Table of Contents

Tipped Workers 1AC 2

Other Frameworks 8

Alt FW – Civic Republicanism 8

Alt FW – Role of the Ballot Oppression 10

Alt FW – Policymaking 12

Theory Frontlines 14

AT Can’t Spec Group 14

AT Limits/Research Burdens 15

AT Grammar 15

AT Must Defend Contractors – Same Frontlines as “Can Spec Workers” 16

Counterplan Frontlines 17

AT EITC CP 18

AT Wage Subsidies CP 19

AT UBI CP 20

UBI Spec Shell (Better than Michael’s UBI Bad Shell) 21

AT Fair Minimum Wage Act CP (70% of the Regular Minimum Wage) 22

AT Abolish Tipping (and the Subminimum Wage) CP 23

AT Collective Bargaining CP 24

Disad/Turn Frontlines 25

AT Employment Turns 25

AT Higher Food Prices 26

AT Net Decrease in Incomes 26

Disease Advantage Link 27

Framework Frontlines 28

AT Levinas NCs 28

Abstraction Link 28

AT Means-based NCs 29

1AR Gino Expansion 29

Methodologies 30

# Tipped Workers 1AC

Inherency. **Liebelson ’14** explains the status quo:

As Republicans stonewall President Obama's initiative to raise the federal minimum wage from $7.25 an hour to $10.10 an hour by 2016, some state lawmakers have taken the matter into their own hands, passing legislation that increases the salaries for America's most vulnerable workers. But there's one group that is still largely left out of the minimum wage battle: people who work for tips. As it stands, only seven states require employers to pay tipped workers the same minimum wage as nontipped workers. The federal minimum wage for the latter is $7.25, but the federal minimum wage for tipped workers has remained stagnate at $2.13 since 1991, with no adjustment for inflation. Employers are supposed to make up the difference if tipped workers aren't earning the regular minimum wage through their tips, but it doesn't always happen. The Economic Policy Institute, a left-leaning think tank, found in 2011 that tipped workers are more than twice as likely as other workers to fall under the federal poverty line.

**I advocate that** just governments require that employers pay tipped workers a living wage. The plan ends two-tier wage structure and allows workers to meet their basic needs. **Restaurant Opportunities Centers ‘14[[1]](#footnote-1)**

Policy makers:• Should take a lead in advocating for One Fair Wage. Increase the minimum wage and eliminate a sub-minimum wage for tipped workers, so that all workers can cover their basic necessities in a dignified manner

I’ll specify a country and method of calculating cost of living in CX if you want, or grant you disad links. That’s better than speccing further since it enables you to get the ground you want, rather than forcing you to generate offense to a hyper-specific plan.

**The standard is resisting structural domination**.

1. **Epistemology**: Ethical theorizing comes from the interaction of different ideas, but that can only occur meaningfully if we fix conditions that exclude particular voices. **Medina**[[2]](#footnote-2):

Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given ﬁeld. Different ﬁelds—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. In the battle among power/ knowledge frameworks, some come on top and become dominant while others are displaced and become subjugated. Foucault's methodology offers a way of exploiting that vibrant plurality of epistemic perspectives, which always contains some bodies of experiences and memories that are erased or hidden in the mainstream frameworks that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls ‘subjugated knowledges’ are forms of experiencing and remembering that are pushed to the margins and rendered unqualiﬁed and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practice of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed.

Also means pragmatic politics is a prerequisite to Ks of the system – your methodological options are limited to those that are recognized by particular ways of knowing. Giving people the CHANCE to participate in theorizing requires concrete changes before we can figure out the best option to resist or replace dominant institutions.

2. **Political Philosophy**. **A.** A theory that allowed domination can’t be political philosophy since it wouldn’t be endorsed by the individuals it allowed the domination of. Since the point of political philosophy is to allow individuals to act together to realize ends, even if domination could be ethically justified, it couldn’t be politically permitted

**B.** Formal equality per some abstract principle is insufficient. The public sphere requires a material commitment to every citizen’s independence from domination. **Daniels[[3]](#footnote-3)**

Because of their interest in recognitional equality, when contractors choose principles they must assure all citizens that the terms of cooperation sustain their sense of self-respect. Self-respect is sustained when there is a basis for each to recognize and respond to others as equal citizens. The fundamental importance of protecting the capability of all to participate in democratic processes and public life, and of not simply assuming people formal rights that might be thought empty of real meaning or effect, derives from this concern to protect the recognitional components of equality. Those who are best off must retain the awareness that the worst off are still equal and worthy participants in the democratic regulation of society. Those who are worst off must continue to see themselves as worthy equals in participation, in opportunity, and in the interest they have in pursuing their ends -- or they will not be able to sustain their self-respect and thus their participation. A key reason for insisting that the term “democratic equality” refers to the all three principles of justice, and not just to fair equality of opportunity and the difference principle, derives from the importance of this egalitarian idea about the social bases of self-respect, with its echo of Rousseau.”

3. Structural violence limits whom they apply to on the basis of unjustifiable conceptual categories. We need to create systems and focus on strats to stop that and make our ethical categorizing meaningful. **Winter and Leighton ‘99[[4]](#footnote-4)**

Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section ishow and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual/cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity.Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it.

**Advantage One is Sexual Harassment.** Submininum wages make sexual harassment a de facto requirement of employment, but a living wage solves the root cause. **Myotte ‘14[[5]](#footnote-5)**

“Today, in one of the largest and fastest growing economic sectors in the country, being subjected to constant forms of sexual harassment has practically become a requirement of employment,” said Saru Jayaraman. “The culture of sexual harassment in the restaurant industry isn’t an accident. We can point directly to the subminimum wage and the fact that the majority of people living off tips are women and their take-home pay is inextricably linked to enduring vile behavior from customers, co-workers, and bosses. Countless young women are introduced to the world of work through the restaurant industry and they go on to be more likely to accept forms of sexual harassment as ‘just part of the job.’” The Glass Floor examines the incidence of multiple sexual behaviors that workers were exposed to from restaurant owners, managers, and supervisors (management), from co-workers, and from customers, measured through nearly 700 surveys of people who are currently or recently worked in a restaurant, along with focus groups conducted in Houston, New York, New Orleans, and Washington, DC. Data were also compiled and analyzed from the Equal Employment Opportunity Commission, the Bureau of Labor Statistics, the Current Population Survey, and the American Community Survey to gain a broad understanding of the conditions impacting sexual harassment in the restaurant industry. Due to the two-tiered wage system that allows restaurant employers to pay as little as $2.13 an hour (the federal tipped minimum wage since 1991) to tipped workers, and the overwhelming lack of enforcement and compliance ensuring that employers pay workers the full minimum wage when tips fall short, women in tipped occupations often make a living entirely off tips. Absent a stable base wage from their employers, tipped workers are forced to tolerate inappropriate behavior from customers on whose tips they depend to feed their families, and from co-workers and management who often influence shifts and hours. However, a majority of all restaurant workers report experiencing sexual harassment. The report also includes policy recommendations, including: · Eliminating the subminimum wage for tipped workers in order to eliminate the financial insecurity and pressures that perpetuate sexual harassment in the restaurant industry. Legislating one fair wage, so all workers are ensured a minimum wage sufficient to cover their basic needs, and eliminating a subminimum wage for tipped workers, would create a safer and more equitable workplace.

Empirically confirmed – there are fewer instances of sexual harassment in states with higher minimum wages. It benefits everyone, even non-tipped workers. **Restaurant Opportunities Centers 2[[6]](#footnote-6)**

Living off tips makes an industry already rife with sexual harassment even more dangerous. Women restaurant workers living off tips in states where the sub-minimum wage for tipped workers is $2.13 per hour (hereinafter called ‘$2.13 states’) are twice as likely to experience sexual harassment as women in states that pay the same minimum wage to all workers.13 Tipped women workers in $2.13 states reported that they were three times more likely to be told by management to alter their appearance and to wear ‘sexier,’ more revealing clothing than they were in states where the same minimum wage was paid to all workers. Conversely, tipped women workers in states that have eliminated the sub-mini- mum wage were less likely to experience sexual harassment. Importantly, sub-minimum wages impact all workers in the industry — not just tipped workers. All workers in states with a $2.13 sub-minimum wage, including men and non-tipped workers, reported higher rates of sexual harassment, indicating that the overall restaurant work environment is at least partially shaped by the sub-minimum wage system itself.

Aff solvency outweighs –

**A.** Wages are implicitly value judgments in the status quo, their value changes the perception of employers – means you can’t solve mistreatment without forcing revaluation. **Rogers ‘14[[7]](#footnote-7)**

Ultimately, transfers that are not accompanied by wage regulations can substantially undermine social equality even as they create employment opportunities. For example, consider the effects on low-wage labor markets if the minimum wage were repealed altogether and replaced with the EITC or a general wage subsidy. At a certain market wage—say, $2 an hour— even middle-class families would have lives of luxury. Food would be cheap. Few such families would mow their own lawn or clean their own house anymore. Many could even hire a butler, or a chef, or perhaps a chauffeur to make long commutes more tolerable. Notably, those workers might even have a decent standard of living if the EITC or wage subsidy were high enough. But history strongly suggests that many would treat all those $2-an-hour servants poorly, reasoning that their low wages must be due to some moral failing and consum ers’ lives of leisure due to some moral virtue

**B.** Affirming changes the terms of the employment relation – it mandates respect and values the work and workers. **Zatz ‘09[[8]](#footnote-8)** summarizes

Second, wages and state transfers are not interchangeable even if they possess the same dollar value.133 Instead, the social meaning of the wage is such that workers may be deprived of equal respect if their work is valued too little, a disrespect that cannot be cured by a payment from a third party. If so, raising wages would be more effective than government transfers. Whether this point matters depends on specifying more precisely the injustice of low wages: is it simply that workers are deprived of an equal opportunity to gain access to money, or is it that they are deprived of participating on particular terms in a richer relationship of economic and social interconnection? The latter point replicates with regard to wages the terms of an established debate over access to employment: is there any reason for the state to guarantee access to jobs or only to guarantee access to income?134 The reasons for granting independent significance to wages might also provide a noninstrumental basis for placing some duties on employers. For instance, those reasons might involve insisting that employment is not purely an arms-length relationship but rather brings with it some obligations of mutual regard.135 Something like that appears to be the intuition behind the old rallying cry that “the labor of a human being is not a commodity.”136

Turns indicts of the wage system – affirming places duties on employment that change the wage relation from purely transactional to one that recognizes the value of the investment that human beings put into work.

Wages signify respect for labor, and the refusal to instrumentalize human being’s capacity for it. Agents are still valuable regardless of their engagement with the wage system – the aff merely indicates you deserve to be compensated for doing so

The impact spills over – sexual harassment in the restaurant workplace creates a culture that normalizes it and leads to silence throughout their careers. This evidence is about women, but there’s no reason it doesn’t apply generally. **Jayaraman ‘14[[9]](#footnote-9)**

Beyond that, you’ve got millions more young women who this is their first job in high school, college or graduate school. And this is how we are teaching young women in America what is tolerable and acceptable in the workplace, so much so that we’ve now been approached by literally thousands of women from across America saying, you know, "I was a tipped worker in college. I now am a corporate executive or a union organizer. I’ve been sexually harassed recently on the job, but I didn’t do anything about it because it was never as bad as it was when I was a young woman working in restaurants."

