### **First is a ROTB-**

#### Use comparative worlds

#### Their rotb collapses- we need to figure out if the world post aff is better for xyz before affirming

#### Real world---Comp worlds forces advocating for real world policies which are best for policy education. Comes first, it's the purpose of debate and the only way debate spills over to real life.

Quick theory heg here too- 1ar theory must be reasonability & dta a) 2ar responses are always new which means the judge must intervene so don’t stake the round on it, it also means CIs as a model doesnt make sense for 1ar theory b) dta solves your infinite abuse arguments

### **Second is good ol’ Marx**

#### **[White 18] An effective right to strike is a capitalist illusion designed for plication of the masses. The apparatus of the state ensures strikes are always restricted down into their most benign forms where employers can easily replace or ignore workers.**

**White 18,** Ahmed White, Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike, 2018 Wis. L. Rev. 1065, available at <https://scholar.law.colorado.edu/articles/1261/> //cohn

**Those who call for resurrecting the right to strike contend that the flourishing of strike militancy reflected, if not the inherent politics of the original Wagner Act before it was “de-radicalized,” then at least its potential.** To be sure, it is clear that the Wagner Act was a remarkable document which did more to advance workers’ rights than any statute in American history; and it was at least ambiguous on the question of the legal status of strike militancy. **But what seemed like its support for worker militancy was not a product of any particular potential. Rather, it was a reflection of the difficulty that judges, legislators, and other authorities, who dedicated themselves to restraining these strikes even as they flourished, encountered in prosecuting these values amid the unique economic and political conditions of the 1930s and 1940s. These obstructive conditions were quite temporary, though, and the authorities’ efforts culminated soon enough in the near-categorical prohibition of the tactics that had made strikes so effective.** It is in this way that the history of strikes shows less in the way of de-radicalization than an encounter with the unyielding outer boundaries of what labor protest and labor rights can be in liberal society. As this all played out, it left in its wake a right to strike, but one whose power consists almost entirely of the ability of workers to pressure employers by withholding labor, while also maybe publicizing the workers’ issues and bolstering their morale. But while publicity and morale are not irrelevant, in the end they are not effective weapons in their own right. Nor are they generally advanced when strikes are broken. Moreover, the withholding of labor, unless it could be managed on a very large scale—something the law also tends to prohibit by its restrictions on secondary boycotts, by barring sympathy strikes and general strikes—is inherently ineffective in all but a small number of cases where workers remain irreplaceable. **Of course, striking in such a conventional way accords with liberal notions of property and social order; but precisely because of this it is simply not coercive enough to be effective. And it is bound to remain ineffective, particularly in a context where workers far outnumber decent jobs, where mechanization and automation have steadily eaten away at the centrality of skill, where the perils that employers face in the course of labor disputes are as impersonal as the risks to workers are not, where employers wield overwhelming advantages in wealth and power over workers, where the state’s machinery for enforcing property rights and social order have never been more potent—where, in fact, capital is capital and workers are workers.** **From this perspective, the quest for an effective right to strike emerges as a fantasy—an appealing fantasy for many, but a fantasy no less, steeped in a misplaced and exaggerated faith in the law and a misreading of the class politics of modern liberalism.** **The campaign to resurrect such a right appears, too, not only as a dead-end and a distraction,** but an undertaking that risks blinding those who support viable unionism and the interests of the working class to the more important and fundamental fact that liberalism and the legal system are, in the end, antithetical to a meaningful system of labor rights. **It is for this reason that the call for an effective right to strike should be set aside in favor of more direct endorsement of militancy and a turn away from the law and instead towards a political program that might advance the interests of the working class regardless of what the law might hold.** The argument that follows further elaborates these main contentions about the history of striking and the nature of strikes in liberal society, augmented by a discussion of the legal terrain on which all of this has played out. It unfolds in three main parts. Part I describes how the concept of a right to strike developed in concert with the history of striking itself, how both were influenced by the evolving condition of labor, and how this history created the circumstances under which it became possible to conceive of an effective right to strike without making this possible in fact. Part II consists of a critical review of the fate of coercive and disorderly strikes, especially those featuring sit-down tactics and mass picketing. It considers how the courts, the NLRB, and Congress confronted these strikes, and how they moved with increasing vigor to proscribe them as soon as these strikes emerged as effective forms of labor protest. Part III looks more carefully at the underpinnings of this repudiation of strike militancy, finding in court rulings and other pronouncements against the strikes an opposition to coercion and disorder that, even if sometimes invoked disingenuously, is nonetheless firmly anchored in modern liberalism and its conception of the appropriate boundaries of class protest and labor conflict. **On this rests the argument that an effective right to strike is impossible and the pursuit of it, problematic.** The final part is a brief conclusion that sums up some of the implications of this argument.

