# 1NC – Bellarmine AK

## T – Workers

#### A] Interp - the aff must defend that just governments recognize a right to strike for workers in general – that entails that defending subsets are illegitimate.

Leslie 16 Leslie, Sarah-Jane [Sarah-Jane Leslie (Ph.D., Princeton, 2007) is the dean of the Graduate School and Class of 1943 Professor of Philosophy. She has previously served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. She is also affiliated faculty in the Department of Psychology, the University Center for Human Values, the Program in Gender and Sexuality Studies, and the Kahneman-Treisman Center for Behavioral Science and Public Policy], 4-24-2016, "Generic Generalizations (Stanford Encyclopedia of Philosophy)," <https://plato.stanford.edu/entries/generics/> SM

Isolating the Generic Interpretation Consider the following pairs of sentences: (1) a. Tigers are striped. b. Tigers are on the front lawn. (2) a. A tiger is striped. b. A tiger is on the front lawn. (3) a. The tiger is striped. b. The tiger is on the front lawn. The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in (1b), some individual tiger in (2b), and some unique salient or familiar tiger in (3b)—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about. The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind. There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In (1b), we can replace “tiger” with “animal” salva veritate, but in (1a) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. (1a) does not entail that animals are striped, but (1b) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995). Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in (1a) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in (1b) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.) 1.2 Stage Level and Individual Level Predicates Having distinguished two quite different meanings of these seemingly similar sentence pairs, the question arises: what is the basis of these two interpretations? This is of course a matter of debate, but one important thesis is that it is the predicate that determines which of the two readings the subject will receive, particularly in the case of bare plural generics. In his 1977 dissertation, Greg Carlson argued that the distinction between “stage level” and “individual level” predicates is key here, and proposed that stage level predications give rise to existential readings of bare plurals and indefinite singulars, while individual level ones give rise to generic readings. The distinction between the two types of predicates can be drawn intuitively, and also on the basis of linguistic patterns (Milsark 1974; Carlson 1977; Stump 1985). Semantically, individual level predicates express properties that normally are had by items for quite extended periods, often comprising the items’ whole existence. Stage-level predicates, on the other hand, express properties normally had by items for relatively short time intervals. Some examples of both types are as follows: Individual level predicates “is tall”; “is intelligent”; “knows French”; “is a mammal”; “is female”; “is a singer”; “loves Bob”; “hates Bob” Stage level predicates “is drunk”; “is barking”; “is speaking French”; “is taking an exam”; “is sober”; “is sick”, “is sitting”; “is on the lawn”, “is in the room”. Clearly the semantic distinction is not hard and fast: a teetotaler may be sober for the entire course of his existence, and the chronically ill may be sick for the entire course of theirs, and Alice in Wonderland is tall at some times but short at others. In the normal course of affairs, individual level predicates express more stable and less temporally intermittent properties than stage level ones do. The distinction also manifests itself linguistically. Stage level predicates are permissible in the following constructions, while individual level ones are not: (4) John saw Bill drunk/sober/sick/naked. (5) John saw Bill speaking French/taking an exam/smoking cigarettes. (6) John saw Bill on the lawn/in the room. (7) \*John saw Bill intelligent/tall/a mammal/male. (8) \*John saw Bill knowing French/hating Bob. There-insertion constructions behave similarly: (9) There are men drunk/sober/sick/naked. (10) There are men speaking French/taking an exam/smoking cigarettes. (11) There are men on the lawn/in the room. (12) \*There are men intelligent/tall/mammals/male. (13) \*There are men knowing French/hating Bob. Stage level predicates can be modified by locatives, while individual level ones cannot: (14) John is drunk/speaking French/smoking in 1879 Hall. (15) \*John is a mammal/intelligent/male in 1879 Hall. (16) \*John knows French/hates Bob in 1879 Hall. Carlson noted the difference in syntactic behavior between individual and stage level predicates, and proposed that the distinction between the classes of predicates underlies the distinction between existential and generic readings of bare plurals: (17) Students are drunk/speaking French/on the lawn. (existential) (18) Students are intelligent/mammals/tall/male. (generic) (19) Students know French/hate Bob. (generic) Stage level predicates appear to give rise to the existential reading of bare plurals, while individual level ones give rise to generic readings. Carlson also took the distinction to underwrite the difference between existential and generic readings of the indefinite singular:

#### It applies to “workers” – 1] upward entailment test – “governments ought to recognize the right of workers to strike” doesn’t entail that governments ought to recognize the right of everybody to strike since it doesn’t make sense for unemployed people to strike, 2] adverb test – adding “usually” to the res doesn’t change the meaning because “unconditionally" means no matter what

**B] Violation –**

#### C] Vote neg—

#### 1] Semantics outweigh --

#### A] Topicality is a constitutive rule of the activity and a basic aff burden, they agreed to debate the topic when they came to the tournament

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

#### 2] Limits: **You can spec in any sector like climate, tech, manufacturing, healthcare almost every sector has experienced strikes. There’s no universal DA since if you spec a hyper specific sector it won’t have any impact on the economy. That explodes neg prep burdens and kills engagement – even if generics solve, it’s a horrible model that leads to the same stale debates.**

#### 1] T is DTD – their abusive advocacy skewed the debate from the start

#### 2] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC C] Topic norms outweigh on urgency – we only have a few months to set them

#### 3] Use competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation

#### 4] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly

## K – Cap

#### Capitalism is a system engendering massive violence and inevitable extinction – the foundational task is to find a way out – the Role of the Ballot is to endorse the best organizational tactics for inside and outside of prisons.

Badiou ‘18

[Alain, former chair of philosophy at the Ecole Normale Superiure, professor of philosophy at The European Graduate School. Translated by David Broder. 07/30/2018. “The Neolithic, Capitalism, and Communism,” <https://www.versobooks.com/blogs/3948-the-neolithic-capitalism-and-communism>] pat

Today, it has become commonplace to predict the end of the human race such as we know it. There are various reasons for such forecasts. According to a messianic kind of environmentalism, the excessive predations of a beastly humanity will soon bring about the end of life on Earth. Meanwhile, those who instead point to runaway technological advances prophesy, indiscriminately, the automation of all work by robots, grand developments in computing, automatically-generated art, plastic-coated killers, and the dangers of a super-human intelligence.

Suddenly, we see the emergence of threatening categories like transhumanism and the post-human — or, their mirror image, a return to our animal state — depending on whether one prophesies on the basis of technological innovation or laments all the attacks on Mother Nature.

For me, all such prophesies are just so much ideological noise, intended to obscure the real peril that humanity is today exposed to: that is to say, the impasse that globalised capitalism is leading us into. In fact, it is this form of society — and it alone — which permits the destructive exploitation of natural resources, precisely because it connects this exploitation to the boundless quest for private profit. The fact that so many species are endangered, that climate change cannot be controlled, that water is becoming like some rare treasure, is all a by-product of the merciless competition among billionaire predators. There is no other reason for the fact that scientific innovation is subject to the question of what technologies can sell, in an anarchic selection mechanism.

Environmentalist preaching does sometimes use persuasive descriptions of what is going on — despite the exaggerations typical of the prophet. But most of the time this becomes mere propaganda, useful for those states who want to show their friendly face. Just as it is for the multinationals who would have us believe — to the greater benefit of their balance sheets — in the noble, fraternal, natural purity of the commodities they are trafficking.

The fetishism of technology, and the unbroken series of "revolutions" in this domain — of which the "digital revolution" is the most in vogue — has constantly spread the beliefs both that this will take us to the paradise of a world without work — with robots to serve us, and us left to idle — and then, on the other hand, that digital "thought" will crush the human intellect. Today there is not one magazine that does not inform its astonished readers of the imminent "victory" of artificial over natural intelligence. But in most cases neither "nature" nor the "artificial" are properly or clearly defined.

Since the origins of philosophy, the question of the real scope of the word "nature" has been constantly posed. "Nature" could mean the romantic reverie of evening sunsets, the atomic materialism of Lucretius (De natura rerum), the inner being of things, Spinoza’s Totality (Deus sive Natura), the objective underside of all culture, rural and peasant surroundings as counterposed to the suspicious artificiality of the towns ("the earth does not lie," as Marshal Pétain put it), biology as distinct from physics, cosmology as compared to the tiny location that is our planet, the invariance of centuries as compared to the frenzy of innovation, natural sexuality as compared to perversion… I am afraid that today "nature" most of all refers to the calm of the villa and the garden, the charm wild animals have for tourists, and the beach or the mountains where we can spend a nice summer. Who, then, can imagine man responsible for nature, when thus far he has just been a thinking flea on a secondary planet in an average solar system at the edge of one banal galaxy?

Since its origins philosophy has also devoted a great deal of thought to Technology, or the Arts. The Greeks meditated on the dialectic of Techne and Physis — a dialectic within which they situated the human animal. They laid the ground for this animal to be seen as "a reed, the weakest of nature, but … a thinking reed." For Pascal, this meant that humanity was stronger than Nature and closer to God. A long time ago, they saw that the animal capable of mathematics would do great things to the order of materiality.

Are these "robots" which they keep banging on about anything more than calculation in the form of a machine? Digits in motion? We know that they can count quicker than us, but it was we who invented them, precisely in order to fulfil this task. It would be stupid to look at a crane raising a concrete pillar up to some great height, use this to argue that man is incapable of the same feat, and then conclude by saying that some muscular, superhuman giant has emerged… Lightning-quick counting is not the sign of an insuperable "intelligence" either. Technological transhumanism plays the same old tune — an inexhaustible theme of horror and sci-fi movies — of the creator overwhelmed by his own creation. It does so either thrilled about the advent of the superman — something we have been expecting ever since Nietzsche — or fearing him and taking refuge under the skirt of Gaia, Mother Nature.

Let’s put things in a bit more perspective.

For four or five millennia, humanity has been organised by the triad of private property — which concentrates enormous wealth in the hands of very narrow oligarchies; the family, in which fortunes are transmitted via inheritance; and the state, which protects both property and the family by armed force. This triad defined our species’ Neolithic age, and we are still at this point — we could even say, now more than ever. Capitalism is the contemporary form of the Neolithic. Its enslavement of technology in the interests of competition, profit and concentrating capital only raises to their fullest extension the monstrous inequalities, the social absurdities, the murderous wars, and the damaging ideologies that have always accompanied the deployment of new technology under the reign of class hierarchy throughout history.

We should be clear that technological inventions were the preliminary conditions of the arrival of the Neolithic age, and by no means its result. If we consider our species’ fate, we see that sedentary agriculture, the domestication of cattle and horses, pottery, bronze, metallic weapons, writing, nationalities, monumental architecture, and the monotheist religions are inventions at least as important as the airplane or the smartphone. Throughout history, whatever has been human has always, by definition, been artificial. If that had not existed, there would not have been Neolithic humanity — the humanity we know — but a permanent close proximity with animal life; something which did indeed exist, in the form of small nomadic groups, for around 200,000 years.