**Advantage Two is Wage Theft.** Tipped workers are disproportionately victims of wage theft. **Liebelson ’14 summarizes Myotte[[10]](#footnote-10)**

As it stands, only seven states require employers to pay tipped workers the same minimum wage as nontipped workers. The federal minimum wage for the latter is $7.25, but the federal minimum wage for tipped workers has remained stagnate at $2.13 since 1991, with no adjustment for inflation. Employers are supposed to make up the difference if tipped workers aren't earning the regular minimum wage through their tips, but it doesn't always happen. The Economic Policy Institute, a left-leaning think tank, found in 2011 that tipped workers are more than twice as likely as other workers to fall under the federal poverty line. The Minimum Wage Fairness Act, which Obama endorsed, would have gradually raised tipped workers' minimum wage to 70 percent of the regular minimum wage. But the bill has faced steep opposition from Republicans and the restaurant lobby. According to Open Secrets, the National Restaurant Association, which opposed the minimum-wage hike, spent more than $2.2 million on lobbying last year. Like millions of Americans across the United States, 23-year-old Anna Hovland worked a waitressing job earlier this year to make ends meet. Her restaurant in Washington, DC, paid her the local minimum wage for tipped workers, $2.77 an hour, which meant that after taxes, her paycheck was usually zero. Her tips, never dependable, ranged from $20 to $200 a shift. "In a city as expensive as DC, I've been able to make ends meet by the skin of my teeth," Hovland says. "Sometimes it will only be in the last week or two of a month that I'll realize I've made enough to pay all my bills." In December, Washington's city council voted to raise the city's minimum wage from $8.50 to $11.50 an hour by 2016. But the bill didn't raise the minimum wage for tipped workers, like Hovland, on the basis that restaurants in Washington are supposed to make up the difference if tips don't meet the equivalent of $11.50 an hour. That's how the federal law works, as well. US companies are allowed to pay tipped employees pittance because customers are expected to tip well enough to surpass at least the federal minimum wage of $7.25, and, if they don't, companies have to chip in the rest. But that's not how things always work in the real world. "The servers who make 'good money' are in the minority," says Maria Myotte, a spokesperson for Restaurant Opportunities Center United, which aims to improve conditions for workers in the industry. She notes that tipped workers are hit especially hard by "wage theft," whereby restaurants don't make up the difference when the tips aren't rolling in. Between 2010 and 2012, the Wage and Hour Division of the Department of Labor conducted nearly 9,000 investigations in the restaurant industry, and discovered that 83.8 percent had some kind of wage and hour violation

Turns property rights NCs – this systematically deprives the most vulnerable people of property they’re legally and morally entitled to for work done. Aff hinders a hindrance and thus is obligatory.

Victims of wage theft find it difficult to speak out because of fear of retaliation – guaranteeing them a stable, sufficient, base wage removes the incentive structure that makes this silencing possible. **National Employment Law Project ‘14[[11]](#footnote-11)**

 Moreover, tipped workers who have experienced tip stealing or other forms of wage theft are often reluctant to speak up for what they are owed out of fear of rocking the boat. Many tipped workers are reliant on their supervisors to be scheduled for shifts, and make more or less in tips depending on which shifts they are given. Guaranteeing all tipped workers the full minimum wage paid directly by employers would simplify the complex rules surrounding the tipped sub-minimum wage and provide tipped workers a more substantial base income that is less susceptible to abuse.

Outweighs alternative solutions: **A. Simplicity** – other measures are more difficult to claim and allocate, so it’s harder for employers to abuse the system. Other mechanisms don’t do that

**B.** It’s about more than just access to the income – guaranteeing them the income through a requirement on employers is critical for self-respect necessary for future gains. **Rogers 2[[12]](#footnote-12)**

2. Formal Legal Entitlements and Self-Respect.—Minimum wage laws also enhance workers’ self-respect by granting them formal legal entitlements vis-à-vis employers. This is in part an expressive effect of minimum wage laws, which are an easily grasped policy “that symbolizes the political system’s commitment to working people.”165 Such laws signal that the state and broader society view workers as worthy of legal protection, even when doing so imposes costs upon more powerful social groups, as captured well in the textile worker quote in this Article’s introduction. But the legal entitlements provided by minimum wage laws are not merely symbolic. Under such laws, workers can hale employers into court to prevent enforcement of labor contracts that pay less than the minimum, employers owe workers correlative duties, and state agencies stand ready to intervene on behalf of workers. The relationship between formal rights and self-respect is an enormous topic, but a few notes on that relationship within political and social theory should suffice to develop this point. Within liberalism, this idea seems to have animated Rawls’s argument that in a just society “self-respect is secured by the public affirmation of the status of equal citizenship for all” through protection of equal liberties,166 as well as through the fact that “everyone endorses the difference principle, itself a form of reciprocity.”167 Public affirmation of such rights helps demonstrate that rights-bearing individuals are moral equals of other citizens. Once that moral equality is clear, employers will not as readily subject such workers to abuses, and workers will more readily contest unfair treatment by employers and other private actors.

Outweighs on scope – you can solve the present instance of harm, but this enables employees to fight future employer mistreatment. I create a structural force for future change.

Lastly, even if all laws are perfectly complied with, tip dependence is racially discriminatory – it allows Black workers to be paid less for the same job and makes an environment prejudiced against Black customers. **Ambrosino ‘14[[13]](#footnote-13)**

The way we tip reflects our prejudices, argues Freakonomics' Stephen Dubner. Here's what he told Brian Lehrer: "The data show very clearly that African Americans receive less in tips than whites, and so there is a legal argument to be made that as a protected class, African American servers are getting less for doing the same work. And therefore, the institution of tipping is inherently unfair." But not only are black servers making less money than white servers — black diners are perceived to be leaving less money than white diners. Data collected in 2009 from over 1,000 servers all across the US "found that over sixty-five percent [of servers] rated African Americans as below average tippers." As a result, restaurant workers of all colors dislike waiting on black customers, studies found. The economy of tipping is so racially charged that both servers and diners are affected by prejudice. Racism isn't the only kind of discrimination baked into the American tipping system. Female servers, too, face routine discrimination. As Lynn told Dubner: blonde, slender, larger-breasted women in their 30s earn some of the highest tips. Granted, the decision of how large a tip to leave is up to the subjective whims of the tipper, and different people have their own aesthetic preferences. But when a server's main source of income is her tips, and if those tips are regulated by the prejudices of the tippers, then a case could potentially be made that certain wage practices of restaurants are discriminatory.

**Underview**

1. Presume aff**,** side bias - the neg won 8 percent[[14]](#footnote-14) more rounds at octas and quarters bids this year. Prefer statistics since they take into account all factors leading to the side bias, so any logical argument for why the aff should have an advantage is empirically denied.

2. aff needs RVIs to compensate for the neg’s ability to split the 2NR 50-50 between theory and substance and always be ahead on any layer if the aff is forced to do the same split in the 1AR, making it strategically plausible for affs to collapse to theory is the only way to allow the aff a reasonable chance at winning. But, the ease with which the neg can split the 2N means no neg RVIs, since they can win theory and still have a substantial time advantage on substance, regardless of how much time the 1AR invests in the shell.

3. Unemployment arguments don’t give reasons not to affirm. It’ll exist in both worlds, the only reason why unemployment from the aff would be distinct from unemployment from other sources would be because we’ve bought into the idea that neoliberalism’s market baseline is natural. Instead, the conclusion is the need for other employment policies *in addition to* the aff. **Zatz ‘09[[15]](#footnote-15)**

In the minimum wage context, the analogous argument would go like this: Yes, it is unfair if paying just wages to some causes others to lose their jobs. The latter group lacks employment for reasons beyond their own responsibility. Something must be done. But surely cutting the minimum wage is not the only tool available to fight involuntary unemployment. That tool leaps to mind only if we privilege a market baseline that lacks wage regulation. That baseline, however, is exactly what liberal egalitarians reject. Instead, the problem of involuntary unemployment created by labor and employment regulation—to whatever extent it occurs at all—is simply a special case of involuntary unemployment more generally. Taking the perversity argument seriously might well lead us toward more robust labor and employment policies that include job creation and other active labor market practices, rather than toward deregulation.

4. Solutions to critical issues must be discussed through pragmatic approaches within hegemonic power structures. **Kapoor ‘08[[16]](#footnote-16)**

There are perhaps several other social movement campaigns that could be cited as examples of a ‘hybridizing strategy’.5 But what emerges as important from the Chipko and NBA campaigns is the way in which they treat laws and policies, institutional practices, and ideological apparatuses as deconstructable. That is, they refuse to take dominant authority at face value, and proceed to reveal its contingencies. Sometimes, they expose what the hegemon is trying to disavow or hide (exclusion of affected communities in project design and implementation, faulty information gathering and dissemination). Sometimes, they problematize dominant or naturalized truths (‘development = unlimited economic growth = capitalism’, ‘big is better’, ‘technology can save the environment’). In either case, by contesting, publicizing, and politicizing accepted or hidden truths, they hybridize power, challenging its smugness and triumphalism, revealing its impurities. They show power to be, literally and figuratively, a bastard. While speaking truth to power, a hybridizing strategy also exploits the instabilities of power. In part, this involves showing up and taking advantage of the equivocations of power - conﬂicting laws, contradictory policies, unfulfilled promises. A lot has to do here with publicly shaming the hegemon, forcing it to remedy injustices and live up to stated commitments in a more accountable and transparent manner. And, in part, this involves nurturing or manipulating the splits and strains within institutions. Such maneuvering can take the form of cultivating allies, forging alliances, or throwing doubt on prevailing orthodoxy. Note, lastly, the way in which a hybridizing strategy works with the dominant discourse. This reﬂects the negotiative aspect of Bhabha’s performativity. The strategy may outwit the hegemon, but it does so from the interstices of the hegemony. The master may be paralyzed, but his paralysis is induced using his own poison/medicine. It is for this reason that cultivating allies in the adversarial camp is possible: when you speak their language and appeal to their own ethical horizons, you are building a modicum of common ground. It is for this reason also that the master cannot easily dismiss or crush you. Observing his rules and playing his game makes it difficult for him not to take you seriously or grant you a certain legitimacy. The use of non-violent tactics may be crucial in this regard: state repression is easily justified against violent adversaries, but it is vulnerable to public criticism when used against non-violence. Thus, the fact that Chipko and the NBA deployed civil disobedience — pioneered, it must be pointed out, by the ‘father of the nation’ (i.e. Gandhi) — made it difficult for the state to quash them or deﬂect their claims.

5, the neg may only derive reasons to vote for them from their advocacy of a prohibition on the resolutional action. Key to predictability – I devote 6 minutes to offense with an understanding of what the neg’s offense will be. The ability to moot that or uplayer is irreciprocal and unfair – lets the neg exploit 13 minutes of reactive speech time to screw over the aff.

# Other Frameworks

## Alt FW – Civic Republicanism

I affirm and **value justice** since the resolution uses it to modify the actor. In the context of a government, justice entails a set of norms that allow for interpersonal cohesion and social stability. **Rawls[[17]](#footnote-17)**

Now a well-ordered society is also regulated by its public conception of justice. This fact implies that its members have a strong and normally effective desire to act as the principles of justice require. Since a well-ordered society endures over time, its conception of justice is presumably stable: that is, when institutions are just (as deﬁned by this conception), those taking part in these arrangements acquire the corresponding sense of justice and desire to do their part in maintaining them. One conception of justice is more stable than another if the sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly. The stability of a conception depends upon a balance of motives: the sense of justice that it cultivates and the aims that it encourages must normally win out against propensities toward injustice. To estimate the stability of a conception of justice (and the well-ordered society that it deﬁnes), one must examine the relative strength of these opposing tendencies

**A.** Political philosophy is inherently practical, so a deep metaphysical principle is not relevant. The goal of the state’s axiomatic grounding is not pure truth but the ability to motivate individuals to act together.

**B.** Adopt reflective equilibrium: Intuitions are the inevitable starting point of our moral deliberation. A theory that significantly differed from our intuitions wouldn’t be accepted by the public so couldn’t link into Rawls. We can use the systematic commitments to resolve conflicts between reasonable intuitions, but systematic principles can’t have absolute weight.

**C.** Arguments that don’t impact to a postfiat policy option are nonresponsive – justice is distinct in prescribing institutional requirements for a society. Its existence and need to act are presuppositions, not topics for discussion.

**The standard is resisting dominating relationships**. Prefer it –

1. Political justice requires a substantive commitment to equality among citizens – formal equality per some abstract principle is insufficient. **Daniels[[18]](#footnote-18)**

Because of their interest in recognitional equality, when contractors choose principles they must assure all citizens that the terms of cooperation sustain their sense of self-respect. Self-respect is sustained when there is a basis for each to recognize and respond to others as equal citizens. The fundamental importance of protecting the capability of all to participate in democratic processes and public life, and of not simply assuming people formal rights that might be thought empty of real meaning or effect, derives from this concern to protect the recognitional components of equality. Those who are best off must retain the awareness that the worst off are still equal and worthy participants in the democratic regulation of society. Those who are worst off must continue to see themselves as worthy equals in participation, in opportunity, and in the interest they have in pursuing their ends -- or they will not be able to sustain their self-respect and thus their participation. A key reason for insisting that the term “democratic equality” refers to the all three principles of justice, and not just to fair equality of opportunity and the difference principle, derives from the importance of this egalitarian idea about the social bases of self-respect, with its echo of Rousseau.”

Thus, the political sphere depends on ensuring that all individuals are seen as equals and that contingent positions don’t translate into the capacity to control others, so the standard is a key constraint on politics.

