **Strikes are a compelling tool for dealing with rising U.S. income and wealth inequality—just as they were in an earlier era of economic inequality, when unions first gained their legal stature in the U.S. labor market.**

### Part 3 is Method

#### First, Scholarship

#### Education and discussion about capitalist inequality is necessary to create social change and fosters community building. Our role of the ballot spills up.

**Barnum**, Anthony. “Teaching Issues of Inequality Through A Critical Pedagogy Of Place.” Journal of sustainability Education. February, 20**16**. Web. October 13, 2021. .

Sustainability, engagement, place-based and experiential learning are buzz-words in public discourse from classrooms to community organizations, but what do these words mean and how do we as educators create meaningful learning experiences where learners, whether traditional students or community members, can learn and practice the sociological imagination? This paper provides an example of how educators from academia and the larger community of which they are a part can build partnerships where both students and community members can benefit as they work to build a future where social responsibility becomes practice and not just theory. Today, both students and faculty engage in discourse and the study of ideas of sustainability in relation to society and the environment. However, it is less common for these same ideas of sustainability to apply to critiques and analyses of a larger sustainable culture. **In terms of thinking about sustainability, students and faculty must push themselves to also consider aspects of social, political, and economic sustainability. How to conceptualize these ideas, and what they might and could mean especially in terms of addressing issues of inequality provides many areas for new research and theorizing.** This is the logical next step in addressing sustainability and several environmental sociologists suggest that environmental issues cannot be dealt with until inequality is addressed (see Barbosa 2015). This paper challenges educators to consider how teaching issues of social, political, and economic inequality can be addressed in the classroom and how students can participate in the work of a sustainable community by becoming “student-teachers” (Freire 1989). A course on Inequalities in the U.S. at a small liberal arts college has been redesigned to incorporate ideas and concepts related to social, political, and economic sustainability. **The purpose was for students to address and understand inequalities within the context of the U.S. at both the macro and the micro level in terms of how inequality can be seen and understood as a social issue that should be examined at multiple levels. By partnering with The Cumberland County Historical Society, course objectives and assignments have been rethought so that students can come to understand inequalities as they exist in the shared social environments around them through local spaces, not just in the abstract macro spaces that they are used to considering in the academic classroom. Through place-based and experiential learning activities, students are able to come to a better understanding of the study of inequalities both theoretically and as applied to specific local, state, regional, and national contexts. Issues related to the effects of the system of stratification based on race, class, gender, sexuality, etc. within the U.S. need to be rethought in how they must be addressed in holistic and sustainable ways to achieve real and lasting solutions through social change.** By addressing the teaching of inequalities in this way service-learning, experiential, and place-based learning opportunities have been incorporated where students can spend time at local community organizations and use both qualitative and quantitative methods and reasoning. **The objective is to enable students to see inequality within local, regional, and national contexts and to link these experiences to global forces. At the same time students need to learn to see the social worlds that we inhabit and for them to become active participants in the local community where they become teachers on issues of inequality. One of the main pedagogical goals was to take this course and to teach it with an integrated service-learning component, which would allow students to examine areas of American society related to inequalities of race, class, and gender. Experiential based learning was incorporated through service learning projects where students would be required to spend time at a local community organization.** This was done as a means to use C. Wright Mills’ “sociological imagination” (2013) whereby students could link personal troubles to larger social issues, enabling them to see inequality within local, regional, national, and global contexts, and encourage them to make connections to the larger social worlds that they inhabit. The project stretches the traditional study of inequality to make use of place-based learning and to facilitate the identification of various forms of inequality in the social world around us by providing a framework through which students are able to exit the campus bubble and to meaningfully engage in the local community. The study of inequality often examines the distribution of power and resources within a society but often fails to put a personal face to these issues, which are often treated at the macro level through examining the distribution of power and resources. The goal of this project was to rethink the course Inequalities in the U.S so that it challenges students to not only think about inequality abstractly and theoretically, but concretely and experientially. This should both enable and empower students to think about inequality not only at the national and regional levels but also at the state and local community levels. This course redesign advances learning because it directs students to examine how inequality is an unsustainable social practice and how a more sustainable society might be better designed to ameliorate issues of inequality. By participating in service-learning projects students are able to connect the problems and solutions to inequality from the classroom to the actual lived experience of individuals and communities. A key component of this redesign is an attempt to get students to engage in ideas outside of the classroom and to get their hands dirty through taking ideas and concepts related to inequality and to apply them through research and service learning. This project, it is hoped, will contribute to the relationship building between ‘town and gown’ so that both the communities of a small liberal arts college, a local historical society, and the surrounding municipality will be able to see themselves not as separate, but as parts of the same community**. A large part of this project is for students to not only learn about inequality through the local community as a living laboratory, but also flip their roles as students and become what Freire refers to as “student-teachers” (1989). Thus they will not only learn, but in turn teach what they learn to both each other and the larger community. One of the key ways of dealing with sustainability and with issues of inequality is first and foremost educating publics about issues as a means to instigate social change. Learning for the sake of learning is good, but learning for the sake of praxis lends itself to more active and engaged learning and social action. When learning can be applied and shared, it amplifies itself and moves beyond an individual act and becomes an act of community building.** Learning of this type is necessarily situated within a particular place and at a particular time with particular actors. In order to implement a pedagogy of place specific social change towards sustainability, this paper now turns to a discussion of Freirian pedagogy, which lends itself to praxis as a form of social change through consciousness building or awakening.