A fearful and obscurantist primitivism has its roots in the fallacious concept of "primitive communism." Today we can see this cult of the ancient societies in which babies, men, women and the elderly supposedly lived in fraternity, without anything artificial, and indeed lived in common with the mice, the frogs, and the bears. Ultimately, all this is nothing but ridiculous reactionary propaganda. For everything suggests that the societies in question were extremely violent. After all, even their most basic survival needs were constantly under threat.

To speak fearfully of the victory of the artificial over the nature, of robot over man, is today an untenable regression, something truly absurd. It is easy enough to answer such fears, such prophesies. For judged by this standard, even a simple axe, or a domesticated horse, not to mention a papyrus covered in symbols, is an exemplary case of the post- or trans-human. Even an abacus allows quicker calculation than the fingers of the human hand.

Today we need neither a return to primitivism, or fear of the "ravages" the advent of technology might bring. Nor is there any use in morbid fascination for the science-fiction of all-conquering robots. The urgent task we face is the methodical search for a way out of the Neolithic order. This latter has lasted for millennia, valuing only competition and hierarchy and tolerating the poverty of billions of human beings. It must be surpassed at all cost. Except, that is, the cost of the high-tech wars so well known to the Neolithic age, in the lineage of the wars of 1914-1918 and 1939-1945, with their tens of millions of dead. And this time it could be a lot more.

The problem is not technology, or nature. The problem is how to organise societies at a global scale. We need to posit that a non-Neolithic way of organising society is possible. This means no private ownership of that which ought to be held in common, namely the production of all the necessities of human life. It means no inherited power or concentration of wealth. No separate state to protect oligarchies. No hierarchical division of labour. No nations, and no closed and hostile identities. A collective organisation of everything that is in the collective interest.

All this has a name, indeed a fine one: communism. Capitalism is but the final phase of the restrictions that the Neolithic form of society has imposed on human life. It is the final stage of the Neolithic. Humanity, that fine animal, must make one last push to break out of a condition in which 5,000 years of inventions served a handful of people. For almost two centuries — since Marx, anyway — we have known that we have to begin the new age. An age of technologies incredible for all of us, of tasks distributed equally among all of us, of the sharing of everything, and education that affirms the genius of all. May this new communism everywhere and on every question stand up against the morbid survival of capitalism. This capitalism, this seeming "modernity," represents a Neolithic world that has in fact been going on for five millennia. And that means that it is old — far too old.

#### History proves an effective right to strike is impossible in liberal capitalist society – courts will water it down and workers will be replaced – but its justification relies on the same tropes of property protection that will be used to delegitimize worker militancy.

White ‘18

[Ahmed, University of Colorado Law School. 2018. “Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike,” <https://scholar.law.colorado.edu/articles/1261/>] pat

Like every other aspect of Taft-Hartley, the 1947 amendments to the Wagner Act that directly touched on mass picketing and other forms of strike militancy were strongly supported by the business community, including prominent employers and business associations like the National Association of Manufactures, the American Iron and Steel Institute, and the U.S. Chamber of Commerce. Promoted by these groups, witness after witness regaled the Congress with stories of how mass picketing, along with secondary boycotts and other militant tactics, gave unions too much power, eroded the power of owners and their supervisors, and threatened the American way. Time and again, senators and representatives expressed their support for new restrictions on the right to strike as mandates of a common faith, a commitment of the nation itself, to the principles of property and order. “They are a veritable pronouncement of contempt of law and order, private capitalism, and ownership of property, competition, and everything that even smacks of liberty,” said Ohio Representative Frederick Smith, speaking of NLRB positions that seemed to continence an expansive view of the right to strike. “He has been required to employ or reinstate individuals who have assaulted him and his employees and want only to destroy his property,” said New York Representative Ralph Gwinn, in defense of employers supposedly ravaged by such strikes. Under prevailing law, such employers endured “respectable robbery without liability,” Gwinn said.

We in America prize human individual liberty even above the state. We believe that property rights are natural to man. The best protection of those property rights and of that liberty is in the balancing of the rights of our workers and the rights of our businessmen so that the great majority of our citizens will enjoy that private property and that human liberty,

said Representative Charles Kersten of Wisconsin, condemning mass picketing of the sort that had recently featured at the Allis-Chalmers plants in his state. Consider, too, the remarks of Representative John Robsion of Kentucky:

There have been cases in this country where literally thousands of persons have picketed a plant and engaged in violence. In my honest opinion, labor nor management never did help its cause by engaging in lawlessness, violence, and the destruction of the property of others, and under this bill and the law the company cannot mistreat, browbeat and engage in violence and lawlessness against the workers.

Nor was it only conservatives who joined in this, as evidenced by remarks of Utah Senator Elbert Thomas, who had supported the New Deal and the work of the La Follette Committee, on which he had served, and who had joined with Robert La Follette Jr. in 1939 in sponsoring a pro-labor amendment to the Wagner Act. For a worker, he said,

to interpret his right to strike as being an absolute right, entitling him to quit work while the water is turned on in the plant, for leaving in a mine certain equipment in such a way as to result in costly destruction, would obviously be most improper. No person has a right to do such things. No one has a right to act against society. No one has a right to destroy it.

And so it went, the references to the inviolate values of property and order in defense of the legislation much too numerous to exhaustively cite. It is easy to dismiss these contentions, even from moderates like Thomas, as the contrived utterances of people who were singularly committed to advancing their narrow class and political interests. To some extent, they surely were that. But these views were hardly outside the mainstream of American politics, particularly among elites, broad swathes of the middle class, and important elements of the working class. Indeed, they comported very conveniently with commonplace views about the virtues of property and order and resonated with what much of the public believed at the time—this is what made them so resonant. And whether contrived or not, they performed an important function. By invoking the virtues of property and order in this way, these Congressmen and the witnesses before them who favored restricting mass picketing and other forms of coercive protest were conspicuously able to couch this position as something other than a malicious attack on the “legitimate” rights of labor. Instead, theirs was a mission to realign the labor law with fundamental American values, to save it from those who had allowed labor policies and the habits of union to stray beyond this field. In this way they were able to deflect, if not disprove, the all-too-apt contention by the legislation’s opponents, repeated many times in the process, that what Taft-Hartley was really about was elevating property rights over human rights.

Added proof that strike militancy was actually indefensible can be found in the fact that no scholars would justify it, not even mass picketing—at least not beyond the point at which it became coercive, which was of course the very point at which it was employed in an effective way. In the wake of the Memorial Day Massacre, most all the major papers sided with the police, declaring the strikers enemies of public order who brought the violence upon themselves. Initially, this stance was premised on distorted readings of the events of that day that charged the strikers with various acts of provocation. But even when the La Follette Committee publicized a Paramount Pictures newsreel (which the company had suppressed) and unearthed other evidence that proved that most all of the blame for what happened that day rested on the police, most of the papers still adhered to this reading of the events.

This attitude toward mass picketing was a centerpiece of revived interest in the right to strike in the major papers, one that extended from the mid 1930s into the 1940s and exceeded the surge in interest of the late 1910s and early 1920s. In 1941, for instance, the New York Herald Tribune described pending legislative attempts to limit mass picketing as “too thoroughly justified to require argument.” In 1946 the New York Times summoned up the rhetoric used to condemn the sitdown trikes and declared mass picketing a “seizure” that was “by its very nature illegal because it infringes both individual and property rights.” Conservative though he was, newspaperman David Lawrence, founder of U.S. News and World Report, spoke for many when he declared mass picketing an act of “violence” by which unionists were seeking to take the law into their own hands. In fact, Lawrence’s judgement that mass picketing was an affront to civil liberties aligned with that of the American Civil Liberties Union, long a champion of labor rights, which, as the New York Times was keen to note, also condemned the tactic in these terms.

Such views fit with a broader tendency to criticize the right to strike as being too aggressively employed by unionists and too generously construed by the courts and the NLRB. In the decade between the validation of the Wagner and the passage of Taft-Hartley, newspapers gave voice to a criticism of mass picketing and other erstwhile excessive forms of strike behavior, one that typically described the Wagner Act as having gone too far in protecting workers’ prerogatives to protest. A typical example of the content and tenor of these pieces is a 1941 editorial in the Chicago Daily Tribune:

“The right to strike” is now used frequently to mean the right of union leaders to force men who don’t want to strike to do so. It is used to justify the seizure of industries and the blockading of factories by mass picketing to prevent the entrance of workers who are satisfied with their working conditions and the movement of goods in and out of the plants. “The right to strike” in this sense means not only that every strike is right but that every measure which may be adopted to win a strike is right.

In fact, at this crucial moment it was common for elites of all stripes to claim that they supported the right to strike and yet to assert that it was being abused by unionists who insisted on winning every labor dispute and using coercive and disorderly methods to do so. In 1946, Hebert Hoover, who might well have denied just such a thing fifteen years earlier, inveighed that “Nobody denies that there is a ‘right’ to strike”; but that right, he said, had been abused to the detriment of the public interest. Although considerably more liberal than Hoover, Walter Lippmann, the extremely popular political commentator, offered a similar judgement about a railroad strike that same year, concluding “we must henceforth refuse to regard the right to strike as universal and absolute, and as one of the inalienable rights of man.” Also writing in 1946, Henry Ford II, whose father had used a small army of thugs and toughs to enforce the open shop at his plants and bitterly fought unionization until 1941, now purported at once to support the right to strike—and to believe that it should be limited. “There is no longer any question of the right of organized workers to strike, but that right,” he said, “is being misused.”

Like Taft-Hartley’s supporters in Congress, figures like Hoover, Lippmann, and Ford did not trouble themselves to confess that such tactics as they so blithely condemned might actually be necessary to counterbalance the power of employers and give life and meaning to a statute that did not take adequate account of this basic reality, let alone that they were essential in establishing the idea that workers enjoyed any enforceable right to strike. But they did not have to, either; for they honestly did not believe that labor should generally prevail. Liberal or conservative, it did not matter; these were capitalists in a capitalist society, contented, consistent with their values, with a right to strike that went little further than a right to withhold one’s labor. To be sure, these were not the views of ordinary people. But the public’s perspective did not seem to vary all that much from those of elites. Although overall approval of union membership as measured in Gallup surveys slipped noticeably after 1937, it remained quite high—well above fifty percent right through the 1940s. Nevertheless, Gallup surveys taken in June 1937, after the big wave of sit-strikes had waned noticeably, but while mass picketing and overall levels of labor militancy remained high, revealed that fifty-seven percent supported the proposition that the militia should “be called out whenever strike trouble threatens.”