2. Individuals would and empirically do give away rights to the state for the purpose of social cooperation – eminent domain proves, so the question is what liberties wouldn’t be given away and need to be treated as inviolable constraints. These basic liberties are derived from the necessities of moral personhood, since those are prerequisites to state engagement. **Abplanalp[[19]](#footnote-19)**

 Rawls thought that the way one should draw up a list of basic liberties is by connecting them with his conception of the person.13 Recall that people have two powers of moral personality: the ability to have, to revise, and rationally pursue a conception of the good (i.e., the capacity to be rational); and a sense of justice (i.e., the capacity to be reasonable).14 Rawls thought that basic rights and liberties are justified only to the extent that they provide the political and social conditions required for the adequate development and full use of these powers. There are two specific cases he had in mind.15 First, citizens need certain rights and freedoms in order to develop and use their moral powers to make proper judgments regarding the justness of institutions and policies. Second, certain rights and freedoms are required for citizens to develop and use their moral powers in forming and rationally pursuing their conception of the good. One must accordingly ask: if the basic structure of society were to not guarantee a particular liberty (or right), would citizens then be able to develop and fully exercise these moral powers (over a complete life) at a level that could adequately meet the demands of these two fundamental cases?16 If the answer is no, then we are to view the liberty (or right) as being basic.

this is a filter for frameworks since it determines what we ought to structure the state to protect. **And**, even if individuals have other innate rights, the conversion of an innate right to a basic entitlement is a question of what they’d contract away so the two aren’t equivalent.

This conception makes freedom as nondomination is a primary good. **Pettit 2[[20]](#footnote-20)**

But the primary-good status of freedom as non-domination can also be supported by reference to the reduction of strategy and subordination that it makes possible. To be a person is to be a voice that cannot properly be ignored, a voice which speaks to issues raised in common with others and which speaks with a certain authority: enough authority, certainly, for discord with that voice to give others reason to pause and think (Pettit 1993<\*; chs. 2, 4; Postema 1995; Pettit and Smith 1996). To be treated properly as a person, then, is to be treated as a voice that cannot be dismissed without independent reason: to be taken as someone worth listening to. The condition of domination would reduce the likelihood of being treated as a person in this way, so far as it is associated with a need for strategy and a subordinate status.¶ The dominated, strategy-bound person is someone with reason to watch what they say, someone who must be assumed always to have an eye to what will please their dominators. And equally, the dominated, subordinate person is someone, by common assumption, who has reason to impress their dominators and try to win a higher ranking in their opinion. Such a person will naturally be presumed to lack an independent voice, at least in the area where domination is relevant. They will fail to make the most basic claim on the attention of the more powerful, for they will easily be seen as attention-seekers: they will easily be seen in the way that adults often see precocious children. They may happen to receive attention but they will not command attention; they may happen to receive respect but they will not com- mand respect.¶ It seems reasonable to hold that, no matter what their other commitments, everyone—or at least everyone who has to make their way in a pluralistic society—will want to be treated properly as a person, as a voice that cannot be generally ignored. But that being so, it follows that every such person has reason to want freedom as non-domination; in the absence of such freedom, they will be the strategy-bound, sub- ordinate sorts of creature who cannot expect to be treated properly as persons. Thus the connection with avoiding strategy and subordination, like the connection with avoiding uncertainty, shows that freedom as non-domination has the status of a primary good.

## Alt FW – Role of the Ballot Oppression

The tournament determines the judge’s role since that’s why judges are adjudicating the round at all; they’re given a ballot and objective by the tournament. They define the constitutive nature of the activity since they set up the rules and are thus axiomatic. **TOC Rules[[21]](#footnote-21)** indicate that Expectations- Judges’ primary role is to serve as educators. All judges are expected to adjudicate their rounds fairly, limiting their evaluations to the arguments delivered by the students in the round before them. The TOC encourages judge feedback and post-round discussion with the debaters, as appropriate.

Thus, pedagogical legitimacy is a constraint on all arguments because that determines the point of the judge evaluating them in their decision.

The judge should be a critical educator. Pedagogy is never neutral – every position is actively promotes some way of understanding. The only defensible position is one that challenges and makes students aware of oppressive power structures. **Espinoza ‘03**[[22]](#footnote-22)

Critical pedagogy has put forth the notion that classroom practice integrates particular curriculum content and design, instructional strategies and techniques, and forms of evaluation. It argues that these specify a particular version about what knowledge is of most worth, what it means to know something, and how we might construct a representation of our world and our place within it (McLaren 1998). From this perspective, the pedagogical is inherently political. For us a decolonizing pedagogy encompasses both an anticolonial and decolonizing notion of pedagogy and an anticolonial and decolonizing pedagogical praxis. It is an anticolonial and decolonizing theory and praxis that insists that colonial domination and its ideological frameworks operate and are reproduced in and through the curricular content and design, the instructional practices, the social organization of learning, and the forms of evaluation that inexorably sort and label students into enduring categories of success and failure of schooling. Thus, an anticolonial and decolonizing pedagogical praxis explicitly works to transform these dimensions of schooling so that schools become sites for the development of a critical decolonizing consciousness and activity that work to ameliorate and ultimately end the mutually constitutive forms of violence that characterize our internal neocolonial condition. For us, a decolonizing pedagogy addresses both the means and the ends of schooling.

Debate needs to engage with solutions to material problems. Focus on general theory or idealized alternative worlds is an abstraction that’s used by the privileged to escape hard conversations. **Matsuda[[23]](#footnote-23):**

Abstraction and detachment are ways out of the discomfort of direct confrontation with the ugliness of oppression. Abstraction, criticized by both feminists and scholars of color, is the, method that allows theorists to discuss liberty, property, and rights in the aspirational mode of liberalism with no connection to what those concepts mean in real people's lives. Much in our mainstream intellectual training values abstraction and denigrates nitty-gritty detail. Holding on to a multiple consciousness will allow us to op- erate both within the abstractions of standard jurisprudential discourse, and within the details of our own special knowledge.¶ Whisperings at Yale and elsewhere about how deconstructionist heroes were closet fascists remind me of how important it is to stay close to oppressed communities. High talk about language, meaning, sign, process, and law can mask racist and sexist ugliness if we never stop to ask: "Exactly what are you talking about and what is the implication of what you are saying for my sister who is carrying buckets of water up five flights of stairs in a welfare hotel? What do you propose to do for her today, not in some abstract future you are creating in your mind?" If you have been made to feel, as I have, that such inquiry is theoretically unsophisticated, and quaintly naive, resist! Read what Professor Williams, Professor Scales-Trent, and other feminists and people of color are writing.' The reality and detail of oppression are a starting point for these writers as they enter into mainstream debates about law and theory.

**Thus**, the standard is minimizing oppression. More warrants:

1. Political philosophy is inherently practical, so a deep metaphysical principle is not relevant. The goal of the state’s axiomatic grounding is not pure truth but the ability to motivate individuals to act together. A theory that allowed domination can’t be political philosophy since the individuals it allowed the domination of wouldn’t endorse it. Even if it can be justified ethically, it can’t be justified politically.

2. Eminent domain proves that individuals would give away rights for social benefits, the question is what liberties wouldn’t be given away. These are derived from the necessities of moral personhood, since that’s the basis of every morally relevant action. That requires being an independent voice who cannot be ignored and is taken seriously even in the face of disagreement. Domination denies that - it creates the presumption that your voice is a product of subordinatation and the need to impress the dominator. Outweighs since

**A.** it’s a precondition of individuals claiming other benefits, including the negative standard and

**B.** it couldn’t be contracted away from since it’s a precondition for advancing any argument

3. Domination is a means of overriding consideration of your interests. Since each person is a priori morally equal, that unilateral domination of another person is unjustifiable – it allows them to impose their wills on you in both an ends- and means-based sense

4. **Epistemology**. The starting points of ethics and politics are ultimately uncertain but constrain human rationality – laws of reason and foundational assumptions shape what conclusions are thinkable. We can’t assume our perspective is correct and impose that on others. What matters is the possibility of dialogue with others with different experiences. Nondomination is the only conclusion, since it allows us to engage with the perspectives of the dominated.

5. States require material equality not equality by some abstract principle. **Daniels**

Because of their interest in recognitional equality, when contractors choose principles they must assure all citizens that the terms of cooperation sustain their sense of self-respect. Self-respect is sustained when there is a basis for each to recognize and respond to others as equal citizens. The fundamental importance of protecting the capability of all to participate in democratic processes and public life, and of not simply assuming people formal rights that might be thought empty of real meaning or effect, derives from this concern to protect the recognitional components of equality. Those who are best off must retain the awareness that the worst off are still equal and worthy participants in the democratic regulation of society. Those who are worst off must continue to see themselves as worthy equals in participation, in opportunity, and in the interest they have in pursuing their ends -- or they will not be able to sustain their self-respect and thus their participation. A key reason for insisting that the term “democratic equality” refers to the all three principles of justice, and not just to fair equality of opportunity and the difference principle, derives from the importance of this egalitarian idea about the social bases of self-respect, with its echo of Rousseau.”

6. Prerequisite to instantiating any system of values – structural violence limits whom they apply to on the basis of unjustifiable conceptual categories. We need to create systems and focus on strats to stop that and make our ethical categorizing meaningful. **Winter and Leighton ‘99[[24]](#footnote-24)**

Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section ishow and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual/cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity.Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it.

## Alt FW – Policymaking

The judge should evaluate the consequences of implementing the aff compared to the consequences of implementing a competitive negative policy proposal or maintaining the status quo

1. Reciprocity – both debaters are restricted to the same kinds of advocacies. Specifically key because the aff goes in without knowledge of 1N strategy. I need to predict before I can engage Competitive equity is an axiomatic constraint – debate is a dialogue within a game format, which means we both need to be able to win on an equal playing field once we enter the round by definition.

2. Solutions to critical issues must be discussed through pragmatic approaches within hegemonic power structures. **Kapoor ‘08[[25]](#footnote-25)**

There are perhaps several other social movement campaigns that could be cited as examples of a ‘hybridizing strategy’.5 But what emerges as important from the Chipko and NBA campaigns is the way in which they treat laws and policies, institutional practices, and ideological apparatuses as deconstructable. That is, they refuse to take dominant authority at face value, and proceed to reveal its contingencies. Sometimes, they expose what the hegemon is trying to disavow or hide (exclusion of affected communities in project design and implementation, faulty information gathering and dissemination). Sometimes, they problematize dominant or naturalized truths (‘development = unlimited economic growth = capitalism’, ‘big is better’, ‘technology can save the environment’). In either case, by contesting, publicizing, and politicizing accepted or hidden truths, they hybridize power, challenging its smugness and triumphalism, revealing its impurities. They show power to be, literally and figuratively, a bastard. While speaking truth to power, a hybridizing strategy also exploits the instabilities of power. In part, this involves showing up and taking advantage of the equivocations of power - conﬂicting laws, contradictory policies, unfulfilled promises. A lot has to do here with publicly shaming the hegemon, forcing it to remedy injustices and live up to stated commitments in a more accountable and transparent manner. And, in part, this involves nurturing or manipulating the splits and strains within institutions. Such maneuvering can take the form of cultivating allies, forging alliances, or throwing doubt on prevailing orthodoxy. Note, lastly, the way in which a hybridizing strategy works with the dominant discourse. This reﬂects the negotiative aspect of Bhabha’s performativity. The strategy may outwit the hegemon, but it does so from the interstices of the hegemony. The master may be paralyzed, but his paralysis is induced using his own poison/medicine. It is for this reason that cultivating allies in the adversarial camp is possible: when you speak their language and appeal to their own ethical horizons, you are building a modicum of common ground. It is for this reason also that the master cannot easily dismiss or crush you. Observing his rules and playing his game makes it difficult for him not to take you seriously or grant you a certain legitimacy. The use of non-violent tactics may be crucial in this regard: state repression is easily justified against violent adversaries, but it is vulnerable to public criticism when used against non-violence. Thus, the fact that Chipko and the NBA deployed civil disobedience — pioneered, it must be pointed out, by the ‘father of the nation’ (i.e. Gandhi) — made it difficult for the state to quash them or deﬂect their claims.