#### [White 2] Rebellion is NEVER legal. Labor laws– like A Right to Strike– drown out any radical potential of strikes by banning effective policies in the name of protecting the law. This is a solvency deficit to the aff– strikes will never be effective insofar as they operate within a legal system that actively seeks to curtail them.

**White 18,** Ahmed White, Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike, 2018 Wis. L. Rev. 1065, available at <https://scholar.law.colorado.edu/articles/1261/> //cohn

There is little hope within the prevailing political and juridical order that things could ever be any different. Perhaps the right to strike could be made effective if it were fundamentally reconfigured in illiberal, corporatist terms. The right could conceivably be reconfigured such that the government might intervene more aggressively and make the workers protests effective—for example, stepping in to decide by adjudication, mediation, or arbitration which side should win a strike. Elements of this approach, which was vigorously opposed by IWW and AFL unionists alike in the early twentieth century, can be found internationally, in industry-specific statutes like the Railway Labor Act, and in labor statutes that apply to government workers, although most often when the law goes down this path it all but dispenses with the right to strike anyway, treating it as a redundancy, a tool without a purpose. As Senator Wagner himself perceived, alignment between the excessive reliance on the authority of the state to manage labor relations and the denigration of the right to strike was both dysfunctional and dangerous. As he put it back in the summer of 1937, defending the recently-passed statute that bore his name and the right that he placed at the center of it, [t]he outlawry of the right to strike is a natural concomitant of authoritarian governments. It occurs only when a government is willing to assume definitive responsibility for prescribing every element in the industrial relationship—the length of the day, the size of the wage, the terms and conditions of work.313 Clearly no such regime will be instituted in any event, not least because, as interest in such schemes in the twentieth century makes clear, support for this kind of corporatist intervention in labor disputes has itself been an elite reaction against strike militancy that currently does not exist. **Where does this leave workers and unions, possessed of a right they cannot afford to surrender but cannot rely on as a means of advancing their interests and standing in society? Are they bound like Steinbeck’s strikers to meet defeat, albeit in a more peaceful way? Maybe. In one of his many commentaries on the sit-down strikes as they raged across the country in the spring of 1937, Walter Lippmann took time to analyze one of the speeches in which James Landis had argued that the tactic might well become a new right, in the same way that the right to strike in general had been created through its persistent assertion in the face of opposition and incredulity. No revolutionary, Lippmann nonetheless understood what Landis apparently did not: that the right Landis spoke of was revolutionary in its conception, and therefore not just an impracticality but a contradiction. “Never in the history of the law has rebellion been made lawful. Only the rights demanded by the rebels have been legalized,” said Lippman.314 As the labor scholars who call for the restoration of an effective right to strike have all understood, the tactics that made such strikes possible were tolerated only so long as there was not a functional system of labor rights in place, one that could stand alone in courts and hearing rooms. Once this was the case—once the rebel unionists’ aims, or at least those imputed to them, were realized—the sit-down strikes were predictably banned, and then so were mass picketing, secondary boycotts, and so forth. Thus it is that in cases like Fansteel and the debates on Taft-Hartley, sit-down strikers, mass picketers, and the like were presented as enemies of the labor law. Even more recent attacks on the right to strike, such as complaints in the 1980s about union violence going uncensored and the modest moves by the NLRB to rein in this, too, have been inevitably justified not in terms of overthrowing the system of labor rights but managing it, reconciling its virtues with the normative and juridical mandates of liberal society. And so it is that the right to strike—the right to an effective strike—has been sacrificed not in the name of capitalist hegemony but on liberalism’s altar of labor peace. Unfortunately, so far as the interests of workers go, these are the same thing.**