As with the sit-down strikes, too, the status of mass picketing and other forms of strike militancy can also be gauged by the way these tactics were defended. During the hearings on Taft-Hartley, only a few labor leaders stood against the torrent of criticism of these practices by businessmen, conservative unionists, and congressmen and senators, and tried to parry the move to prohibit the strikes. With only a couple of exceptions, most of them consistently qualified their defense of these tactics by downplaying their coercive qualities—again the very thing that made them so effective in the first place—while also describing them as expedients, presumably temporary, that were justified by the unreasonable stances of some employers.

While the political motivations and implications of this campaign against these forms of strike militancy might be as dubious as the attacks on the sit-down strikes, their value in expressing dominant political judgments concerning these tactics is not. Repeatedly, it was taken for granted that workers could not be allowed to excessively coerce their fellow workers, that they should be obliged to adhere to their contractual obligations, that they did not own the streets or the workplace, and that whatever the right to strike was, it was surely, as Brandeis had insisted, not an absolute right. Of course, all of this was controversial for many unionists. But unionists were almost the only ones to really push back against these measures. Even President Harry Truman’s dramatic veto of Taft-Hartley is widely regarded as a political move taken with the expectation that Congress would override the veto anyway. It is also notable that despite dedicating itself to this aim, the labor movement has never come close to repealing the Taft-Hartley Act, or even securing the enactment of favorable amendments to any of its provisions.

And then there is the replacement worker doctrine where, if anything, the change in the law even more clearly reflected the depth and power of liberal norms. For the rule established in Mackay Radio came out of the blue. It was set forth in a case which required no such question to be resolved, in a manner that drew no support from the text of the Wagner Act, and on the basis of legislative history that was ambiguous at best. Worse, as Getman points out, the rule is in direct conflict with the very statutory principle of barring discrimination on the basis of a worker’s assertion of the basic labor rights laid out in § 7 that it was, itself, supposedly derived from.

As an exercise in statutory construction and administration, Mackay Radio makes no sense; but as a defense of property rights it makes all the sense in the world. One way to see this is to consider what would have happened had the Court decided the matter in a fundamentally different way. If employers were barred from replacing economic strikers, it seems likely that strikes would have proliferated to an extraordinary extent, as workers could at least plausibly have expected to be able to strike under a broad array of circumstances and yet be restored to their jobs no matter the outcome. But precisely because such a doctrine would have given workers so much power, Congress would almost certainly have stepped in with its own rule, codifying employers’ right to permanently replace striking workers and bringing this to an end. Ultimately, it is difficult to imagine a much more liberal alternative to the Mackay Radio rule surviving for very long—a point that also draws support from labor’s failure to repeal the rule in Congress in the early 1990s.

A simple exercise in counterfactual speculation bears similar fruit in regard to other, more basic, limitations on the right to strike, including those imposed relative to sit-down strikes, mass picketing, and secondary boycotts. Shrill and self-interested though it was, all the testimony from employers and their allies during the hearings on Taft-Hartley or Landrum-Griffin about the perils posed by these tactics, was fundamentally correct. For were workers able to make unfettered use of sit-down strikes, mass picketing, and general strikes and sympathy walkouts, they could have very much challenged the sovereignty of capitalists in and about the workplace, and with this the bedrock institutions and norms of liberal society. As Jim Pope puts it, Charles Evans Hughes’ opinion in Fansteel established the maxim that “the employer could violate the workers’ statutory rights without sacrificing its property rights, while the workers could not violate the employer’s property rights without sacrificing their statutory rights.” This is unquestionably true. But equally unquestionable is that neither this court nor any other important arbiter of legal rights in this country was ever prepared to endorse the contrary view that property rights might be sufficiently subordinate to labor rights as to justify the kinds of tactics by which workers could routinely defeat powerful employers on the fields of industrial conflict.

Significantly, there is no reason to believe that any of this has changed or is poised to change today. Quite the contrary: In a culture and political system more immersed than ever in the veneration of order and control, mediated by criminal law and police work, by the celebration of property rights, and by a readiness to punish violence, it is all but unthinkable that the courts or the NLRB would deign to give legal sanction to workers to engage in any sustained way in the kinds of tactics that might make going on strike a worthwhile thing to do.

#### Capitalism is the root cause of everything -- listing violence won’t change it, strategic organizing against capitalism is key to overturn the system that vouchsafes all forms of capitalism.

Sell, 15 [Hannah, Socialist Party of England and Wales, sister party of Socialist Alternative, “IDENTITY POLITICS AND THE STRUGGLE AGAINST OPPRESSION” http://www.socialistalternative.org/2015/11/02/identity-politics-struggle-oppression/]//Townes