3. Role of the ballot contestation is unproductive – it shifts the question of the debate from substantive issues, however that’s defined, to a diversionary question that’s always available. We should just debate under different roles of the ballot as long as they’re structurally reciprocal –we get the benefit of their preferred framework when they affirm. Turns arguments about how their form of debate is better since it forces it to happen, otherwise people go for procedurals and never engage. Prior question to your role of the ballot arg – it’s a meta-level question about whether that’s a productive way to have debates

4. Debate needs to engage with solutions to material problems. Focus on general theory or idealized alternative worlds is an abstraction that’s used by the privileged to escape hard conversations. **Matsuda[[26]](#footnote-26):**

Abstraction and detachment are ways out of the discomfort of direct confrontation with the ugliness of oppression. Abstraction, criticized by both feminists and scholars of color, is the, method that allows theorists to discuss liberty, property, and rights in the aspirational mode of liberalism with no connection to what those concepts mean in real people's lives. Much in our mainstream intellectual training values abstraction and denigrates nitty-gritty detail. Holding on to a multiple consciousness will allow us to op- erate both within the abstractions of standard jurisprudential discourse, and within the details of our own special knowledge.¶ Whisperings at Yale and elsewhere about how deconstructionist heroes were closet fascists remind me of how important it is to stay close to oppressed communities. High talk about language, meaning, sign, process, and law can mask racist and sexist ugliness if we never stop to ask: "Exactly what are you talking about and what is the implication of what you are saying for my sister who is carrying buckets of water up five flights of stairs in a welfare hotel? What do you propose to do for her today, not in some abstract future you are creating in your mind?" If you have been made to feel, as I have, that such inquiry is theoretically unsophisticated, and quaintly naive, resist! Read what Professor Williams, Professor Scales-Trent, and other feminists and people of color are writing.' The reality and detail of oppression are a starting point for these writers as they enter into mainstream debates about law and theory.

**The standard is resisting structural domination**. **Epistemology**: Ethical theorizing comes from the interaction of different ideas, but that can only occur meaningfully if we fix conditions that exclude particular voices. **Medina**[[27]](#footnote-27):

Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given ﬁeld. Different ﬁelds—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. In the battle among power/ knowledge frameworks, some come on top and become dominant while others are displaced and become subjugated. Foucault's methodology offers a way of exploiting that vibrant plurality of epistemic perspectives, which always contains some bodies of experiences and memories that are erased or hidden in the mainstream frameworks that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls ‘subjugated knowledges’ are forms of experiencing and remembering that are pushed to the margins and rendered unqualiﬁed and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practice of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed.

Also means pragmatic politics is a prerequisite to Ks of the system – your methodological options are limited to those that are recognized by particular ways of knowing. Giving people the CHANCE to participate in theorizing requires concrete changes before we can figure out the best option to resist or replace dominant institutions.

# Theory Frontlines

## AT Can’t Spec Group

The resolution is not the object of evaluation. The topic functions as an umbrella under which the aff forms an advocacy, and the neg can defend any ground outside of the plan. This frames the T debate: even if the topic means all employees, that’s just an outer limit on what the aff do. Prefer this meta-interp of the resolution:

**A.** **Policy AND Ethics Education** – the statement-as-a-whole approach encourages students to think that neither policymakers nor ethicists consider specifics when recommending something, which is a flawed approach to either discipline. Specific advocacies allow students to understand the relevance of nuances to each and means more critical thinking on how subtleties impact policy.

**B. Research Incentive**: finding a new *area* is what motivates continued research. If your research just culminates in something that’s just outweighed by generic DAs, it’s not strategic, which means debate is stale for 5 months and no longer educational.

**C.** Whole rez is incoherent, which means it can’t be used – the topic includes a variety of contradictory policies in terms of dollar amount and who’s covered, for example, tipped workers are subject to different laws and different policies do or don’t apply.

But, even if that’s not correct, these are reasons why a counterinterp that allows for specification are good, so:

**Counterinterp:** A living wage must specify a subset of employees - that’s the distinction between a living and minimum wage. **Spain ‘98[[28]](#footnote-28)**

Living wage, unlike minimum wage, is not a blanket policy that covers all employers and employees in a locality. It often applies to a single industry, such as the service industry or, like prevailing wage legislation, to a set of occupations within an industry, such as janitors and security guards. Despite the differences among the three mandated wage policies, there is a tendency to confuse the terms. For example, a 1996 California ballot initiative that incrementally increased the minimum wage for the entire state over a three-year period from $4.75 in 1996 to $5.75 in 1998 was entitled the "Living Wage Initiative."6 In general, living-wage ordinances are more complex in nature than either prevailing-wage or minimum wage legislation, as they have several requirements in addition to the wage level with which employers must comply.

Prefer it:

1. **Precision** – distinguishes between related terms in establishing a definition, with an intent to define. Precision outweighs since **A.** key to clear limits. If people don’t know what terms refer to, then you don’t actually limit the topic at all since people still end up prepping. **B.** preserving lit based distinctions is key to predictability since that’s how real authors bracket their discussions so how we would from reading lit.

 My interp is confirmed by legislation. **Clain 07[[29]](#footnote-29) summarizes Neumark and Adams**

This type of concern stems from basic principles of supply and demand, and the discussion of it in this context mirrors discussions of the impacts of minimum wage laws. However, living wage legislation is generally not the same as minimum wage legislation. A key difference between the two lies in the coverage of the legislation: Living wage legislation generally applies to a limited number of employers whereas minimum wage legislation applies much more broadly.1 Estimates of the numbers of workers covered by living wage legislation are quite modest, around 1 to at most 2% of workers in the lowest quartile of the wage distribution (Neumark and Adams 2003b). The finding is a double-edged sword: Although the numerical magnitude of displaced workers may therefore be small, so too may be the number of workers who directly benefit.

Also key to education – if our interp doesn’t track lit distinctions, we’re implicitly equivocating between different policies which miseducates us.

2. **Depth** – A single round is our only chance to discuss any area in-depth, but if generic prep all applies, no one does that since it’s not strategic. Depth is key – a superficial knowledge of the topic just tricks us into thinking we know more than we do and makes us overconfident and less trusting of other views, which would be unproductive. We need to understand the size of the field and its body of scholarship.

3. **Overlimits**: Only one aff under their interp, a general increase in the minimum wage:

**A.** Means *all* neg generic prep applies to the aff, so every round is a card war. The neg is structurally advantaged because of the length of their speeches compared to the aff, so they’d win every time. I need to be able to narrow the debate to have a chance. Outweighs since it’s impacted in terms of a structural feature of the activity, so it’s more probable than analytic claims about the nature of the literature.

**B.** **Reciprocity** – neg gets multiple CPs that compete with an aff, I need multiple plans to correct for that predictability differential. Reciprocity is the strongest link to fairness since it ensures equal access to tools to win the round

### AT Limits/Research Burdens

1. Bigger limits are key – **A.** Jan-Feb: this is five months long so we want debates about it to be more nuanced and in-depth, and we have the time to be expected to cut answers. This is half as long as the policy topic and much narrower, proves it isn’t an excessive burden.

**B.** More educational - if you don’t have prep you can think on your feet and come up with creative arguments but we don’t learn from a debate we’ve already had a ton. At worst you become a better thinker.

2. Wiki solves your impact – plan text has been disclosed for months so you had the chance to write a prepout 3. Solvency advocates solve – that I could find multiple authors who support this plan means you could too and could be expected to.

4. No impact to larger limits in LD – at worst you can go for a framework NC or general K, so you’re not deprived of strategic options if you’re caught off guard by a plan

5. Size of the link – I have strong defense to your limits claim, but your interp has ONLY ONE AFF. The size of that harm means even if you win your standards outweigh in a vacuum, my abuse claim is better.

### AT Grammar

1. “We should invite our friends over” doesn’t mean *all* of our friends, but exhibits the same form as the resolutional sentence. That’s clearly a grammatical sentence that expresses an intention that’s satisfied by inviting over SOME friends. At worst, both are grammatical.

2. No impact – impacts to topicality are in terms of what we should debate about, which is fairness or education. Even if grammar is key to that, offense needs to be contextualized in terms of the interp. As long as my interp is predictable, it’s moot

3. **Descriptive Grammar**: Different people speak English differently, and grammatical rules track how the language is spoken since it’s not some platonic form. Formal grammatical rules don’t make sense as absolutes in that context. *Also means you should reject grammar as a standard – allows for exclusionarily declaring some ways of speaking “not real English” to win a T debate.*

4. “Living wage” contextualizes what “employers” refers to – when you say “the government should require corporations to pay income tax,” even if employers means all of them, that income taxes only apply to ones that didn’t report a loss determines who’s actually covered.

## AT Must Defend Contractors – Same Frontlines as “Can Spec Workers”

Counterinterp: a living wage is a wage floor for a sector of employees that enables them to meet their needs. The aff can pick which sector or set of occupations. **Spain ‘98[[30]](#footnote-30)**

Living wage, unlike minimum wage, is not a blanket policy that covers all employers and employees in a locality. It often applies to a single industry, such as the service industry or, like prevailing wage legislation, to a set of occupations within an industry, such as janitors and security guards. Despite the differences among the three mandated wage policies, there is a tendency to confuse the terms. For example, a 1996 California ballot initiative that incrementally increased the minimum wage for the entire state over a three-year period from $4.75 in 1996 to $5.75 in 1998 was entitled the "Living Wage Initiative."6 In general, living-wage ordinances are more complex in nature than either prevailing-wage or minimum wage legislation, as they have several requirements in addition to the wage level with which employers must compl.

You don’t account for the distinction between a living wage and a living wage ordinance – the latter is typically narrow but a living wage just a wage floor. **Wagner ‘08[[31]](#footnote-31)**

Under the current Living Wage Movement, a living wage is different from a minimum wage, although there is overlap between the concepts. The specific living wage laws enacted by each locality vary significantly in scope and wage. [n105](http://www.lexisnexis.com/us/lnlib/frame.do?tokenKey=rsh-20.66327.31432464767&target=results_DocumentContent&returnToKey=20_T21843033826&parent=docview&rand=1429188449656&reloadEntirePage=true#n105) The most common version of a living wage law is a local ordinance passed by a city or county that requires city or county contractors to pay workers on public projects (often of a certain dollar value) a living wage. [n106](http://www.lexisnexis.com/us/lnlib/frame.do?tokenKey=rsh-20.66327.31432464767&target=results_DocumentContent&returnToKey=20_T21843033826&parent=docview&rand=1429188449656&reloadEntirePage=true#n106) A local living wage ordinance might alternately require that all city or county employees be paid a living wage or it may cover businesses that receive economic assistance or subsidies from the city. [n107](http://www.lexisnexis.com/us/lnlib/frame.do?tokenKey=rsh-20.66327.31432464767&target=results_DocumentContent&returnToKey=20_T21843033826&parent=docview&rand=1429188449656&reloadEntirePage=true#n107) A few cities have passed citywide living wage/ minimum wage laws and several colleges and universities have made commitments to pay all contracted employees a living wage. [n108](http://www.lexisnexis.com/us/lnlib/frame.do?tokenKey=rsh-20.66327.31432464767&target=results_DocumentContent&returnToKey=20_T21843033826&parent=docview&rand=1429188449656&reloadEntirePage=true#n108) These traditional living wage ordinances tend to have fairly small coverage, affecting perhaps less than  [\*372]  one percent of a city's total workforce. [n109](http://www.lexisnexis.com/us/lnlib/frame.do?tokenKey=rsh-20.66327.31432464767&target=results_DocumentContent&returnToKey=20_T21843033826&parent=docview&rand=1429188449656&reloadEntirePage=true#n109) Some advocates suggest that the next phase is to expand coverage. [n110](http://www.lexisnexis.com/us/lnlib/frame.do?tokenKey=rsh-20.66327.31432464767&target=results_DocumentContent&returnToKey=20_T21843033826&parent=docview&rand=1429188449656&reloadEntirePage=true#n110)

1. **Limits** – They underlimit: there’s only one aff and it’s on a relatively niche subject, which discourages student experimentation and continued research. Key to keep debate fun and educational for five months, otherwise we wouldn’t be incentivized to learn. Other impacts:

**A.** Means *all* neg generic prep applies to the aff, so every round is a card war. The neg is structurally advantaged because of the length of their speeches compared to the aff, so they’d win every time. I need to be able to narrow the debate to have a chance. Outweighs since it’s impacted in terms of a structural feature of the activity, so it’s more probable than analytic claims about the nature of the literature.