#### **[Foster 20] The unending drive for capital accumulation has created the symptoms of capitalism– Ecological crises, unending economic crises, and unlimited war– the only alternative is to invest in a new system of social metabolic production aimed towards socialism**

**Foster 20** REVIEW OF THE MONTH The Renewal of the Socialist Ideal by John Bellamy Foster (Sep 01, 2020) Topics: History Marxism Movements Socialism Places: Global John Bellamy Foster is an American professor of sociology at the University of Oregon and editor of the Monthly Review. He writes about political economy of capitalism and economic crisis, ecology and ecological crisis, and Marxist theory. <https://monthlyreview.org/2020/09/01/the-renewal-of-the-socialist-ideal/> //avery recut //cohn

Any serious treatment of **the renewal of socialism today must begin with capitalism’s creative destruction of the bases of all social existence.** **Since the late 1980s, the world has been engulfed in an epoch of catastrophe capitalism,** **defined as the accumulation of imminent catastrophe on every side due to the unintended consequences of “the juggernaut of capital.”1 Catastrophe capitalism in this sense is manifested today in the convergence of (1) the planetary ecological crisis, (2) the global epidemiological crisis, and (3) the unending world economic crisis.2** Added to this are the main features of today’s “empire of chaos,” including the extreme system of imperialist exploitation unleashed by global commodity chains; the demise of the relatively stable liberal-democratic state with the rise of neoliberalism and neofascism; and **the emergence of a new age of global hegemonic instability accompanied by increased dangers of unlimited war.**3 **The climate crisis** represents what the world scientific consensus refers to as a “no analogue” situation, such that if net carbon emissions from fossil fuel combustion do not reach zero in the next few decades, **it will threaten the very existence of industrial civilization and ultimately human survival**.4 Nevertheless, **the existential crisis is *not limited to climate change*, but extends to the crossing of other planetary boundaries that together define the global ecological rift in the Earth System as a safe place for humanity. These include*: (1) ocean acidification; (2) species extinction (and loss of genetic diversity); (3) destruction of forest ecosystems; (4) loss of fresh water; (5) disruption of the nitrogen and phosphorus cycles; (6) the rapid spread of toxic agents (including radionuclides); and (7) the uncontrolled proliferation of genetically modified organisms***.5 **This rupturing of planetary boundaries is intrinsic to the system of capital accumulation that recognizes no insurmountable barriers to its unlimited, exponential quantitative advance.** Hence, **there is no exit from the current capitalist destruction of the overall social and natural conditions of existence that does not require exiting capitalism itself.** **What is essential is the creation of what István Mészáros in Beyond Capital called a new system of “social metabolic reproduction.”6 This points to socialism as the heir apparent to capitalism in the twenty-first century, but conceived in ways that critically challenge the theory and practice of socialism as it existed in the twentieth century.** The Polarization of the Class System In the United States, key sectors of monopoly-finance capital have now succeeded in mobilizing elements of the primarily white lower-middle class in the form of a nationalist, racist, misogynist ideology. The result is a nascent neofascist political-class formation, capitalizing on the long history of structural racism arising out of the legacies of slavery, settler colonialism, and global militarism/imperialism. This burgeoning neofascism’s relation to the already existing neoliberal political formation is that of “enemy brothers” characterized by a fierce jockeying for power coupled with a common repression of the working class.7 It is these conditions that have formed the basis of the rise of the New York real-estate mogul and billionaire Donald Trump as the leader of the so-called radical right, leading to the imposition of right-wing policies and a new authoritarian capitalist regime.8 Even if the neoliberal faction of the ruling class wins out in the coming presidential election, ousting Trump and replacing him with Joe Biden, a neoliberal-neofascist alliance, reflecting the internal necessity of the capitalist class, will likely continue to form the basis of state power under monopoly-finance capital. Appearing simultaneously with this new reactionary political formation in the United States is a resurgent movement for socialism, based in the working-class majority and dissident intellectuals. P, accelerated by the globalization of production, has undermined the former, imperial-based labor aristocracy among certain privileged sections of the working class, leading to a resurgence of socialism.9 **Confronted with what Michael D. Yates has called “the Great Inequality,” the mass of the population in the United States, particularly youth, are faced with rapidly diminishing prospects, finding themselves in a state of uncertainty and often despair, marked by a dramatic increase in “deaths of despair.”10 They are increasingly alienated from a capitalist system that offers them no hope and are attracted to socialism as the only genuine alternative.**11 Although the U.S. situation is unique, similar **objective forces propelling a resurgence of socialist movements are occurring elsewhere in the system, primarily in the Global South, in an era of continuing economic stagnation, financialization, and universal ecological decline.**