Over recent years there has been a growth in support for what can broadly be described as ‘identity politics’ among many mainly young people who are rightly angry about and radicalised by, their experience of sexism, racism, homophobia, prejudice against disabled people and other forms of oppression. In one sense, identity politics is an inevitable part of the political awakening of many members of oppressed groups within society. Recognising that you are oppressed, and that you can fight against your oppression through a common struggle with others who share the same oppression, is a vital first step. However, the history of struggle against oppression shows that, on the basis of experience, those participating tend to go beyond identity politics as they recognise the root cause of their oppression lies in the structure of society. The highest point of the vast rebellion against racism in the US in the 1950s and 1960s, for example, was reached by the Black Panthers, who were founded in 1966 with the magnificent concept: “We do not fight racism with racism. We fight racism with solidarity. We do not fight exploitative capitalism with black capitalism. We fight capitalism with basic socialism”. Today, both the #BlackLivesMatter rebellion and the movement for $15 Now are the first stages of a new mass uprising against poverty and racism in the US. However, the pushing back of consciousness globally over the decades following the collapse of Stalinism in the late 1980s and the capitalist triumphalism that accompanied it, mean that the new movements did not begin where the Panthers left off, with a socialist outlook. Nonetheless, there is a growing anti-capitalist mood among young people in the US, which is a first step to drawing socialist conclusions. At the same time, identity politics is many activists’ starting point. While those involved in struggle may see this mainly as a means to fight back, the form of identity politics that has emanated from the universities and has dominated over recent decades concentrates overwhelmingly on discussing personal experience of oppression rather than trying to find the means to end it. This includes all the strands of identity politics that have become more prominent in recent years, such as intersectionality and privilege theory. In Britain these concepts remain little known in wider society but have become commonplace in, for example, university feminist societies. Intersectionalists argue that different oppressions ‘intersect’. Indeed, they do: a black working-class woman is triply oppressed, for example. But intersectionalists often see their role as cataloguing and describing oppressions and their intersections rather than abolishing them. Supporters of ‘privilege theory’ are best known for telling people to ‘check their privilege’ during (often online) debates. The founder of privilege theory, Peggy McIntosh, argued that a white, upper-class, heterosexual man, for example, is carrying around an ‘invisible knapsack’ full of unearned privileges. The argument goes that power is not concentrated in the hands of one class, or in the state, but is spread throughout society and therefore exists in all social and interpersonal relationships. Privilege theory states that every individual is part of a multiplicity of oppressive relationships. It concentrates overwhelmingly on exhortations to individuals to change, to check their privilege. But it is not possible to eliminate either oppressions or privileges merely by exhorting individuals to change their behaviour. In fact, in many countries there have been significant improvements in social attitudes to different forms of oppression in recent decades, but they have not resulted in the ending of the oppressions concerned. Racism ingrained In Britain, for example, while racist prejudices are still widespread, crude racist ideas are far less socially acceptable than they were 30 years ago. This has come about for a number of reasons, above all the determination and increased confidence of black and Asian people to fight discrimination and racism. Another important factor was the widespread involvement of black and Asian workers in the trade unions in a common struggle alongside white workers. Both of these factors helped to foster a strong feeling among a large section of the white population, especially youth, that racism is wrong and should be combated. Nonetheless, racism remains deeply ingrained in British society. The police are up to 28 times more likely to stop and search you if you are black or Asian. The gap between average pay for white workers and those from ethnic minorities has actually increased over recent years despite an improvement in social attitudes. Over half of young black men are unemployed, more than double the unemployment rate for young white men. In the US the situation is even starker. While deep-rooted racism remains there has also been an improvement in social attitudes. There has been the development of a black middle class and even a small black elite. Both processes are reflected in the election of a black man as US president. The vast majority of the black population, however, remain among the poorest and most oppressed in society, facing violent state repression. One hundred and thirty five African Americans were killed by the police in the first half of 2015 alone. Racism does not just stem from individual prejudices but from something more fundamental: the nature of capitalism as it has actually developed. Malcolm X correctly declared that, “you can’t have capitalism without racism”. Capitalism, as Karl Marx famously said, came into being “dripping from head to foot, from every pore, with blood and dirt”. (Capital, Volume 1, Chapter 31) He was referring, particularly, to the role of slavery in the accumulation of capital. With slavery came the development of all kinds of pseudo-scientific racist theories designed to justify the enslavement of African peoples. Racist ideas were then adapted to justify the colonial oppression of large parts of the world. Capitalism was forced to abandon direct colonial rule as a result of the magnificent revolutionary movements that took place against it. Economic exploitation, however, is more brutal than ever. Two hundred and fifty years ago the gap between the richest and poorest countries was around five to one. Today it is 400 to one. Racism is used to justify this vast gulf and also that black workers are usually among the poorest and most oppressed sections of the working class even in the ‘rich’ countries. Women’s oppression Similarly, blatant sexism is no longer acceptable in the way it would have been in the past, particularly in the economically advanced capitalist countries. Women have won greater rights in recent decades. There are different factors that have led to this, including the development of improved and widely available contraception. However, many of these gains can be traced back to the growing confidence of women as a result of many more women working rather than being isolated in the home. Nonetheless, women continue to be oppressed. This oppression stems, not merely from the attitudes of men, but from the role of women and the family in capitalist and earlier class societies. Most of us think of ‘the family’ as the individuals who make up our own family, who are often the people who are closest to us. Historically, however, the family as an institution has also acted within class societies as an agent of social control with the father as ‘head of the household’ having responsibility for disciplining women and children. While this concept has been weakened in the modern era by the growing confidence of women, it is far from eliminated. The idea remains deeply ingrained that women are possessions of men and that we need to be loyal and obedient to our partners, and that violence and coercion are acceptable means for men to achieve that, both towards ‘their’ women and ‘their’ children. It is no longer socially acceptable to openly state that women are the possessions of men, yet these ideas were enshrined in law until relatively recently. Marital rape only became illegal in Britain in 1991, Spain in 1992, and Germany in 1997. While no longer legal or openly acceptable, marital rape is still widespread and rarely punished. It is estimated that in Britain only 15% of all rapes are reported to the police, and only 7% of those result in conviction. According to the UN, of all the women killed globally in 2012 almost half were killed by their partners or family members. In contrast, only 6% of killings with male victims were committed by intimate partners or family members. At the same time, women continue to bear the brunt of domestic responsibilities despite increasingly also going out to work. In many cases women are still, as the Russian revolutionary Leon Trotsky put it, the ‘slaves of slaves’. While in Britain, for example, most studies show men accepting that they should do an equal amount of domestic chores as women, there is still a considerable gap between intentions and reality. One survey showed that on average women did 17 hours a week of domestic chores (excluding childcare) whereas men did less than six. It is true, therefore, that men get some gain from women’s disproportionate bearing of the domestic burden, in having a few more hours leisure time. The main gain, however, is for capitalism. By putting the main burden of domestic life, the bringing up of the next generation (from which the future workforce is drawn), and caring for the sick and elderly on women, they are removed from the responsibility of society as a whole. Power concentrated in the capitalist class To suggest that power is not concentrated in one class is to completely misunderstand the nature of capitalism. Today, wealth and power is concentrated in fewer hands – the owners of the major banks and corporations – even than when Marx was writing. According to Oxfam, the richest 85 people on earth – a double-decker bus full – have as much wealth as the poorest half of the world’s population. The richest 85 include five women and one African, although white men predominate. Their role in society, however, does not stem primarily from their colour or gender but that they are part of a tiny super-wealthy ruling elite. The world’s 100 biggest companies now control 70% of global trade. Even if their boards of directors included many more black people or women it would not make any material difference to the exploitation suffered by the working class and poor worldwide, not least black women. Look at South Africa, where the incorporation of a tiny minority of blacks into the capitalist class has made no difference to the dire poverty suffered by the majority. And capitalism is increasingly incapable of taking society forward. Many of the rights partially taken for granted by previous generations in Europe, like a relatively secure job, home and pension, are now things of the past. To say that social relations in modern society are capitalist relations is not to take an ‘economic determinist’ view of society: arguing that every aspect of the ‘superstructure’ of society – the state, politics, culture, social attitudes and so on – are rigidly determined by the character of the economy. On the contrary, there is an inter-relationship between the two. At the same time, politics and social attitudes reflect not only the current character of capitalism but also remnants of the past and – particularly in mass struggles of the working class and the oppressed – the seeds of a potential better future. Nonetheless, it is clear that as long as we live in a capitalist society, where wealth and power rests with the tiny elite who own and control industry, science and technology, then the superstructure of that society will also ultimately reflect and act in the interests of that ruling elite. No amount of demanding that people ‘check their privilege’ will eliminate social attitudes generated and sustained by capitalism. While determined mass struggle can force capitalism to adapt to a certain extent – as has been the case with LGBT rights, equal pay legislation and other measures – permanent and deep-rooted change, particularly where it threatens the functioning of capitalism, will only be achieved by the socialist transformation of society. The horrific bureaucratic degeneration and then collapse of the Soviet Union have obscured the importance of the Russian revolution in giving a glimpse of what socialism would mean for those suffering oppression. In Russia in 1917 the working class led a movement of the oppressed which successfully overthrew capitalism for the first, and so far, the only time. Russia’s extreme poverty and the isolation of the new workers’ state led to its degeneration. Nonetheless, in the early days it gave a glimpse of how a new society could overcome oppressions that had existed for millennia. In ‘backward’ Russia, legal changes were introduced very quickly which were many decades ahead of any capitalist country. These included universal suffrage, civil marriage and divorce when requested by either partner, equal pay, paid maternity leave, the right to abortion and the legalisation of homosexuality. Oppressed nationalities were given the genuine right to self-determination. Measures were taken to encourage nationalities and cultures oppressed under tsarism, including the development of a written form of some languages for the first time. Of course, legal or formal measures do not in themselves end oppression. Decades after the passing of equal pay legislation in Britain, for example, women still earn an average of £5,000 a year less than men. Addressing women’s oppression in the Soviet Union, Trotsky described how legal equality was a step forward but actual equality in social relations required a far more “deep-going plough”, capable of providing real economic equality and lifting the domestic burden from women, and transforming social attitudes ingrained over millennia. A whole number of measures began to be introduced in the aftermath of the Russian revolution (including free childcare, communal restaurants and public laundries) which, while never fully implemented due to the degeneration of the Soviet Union, gave a glimpse of how the domestic burden could be lifted. That, in turn, could have laid the foundations for the building of a society based on women’s equality. Many intersectionalists put very little emphasis on campaigning for economic and practical measures to lift the burden on women, instead concentrating overwhelmingly on social attitudes, and trying to create spaces within society that are free of oppression. Yet freeing women from the heavy load of being the carers, cooks and cleaners for the whole of society is an essential prerequisite for ending women’s oppression. Twenty-first century capitalism, far from taking steps towards this, is driving in the opposite direction. Austerity affects women severely. It includes huge cuts in public services that partially lifted some of the responsibilities that fall on women. David Cameron’s big society could be summed up as demanding that women compensate for the cuts to health, child and elderly care by taking the burden on themselves. This is a demonstration that under capitalism, even where oppressed groups make gains, they are never guaranteed to be permanent. This also applies to the devastating, sometimes life-threatening, consequences of austerity for disabled people. Combating prejudice Pointing out the need for fundamental change in society does not in any way downgrade the importance of combating oppressive and reactionary ideas and practices while we live in this society, including within the workers’ movement. However, this will by necessity be a constant battle. Intersectionalists call for ‘safe spaces’ with zero tolerance for anything considered an oppressive view. But it is utopian to try and create a safe space which is sealed off from the society in which we all live and are affected by. Turning inwards in order to concentrate on doing so – rather than turning out to build a movement capable of winning real change – is doomed to frustration and failure. Far from creating safe spaces, this can often lead to an undemocratic environment, where the individuals dominant in a particular ‘space’ assert that they feel oppressed by ideas and opinions they disagree with. There is also a dangerous tendency to suggest that the value of someone’s contribution to a discussion should be based primarily on what oppressions they as an individual suffer from. This is completely false. Britain’s first and only female prime minister, Margaret Thatcher, undoubtedly suffered individual oppression as a woman, but the neo-liberal programme she drove through was completely against the interests of working-class women. Recently, Jeremy Corbyn, the new left leader of the Labour Party, has been attacked supposedly for not having enough women in his shadow cabinet, although his front bench is the first that has been majority women. More women voted for Corbyn than for the other right-wing candidates (two of whom were women) in the leadership election because he stood against austerity. Had he chosen a pro-austerity woman as shadow chancellor rather than the left MP, John McDonnell, most of the women who voted for him would have correctly been deeply disappointed. The issue of safe spaces also relates to intersectionalists’ views on gender: that the concept of two genders is a social construct and, in reality, gender is more like a spectrum. Emphasis is often put on supporting transgender people and all those who rebel against societal gender constraints. This includes some who do not identify as either male or female but as ‘gender-non-conforming’. This reflects a positive rejection of current gender relations and homophobia by a growing number of young people. Socialists, of course, support the democratic right of individuals to define both their own gender and sexuality. However, while there is radicalisation among an important layer on this issue, that does not mean it is possible to create, as some intersectionalists attempt, spaces within capitalist society completely free from societal pressures regarding gender. Capitalism shapes the outlook of all of us from the time we are born, with all of the distortions of the human personality that creates. This includes how we are expected to behave appropriately for our given gender. It is not possible to fully escape this; in this society capitalist gender roles are an objective reality. Even rejecting capitalist gender norms means reacting to, and therefore being affected by, those norms. It is not possible to prescribe exactly how human relations, including the role of gender, would flower in the future when freed from the rigid straitjackets imposed by capitalism. The role of the working class The crucial issue for anyone determined to end oppression, therefore, is how to end capitalism and begin to build a world that is free of oppression: a ‘safe space’ for all. Today, just as when Marx described the working class as the ‘grave digger of capitalism’, it is the key force on the planet capable of ridding us of this bankrupt system. Both privilege theory and intersectionality would list social class – what they would describe as ‘classism’ – as one form of oppression. However, it features as one item on a list and is often discussed in terms of the prejudice people face because of having a working-class accent or postcode. The centrality of class in the structure of society is not recognised. The basic idea that a Nigerian worker would have more in common with a worker in Britain or the US than they would with Aliko Dangote, the only African to make it on to the list of the richest 85 on the planet, would not be understood. The fact that it is the working class that is ultimately responsible for the creation of the capitalists’ profits and that by collective action it is capable of bringing capitalist society to a halt is discounted as outmoded. Yet the working class is not ‘disappearing’. In fact, it is potentially stronger today than it was at the time of the Russian Revolution. Many countries where workers were a tiny minority of society a century ago now have large and powerful working classes. In the economically advanced countries, like Britain, deindustrialisation has meant that the industrial working class is much smaller. However, there still remain groups of workers with enormous power to bring society a halt when they strike – anyone who lives in London and witnessed the recent London Underground strikes knows that. Deindustrialisation has not led to young people becoming ‘middle class’, but has forced them into low paid, temporary work, often in the service sector. At the same time, large sections of the population – including teachers and civil servants – who would have previously considered themselves middle class have been driven down into the ranks of the working class in their living conditions and social outlook. The history of the 20th century repeatedly demonstrated the preparedness of working-class people to fight for socialism. However, it also demonstrated that the capitalist class does all it can to cling to power, not least by attempting to divide and rule by turning different sections of the working class against each other. In recent years, there has been increasing radicalisation and struggle globally, including revolutionary movements. Out of these, largely unsuccessful, struggles conclusions will begin to be drawn about what is necessary to change society. That requires a mass revolutionary movement, bringing together different sections of the working class – with different experiences and outlooks – in a mass party with a clear programme and a determined and accountable leadership. Such a party would not be a model of a new society, but a tool to bring it about. Nonetheless, it is crucial that such a mass party would include in its ranks all of the most oppressed sections of the working class and that it is a vibrant and democratic force in which all participants feel able to express their views. Its programme, as was the case with the Bolsheviks in Russia, has to fight for the rights not just of the working class in general but also for different specifically oppressed groups. Undoubtedly, such a movement would also win the support of wide sections of the middle class and even individuals from the capitalist class who saw the need for a break with capitalism. This would particularly include those who suffer oppression under capitalism and who recognise that the only way to end homophobia, racism or women’s oppression is to join the struggle for a new society. Struggle itself unifies It would be ludicrous and deplorable to argue that those fighting their particular oppression should hold back and ‘wait’ for a unified struggle of the whole working class. Mass struggle is a thousand times more effective than exhortations to individuals to change their attitudes in winning social progress. It is always the case that a movement has a greater chance of success if it is able to reach out to other sections of the working class, and that therefore it is important that the programme put forward by a particular movement attempts to do this. However, that is in no way to suggest that any group should artificially delaying fighting back until they, for example, convince more white or male workers of their cause. Nonetheless, to permanently end racism in the US, for instance, will require ending capitalism and will therefore have to involve a struggle uniting different sections of the working class – black, Hispanic, Asian and white. This is a practical question. The African American population, who suffer the worst police racism, are 13% of the population and will not be able to win alone. The capitalist class will try to increase divisions between different sections of the oppressed, particularly at times of heightened struggle. The oppressed need to increase their strength by trying to maximise unity. The $15 Now movement in the US, and the election of Socialist Alternative member Kshama Sawant in Seattle, give a glimpse of the growing possibilities in the US to build a united workers’ movement. Achieving unity does not mean downplaying the importance of combating the specific oppressions different groups in society face. On the contrary, it is vital that socialists campaign for the workers’ movement to fight to take up every aspect of oppression. The Socialist Party has a proud history of doing this – for example, spearheading the Campaign Against Domestic Violence in the 1990s which was central to getting the trade unions to take the issue up. Intersectionality on university campuses in Britain has had a tendency to turn campus feminist societies inwards, focusing on a fruitless attempt to grade degrees of oppression rather than fighting to end it. However, many of those initially attracted to these ideas are searching for a way to change society and will quickly come up against the limits of identity politics in all its forms. One small indication of this is the popularity among young people of the film Pride, which tells the true story of Lesbians and Gays Support the Miners (LGSM). LGSM recognised the common ground between their struggle against the Tories and that of the 1984/85 miners’ strike. Their attempt to support the miners was not without difficulties – with prejudices on both sides – but ultimately forged a real unity. LGSM understood that a victory for the miners would have been a massive defeat for Thatcher, the Tories and the capitalist class – and that was in the interests of LGBT people. They never once responded to white, straight miners, who were often initially homophobic, by telling them to ‘check their privilege’. One result of their heroic efforts was big parts of the workers’ movement wholeheartedly taking up the struggle for LGBT liberation, including National Union of Mineworkers lodges from across the country leading the 1985 Pride demonstration. The miners’ strike was a major event in the class struggle in Britain, but it will be dwarfed by events that will take place in the future against the background of a crisis-ridden capitalism trying to drive the living standards of the majority into the dirt. For some intersectionalists it will require witnessing the power of the working class in action in order for them to draw the conclusion that the route to ending their specific oppression is not as part of fragmented separate groupings but by throwing their lot in with the class struggle. However, growing numbers of young people, particularly when they become active in concrete struggles, are already being attracted to socialist ideas as the only way to achieve real liberation for all humanity.