**B.** **Reciprocity** – neg gets multiple CPs that compete with an aff, I need multiple plans to correct for that predictability differential. Reciprocity is the strongest link to fairness since it ensures equal access to tools to win the round

2. **Topic Lit** – if their vision of the topic is true, there’s definitely not enough literature for it. **Fairris et al 5**[[32]](#footnote-32)

Local governments are increasingly turning to living wage policies as a means to improve job quality for low-income workers. To date, more than 100 local governments around the country have passed living wage ordinances. Living wage laws set wage and benefit standards for workers employed by government contractors or other firms that have a financial relationship with the government. These laws have, in part, been a response to the stagnation of state and federal minimum wages, which have failed to keep pace with inflation. In addition, these laws represent a reaction to the growing interest in contracting out city services as a means to cut costs, a strategy that advocates argue penalizes the low wage workers who perform city services. However, despite the prominence and continued growth in the number of living wage ordinances, only a handful of retrospective studies of firms have been published on the impacts of these laws. This study is the first to combine a random sample survey of affected firms and workers, a control group analysis of low-wage employers, and a matched firm and worker dataset. These elements make us confident that our survey results both isolate the effects of the living wage and accurately represent the experiences of living wage workers and firms.” (6)

My interp means we explore broader areas, so it handles the lack of a single lit base being deep enough.

# Counterplan Frontlines

[probably applies generally]

Dependence on tips for income is racially discriminatory – it allows Black workers to be paid less for the same job and makes an environment prejudiced against Black customers. **Ambrosino ‘14[[33]](#footnote-33)**

The way we tip reflects our prejudices, argues Freakonomics' Stephen Dubner. Here's what he told Brian Lehrer: "The data show very clearly that African Americans receive less in tips than whites, and so there is a legal argument to be made that as a protected class, African American servers are getting less for doing the same work. And therefore, the institution of tipping is inherently unfair." But not only are black servers making less money than white servers — black diners are perceived to be leaving less money than white diners. Data collected in 2009 from over 1,000 servers all across the US "found that over sixty-five percent [of servers] rated African Americans as below average tippers." As a result, restaurant workers of all colors dislike waiting on black customers, studies found. The economy of tipping is so racially charged that both servers and diners are affected by prejudice. Racism isn't the only kind of discrimination baked into the American tipping system. Female servers, too, face routine discrimination. As Lynn told Dubner: blonde, slender, larger-breasted women in their 30s earn some of the highest tips. Granted, the decision of how large a tip to leave is up to the subjective whims of the tipper, and different people have their own aesthetic preferences. But when a server's main source of income is her tips, and if those tips are regulated by the prejudices of the tippers, then a case could potentially be made that certain wage practices of restaurants are discriminatory.

## AT EITC CP

1. Perm, do both –EITC’s distribution mechanism leads to downward pressure on wages which the perm solves and doesn’t help families deal with expenses. **Bernstein and Parrot ‘14[[34]](#footnote-34)**

For example, because the EITC is a proven work incentive, it expands the number of people seeking jobs in the low-wage sector, which can put some downward pressure on the wages that employers offer potential workers.[19] A higher minimum wage helps offset that effect. In addition, the EITC provides a wage supplement in the form of a tax refund that comes once a year. The minimum wage is reflected in every paycheck, helping families meet bills as they arise.

2. The CP doesn’t solve my offense, which means the aff is a disad to the CP that the perm solves.

**A. Sexual Harassment**: **Rogers** and **Zatz** from the AC indicate that cash transfers aren’t the problem, there’s an issue of respect for workers that depends on employers paying it. **Rogers** calls out the EITC in the underlined text as insufficient to lead to better treatment. My impact spills over and outweighs – affects corporate cultures everywhere for the entirety of workers lives. That’s **Jayaraman**.

**B.** **Spillover**: **Rogers 2** says that money isn’t the only problem – making it an employer’s duty allows workers a basis of self-respect that lets them resist other exploitive practices and fight for all kinds of future gains. **Konczal 14**[[35]](#footnote-35) provides examples.

When low-wage workers protest at fast food restaurants, low wages are not necessarily their sole concern. The working conditions may be equally important. Between a lack of sick days, random shift scheduling, and working without pay, there is a host of problems and humiliations from which workers seek redress.

**C.** **Access to Income**: raising the minimum wage is simpler, so easier for workers to get and keep track of. EITC is too complicated so people don’t use it, empirically confirmed. **Federal Reserve Bank of Atlanta ‘06[[36]](#footnote-36)**

Though the positive economic impacts to cities like Nashville are robust, the EITC remains underutilized. The number of eligible persons who fail to claim the EITC is estimated at 25 percent of those currently receiving the credit. Failure to collect the EITC has cost Nashville an estimated $19.9 million in total economic output. Thus work remains to ensure that no low-income household leaves this credit "on the table."

**And**, EITC expansions supercharges the solvency indict – in it’s current form only the people most in need have access, and even they aren’t able to take it

3. The EITC needs to *work* for you to access offense – even the IRS acknowledges that it’s hugely inefficient. **Erb ‘12[[37]](#footnote-37)**

The credit has been around since 1975. It was intended to offset the burden of Social Security taxes – a chunk of your pay over and above federal income taxes – and to provide an incentive to work since the credit is only available to workers who earn money from wages, self employment or farm income. Critics, however, claim that it’s nothing more than a glorified subsidy. Other critics, like me, recognize that it’s one of the “easy targets” for abuse in the system. The IRS estimates an error rate of 23%-28% on EITC returns, or about $13 to $16 billion paid out in error. Yes, billion with a b.

## AT Wage Subsidies CP

1. Perm, do the counterplan: **Merriam-Webster**[[38]](#footnote-38) defines “pay” as is to [with obj.] give (someone) money that is due for work done, goods received, or a debt incurred

The CP gives some of the money to corporations, but still requires them to pay a living wage. That’s why a corporation couldn’t just take the money and reinvest it in the business.

You clarify an implementation mechanism for the aff, which is legitimate perm ground – otherwise every neg could just specify something that wasn’t explicitly in the plan text as a counteradvocacy. It’s not a real opportunity cost to the aff, since it’s a way of doing it, so competition is illogical and it means the neg could just coopt aff offense with more spec no matter what which makes it impossible to be aff.

2. Perm, do the plan and the CP for all other workers – the plan affects only one sector so even if the perm doesn’t help tipped workers, it helps everyone else which means it’s the best option

Net benefit is the sexual harassment advantage – in the solvency weighing, **Rogers** calls out wage subsidies in the underlined text as insufficient to lead to better treatment. **Zatz** also indicates that workers are disrespected. My impact spills over and outweighs – affects corporate cultures everywhere for the entirety of workers lives. That’s **Jayaraman**.

3. Err aff on solvency – there’s never been a large-scale implementation of a wage subsidy, there are major implementation questions that mean it probably gets exploited. **Drum ‘13[[39]](#footnote-39)**

Third, **wage subsidies can be trick**y to implement. Are they **temporary or permanent? Targeted or universal?** Are they in addition to the EITC or a replacement? **How do you prevent employers from gaming the system and reducing wages because** they know the wage **subsidy will make up the difference?** There may be answers to these questions, but they aren't trivial. Finally, wage **subsidies haven't been widely adopted** elsewhere, **which means there isn't** a lot of **compelling research to show how well they'd work.** There are good reasons to be optimistic about wage subsidies, but as far as I know, they're still fairly untested.

## AT UBI CP

1. Perm, do both – The plan affects only one sector of workers – even if the perm is redundant for tipped workers, it helps everyone else which means it’s good overall.

2. The CP doesn’t solve my offense, which means the aff is a disad to the CP that the perm solves.

**A. Sexual Harassment**: **Rogers** and **Zatz** from the AC indicate that cash transfers aren’t the problem, there’s an issue of respect for workers that depends on employers paying it. They need to be paid in addition to getting money. My impact spills over and outweighs – affects corporate cultures everywhere for the entirety of workers lives, that’s **Jayaraman**.

**B.** **Spillover**: **Rogers 2** says that money isn’t the only problem – making it an employer’s duty allows workers a basis of self-respect that lets them resist other exploitive practices and fight for all kinds of future gains. **Konczal 14**[[40]](#footnote-40) provides examples.

When low-wage workers protest at fast food restaurants, low wages are not necessarily their sole concern. The working conditions may be equally important. Between a lack of sick days, random shift scheduling, and working without pay, there is a host of problems and humiliations from which workers seek redress.

**C.** **Access to Income**: raising the minimum wage is simpler, so easier for workers to get and keep track of. Basic Income payments are through another channel that people might not know how to use or be as experienced with.Other streams of income are harder for low-wage workers to keep track of and maintain, since legal assistance services often doesn’t consider it worthwhile.

3. A UBI that actually met workers basic needs is impossible; the only practical UBI isn’t enough to replace a job, which means you’re still dependent on money from your job and disads to the squo apply. **Tanner ‘14[[41]](#footnote-41)**

For example, if every American were to receive a flat cash grant that was large enough so as to enable the poor to support themselves in the absence of other welfare programs, the cost would likely be prohibitive. Zwolinski does not propose any specific income, but cites Charles Murray’s suggestion of $10,000 per person. Spread over a U.S. citizen population of roughly 296 million, the cost of such a program would be $2.96 trillion, or almost 3 times our current welfare expenditure. And there is considerable question as to whether $10,000 would be a sufficient grant. Last year, the poverty threshold for a single individual under 65, after all, was $12,119. Of course, some suggest using the basic income to replace middle-class social welfare programs such as Social Security and Medicare, as well as those targeted to the poor. The idea of abolishing Social Security and Medicare is far more problematic, both politically and practically, than using UBI to replace more conventional welfare programs. Besides, it still wouldn’t raise enough money to fund a truly universal basic income. Using CBO data for 2013, eliminating welfare state programs including Social Security, Medicare, Medicaid, income security and so forth (but excluding tax expenditures) would yield only $2.13 trillion. If we also included, as some have suggested, so-called tax expenditures, such as the mortgage interest deduction and the exclusion of employer contributions, as well as Social Security, EITC and CTC related tax expenditures, we could add an additional $393 billion for a total of $2.5 trillion. That still wouldn’t be enough.

### UBI Spec Shell (Better than Michael’s UBI Bad Shell)

**Interpretation**: if the neg reads a counterplan that guarantees a certain income level to every citizen independent of working, they must specify and have a solvency advocate who defends both a funding source and a benefit level – either an amount in some unit of currency or as method of calculation.

They violate – have neither.

Prefer: 1. **Predictability** – you can identify any combination of amount and source, a solvency advocate is key to test if this is really remotely plausible – specifically key with UBI proposals since they’re such a radical departure from the squo. That means for UBI counterplans, the burden needs to be on them. A solvency advocate is also key for me to predict the CP and figure out how it interacts with the aff. Also no cards I could read saying it’s not possible since they haven’t been written without an initial advocate to disagree with. Predictability is key to fairness, knowledge of arguments before enables us to do prep to win in-round.

2. **Ground** – sure they’re all basic income policies, but how much and how it’s funded materially affect it’s ability to solve the plan, and tradeoff disads related to cutting what it funds are key CP ground that’s only accessible if you tell me what it is. Ground is key to fairness because it’s key to making arguments to win the round. That ground is key – it’s the core objections in the literature. **Van Parijs [[42]](#footnote-42)** summarizes objections:

Suppose everything I have said thus far is persuasive: that the UBI, if it could be instituted, would be a natural and attractive way of ensuring a fair distribution of real freedom, fighting unemployment without increasing poverty, and promoting the central goals of both the feminist and the green movements. What are the objections? Perhaps the most common is that a UBI would cost too much. Such a statement is of course meaningless if the amount and the scale is left unspecified. At a level of $150 per month and per person, a UBI is obviously affordable in some places, since this is the monthly equivalent of what every Alaskan receives as an annual dividend. Could one afford a UBI closer to the poverty line? By simply multiplying the poverty threshold for a one-person household by the population of a country, one soon reaches scary amounts–often well in excess of the current level of total government expenditure. But these calculations are misleading. A wide range of existing benefits can be abolished or reduced once a UBI is in place. And for most people of working age, the basic income and the increased taxes (most likely in the form of an abolition of exemptions and of low tax rates for the lowest income brackets) required to pay for it will largely offset each other. In a country such as the United States, which has developed a reasonably effective revenue collection system, what matters is not the gross cost but its distributive impact–which could easily work out the same for a UBI or an NIT.

Prefer this– he’s THE main proponent of the UBI, so his discription of the objections to it are most likely true

Fairness is a **voter** because unfair arguments arbitrarily skew your evaluation of the round and it precedes substance because it frames its evaluation. Drop the debater **A.** to set a precedent for the best norms of debate, **B.** to deter future abuse, **C.** to rectify time lost running theory. Use **competing interps** because what is reasonably fair is arbitrary and **b)** reasonability encourages debaters to get away with increasingly unfair strategies through defense on theory. **And**, don’t vote on the RVI **since** both debaters have the burden of being fair, and specifically not on 1AR theory –

**A. Time skew -** The 2NR can spread out the 2AR no matter what and the 2A can’t fall back on 1AR work because it’s too short for that. Thus, the neg winning theory doesn’t prove they’re right: the only thing that checks back abuse is that some 2NR time will have to be devoted to theory. Outweighs since it speaks to the actual considerations involved in a theory debate, not what a world where the right argument won would look like in the abstract. Uniquely true at TOC – people have had 5 months to frontline everything so it disincentivizes theory for no gain to use the RVI at TOC specifically

**B.**  Encourages 2NRs to bait necessarily blippy 1AR shells and collapse on them for 6 minutes, including a ton of RVI work, so 1As never read theory and the better norm doesn’t win. Leads to more bad practices.