#### Second, Strikes

#### Strikes are a method to engage in political discussions, and the influence they have on those discussions matters as much as the outcomes within the workplaces they take place in.

**Reddy, ‘21** [Diana S. Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, Published: 1/6/21, “’There is no such thing as an illegal strike’: Reconceptualizing the strike in law and political economy”, The Yale Law Journal Forum, <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>]

**For those who believe that a stronger labor movement is needed to counterbalance the concentrations of economic and political power in this new Gilded Age, the question is not just whether the law is bad (it is), but whether strikes can be effective nonetheless. If labor activists are correct that there is “no such thing” as an illegal strike, just an unsuccessful strike, the question follows: what makes a strike successful enough, under current conditions, to transcend legal constraints**?[154](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref154) To some extent this is an empirical question, and one on which there are many opportunities for generative research. Beginning with the theoretical, however, **I suggest that the success of strikes must be measured in more than economic wins in the private sphere. Like their Progressive Era progenitors, their success must be in raising political consciousness in the public sphere—in making the stakes of the twenty-first century labor question apparent**.[155](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref155) As noted above, under current labor law, strikes are conceptualized as “economic weapons,” as hard bargaining.[156](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref156) And while legal terminology is distinct from on-the-ground understandings, unions have often emphasized the economic nature of the strike as well. **Strikes are “[t]he power to stop production, distribution and exchange, whether of goods or services**.”[157](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref157) **A strike works because “we withhold something that the employer needs.**”[158](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref158) At the same time, there has been a corresponding tendency to dismiss the more symbolic aspects of the strike. To quote White again, “while publicity and morale are not irrelevant, in the end, they are not effective weapons in their own right.”[159](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref159) These arguments are important. **A strike is not simply protest; it is direct action, material pressure. But with union density lower than ever, ongoing automation of work tasks that renders employees increasingly replaceable, and decades of neoliberal cultural tropes celebrating capital as the driver of all economic growth and innovation, it is a mistake to think of publicity and morale as nice-to-haves, rather than necessities. Instead, striking must be part of building what sociologists have described as the “moral economy,” cultural beliefs about fair distribution untethered to technocratic arguments about what is most efficient.**[160](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref160) And in that way, striking is and must be understood as political. The term political, of course, has many meanings—engendered by law, culture, and the relationship between the two. **Building on the work of other scholars, I have argued that neo-Lochnerian readings of the First Amendment which have categorized labor protest as solely economic, and therefore apolitical, are one mechanism by which unions have lost legitimacy (and legal protection) as a social movement**.[161](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref161) Under current law, what precisely constitutes the political is less than clear, though. In distinguishing “political” speech from other kinds of speech for the purpose of First Amendment analysis, the Supreme Court has at times equated the political with: electioneering;[162](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref162) speech directed to or about the government;[163](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref163) or most broadly, “speech and debate on public policy issues.”[164](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref164) **Within labor parlance, by contrast, the term “political strike” is specifically used to refer to strikes that are “designed to win a specific political outcome, such as the passage of legislation or a change in regulation**.”[165](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref165) Consistent with the NLRA’s construction of unions as economic entities, strikes which are solely “political” and without sufficient nexus to the employment relationship, are deemed unlawful secondary boycotts.[166](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref166) **But my argument here for reconceptualizing the strike as political is not about more “political strikes,” or about electoral politics, or even necessarily about state action. Based on a vision of the “political” as normative engagement directed towards collective decision-making—it is about destabilizing jurisprudential line drawing between the economic and the political in the first place**.[167](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref167) It is recognizing that all strikes are political or have the potential to be—in that all strikes are protest meant to transform collective conditions, not merely bargaining towards immediate, transactional ends. **To use political science terminology, strikes are contentious politics: “[E]pisodic, public, collective interaction among makers of claims and their objects.”**[**168**](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref168) **They are a way through which workers engage in claims-making when business and politics as usual have proven nonresponsive**.[169](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref169) **They do not only address the employer; they engage the polity. The need to reconceptualize the strike as outward-facing towards the public, not just inward-facing towards the employer, is partly a function of material changes, both in economic production and union density. As labor scholar Jane McAlevey points out, “Today’s service worker has a radically different relationship to the consuming public than last century’s manufacturing worker had . . . In large swaths of the service economy, the point of production is the community**.”[170](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref170) For this reason, she argues that effective strikes today must engage the public to be successful.[171](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref171) Union density is also many times higher now in the public sector than in the private one, an upending of the realities of unionization mid-century.[172](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref172) As illustrated by the Supreme Court’s decision in Janus v. AFSCME, it is easier to see the economic work of unions as political (qua affecting government policy, spending, and debt) in the public sector.[173](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref173) Yet, the shift is also about recognizing that it was a legal and an ideological accommodation that made the work of unions in their representative capacity appear as “economic,” and thus outside politics. The work of unions has been artificially “bifurcated” vis-à-vis the political realm.[174](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref174) For years, as Reuel Schiller has argued, unions have engaged in “two sets of activities that appear barely related to one another”: private, transaction bargaining in the workplace; combined with broad, public mobilization around electoral politics. But there were always alternate visions of the relationship between the economic and the political within union advocacy and workplace governance.[175](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref175) **If “establishing terms and conditions of employment [is] a political act involving not just a worker and an employer, but also a union, an industry as a whole, and the state,” then union advocacy is a political act too**.[176](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref176) **Strikes are part of the “contest of ideas.” Reconstructing a purposefully political philosophy, jurisprudence, and tactical repertoire of collective-labor advocacy is a project that is new again; and it will inevitably require deliberation, debate, and compromise**.[177](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref177) For the time being, though, one thing seems apparent. Strikes must be a part of engaging a broad swath of the public in reconceptualizing political economy.