#### Vote neg to join the party – dual power organizing is the only path to revolutionary change.

Escalante ‘18

[Alyson, philosophy at U of Oregon. 08/24/2018. “Against Electoralism, For Dual Power!” <https://theforgenews.org/2018/08/24/against-electoralism-for-dual-power/>] pat

I am sure that at this point, the opportunists reading this have already begun to type out their typical objection: the world is different than it was in 1917, and the conditions of the United States in no way echo the conditions which enabled the Bolsheviks to achieve revolutionary success.

To this tried and true objection, there is one simple answer: you are entirely correct, and that is why we need to abandon electoralism and working within the bourgeois state.

What were the conditions which allowed the Bolsheviks to successfully revolt? The conditions were that of Dual Power. Alongside the capitalist state, there existed a whole set of institutions and councils which met the needs of the workers. The soviets, a parallel socialist government made up of individual councils, successfully took over many governmental responsibilities in some parts of Petrograd. In the radical Viborg district, the Bolshevik controlled soviets provided government services like mail, alongside programs that could meet the needs of workers. When a far right coup was attempted against the provisional government, it was troops loyal to the Bolshevik factions within the soviet who repelled the coup plotters, proving concretely to the workers of Petrograd that the socialists could not only provide for their needs, but also for their defense.

In short: the Bolsheviks recognized that instead of integrating into the bourgeois state, they could operate outside of it to build dual power. They could establish programs of elected representatives who would serve the workers. They would not bolster the capitalist state in the name of socialism, they would offer an alternative to it.

And so, when the time came for revolt, the masses were already to loyal to the Bolsheviks. The only party who had never compromised, who had denounced the unpopular imperialist wars, who had rejected the provisional government entirely, was the party who successfully gained the support of the workers.

And so, many of us on the more radical fringes of the socialist movement wonder why it is the the DSA and other socialist opportunists seem to think that we can win by bolstering the capitalist state? We wonder, given this powerful historical precedent, why they devote their energy to getting more Ocasios elected; what good does one more left democrat who will abandon the workers do for us?

The answer we receive in return is always the same: we want to win small changes that will make life for the workers easier; we want to protect food stamps and healthcare.

And do this, we reply: what makes you think reformism is the only way to do this. When the bourgeois state in California was happy to let black children go to school unfed, the Black Panthers didn’t rally around democratic candidates, they became militant and fed the children themselves. In the 40s and 50s, socialists in New York saw people going without healthcare and instead of rallying behind democratic candidates, they built the IWO to provide healthcare directly. Both these groups took up our pressing revolutionary task: building dual power.

Imagine if all those hours the DSA poured into electing Ocasio were instead used to feed the people of New York, to provide them with medical care, to ensure their needs were met. Imagine the masses seeing socialism not as a pipe dream we might achieve through electing more imperialists, but as a concrete movement which is currently meeting their needs?

The fact is, we are not nearly ready for revolution. Socialists in the United States have failed to meet the needs of the people, and as long as their only concrete interaction with the masses is handing them a voter registration form, they will continue to fail the people. Our task now is not to elect representatives to advocate for the people; it is much more gruelingly laborious than that. Our task is to serve the people. Our task is to build dual power.

The movement to do this is underway. Members of the DSA refoundation caucus have begun to move the left of the DSA in this direct, socialist groups like Philly Socialists have begun to build dual power through GED programs and tenants unions, many branches of the Party For Socialism and Liberation have begun to feed the people and provide for their concrete needs, and Red Guard collectives in Los Angeles have built serve the people programs and taken on a stance of militant resistance to gentrification. The movement is growing, its time is coming, and dual power is achievable within our life time.

The opportunists are, in a sense, correct. We are not where we were in 1917, but we can begin to move in that direction and dual power can take us there. In order to achieve dual power we have to recognize that Lenin was right: there will be no socialist gains by working within state institutions designed to crush socialism. Furthermore, we must recognize that the strategies of the electoral opportunists trade off with dual power. Electing candidates drains resources, time, and energy away from actually serving the people.

And so, we should commit to undertake the difficult and dangerous task of building dual power. We must reject opportunism, we must name the democratic party as our enemy, we must rally around power directly in the hands of the socialist movement. We do not have a parallel system of soviets in the United States. We can change that. Someday the cry “all power to the soviets” will be heard again. Lets make it happen.

#### Any theory that doesn’t center dialectics is doomed to fail.

**Vasquez, 20**[Vásquez, Delio. Delio Vásquez is an Assistant Professor/Faculty Fellow at the Gallatin School of Individualized Study at New York University, where he teaches political theory, philosophy, and social movement history. His current research focuses on the politics of the illegal, decolonization, Black radicalisms, and philosophical skepticism. He is the author of "The Poor Person's Defense of Riots" and "Intercommunalism: The Late Theorizations of Huey P. Newton, 'Chief Theoretician' of the Black Panther Party." Before NYU, Delio taught at San Quentin Prison and the History of Consciousness department at UC Santa Cruz. He was born and raised in the Bronx. "Illegalist Foucault, Criminal Foucault." Theory & Event, vol. 23 no. 4, 2020, p. 935-972. Project MUSE [muse.jhu.edu/article/767875.]//Townes](http://muse.jhu.edu/article/767875.%5D/Townes)

In an October 1968 letter to his partner Daniel Defert, Foucault enthusiastically wrote: "The **Black Panther Party** is **developing** a strategic **analysis** **emancipated from the traditions of the Marxist theory of society**."14 If we study BPP history, we can place this simple statement within a historical timeline. In 1968, the BPP was experiencing its greatest growth in membership and had developed into an anti-capitalist, "revolutionary nationalist" organization with an eye towards building international alliances. The BPP's creative approach to mass organizing through a combination of armed **militancy**, **educational infrastructure**, and by "**serving the people**" with **resources** and **social programs** was deeply influenced by the political thought of Mao Zedong. For the "New Left" of the US 1960s, Mao's writings were influential for encouraging a turn away from the narrow focus on the industrial "working class" that had framed most Marxist-Leninist thought and practice. Mao's "Analysis of All the Classes in Chinese Society" (1925) assertively characterized the yóumín ("floating people")—**dispossessed** peasants who **became part-time workers**, **bandits**, **soldiers**, **robbers**, thieves, and sex-workers—as "the most precarious" and thus a potentially "**revolutionary force**."15 More uniquely within the US, however, the Black **Panther Party combined Maoism** with the analyses of **Frantz Fanon**. Fanon's Wretched of the Earth (1961) explicitly argued that the colonized and dispossessed native **lumpenproletariat were in fact the most revolutionary**. For Fanon, this "uprooted" and unemployed "horde of starving" people is always most likely to rebel because they **are the least invested**, **economically** and **psychologically**, in **the colonial economy**.16 And so, he reasoned, anti-colonial revolutionaries must organize the lumpenproletariat, before the colonizer inevitably organizes them against the revolution.17 In the Panthers' analysis, **Black populations** in the **Americas** were **comparably colonized**, "**uprooted**," **without land,** and **displaced** by the **transatlantic** **slave trade**. Recruiting heavily from among the unemployed and criminalized in the inner city, the BPP further argued that the lumpenproletariat was not a distinct class but rather the globally expanding "**left wing of the proletariat**" **which would**—because of automation and growing [End Page 940] underemployment—**become the majority**, and by **necessity** take the **lead** in **class struggle** against **capitalism** in the **late-twentieth and twenty-first centuries.18**

The **Panthers'** analyses **continuously changed**, and **Foucault** read their **theorizations** throughout **these shifts**, **despite** the **banning** of the **Black Panther Party newspaper in France**.19 In early 1972, during a public "Discussion with Maoists" about the feasibility of "popular justice" without a "state judicial apparatus," Foucault seems to paraphrase—without mentioning a source—from the official text of the "Ideology of the Black Panther Party." Composed in 1969 by BPP Minister of Information Eldridge Cleaver, it reads:

One outstanding characteristic of the liberation struggle of Black people in the United States has been that most of the activity has taken place in the streets. This is because, by and large, the rebellions have been **spear-headed by Black Lumpen**. It is because of Black people's lumpen relationship to the means of production and the institutions of the society that they are unable to manifest their rebellion around those means of production and institutions. …And when the Lumpen does engage in direct action against the system of oppression, it is often greeted by hoots and howls from the spokesmen of the Working Class in chorus with the mouthpieces of the bourgeoisie.20

In the public discussion, describing the French Revolution, Foucault explained:

For the bourgeoisie the main danger against which it had to be protected, that which had to be avoided at all costs, was armed uprising, was the armed people, was the **workers** taking to the **streets i**n an **assault** against the government. They thought they could identify, in the non-proletarianised people, in those common people who rejected the status of proletarians, or in those who were excluded from it, the spearhead of popular rebellion. They therefore provided themselves with a certain number of methods for distancing the proletarianised from the non-proletarianised people.21

Not only do we see a very similar analysis with comparable terminology but even the same idiosyncratic use of the term "spearhead," which Foucault and Cleaver each deploy several times in each text. The "spearhead" was in fact a rhetorical trope that BPP co-founder, Minister of Defense, and Chief Theoretician Huey P. Newton developed and expanded upon as a conceptual clarification of the Leninist concept of the vanguard. This image, with culturally Afrocentric connotations, was an attempt by Newton to clarify, in an accessible way, what Marx and then Lenin had termed "adventurism": the tendency of a "**revolutionary party**" to turn to **militant violence** in a **manner** out ahead and "**divorced from the masses**" and the base of the party—a matter that was being fiercely debated within the BPP in 1971 in particular.22 At a seminar that Newton presided over at Yale University with psychologist Erik Erikson in February of that year, he stated: "The lumpen proletarians… are the ones who will bring about change, not us alone. A vanguard is like the head of a spear, the thing that goes first. But what really hurts is the butt of the spear, because even though the head makes the necessary entrance, the back part is what penetrates. **Without the butt, a spear is nothing but a toothpick**."23 Newton's extended metaphor is ultimately inspired by a single line of Fanon's: "**It is within this mass of humanity, this people of the shanty towns, at the core of the lumpenproletariat, that the rebellion will find its urban spearhead**."24

Foucault's thinking on the politics of crime is influenced by several BPP theorists, but by none more so than lifelong prisoner and BPP Field Marshall George Jackson, as scholars have increasingly begun to examine.25 Jackson, who received a sentence of one-year-to-life for a burglary of $70 from a liquor store when he was twenty years old, became a "Marxist-Leninist-Maoist-Fanonist" while incarcerated, and was murdered by prison guards after a decade inside.26 In George Jackson's international best-selling book of letters, Soledad Brother (1970), Jackson describes the "feeling of being captured" as a feeling that he as "slave can never adjust to."27 And indeed, in Foucault's personal manuscripts and handwritten notes for his 1972-'73 lectures on The Punitive Society, Jackson's name appears with asterisks, next to notes on the **historical construction** of the "**juridico-medical**" **criminological discourse** of "the **offender**" as a "**maladjusted**" and "**socially dangerous individual**."28 Inspired by the prison-based social movements at the time in the US and in France, Foucault helped found the Prisons Information Group (Groupe d'information sur les Prisons, GIP), an activist organization which reported on the lives of prisoners and worked to amplify their accounts of life inside. In November 1971, the GIP devoted a full issue of its publication, Intolérable, to George Jackson's political theorizations. In an anonymous essay titled "The Masked Assassination," Foucault and his co-authors show a stronger grasp of the shifts in BPP strategy after 1970—of the Newton-Cleaver split and the development of the "black commune"—than **appears** in much **scholarship** on the **Panthers** in the **academy today**, **scholarship** in which "the **relationship between military** and **political actions" is often overlooked**.29 Foucault considered Jackson's reflections as a theorist superior even to his actions as an organizer, and Foucault stated without qualification: "He is the **first to carry** out a **class-based analysis** of the **prisoners** and **define** their **specific role** in the **revolutionary process**," "overturning many commonly accepted ideas in the history of the working-class movement about the population of the prisons."30 As Joy James and Brady Heiner have more recently begun to show, the development **of Foucault's understanding of the prison** must be **grasped** within the lineage of these **social movement theorists**.31

## 1NC – Case

### 1NC -- Solvency

#### This is a debate about the better method to solving prison violence

#### No warrant for why the right to strike is key which means the alt solves the entirety of case

#### Method pluralism doesn’t work if we have a DA to your method also if we have discussions about who should implement these discussions

#### No evidence of recognition can solve --

#### Alt solves better because w agitate inside and outside so prison labor and private prison capitalism which solves the aff 100% because there is no prison labor in the alts futures

### 1NC – AT: Advantage

#### Prisoners have the right to strike – history proves. The reason why they fail is due to inmate violence, not prison guards.

German Lopez, Senior Correspondent and Cohost of The Weeds, 2018 - [“America’s prisoners are going on strike in at least 17 states”, https://www.vox.com/2018/8/17/17664048/national-prison-strike-2018]//bread

America’s prisoners are going on strike. The demonstrations are [planned](https://incarceratedworkers.org/campaigns/prison-strike-2018) to take place from August 21 to September 9, which marks the anniversary of the [bloody uprising at the Attica Correctional Facility in New York](https://www.nytimes.com/2016/09/04/books/review/blood-in-the-water-attica-heather-ann-thompson.html). During this time, inmates across the US plan to refuse to work and, in some cases, refuse to eat to draw attention to poor prison conditions and what many view as exploitative labor practices in American correctional facilities. “Prisoners want to be valued as contributors to our society,” Amani Sawari, a spokesperson for the protests, told me. “Every single field and industry is affected on some level by prisons, from our license plates to the fast food that we eat to the stores that we shop at. So we really need to recognize how we are supporting the prison industrial complex through the dollars that we spend.” Prison labor issues recently received attention in California, where inmates have been voluntarily recruited to [fight the state’s record wildfires](https://www.vox.com/2018/8/9/17670494/california-prison-labor-mendocino-carr-ferguson-wildfires) — for the paltry pay of just $1 an hour plus $2 per day. But the practice of using prison inmates for cheap or free labor is fairly widespread in the US, due to an exemption in the 13th Amendment, which abolished chattel slavery but allows involuntary servitude as part of a punishment for a crime. For Sawari and the inmates participating in the protests, the sometimes forced labor and poor pay is effectively “modern slavery.” That, along with poor prison conditions that inmates blame for a deadly South Carolina prison riot earlier this year, have led to protests. For prisons, though, fixing the problems raised by the demonstrations will require money — something that cash-strapped state governments may not be willing to put up. That raises real questions about whether the inmates’ demands can or will be heard. The demonstrations come two years after [what was then the largest prison strike in US history](https://www.vox.com/identities/2016/10/19/13306178/prison-strike-protests-attica), with protests breaking out in at least 12 states in 2016. The new demonstrations could end up even larger than those previous protests. Protests are planned in at least 17 states There’s no hard estimate for how many inmates and prisons are taking part in the protests, as organizers continue to recruit more and more inmates and word of mouth spreads. But demonstrations are expected across at least 17 states. The inmates will take part in work strikes, hunger strikes, and sit-ins. They are also calling for boycotts against agencies and companies that benefit from prisons and prison labor. “The main leverage that an inmate has is their own body,” Sawari said. “If they choose not to go to work and just sit in in the main area or the eating area, and all the prisoners choose to sit there and not go to the kitchen for lunchtime or dinnertime, if they choose not to clean or do the yardwork, this is the leverage that they have. Prisons cannot run without prisoners’ work.” While 2016’s protests were largely planned for just September 9 (then the 45th anniversary of the Attica uprising), they ended up taking part over weeks or months as prison officials tried to tamp down the demonstrations and mitigate the effects of the protests. This year, the protests are spread out over three weeks to make it more difficult for prison officials to crack down. The inmates have outlined 10 national demands. They include “immediate improvements to the conditions of prisons” and “an immediate end to prison slavery.” They also target federal laws that boosted [mass incarceration](https://www.vox.com/policy-and-politics/2017/5/30/15591700/mass-incarceration-john-pfaff-locked-in) and have made it harder for inmates to sue officials for potential rights violations. And they call for an end to racial disparities in the criminal justice system and an increase to rehabilitation programs in prisons. The demands are on top of specific local and regional asks that prisoners are making. For example, Sawari said, in South Carolina they’re also focused on getting prisoners the [right to vote](https://www.vox.com/2016/4/22/11487912/virginia-voting-felons-prison) — and, of course, improving conditions in the state that helped inspire this year’s protests. The strikes are in part a response to South Carolina’s recent prison riots One reason for this year’s demonstrations is the [prison riot at Lee Correctional Institution](https://www.vox.com/policy-and-politics/2018/4/16/17243598/south-carolina-prison-riot-violence) in April, which was described as a “mass casualty” event by state officials. “After that violent incident happened, South Carolina prisoners and the jailhouse lawyers group out of Lee County came out with the strike demands and really wanted to do something to draw attention to the dehumanizing environment of prisons in general,” Sawari said. In total, seven inmates were killed and at least 17 were seriously injured, according to the [Associated Press](https://finance.yahoo.com/news/state-police-respond-ongoing-situation-sc-prison-085315357.html). An inmate told the AP that bodies were “literally stacked on top of each other,” claiming that prison guards did little to stop the **violence between inmates**. Most of the fatal injuries appeared to be a result of stabbing or slashing, although some inmates may have been beaten to death. No prison guards were hurt. The riot was the worst in a US prison in a quarter-century, according to the [AP](http://abcnews.go.com/US/wireStory/state-police-respond-ongoing-situation-sc-prison-54494693). Based on reports following the riot, it seems some of the major causes, besides personal and potentially gang-related disputes, were poor prison conditions and understaffing — which meant there weren’t enough guards to stop the fighting.