## AT Fair Minimum Wage Act CP (70% of the Regular Minimum Wage)

1. mitigates but doesn’t solve my impact –

**A.** as long as tipped workers NEED the tips for income, they’re forced to deal with sexual harassment to make up that 30% – that impact continues to spill over and frame people’s understanding of the workplace – that’s **Jayaraman**.

**B.** Still allows for wage theft since the tipped income channel is subject to employer abuse MOST OF THE TIME per the **NELP** evidence

2. Doesn’t solve the self-respect and political mobilization argument at the bottom of the second advantage: it sends the signal that employers needs still come first and that society doesn’t think that workers are entitled to a living. Extend the weighing under **Rogers 2** – impact outweighs since it allows workers to resist other exploitive practices and fight for all kinds of future gains. **Konczal 14**[[43]](#footnote-43) provides examples.

When low-wage workers protest at fast food restaurants, low wages are not necessarily their sole concern. The working conditions may be equally important. Between a lack of sick days, random shift scheduling, and working without pay, there is a host of problems and humiliations from which workers seek redress.

3. Better to get rid of the tipped minimum wage altogether – empirics prove that it lowers poverty and boosts employment growth. **Allegretto and Cooper ‘14 [[44]](#footnote-44)**

Proposed federal minimum-wage legislation, the Fair Minimum Wage Act of 2014—also known as the Harkin–Miller bill—would not only increase the federal regular minimum wage to $10.10, but for the first time in decades would also reconnect the subminimum wage for 4 workers back to the regular minimum wage by requiring the former be equal to 70 percent of the latter. This would be a strong step in the right direction; however, we present evidence that tipped workers would be better off still if we simply eliminated the tipped minimum wage, and paid these workers the full regular minimum wage. Raising the wage floor for tipped workers is crucial for a number of reasons. Rising income inequality and the accompanying slowdown in improving American living standards over the past four decades has been driven by weak hourly wage growth, a problem that has been particularly acute for low-wage workers (Bivens et al. 2014). Tipped workers—whose wages typically fall in the bottom quartile of all U.S. wage earners, even after accounting for tips3—are a growing portion of the U.S. workforce. Employment in the full-service restaurant industry has grown over 85 percent since 1990, while overall private-sector employment grew by only 24 percent.4 In fact, today more than one in 10 U.S. workers is employed in the leisure and hospitality sector, making labor policies for these industries all the more central to defining typical American work life.5 Ensuring fair pay for tipped workers is also a women’s issue. Women comprise two out of every three tipped workers; of the food servers and bartenders who make up over half of the tipped workforce, roughly 70 percent are women. In their 2011 paper, Allegretto and Filion gave a historical account of the tipped-minimum-wage policy and brought much-needed attention to how the two-tiered wage system results in significantly different living standards for tipped versus non-tipped workers. For instance, tipped workers experience a poverty rate nearly twice that of other workers. The 2011 report, coupled with more recent publications from the White House (2014) and the Congressional Budget Office (2014), contradicts the notion that these workers’ tips provide adequate levels of income and reasonable economic security. Given recent policy interest in the minimum wage and greater attention to the lesser-known subminimum wage for tipped workers, this paper updates the 2011 report to reflect recent changes to state wage policies, and includes updated demographic and earnings profiles of tipped workers. We extend the 2011 analysis especially with regard to the family structure of tipped workers, noting important differences between men and women. We also provide new data on family income levels and participation in federal assistance programs among tipped workers, as well as measures of job quality in the food service industry. Key findings include: 4 Customers’ tips pay the $5.12 difference between the federal tipped minimum wage and the federal regular minimum wage. Thus, customers provide a subsidy to employers of tipped workers worth more than twice the wage these employers are required to pay their tipped staff. The restaurant industry is an intense user of both minimum-wage and tipped-wage workers, with more than 60 percent of tipped workers employed in food service. The full-service restaurant sector has grown about 86 percent from 1990 to 2013, while overall growth in the private sector was up 24 percent—illustrating why it is increasingly important to raise wages for these workers. Tipped workers are predominantly women (66.6 percent) and disproportionately young; however, the majority are at least 25, and over one in four are at least 40 years of age. Tipped workers have a median wage (including tips) of $10.22, compared with $16.48 for all workers. While the poverty rate of non-tipped workers is 6.5 percent, tipped workers have a poverty rate of 12.8 percent. Tipped workers are thus nearly twice as likely to live in poverty as are non-tipped workers. Yet poverty rates are significantly lower for tipped workers in states where they receive the full regular minimum wage. Due to their low wages and higher poverty levels, about 46.0 percent of tipped workers and their families rely on public benefits, compared with 35.5 percent of non-tipped workers and their families. While it is a good thing that workers faced with challenging circumstances can turn to these programs for assistance, these programs were not designed to serve as a permanent wage subsidy or part of the business strategy for low-wage employers. Job quality, as measured by access to benefits, is far worse for tipped workers. Workers in the accommodation and food service industry—an industry with a high concentration of tipped workers—are offered paid leave (sick, holiday, and vacation leave), health insurance, and retirement benefits at rates far below those of private-sector workers overall. Paying tipped workers the regular minimum wage has had no discernable effect on leisure and hospitality employment growth in the seven states where tipped workers receive the full regular minimum wage. In fact, sector growth in these states has been stronger since 1995 than in the states where tipped workers are paid a subminimum wage.

[If employment is a net benefit]

4. their employment DA doesn’t make sense in the context of the aff – I only raise wages in one sector: other sectors could absorb the shock at the prevailing wage rate, which means even if jobs in the restaurant industry are lost, that doesn’t translate to unemployment. Also, workers taking jobs where sexual harassment isn’t pervasive is probably a good thing anyway.

## AT Abolish Tipping (and the Subminimum Wage) CP

1. Perm, do the aff and abolish tipping – The CP mitigates but doesn’t solve my impact – as long as the minimum wage isn’t a living wage, workers can’t sustain themselves on it within a normal workweek. That

**A.** exacerbates poverty for tipped workers, which is a disad

**B.** just shifts who they’re vulnerable to; employ

the regular minimum wage the tips for income, they’re forced to deal with sexual harassment from managers who control access to shift scheduling per the **NELP** – that impact continues to spill over and frame people’s understanding of the workplace – that’s **Jayaraman**.

2. Doesn’t solve the self-respect and political mobilization argument at the bottom of the second advantage: it sends the signal that employers needs still come first and that society doesn’t think that workers are entitled to a living. Extend the weighing under **Rogers 2** – impact outweighs since it allows workers to resist other exploitive practices and fight for all kinds of future gains. **Konczal 14**[[45]](#footnote-45) provides examples.

When low-wage workers protest at fast food restaurants, low wages are not necessarily their sole concern. The working conditions may be equally important. Between a lack of sick days, random shift scheduling, and working without pay, there is a host of problems and humiliations from which workers seek redress.

3. Raising the minimum wage isn’t enough – it needs to be inflation-indexed to solve in the long term. Squo in the US proves that isn’t automatic. **Merk ’08 summarizes the ILO[[46]](#footnote-46)**

A fourth reason why minimum wages are too low is because authorities fail to adjust the wage rate sufficiently to maintain the workers’ purchasing power. “The nominal minimum wage in the context of increasing prices is,” the ILO writes, “as important as the setting of the initial rate for a minimum wage.” 27 If minimum wages are not regularly adjusted to take into account the rise in living expenses, workers’ income progressively falls. A worker in Indonesia, producing clothes for Nike, Reebok and Wal-Mart, comments: “There are increases in the minimum wage, but the cost of living goes up even more. To make it worse, recently the employer stopped giving transport and food allowances.” 28 In Bangalore, India, researchers note that, despite there being a system of three-yearly review of wages, over the past fifteen years the statutory minimum wage has declined in real terms by around 10 per cent.29 In Thailand, wages increased by only 18 Baht (0.38 Euro cents or 0.55 US$) over the eight-year period 1997–2005.30 In Vietnam and China, wages have gone up in recent years but only after being stagnant for nearly a decade. The worst-case example, probably, is set by Bangladesh where the minimum wage structure in the garment industry remained unchanged between 1994 and 2006. Meanwhile the cost of living increased at an average rate of 4 to 5 per cent annually. Only after mass protests by garment workers in 2006, was the minimum wage raised from 900 taka per month to 1,662.50 taka per month (16.60 Euros/ US$24.30). However, the doubling and tripling of rice prices in mid-2008 nullified the wage increase of 2006. The impact of higher food prices can be particularly dramatic for poor workers and households because they spend more than 50 per cent of their income on buying food, whereas living wages would provide a solution to the problem. Women workers and children are often hit hardest. In the Global Wage Report, the ILO writes: “Higher food prices will not only translate into worse diets for poor households, they will also lead to cuts in the purchasing of other goods and services that are vital for the well-being of family members. Women, especially pregnant women and nursing mothers, as well as children, are likely to be worst hit. As a coping strategy, women on low incomes may take on more paid work – often informal and casual – lengthening further their already long working days.”

## AT Collective Bargaining CP

Collective bargaining impossible in the squo – eliminating tipped wages is key to enable it: perm do both is the only option here, even if in other sectors it’s not as good, it’s the only way for the CP to function – organizations need to exist for collective bargaining. **Williams ‘14**[[47]](#footnote-47) *he thinks unions are bad but his analysis of the impact of different wage systems for unions still applies*

But the provocative terms used by Jayaraman and other activists conceal the true reason behind organized labor’s war on tips. The Service Employees International Union (SEIU) and other **unions want to organize** the **restaurant** workers, as evidenced by the endless series of strikes staged against well-known brands demanding “$15 and a union.” Even if they were successful in organizing restaurant workers, **however, unions have the** sticky **problem of collecting** dues from tipped workers. Membership dues are **a union’s lifeblood**: equaling roughly a **1-4 percent** deduction **from every** union member’s **paycheck. F**or union me**mbers, the money is gone before they** ever **see it** – much like taxes or health and retirement payments. Out of sight, out of mind. **Tipped workers, however, know exactly how much money they’re taking home** each night. As a result, employees who receive tips would have to cut a check or hand over cash each month to their respective union. **Having to dig into their pocketbook to hand over their hard-earned dollars to a union steward would cause many workers to question what they’re getting** in return for that investment. For Big Labor that’s a big no-no, and unions know they would quickly lose that cost-benefit analysis. The uniquely American system of tipping has become institutionalized because workers and consumers prefer it. It’s a concept that matches our national ethos. A worker’s earnings are essentially uncapped – based on performance and mastery of one’s skillset. But unions have always been hostile toward performance-based pay, whether it’s in public school systems or on the factory line. The system of merit pay through **tipping also makes it difficult to collect regular** union **dues.** So, it’s no surprise that unions are pushing to eradicate tips – it’s just amazing that it’s taken them so long.

# Disad/Turn Frontlines

## AT Employment Turns

1. Extend **Zatz,** that negative economic effects only become reasons to reject the aff if you naturalize the reslt of market transactions, otherwise they merely indicate that the aff doesn’t make the world perfect on its own, which is obvious – using it as a reason to reject just bites harder into neoliberalism and exclusion

2. The AC’s **Myotte** evidence indicates that restaurant jobs in the squo functionally require workers be subjected to sexual harassment – if workers are forced into other industries that’s probably a comparatively good thing. Especially here because the aff only raises wages in one sector: other sectors absorb the shock at the prevailing wage rate, which means even if jobs in the restaurant industry are lost, that doesn’t translate to unemployment.