#### This clashes really well with the aff all of their offense is about how capitalism is bad or the capitalist state is bad---Gourevitch specifically isolates CLASS BASED oppression and Holland says strikes are good vs Cap---this debate is going to be a methods debate about who solves best

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### **Third is a DA**

#### Public-Sector Worker Strikes are illegal in most of the US

**Poydock 20** Margaret Poydock and Celine McNicholas, June 22 2020, "workers are striking during the coronavirus", <https://www.epi.org/blog/thousands-of-workers-have-gone-on-strike-during-the-coronavirus-labor-law-must-be-reformed-to-strengthen-this-fundamental-right/> //cohn

**Most private-sector workers in the United States are guaranteed the right to strike under Section 7 of the National Labor Relations Act** (NLRA). Section 7 of the Act grants workers the right “to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” **This allows private-sector workers to engage in concerted activities such as strikes, regardless of whether the worker is in a union or covered by a collective bargaining contract**. **However**, those in a union are better situated to engage in a long-term strike through strike funds. **There is no federal law that gives public-sector workers the right to strike,** but **a dozen states grant public-sector workers the right to strike.** In general, there are two types of strikes: economic strikes and unfair labor practice strikes. In an economic strike, workers withhold their labor as leverage when bargaining for better pay and working conditions. While workers in economic strikes retain their status as employees and cannot be discharged, their employer has the right to permanently replace them. In an unfair labor practice strike, workers withhold their labor to protest their employer engaging in activities that they regard as a violation of labor law. Workers in an unfair labor practice strike cannot legally be discharged or permanently replaced. However, not all strikes are protected under the law. For example, it is currently unlawful for workers to be involved in “secondary” strikes, which are strikes aimed at an employer other than the primary employer (for example, when workers from one company strike in solidarity with another company’s workers). If a strike is deemed an “intermittent strike”—when workers strike on-and-off over a period of time—it is not protected as a lawful strike by the NLRA. In general, **a strike is also unlawful if the collective bargaining agreement between a union and the employer is in effect and has a “no-strike, no-lockout” clause.**

#### Thats why infratructure strikes have been decreasing---allowing these strikes send a clear signal to terrorists that critical US infrastructure is vulnerable by weakening operations and encourge attacks.

**Davies 6** [Ross; George Mason University - Antonin Scalia Law School, Faculty, The Green Bag; “Strike Season: Protecting Labor-Management Conflict in the Age of Terror,” SSRN; 4/12/06;<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=896185>] Justin

Strikes (and, to a lesser extent, lockouts) are painful but necessary parts of private-sector American labor-management relations. Even if they weren't - even if sound public policy called for their eradication - we couldn't stop them. They are an **inevitable byproduct** of the conflicting interests and **limited resources of organized workers** and their employers. History shows that this is true even in times of warfare overseas or crisis at home: labor-management strife lessens at the beginning of a conflict and then bounces back. Now, however, we are confronted with **warfare at home**, a phenomenon that the United States has not had to deal with since the Civil War - before the rise of today's unprecedentedly large, complex, and interdependent economy and government. And history is repeating itself again. After a lull at the **beginning** of the war with terrorists, work stoppages have **returned to their pre-war levels**. The overall rate of strike activity is substantially lower than it was during previous wars (it has been slowly declining, along with overall union membership in the private sector, for decades). Today's war, however, is being fought in **part on American soil**, and against enemies who operate worldwide, but whose attacks tend to be small and local, seeking advantage from the unpredictability and brutality of the damage they inflict rather than from its scale. Thus, **even** small, localized, and **occasional work stoppages** - **not just** the **large-scale strikes** that arguably **affect**ed the **military-industrial complex** and thus the **war efforts in the past** - have the potential to **increase risks to critical infrastructure** and public safety during the war on terror. In other words, persistent strike activity at current levels poses risks of public harm, albeit risks that are **difficult to anticipate** with specificity in the absence of much **experience or available data**. This justifies taking some reasonable precautions, including the proposal made in this Article. By its very nature, a labor strike increases the **vulnerability of that employer's operations** to a **terrorist attack**. A strike is an act **specifically designed to** disrupt and weaken an **employer's operations**, for the (usually) perfectly lawful purpose of pressing for resolution of a dispute with management. A **weakened organization** or other entity is, of course, **less capable of resisting** and **surviving exogenous shocks**, whether they be commercial competition or **terrorist attacks**. In the United States, with its fully extended and endlessly **interconnected critical infrastructure** that touches **everything** from food processing to energy distribution to water quality, a strike in the **wrong place at the wrong time** that disrupts and weakens some part of that infrastructure could be **decisive in the success or failure of a terrorist attack** of the small, local sort described above, on such a weakened link in some infrastructural chain. Of course, none of this is to suggest that any union or its members (or any employer or its managers) would knowingly expose their fellow citizens or their property to a terrorist attack. To the contrary, experience to date suggests that union members are at least as patriotic and conscientious as Americans in general. In fact, the effectiveness of the proposal made in this Article is predicated in part on the assumption that neither workers nor their employers will knowingly contribute to the incidence or effectiveness of terrorist attacks. The concern addressed here is, rather, that innocent instigators or perpetuators of a work stoppage might **unwittingly facilitate a successful terrorist attack or aggravate its effects.**