#### Social movement unionism is necessary for a successful revitalization of unions. However, the creation of SMU also relies on a more confrontational strategy that is capable of winning gains for newly made coalitions.

**Köhler & Jiménez, ‘15** [Holm-Detlev Kohler is a Professor in the Department of sociology at University of Ovied, Josh Pablo Calleja Jiménez is a Lecturer in the Department of sociology at University of Uvied. Published: Spring 2015, “’They don’t represent us!’ Opportunities for a social movement unionism strategy in Spain”, Industrial Relations, <https://id.erudit.org/iderudit/1031485ar> ]

**Emerging among scholars of labour movements in newly industrializing countries (South Africa, Brazil, South Korea, etc.) in the mid-1980s and extended to northern industrialized countries a decade later** (von Holdt, 2002: 284), **SMU is the most common concept in the literature on union revitalization and, in our view, the most appropriate regarding the past experience of Spanish trade unions and their current challenges. Our concept of SMU as an innovative revitalization strategy requires and combines the three complementary power sources. It has been frequently argued that unions need to reconvert into social movements** (Fregeet al., 2004: 137) **by expanding their objectives and including the interests of workers, not only as employees but also as citizens**. To this end, unions must change their discourse, include new values and causes, form coalitions with social movements and strengthen their complementary power sources. This strategic reorientation is by no means unknown to them as it forms part of their traditional repertoire. **SMU as a union revitalization strategy primarily requires a change in the orientation of collective action. Trade unions assume a role of social movement for social change focused on the interests of the working class and extended to other issues of citizenship (gender, ecology, democracy, ...). It is an appropriate approach to contemporary challenges in broadening and enriching the role of the labour movement** (Waterman, 1993). To achieve this, all components of the unions have to assume an active role in the social and political arena. **This implies forming alliances with other social movements, embracing their causes, giving them a class orientation and a strategic approach to the most vulnerable and exploited social groups** (Moody, 1997: 59). Thus, unions will be perceived as a "sword of justice" rather than defending "vested interest" Flanders (1970: 15). **To achieve the goals of union revitalization and to develop the particular strategy of SMU, the quality of union democracy is essential** (Moody, 1997; Dibbenet al., 2004; Levesqueet al., 2005). SMU, as a strategy of social transformation, implies an increased conflict orientation (Byford, 2009: 42). **Situations of crisis where established rules and class compromises are abandoned lead to an escalation of conflict and mobilization** (Kelly, 1998: 86). **Adopting a more confrontational line of action as part of a revitalization strategy is justified by the increasingly hostile environment in which unions have to operate** (Turner, 2005: 395). This conflict orientation, alternatively, requires renouncing the stability of an insider organization and institutional embeddedness.

#### Strikers have increasingly worked to make political demands of the state, as opposed to looking only to their employers. The consequence has been an expansion in what the role for unions, and a corresponding push back from law, which considers them economic entities.

**Reddy, ‘21** [Diana S. Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, Published: 1/6/21, “’There is no such thing as an illegal strike’: Reconceptualizing the strike in law and political economy”, The Yale Law Journal Forum, <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>]

**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. As Catherine Fisk and I recently argued, law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity**.[194](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref194) **Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.**[195](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref195) As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. **Under current law, worker protest that defies acceptable legal parameters can destroy a union.**