3. Plan solves wage theft and poverty without disemployment effects – boosts economic growth, empirics prove. **Kink ‘15[[48]](#footnote-48)**

A "One Fair Wage" policy — eliminating the sub-minimum wage and just making tips a gratuity for good service — is simple, easier to enforce, and a better deal for workers — and for the local economy. It's a proven model that has been demonstrated to be effective at reducing poverty among tipped workers, without slowing job growth or reducing employment in the restaurant industry. It will directly help women — who make up over 70 percent of the tipped labor force — and their families, reducing the gender gap in pay and fighting child poverty. It will reduce wage theft and simplify enforcement of wage and hour standards. And it will provide a real economic boost to our local economies, putting money directly into the paychecks of those most likely to spend it locally, providing a strong multiplier effect for local businesses throughout the state. The Wage Board has been given authority to act by Cuomo and the Legislature. And a new poll shows that New Yorkers want them to. A survey this week found that 75 percent of respondents across the state favor eliminating New York's lower tipped minimum wage — currently just $5 an hour — and increasing it to the same level as the regular minimum wage. The poll, commissioned by Restaurant Opportunities Centers (ROC) United and conducted by Lake Research Partners, also found that arguments against raising the tipped minimum wage fell flat: voters found all opposition arguments (lost jobs or increased menu prices) were not convincing reasons to oppose one fair wage for all workers. The proposal is supported by strong majorities of Independents, Democrats and African Americans, and by a majority of Republicans. Even here upstate, voters favor increasing the minimum wage for tipped workers to the full minimum wage by a more than 3-to-1 margin. What the public wants is what our economy needs: better wages and more job growth. California, Nevada, Oregon, Washington and Montana all have rejected the sub-minimum wage for tipped workers and they're all growing faster than New York, according to Deloitte Consulting. Restaurants, hotels and small businesses in these states aren't hurting — they're thriving.

## AT Higher Food Prices

1. Only applies if you’re going out to restaurants, means it’s not necessary for all food consumption – the change would at most reallocate how much people ate out at restaurants instead of ordering in, microwaving or making stuff at home

2. It’s incredibly minimal – 3% increases in price per year would be enough; turnover reductions solves the rest. **Huffman ’15[[49]](#footnote-49) summarizes Pollin and Wicks-Lim**:

At the standard rate of industry sales growth, they contend the savings from a decrease in workforce turnover added to revenue generated from increasing prices 3% per year could support a 2-stage increase in the minimum wage from its current level of $7.25, first to $10.50 and then to $15 three years later. The report concludes it is possible to significantly increase wages without generating employment losses within the industry and without denting profits. “We conclude that the fast-food industry could indeed absorb the increase in its overall wage bill without resorting to cuts in their employment levels at any point over the four-year adjustment period,” the authors write. “The fast-food industry could fully absorb these wage bill increases through a combination of turnover reductions, trend increases in sales growth and modest annual price increases over the four-year period. We also show that fast-food firms would not need to lower their average profit rate during this adjustment period. Nor would the fast food firms need to reallocate funds generated by revenues away from any other area of their overall operations, such as marketing.”

This study outweighs: it considers *all effects*, not just the direct wage increase. **Covert ‘15[[50]](#footnote-50)**

To come to that conclusion, they estimate what it would cost these companies to increase not just wages for those at the bottom of their scales to $15 an hour, but also to slightly boost the workers above them to maintain current hierarchies. In the first part of the phase in, when the minimum wage would increase to $10.50 an hour, they estimate that 3.5 million fast food workers would get a raise, with a cost of $7.1 billion for the industry. In the next phase, when the wage goes up to $15, 3.8 million workers would get a raise, coming to a cost of $30.7 billion. Given that the industry’s sales were $232 billion last year, the cost of a $10.50 minimum wage makes up just 3.3 percent of sales, while a $15 wage comes to 14.2 percent. The researchers assume, however, that companies prefer nearly any option for covering these costs over reducing profits or pulling back on spending in other areas like buying new equipment. Cutting jobs is also likely a last resort, they note, because it “could impair the capacity of firms to sustain their existing level of operations and retain their customer base.” Businesses wouldn’t have to resort to any of those measures, however. Pollin and Wicks-Lim note that the reductions in turnover that would likely come from paying higher wages would amount to 20 percent of the increase in costs. A previous study found that fast food restaurants experience a turnover rate of 120 percent, and it costs $4,700 for each worker who leaves. On the other hand, each 10 percent increase in the minimum wage reduces turnover by 2.2 percent. A $10.10 wage then means a savings from reduced turnover of $2.1 billion, or 28 percent of the cost of the raise, and a $15 wage means $5.2 billion in savings, or 17 percent of the costs.

## AT Net Decrease in Incomes

1. Hurts minorities most – that’s **Ambrosino** so even if some workers do, it’s repugnant to have those slightly higher wages be at the result of whole groups being systematically discriminated against

2. Very few workers. The fact that tipped workers are many times as likely to fall under the poverty line proves they’re not as a whole made better off by that condition. **Liebelson**.

## Disease Advantage Link

Living wages for food service workers are key – they can’t stay home when they need to so spread disease at work. That circumvents governmental responses– outweighs your impact defense. **Jayaraman ‘13[[51]](#footnote-51)**

Plus, given that the federal minimum wage for tipped workers has been stuck at just $2.13 an hour since 1991, two-thirds of our nation’s cooks and servers and bussers report they cannot afford to stay home when they’re sick, because they won’t get paid and might even lose their jobs. A 2011 study by the CDC found that 12% of almost 500 food service workers surveyed had experienced vomiting and diarrhea on two or more shifts in the previous year. What’s more disgusting than that? That restaurant owners essentially force employees to come to work sick because they don’t have paid sick days. This month, 1.2 million people in England suffered from norovirus, also known as the “winter vomiting bug.” Norovirus is commonly contracted through contaminated food. In 2009, a bartender with swine flu worked for several days at a Washington hot spot because, he told me, he couldn’t afford to not go to work. If we don’t pay food industry workers decent wages and ensure they receive paid sick days, then no matter how much the FDA regulates the boiling temperature for processing cheese, restaurant workers will keep sneezing on our dinner and food-borne contamination and illness will continue to be a problem. The health of our nation’s 10 million food service workers is intimately tied to the health of millions of Americans who routinely eat food prepared by someone else. One in six Americans gets sick from a food-borne illness every year, and when those instances can be traced to a single cause, in more than half of cases it’s a restaurant. Specifically, research shows that somewhere between 48% to 93% of all food-borne norovirus outbreaks may be tracked back to sick food service workers. The federal Healthy Families Act, expected to be re-introduced this year, would require all businesses with 15 or more employees to provide up to seven days of paid sick leave each year. San Francisco, Seattle, the District of Columbia and the state of Connecticut have already approved such legislation locally. If we pay restaurant workers a living wage and ensure they can stay home when they’re sick, that means fewer taxpayer dollars on public health emergencies and fewer stomach aches for diners as well.

# Framework Frontlines

## AT Levinas NCs

My offense outweighs: You’ve conceded no act/omission distinction for states, that’s Sunstein and Vermeule. In the context of the NC framework, that means totalization is inevitable and the state’s obligation is to prevent the Other from doing violence, totalization or otherwise, to other Others, or “the third.” **Yost[[52]](#footnote-52)**

Otherwise than Being abandons this way of thinking about justice. Justice is rejected as a name for a feature of the basic normative relationship, and it is replaced by others such as “substitution” and “asymmetry.” To be sure, justice does figure as a feature of the self-other relationship, but it is a feature of the relationship between the self and multiple others. Justice names the situation where the infinity of my responsibility is tamed, where I am confronted with multiple responsibilities, and must choose between them. Justice also names the normative consequences of this situation: my singular responsibility turns into a requirement to treat everyone as having equal moral standing (OTB 160). Here we find a deep normative tension. One the one hand, justice is a falling-away from the ethical relationship, as the requirements of infinite responsibility simply cannot be honored in the realm of justice. Instead, justice requires the development of concrete moral codes, with their embrace of dischargeable duties, excuses, second-order rules of decision, and the like. On the other hand, justice is ethically vindicated because it forces us to take account of all of our responsibilities. In this sense, justice is an intensification of responsibility, rather than its violation.

Impacts:

A. nonuniques offense to the NC: with state action, policy totalizes since it either only affects a few people and violates your duty of respect to other Others, or totalizes by creating a law, which is universal.

### Abstraction Link

**Kwak[[53]](#footnote-53)**

First of all, the Levinasian idea of the other appears to make the other an angelic being. The other is a transcendent and infinite being who has absolute alterity. It is unmediated by totality. Though Levinas specifically refers to the stranger, the widow, and the orphan as epiphany of the other, they have importance not as historical beings but as infinite and transcendent beings. Anselm Min says, ―At best, Levinas reduces the stranger, the widow, and the orphan to abstract symbols of human vulnerability in general, with nothing historically concrete and specific about them.‖26 As an angelic being, the other loses her concrete vulnerability. While a stranger, a widow, or an orphan has the concrete political, economic, medical, or cultural vulnerability, an angelic being does not have such vulnerabilities. That is to say, an angelic being does not have to worry about her political persecution, economic distress, medical disadvantages, or cultural ignorance. But, a stranger, a widow, or an orphan is overwhelmed by worries. She needs her shelter, employment, education, medical treatment, cultural recognition, and so on. Without addressing those concerns, a stranger, a widow, or an orphan is unable to overcome her vulnerability. Whereas being transcendentally secured, the other for Levinas then remains concretely vulnerable. Such limitation is caused by Levinas‘s rejection of an incarnational understanding of human beings. ―The Other is not the incarnation of God, but precisely his face, in which he is disincarnate, is the manifestation of the height in which God is revealed.‖27 Levinas denies the immanence of human beings in history while accepting their transcendence in history. Levinas‘s contribution is that he places special emphasis on the transcendental dimension of the other. However, if the transcendental dimension negates the immanent dimension of the other, the other is exposed to the aforementioned concrete vulnerability. While the other without the transcendental dimension has experienced the imperialism of the same, the other without immanence will experience indifference and isolation from the same. Diane Perpich puts it in this way: ―Justice requires representation – and recognition, too, we might add. Levinas may well have been thinking of representation in this passage only in the sense of the presentation of an object in consciousness, that is, as the representation of persons in the abstract. But political representation, as the right and actuality of having an effective voice in the civil society and government, clearly is equally necessary for justice. The other whose identity is rendered unintelligible or unrepresentable is thus done an injustice: an ethical as well as a political injustice‖28 As immanence of the other is ignored, the unintelligible and unrepresentable other is unrecognizable in civil society and accordingly aggravates her vulnerability. In order to address the vulnerability of the other, not only her transcendence but also her immanence should be taken into consideration: ―The ethical dignity of the other may trace its origin to her transcendent relation to the infinite, but that dignity is effectively destroyed or honored only in her immanent relations to history and society, and both the transcendent and the immanent relations are inseparably connected in the unity of the one person.‖29 With clear separation between transcendence and immanence, however, the other is not able to address the concrete vulnerability of the other.

## AT Means-based NCs

There’s no act-omission distinction for states so any metric for evaluation collapses into consequentialism to weigh competing violations –the NC leads to paralysis **Sunstein and Vermeule[[54]](#footnote-54)**

In our view, any effort to distinguish between acts and omissions goes wrong by overlooking the distinctive features of government as a moral agent. If correct, this point has broad implications for criminal and civil law. Whatever the general status of the act/omission distinction as a matter of moral philosophy, the distinction is least impressive when applied to government, because the most plausible underlying considerations do not apply to official actors. The most fundamental point is that unlike individuals, governments always and necessarily face a choice between or among possible policies for regulating third parties. The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally, government is in the business of creating permissions and prohibitions. When it explicitly or implicitly authorizes private action, it is not omitting to do anything or refusing to act. Moreover, the distinction between authorized and unauthorized private action – for example, private killing – becomes obscure when government formally forbids private action but chooses a set of policy instruments that do not adequately or fully discourage it. If there is no act-omission distinction, then government is fully complicit with any harm it allows, so decisions are moral if they minimize harm. All means based and side constraint theories collapse because two violations require aggregation.

Thus, the NC leads to paralysis. Their indicts of calculation are defense that could be resolved with better empirical knowledge, but the NC literally can’t be resolved. That

**A.** outweighs, you literally can’t use the NC framework at all, the AC is just difficult but is empirically possible

**B.** means we should use consequences to judge when the NC is irresolvable, which is always in the case of governmental action

Physical consequences are the only things we can observe. We may know our own intentions, but we don’t know the intentions of others so we cannot take those to be relevant since they aren’t accessible to us. Justification is the process of providing reasons to someone else, but if they can’t accept the premises, it can’t be a reason. Precludes other framework warrants since it links directly into the structure of justification.