#### Terrorist attacks on US critical infrastructure are an extisential threat

**Pry 15** (Peter Vincent, PhD, Executive Director of the Task Force on National and Homeland Security and Director of the U.S. Nuclear Strategy Forum, http://www.emptaskforcenhs.com/uncategorized/terrorism-an-existential-threat/, “TERRORISM–AN EXISTENTIAL THREAT)

**Terrorists do not need a nuclear missile to pose an existential threat** to the United States, however. Technology has so evolved since World War II and the Cold War that the U.S. and the West have become an electronic civilization. **Our prosperity and** very **lives depend upon a complex web of high-tech information, communications, financial, transportation, and industrial** critical infrastructures, all **supported by** the keystone critical infrastructure–**the electric power grid**. Admiral Michael Rogers, Director of the National Security Agency and U.S. CYBERCOMMAND, in November 2014, warned that China and other actors could make a **cyber attack** that **would blackout the** U.S. national electric **grid for 18 months**, with catastrophic consequences for society. The Congressional EMP Commission warned that a nationwide blackout outage lasting one year could **kill up to 9 of 10 Americans from starvation and societal collapse.** Terrorists and hostile nations are probing U.S. cyber defenses every day and are working hard to develop the cyber equivalent of a nuclear warhead. Terrorists can also pose an existential threat to the United States by attacking its technological Achilles’ Heel the old fashioned way, using bullets and bombs. A study by the U.S. Federal Energy Regulatory Commission, the government agency responsible for grid security, warns that a **terror attack that destroys just nine (9) key transformer substations, out of 2,000, could blackout unpower the entire nation for over a year.** Terrorists have learned that the electric grid is a major societal vulnerability. Terrorist attacks have already caused large-scale blackouts outage of 420,000 people in Mexico (October 2013), the entire nation of Yemen (by Al Qaeda in the Arabian Peninsula in June 2014), and 80 percent of the grid in Pakistan (January 2015)–this last a nuclear weapons state. And **if terrorists steal a nuclear weapon** from Pakistan, buy one from North Korea, or are given one by Iran, **they could** loft the warhead by balloon or missile to high-altitude over the U.S. to **make the ultimate cyber attack**–a nuclear electromagnetic pulse (EMP). **EMP could blackout the** national electric **grid** and other life sustaining critical infrastructures, **perhaps permanently**

#### Death o/ws under their fw

#### a) subjects need to be alive to have experiences

#### b) Subjects need to be alive to challenge capitalism and oppression

#### c) we’ve been arguing about ethics for thousands of years, chances are this round wont get it right but we can agree death is bad

#### d) Body count is the only objective measure of ethics- we can’t quantify how much more or less oppressive the state is or how much a RTS actually helps but a death dead always = a dead person

Case -

Deleuze is NOT a good ethical fw- collapses to skep because we can’t hold agents accountable for their actions