#### Prison strikes rarely achieves significant reforms, no matter how big or long the strike is – be doubtful how the aff is any different

Christie Thompson is a staff writer. Her work has been published by outlets including The New York Times, The Washington Post, NPR, ProPublica, and The Atlantic, 9/1/2016 – [“Do Prison Strikes Work?”, https://www.themarshallproject.org/2016/09/21/do-prison-strikes-work]//bread

On Sept. 9, prisoners across the country stopped showing up for their work assignments to protest [what they call](https://iwoc.noblogs.org/post/2016/04/01/announcement-of-nationally-coordinated-prisoner-workstoppage-for-sept-9-2016/) slave-like conditions for incarcerated workers. Inmates make pennies an hour keeping the prison running — such as cleaning and cooking — or providing [cheap manufacturing for private businesses](http://www.motherjones.com/politics/2008/07/what-do-prisoners-make-victorias-secret). Inmates involved in the protest are calling for higher wages, better working conditions and less severe punishment while on the job. The work stoppage was organized by inmates in multiple states and labor activists with the Industrial Workers of the World to coincide with the [45th anniversary of the Attica riot](https://www.themarshallproject.org/2016/09/09/revisiting-the-ghosts-of-attica?ref=hp-3-111#.yAfs2yVfq), which was preceded by a strike in the prison’s metal shop. Prisoners and labor organizers on the outside hoped it would be the largest prison strike in history. It’s hard to quantify exactly how many prisoners in how many states have participated, as prison officials and organizers give conflicting accounts of its scope. Activists claim inmates in [at least 11 states](https://theintercept.com/2016/09/16/the-largest-prison-strike-in-u-s-history-enters-its-second-week/) are taking part. This strike is the latest in a long history of prisoners trying to use what little leverage they have — whether work stoppages or hunger strikes — to demand change from administrators. Some have been more successful than others. Here’s a look at five other prison strikes and what came of them: Post-WWII Labor Strikes University of Michigan professor Heather Ann Thompson’s [history of labor movements in prison](http://labor.dukejournals.org/content/8/3/15) details how a series of work stoppages and sit-down protests took off in prisons across the U.S. in 1947. In little over a decade, hundreds of prisoners in Connecticut, New Jersey, New York, Wisconsin, Louisiana, Ohio, and Georgia stopped working to protest long hours, trifling pay, and grueling work environments. Prisoners in Georgia and Louisiana went even further and slit their heel tendons so they could not be forced to work. While the work stoppages did not lead to immediate changes, they inspired another era of prison protest in the ‘60’s and ‘70’s, which included the Attica work stoppage and eventual riot. Those movements achieved slight pay raises and improved safety precautions in some states and led to the **creation of prisoner-led unions.** 2010 Georgia Labor Strike In 2010, state prisoners across Georgia launched what many then called the largest prison work strike in U.S. history — though official numbers are difficult to confirm. At the protest’s height, organizers said thousands of inmates participated across at least six state prisons. Georgia inmates were paid nothing for their work, as dictated by state law, and [were asking](https://prisonlaw.wordpress.com/2010/12/13/georgia-prisoners-strike-for-better-conditions/) for better conditions and more access to programming. Not only were Georgia inmates not showing up to their job assignments — they refused to leave their cells at all until their demands were met. The strike lasted six days, and garnered coverage in news outlets like [The New York Times](http://www.nytimes.com/2010/12/12/us/12prison.html?_r=0). It ended when prisoners decided to leave their cells to [go to the law library](http://www.ajc.com/news/news/local/prisoners-protest-over-for-now/nQnxt/) and try to sue for improvements instead. (It’s unclear what became of those efforts). Prisoners in Georgia are still not paid for their labor. 2011-2013 Pelican Bay Hunger Strike [In 2011](http://saq.dukejournals.org/content/113/3/579.abstract), 400 prisoners in California’s supermax prison started refusing their meals. Their numbers grew to 7,000 as they were joined by prisoners all over the state. The inmates had a [list of five demands](https://prisonerhungerstrikesolidarity.wordpress.com/education/the-prisoners-demands-2/), including limits on solitary confinement and changes to how the prison determines gang membership. Their fast ended after three weeks when prison officials agreed to reconsider some of their solitary confinement policies. Inmates returned to hunger-striking later in 2011 and again in 2013 saying the changes were too small and too slow. But the protests did have a significant impact. After the initial strike, the chair of the California Assembly’s Public Safety Committee held a hearing on conditions at Pelican Bay. In 2012, the nonprofit Center for Constitutional Rights [filed a class-action lawsuit](https://ccrjustice.org/home/what-we-do/our-cases/ashker-v-brown) against the state over its use of prolonged isolation. Todd Ashker, [one of the strike’s organizers](http://nymag.com/news/features/solitary-secure-housing-units-2014-2/), was the lead plaintiff. The suit was settled in September 2015, addressing many of the strikers’ concerns about how people end up in solitary and how long they remain there. 2013 Guantanamo Hunger Strike Detainees at the U.S. military prison in Cuba [began hunger-striking in March 2013](http://media.miamiherald.com/static/media/projects/gitmo_chart/) to fight against their indefinite detention and alleged mistreatment. At the strike’s peak in July that year, 106 men were refusing to eat and 45 were being force-fed through nasal tubes. The strike — for its duration, size, and the graphic nature of force-feeding — outraged the public and policymakers and [increased pressure](http://www.nytimes.com/2013/05/01/opinion/president-obama-and-the-hunger-strike-at-guantanamo.html?_r=0) on President Obama to fulfill his promise of closing the controversial prison. Since the strike, Obama has lowered the number of men held at Guantanamo [from over 2,000 to 61](http://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article97896012.html), but has yet to close the prison entirely. 2015-2016 Immigration Detention Center Hunger Strikes Since 2015, hunger strikes have begun at various immigration detention centers — prison-like facilities where immigrants are held while their deportation case is decided — throughout the U.S. [Roughly 200 detainees](http://www.cbs5az.com/story/29312788/200-detainees-stage-hunger-strike-at-eloy-detention-center) at Eloy Detention Center in Arizona stopped eating in June 2015, in part to pressure an investigation into [recent deaths at the facility](http://www.cbs5az.com/story/29312788/200-detainees-stage-hunger-strike-at-eloy-detention-center). [That fall](http://www.motherjones.com/politics/2015/11/why-are-hundreds-detained-immigrants-going-hunger-strike), immigrants in detention in California, Alabama, Louisiana, and Texas also stopped eating to object to their indefinite detention and poor conditions. More recently, 22 mothers being held with their children in a family detention center in Pennsylvania went on a [hunger strike this August](http://www.huffingtonpost.com/entry/mothers-immigrant-detention-hunger-strike_us_57b3698be4b04ff883990132). Their strike accompanied a series of [handwritten letters](http://grassrootsleadership.org/blog/2015/10/breaking-least-27-women-hunger-strike-hutto-detention-center-hutto27) they sent to immigration officials asking to be released from indefinite detention. The strike has continued off-and-on since then, with even their [children threatening to refuse to attend classes](http://www.democracynow.org/2016/9/8/headlines/children_held_at_berks_threaten_school_strike_amid_parents_hunger_strike) in solidarity with their mothers. It’s too soon to tell what the impact of their protests might be.

#### Unemployment creates cycles of recidivism. This means the aff doesn’t solve the root cause AND it doesn’t solve for recidivism as a whole.

**Curley 2017** (Caitlin Curley, March 17 2017, “Denying Employment To Ex-Offenders Increases Recidivism Rates,” <https://www.genfkd.org/denying-employment-ex-offenders-increases-recidivism-rates>) //neth

There are quite a few barriers for ex-offenders looking for employment, which increase the risk for reoffending and impact recidivism rates. What keeps ex-offenders from finding jobs As a population, offenders statistically tend to have less education and less previous employment in their backgrounds, which initially makes them less-appealing applicants. Many applications will automatically disqualify those who have felony convictions, barring many former convicts. Those that make it through this step might be hit with a background check that disqualifies them as well. Making it to an interview can be difficult, but making yourself presentable for an interview you do get can also be a challenge when you might not be able to find housing and are likely low-income. All of these factors result in the ex-offender population lowering the overall employment rate by .8 to .9 percent, according to a study by the Center for Economic and Policy Research. Unemployment leads to re-offending It is commonly known by experts in the field that employment is an incredibly important factor in stabilizing someone’s life after release from prison. People need to have the steady activity and responsibility in order to avoid falling back into the same behaviors that landed them in the system. More importantly, they need a steady paycheck to get themselves housing, food and basic necessities in order to survive on their own. This impacts recidivism rates The increased risk for re-offending caused by unemployment has a negative effect on overall recidivism rates,

and that impact has been tracked by several recent studies. A 5-year study conducted by Indiana’s Department of Corrections found that an offender’s post-release employment was “significantly and statistically correlated with recidivism, regardless of the offender’s classification.” America Works partnered with the Manhattan Institute to track the success rates of their employment-assistance programs for released offenders. They found that offenders who participated in their programs had almost 20 percent less of a chance of re-offending and returning to prison. Takeaway: We have to care about recidivism Ex-offenders need employment, and it’s important to recognize their barriers to leading successful lives. But high recidivism rates indirectly impact all of us — they inflate prison populations, which overflow correctional budgets that are paid for by taxpayers. So whether or not we care about the ex-offender population, we need to care about recidivism rates overall. Employment after release from prison has a huge impact on recidivism rates, so caring about recidivism means caring about ex-offender employment.

#### Illegal strike activity in the status quo solves the affirmative – the aff is an attempt to regulate the ongoing strike wave

**Olivier 10/28**

Indigo Olivier is a Brooklyn-based freelance journalist covering politics, labor, and higher education. “Striketober: America’s workers are rising up”, <https://conversationalist.org/2021/10/28/striketober-americas-workers-are-rising-up/>, published 10-28-21, accessed 11-4-21 // mk

Workers across the United States are finally saying they’ve had enough. Nineteen months into the pandemic, 24,000 of them are exercising the strongest tool they have: the power to withhold their labor. With the country already facing severe supply chain disruptions, these strikes have put added pressure on employers to improve wages and working conditions. At the John Deere factories in Iowa, Kansas, and Illinois, 10,000 employees represented by the United Auto Workers (UAW) went on strike after rejecting a proposed contract that included wage increases below inflation levels and the elimination of pensions for new employees. Other strikes include 2,000 [healthcare](https://www.cbsnews.com/news/mercy-hospital-nurses-strike-labor-shortage-2021/) workers at Buffalo’s Mercy Hospital; 1,800 telecom workers at California’s Frontier Communications; and 1,400 production workers at several Kellogg’s cereal plants. Thousands of additional workers have authorized strike votes. Earlier this month, an overwhelming majority of workers in the International Alliance of Theatrical Stage Employees (IATSE), which represents over 60,000 people in the film and TV industry, [voted in favor](https://iatse.net/by-a-nearly-unanimous-margin-iatse-members-in-tv-and-film-production-vote-to-authorize-a-nationwide-strike/) of a strike. A few days later, [24,000](https://www.washingtonpost.com/business/2021/10/11/24000-kaiser-permanente-workers-authorize-strike-over-pay-working-conditions/) Kaiser Permanente healthcare workers in California and Oregon followed suit. Harvard’s graduate student union, with roughly 2,000 members, also authorized a strike with a 92 percent vote. “Workers are fed up working through the pandemic under the conditions they’ve been working in,” says Joe Burns, a former union president and [author of](https://www.akpress.org/strikebackupdated.html) “Strike Back: Using the Militant Tactics of Labor’s Past to Reignite Public Sector Unionism Today.” The strike wave “also reflects that there’s a tight labor market.” “We’ve noticed a considerable uptick in the month of October,

” says Johnnie Kallas, a PhD student at Cornell’s School of Industrial and Labor Relations (ILR) and Project Director for the ILR [Labor Action Tracker](https://striketracker.ilr.cornell.edu/about.html). The ILR has tracked 189 strikes this year. Of those, 42 are ongoing in October while 26 were initiated this month Kallas and his team have been collecting data on strikes and labor protests since late 2020; they officially launched the Labor Action Tracker on May Day of this year. “There’s a lack of adequate strike data across the United States, says Kallas. “We thought this was a really important gap to fill.” The Bureau of Labor Statistics (BLS), he explains, only keeps track of work stoppages involving 1,000 employees or more, and which last an entire shift. “As you can imagine, this leaves out the vast majority of labor activity,” Kallas says. Workers are demanding higher wages, adequate benefits like healthcare and pensions, improved safety and working conditions, especially concerning COVID-19, and reasonable working hours. The ILR Tracker has also been keeping tabs on “labor protests” —i.e., “collective action by a group of people as workers but without withdrawing their labor” —which aren’t recorded by BLS at all. The federal minimum wage has been stagnant at $7.25 an hour since 2009, even as inflation has increased by 28 percent since then. Meanwhile, over the past year consumers have seen a sharp increase in the cost of everyday goods such as bacon, gasoline, eggs, and toilet paper due to the pandemic. This means workers’ wages aren’t going nearly as far as they used to. For months, the media has been [reporting](https://www.reuters.com/business/no-end-sight-labor-shortages-us-companies-fight-high-costs-2021-10-26/) on a “labor shortage” that has purportedly left employers unable to fill jobs. Fast food restaurants have [posted signs](https://twitter.com/ABC15Patrick/status/1382415576006496264?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1382415576006496264%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.the-sun.com%2Fnews%2F2741287%2Fsonic-viral-sign-workers-dont-want-to-work%2F) that read: “We are short-staffed. Please be patient with the staff that did show up. No one wants to work anymore.” Small business owners and corporate CEOs alike have gone on cable news to complain about the hundreds of thousands of people who prefer to live on government assistance rather than find a job. But the truth, said Kallas, is that there’s [no shortage of labor](https://www.orlandoweekly.com/Blogs/archives/2021/10/20/a-florida-man-applied-for-60-entry-level-jobs-in-a-month-to-prove-the-so-called-labor-shortage-is-a-myth). Rather, employers can’t find people to work [for the wages they’re offering](https://www.orlandoweekly.com/Blogs/archives/2021/10/20/a-florida-man-applied-for-60-entry-level-jobs-in-a-month-to-prove-the-so-called-labor-shortage-is-a-myth). Saturation coverage of the labor shortage has come at the expense of amplifying the human cost of the government’s having cut unemployment benefits for 7.5 million workers on Labor Day, while an additional three million lost their weekly $300 pandemic unemployment assistance. Time magazine [called it](https://time.com/nextadvisor/in-the-news/unemployment-benefits-expire-in-september/) the “largest cutoff of unemployment benefits in history.” Just two weeks earlier, a [flurry](https://www.cnbc.com/2021/08/23/ending-unemployment-benefits-had-little-impact-on-jobs-study-says.html) of newly published [studies](https://www.nytimes.com/2021/08/20/business/economy/unemployment-benefits-economy-states.html) showed that states that chose to withdraw earlier from federal benefits did not succeed in pushing people back to work. Instead, they [hurt their own economies](https://www.businessinsider.com/cutting-off-unemployment-hurts-states-did-not-help-employment-research-2021-9) as households cut their spending to compensate for the lost benefits. In Wisconsin, instead of increasing benefits or raising the minimum wage, state legislators have decided to address the labor shortage by putting children to work. Last week, the state senate [approved a bill](https://www.businessinsider.com/labor-shortage-wisconsin-senate-jobs-work-teenagers-child-labor-hours-2021-10) that would allow 15 and 16-year-olds to work as late as 9 p.m. on school nights and 11 p.m. on days that aren’t followed by a school day. The only state legislator to speak out against the bill was Senator Bob Wirch, who [said that](https://wisconsinexaminer.com/2021/10/21/senate-votes-to-extend-work-hours-for-some-teens-under-16/) “kids should be doing their homework, being in school, instead of working more hours.” Despite these setbacks, the tight labor market has given workers considerable leverage. “Workers are more confident that they can strike and not be replaced,” says Burns. In places where non-union labor, or “scabs,” have been brought in to replace striking workers, there have been several incidents that underscore the importance of a union in creating a safe work environment. Jonah Furman, a labor activist who has been covering the John Deere strike closely, reported that poorly trained replacement workers brought in to a company facility were involved in a serious [tractor accident](https://labor411.org/411-blog/scab-crashes-tractor-on-day-1-of-john-deeres-replacement-of-striking-workers/) on the morning of their first day. A higher profile and more deadly incident occurred last week when the actor Alec Baldwin fatally shot cinematographer Halyna Hutchins with a prop gun that was supposed to contain only blank rounds. According to [several](https://www.insider.com/rust-camera-crew-walked-off-protest-hours-before-fatal-shooting-2021-10) [reports](https://www.motherjones.com/media/2021/10/rust-alec-baldwin-strike-labor-gun-iatse/) on the incident, the union camera crew quit their jobs and walked off the set earlier that day to protest abysmal safety standards—and were immediately replaced with inexperienced, non-union labor. “Corners were being cut — and they brought in nonunion people so they could continue shooting,” one crew member told the [LA Times](https://www.latimes.com/entertainment-arts/business/story/2021-10-22/alec-baldwin-rust-camera-crew-walked-off-set). Kallas says the incident “clearly demonstrates the importance of workplace safety and the significance of capturing both strikes and labor protests” when collecting data. “What’s becoming increasingly common are these walkouts and mass resignations,” he says. He mentioned a Burger King in Nebraska where the entire [staff walked out](https://globalnews.ca/news/8023338/burger-king-sign-quit-employees-lincoln-nebraska/#:~:text=Fed%2Dup%20Burger%20King%20staff,%E2%80%9CSorry%20for%20the%20inconvenience.%E2%80%9D) to protest poor working conditions that included a broken air conditioner in 90° F temperatures and staff shortages. They left a note on the door that said, “We all quit. Sorry for the inconvenience.” In another non-strike labor action, dozens of non-union school bus drivers in Charles County, Maryland [called in sick](https://www.wusa9.com/article/news/education/150-school-bus-routes-affected-friday-in-charles-county-after-rumoured-driver-sick-out-maryland/65-88bf184f-0cf1-4182-aa06-05e983188934) to protest their low wages and lack of benefits. Over 160 bus routes were affected by the action. Meanwhile, adjacent school districts that are critically short of bus drivers find themselves unable to attract new candidates because of the perceived risk associated with driving a bus crowded with children during the pandemic. In an [Opinion piece](https://www.theguardian.com/commentisfree/2021/oct/13/american-workers-general-strike-robert-reich) for The Guardian US, former Secretary of Labor Robert Reich suggested that the United States was in the grips of an unofficial general strike, with workers quitting their jobs “at the highest rate on record.” Why? Because they were “burned out,” fed up with “back-breaking or mind-numbing low-wage shit jobs.” The pandemic, asserted Reich, was “the last straw.” In July, an anonymous group [called for a](https://boldtv.com/cheyenner/2021/07/19/did-you-know-theres-going-to-be-a-general-strike-in-2021/) general strike on October 15, but the day came and went without much fanfare. “Traditionally, general strikes happen because workers actually want to go on strike, and not because someone declares it on Facebook or Twitter,” says Burns. Rosa Luxemburg, the German socialist and philosopher who rose to prominence at the beginning of the last century, believed general strikes were the tool to usher in social revolution after developing class consciousness through the patient building of worker organizations, such as unions. “That’s not happening today,” says Burns. The 24,000 striking workers today pale in comparison to the mass strikes of the early to mid-twentieth century, when workers shut down production by the hundreds of thousands. Some [4.6 million workers](http://www.rochesterlabor.org/strike/) went on strike in 1946, accounting for 10 percent of the workforce. Today things aren’t as simple. In August 1981, President Ronald Reagan fired over 11,000 air traffic controllers who went on strike after negotiations between the Federal Aviation Administration broke down. These workers were prohibited from ever working for the federal government again, creating a chilling effect among unions. Reagan’s action set the tone for labor relations for the next four decades, while his administration ushered in a new era of corporate dominance, known as neoliberalism. Today, corporations such as Amazon regularly [use threats](https://www.nytimes.com/2021/03/16/technology/amazon-unions-virginia.html), [intimidation tactics](https://nowthisnews.com/news/amazon-accused-of-intimidating-workers-after-warehouse-votes-to-not-unionize), and [surveillance](https://www.theguardian.com/commentisfree/2021/mar/02/mcdonalds-unions-workers-rights) against employees to prevent them from unionizing. “When workers engage in a true strike wave, politicians want to step in and regulate it and establish some procedures,” says Burns. The Taft-Hartley Act was passed one year after the [general strikes of 1946](https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/strike-wave-united-states), making wildcat strikes, secondary boycotts, and union donations to federal political campaigns illegal. The act also allowed states to pass right-to-work laws, severely limiting effective union organizing, and required union officers to sign affidavits pledging they were not communists. The Red Scare, initially sparked by the Russian Revolution of 1917, resulted in sustained attacks against organized labor, particularly the leftist Industrial Workers of the World, or “Wobblies.” By the end of the Second World War, with labor militancy intensifying and the power of the Soviet Union growing, the Red Scare had morphed into a reign of terror against an “internal enemy.” Reagan later used language from the Taft-Hartley Act that prohibited workers from striking against the government to declare the air traffic controllers’ strike illegal. Today, workers face serious legal barriers to organizing under a system of labor law that favors the employer. Over the years, these laws have restricted the scale with which strikes can be organized and the total number of workers who belong to unions. At the peak of organized labor in 1954, [34.8 percent of](https://www.pewresearch.org/fact-tank/2014/02/20/for-american-unions-membership-trails-far-behind-public-support/) American wage and salary workers belonged to a union; by 2020, that number was down [to](https://www.bls.gov/news.release/union2.nr0.htm#:~:text=The%20number%20of%20wage%20and,workers)%2C%20or%206.7%20percent.) 10.8 percent, a trend that has been closely linked to decreased wages over the last few decades. Against these grim numbers, legislation like the [Protecting the Right to Organize (PRO) Act](https://www.npr.org/2021/03/09/975259434/house-democrats-pass-bill-that-would-protect-worker-organizing-efforts) could make a huge difference to labor organizing. The PRO Act would allow workers to engage in secondary boycotts, restrict right-to-work laws, ban anti-union captive audience meetings and exact financial penalties against companies found to be in violation of the law. The bill is something President Joe Biden campaigned on during the 2020 presidential election and has pushed to include in his Build Back Better agenda. “I’m skeptical based on actual history that we’re gonna see a legislative fix to this problem,” says Burns. “**When workers are militant and engaged in activity, legislation will follow.** Not the other way around.” The strike wave we’re witnessing today speaks to a growing militancy against several decades of sustained corporate combat. It’s an uphill battle that no one union can win in isolation. With organized labor depleted and battle weary, the only path forward is to enlist other workers to fight by organizing new unions and activating those that already exist. Only by growing its numbers will labor enact the systemic change necessary to put working people on better footing. As labor activists have long proclaimed, “**there’s no such thing as an illegal strike, only an unsuccessful one.”**