### 1AR Gino Expansion

**Psychological Preference** – people view consequentialism as an appropriate way to judge actions. **Gino ‘8[[55]](#footnote-55)**

The present studies provide strong evidence of the existence of outcome effects in ethically-relevant contexts, when people are asked to judge the ethicality of others’ behavior. It is worth noting that what we show is not the same as the curse of knowledge or the hindsight bias. The curse of knowledge describes people’s inability to recover an uninformed state of mind (Camerer, Loewenstein, & Weber, 1989). Likewise, the hindsight bias leads people to misremember what they believed before they knew an event’s outcome (e.g., Fischhoff, 1975; Fischhoff & Beyth, 1975). By contrast, we show that that outcomes of decisions lead people to see the decisions themselves in a different light, and that this effect does not depend on misremembering their prior state of mind. In other words, people will see it as entirely appropriate to allow a decision’s outcome to determine their assessment of the decision’s quality.

**Impacts:**

1. makes the standard more probable – we presume peoples reasoning has some ability to track moral truth in any moral reasoning, so the fact that people agree on consequentialism is proof for it. If we both have reasons to prefer our standard, this is the tiebreaker [*However, the fact that their knowledge of empirical circumstances means the framework doesn’t devolve to polls – we have no reason to trust aggregation on facts*]

2. delinks indicts of consequentialism since people use it – even if it may be imperfect, that doesn’t indicate that consequentialism as a way to derive ethical truths is false

# Methodologies

Study of people maximizing good consequences. **Gino ‘8[[56]](#footnote-56)**

Methods

Participants. Fifty-eight individuals (69% male; 91% students) participated in the study

and were paid $7. Most participants (91% of them) were students from local universities. The average age of participants was 26 (SD = 8.58).

Procedure. The study included three phases. Participants were randomly assigned to one of two conditions: positive-outcome or negative-outcome conditions. In the first phase of the study, participants were asked to read three scenarios, which were the same across conditions

No Foul 17

(see Appendix B for a description of the scenarios used). Each scenario included elements of unethical or questionable practices, but no information about outcomes. For instance, one of the scenarios read,

A government agency in a developing country finds itself dealing with a natural disaster in which several thousand poor peasants have been made homeless during the winter. The agency must decide what sort of short-term housing it will provide for the refugees. The inexpensive option is tents, which will probably be fine, given the mildness of the local winters—overnight temperatures only fall below freezing once every four years or so, on average. The more expensive option is to put up temporary shacks that would provide more shelter against the cold. But the shacks would be more expensive and would force the agency to cut funding to other (less urgent) programs. In the end, the agency’s commissioner decides to provide only tents for the refugees.

Participants in both conditions read this same scenario. After reading each of three scenarios, participants rated the ethicality of the described behavior using a 7-point scale (from 1 = very ethical to 7 = very unethical).

In the second phase of the study, participants completed a 7-minute filler task, included in order to reduce the pressure for participants to respond consistently in the first and third phases.

In the third phase, participants were asked to read a new set of scenarios. The scenarios presented to participants at this stage included the same information as in Phase 1, but this time the scenarios also included information about the outcome. We varied whether the outcome was negative (e.g., “The winter is substantially colder than expected, and fifty children among the refugees die of exposure to the cold”) or positive (e.g., “The winter is quite mild, and the tents provide sufficient shelter”). Finally, participants rated the ethicality of the behavior described in each scenario using a 7-point scale.

Results

No Foul 21

The three measures used to capture judgments of ethicality (unfair, unethical, and wrong) were highly correlated with one another and we thus averaged them to create a single measure (both Cronbach’s alphas > .80). As expected, there were no significant differences across conditions in the rating for the ethicality of the described behavior in the first phase (Mnegative- outcome = 4.34 vs. Mpositive-outcome = 4.63, F [1, 69] < 1, p = .45, η2 = .01). Yet, in the third phase, when participants received outcome information, participants rated Player A’s behavior as more unethical in the negative-outcome condition (M = 5.86, SD = 0.98) than in the positive-outcome condition (M = 3.75, SD = 1.58), F (1, 69) = 45.09, p < .001, η2 = .40.

Next, we conducted an ANOVA with type of outcome (positive vs. negative) as between- subjects factor and change in rating as within-subjects factor. We used the ratings of unethicality provided in both Phase 1 and 3 as the dependent measure. This analysis revealed a significant main effect for type of outcome, F (1, 69) = 10.39, p = .001, η2 = .13. The main effect of change in rating did not reach significance (p = .12), but the change in rating X type of outcome interaction did (F [1, 69] = 34.53, p < .001, η2 = .33). The interaction is depicted in Figure 4.

While in the positive-outcome condition, the ratings of unethicality significantly decreased from Phase 1 to Phase 3 (F [1, 35] = 8.50, p < .01, η2 = .20), they significantly increased in the negative-outcome condition (F [1, 34] = 30.83, p < .001, η2 = .48).

Side Bias Methodology. **Vbriefly[[57]](#footnote-57)**

Tournament Aff Wins Neg Wins

Greenhill RR 16 22

Greenhill 147 189

Yale 258 291

Valley 217 209

Crestian 79 84

Presentation RR 9 14

Presentation 149 171

St Marks 161 174

Bronx RR 8 11

Bronx 324 336

Meadows 111 133

Apple Valley 220 264

Apple Valley RR 10 10

Glenbrooks 261 317

Alta 191 242

Blake 208 279

College Prep 160 209

DebateLA Challenge 22 25

Harvard-Westlake 175 211

Sunvite 149 178

Lexington 185 240

Emory 133 150

Stanford 257 290

Harvard 324 348

Berkeley 302 325

Cumulative 4076 (46.3%) 4722 (53.7%)

ROC Sexual Harassment Study. **Restaurant Opportunities Centers ‘14[[58]](#footnote-58)**

rOC united has gathered over 5,000 surveys of restaurant workers around the country examin- ing wages and working conditions.42 Over ten percent of workers surveyed reported that they or a co-worker had suffered from sexual harassment. Our latest survey of workers in Philadelphia found 34% of workers reported they had experienced sexual harassment at their restaurant.43 We know these findings are an undercount, since a third of eeOC complaints arise from the restaurant industry. Thus, we sought to understand both the full extent of sexual harassment in the industry, why it is that workers undercount this experience, and the effect the tipped sub-minimum wage system has on rates and incidence of sexual harassment. Forward Together, rOC united, and K.C. Wagner, at Cornell university’s Worker institute, created a survey tool entitled, ‘a study of atti- tudes towards sexual Behavior in the restaurant industry,’ that sought to measure the incidence of multiple sexual behaviors that workers were exposed to from owners, managers, and supervisors (management), from co-workers, and from customers (guests).

The survey, to the extent possible, avoided the term sexual harassment, and asked about a range of behaviors from those three groups across four categories:

1. verbal behaviors,

2. behaviors delivered via media, 3. physical behaviors and

4. assault.

Verbal behaviors included sexual teasing, jokes, remarks, and comments about sexual orientation and gender or gender identity, as well as instructions from management such as orders to flirt with customers, to wear tighter or more revealing clothing, and to expose oneself sexually. Behaviors delivered via media included being shown sexually suggestive photos, letters, phone calls, and texts. Physical behaviors included physical pressure for dates, sexually suggestive looks and gestures, deliberate touching, leaning over, cornering, or pinching, inappropriate kissing, patting, fondling, or groping, and indecent exposure. assault behaviors included sexual assault, rape or attempted rape. These behaviors are shown in Figures 4.1, 5.1, and 6.1.

The survey asked:

1. how often these behaviors were experienced,

2. how individuals responded to the behaviors (for example, ignoring the behavior, keeping it

quiet, avoiding the individual, and reporting the individual to the eeOC or to the police), and 3. what individuals believed would happen if they refused to tolerate the behaviors, ranging from

no negative consequences to fearing for one’s physical safety.

individuals were asked who they spoke with about their ex-

periences, and what steps they felt they needed to take in

response to the harassing behavior, for example, altering their

appearance, changing their schedule, or quitting their job. individuals were asked about the phys- iological impact of these behaviors, such as changes in sleep, appetite, emotional health, and productivity at work. individuals were also asked how they perceived the work environment in their restaurant, including:

1. whether sexual behaviors were a normal, uncomfortable, scary or unwanted aspect of the work environment,

2. whether being touched inappropriately is common in the workplace, and

3. whether depending on tips had led individuals to tolerate inappropriate behaviors that made

them nervous or uncomfortable.44

additional questions examined:

1. sexual harassment policies in the workplace,

2. what actions management could take to address sexual harassment, 3. uniform policies,

4. child and elder care responsibilities, and harassment did not vary between current and former restaurant workers, and these groups were combined for analysis unless otherwise noted.45

a Total sexual harassment index (Tshi) was created from the complete range of sexual be- haviors experienced by restaurant workers, with sub-indices based on whether the behavior came from management (shM), co-workers (shC), or guests (shG). in addition, each sexual harassment index had sub-indices for Verbal sexual harassment, Media sexual harassment, Physical sexual harassment, and an assault index.46 all results reported were significant at the .05 level or below, unless otherwise noted.

in addition to survey collection, focus groups were conducted in four cities: houston, new york, new Orleans, and Washington, dC. during these focus groups, restaurant workers, primarily wom- en, discussed their experiences with all of the behaviors outlined in this report. Three of the focus groups were conducted by rOC, and one, bringing together transgender Latin@ workers, was con- ducted by Forward Together. The experiences of gender non-conforming workers are highlighted in a section of the report. The focus groups were analyzed using dedoose, and allowed for a qualitative component to help explain and provide depth to the quantitative results.

a sampling of consent decrees from the equal employment Opportunity Commission were compiled and analyzed to further understand the impact and extent of sexual harassment in the industry. This was combined with data from the Bureau of Labor statistics, the Current Population survey, and the american Community survey to gain a broad understanding of the conditions im- pacting sexual harassment in the restaurant industry.

5. access and usage of paid sick days among respondents.

demographic data gathered included gender, race, age, place of birth, language spoken, and im- migration status.

in total, 688 valid surveys were collected from individuals, 455 of who were currently working in the restaurant industry, and 233 of who had recently worked in the restaurant industry. sur- veys were gathered from three sources. rOC staff and members collected 273 pencil-and-paper in-person surveys of current restaurant workers in detroit, houston, new Orleans, new york, and, together with Wider Opportunities for Women, in new Jersey. Forward Together staff and members collected surveys of 182 current restaurant workers and 233 former restaurant workers. Out of the surveys of current and former restaurant workers collected by Forward Together, 382 were gathered through online surveys and 33 by a spanish pencil-and-paper survey. data on workplace location was included in all pencil-and-paper surveys to analyze the effect of state and sub-min- imum wage, and was extrapolated from the iP addresses of on-line respondents. a wage region variable was then created based on the sub-minimum wage to compare states that allow employ- ers to pay tipped workers a sub-minimum wage of $2.13 per hour, and states that offer one wage to both tipped and non-tipped workers. Occupations were combined into tipped and non-tipped occupations, and gender was examined as a binary variable except where otherwise noted. Sexual

Fast food industry compensation for higher minimum wage. **Pollin and Wicks-Lim ‘15[[59]](#footnote-59)**

ABSTRACT: This paper considers the extent to which U.S. fast-food businesses could adjust to an increase in the federal minimum wage from its current level of $7.25 per hour to $15 an hour without having to resort to reducing their workforces. We consider this issue through a set of simple illustrative exercises, whereby the U.S. raises the federal minimum wage in two steps over four years, first to $10.50 within one year, then to $15 after three more years. We conclude that the fast-food industry could absorb the increase in its overall wage bill without resorting to cuts in their employment levels at any point over this four-year adjustment period. Rather, we find that the fast-food industry could fully absorb these wage bill increases through a combination of turnover reductions; trend increases in sales growth; and modest annual price increases over the four-year period. Working from the relevant existing literature, our results are based on a set of reasonable assumptions on fast-food turnover rates; the price elasticity of demand within the fast-food industry; and the underlying trend for sales growth in the industry. We also show that fast-food firms would not need to lower their average profit rate during this adjustment period. Nor would the fast-food firms need to reallocate funds generated by revenues away from any other area of their overall operations, such as marketing.

**Restaurant Opportunities Centers ‘14[[60]](#footnote-60)**

Our survey data found that sexual harassment is endemic to the restaurant industry. Two-thirds of women workers and over half of men workers had experienced some form of sexual harassment from management; nearly 80% of women and 70% of men experienced some form of sexual harassment from co-workers; and nearly 80% of women and 55% of men experienced some form of sexual harassment from customers. Two-thirds (66%) of women experienced sexual harassment from management on at least a monthly basis and over half (52%) on at least a weekly basis, compared to 58% and 40% of men, respectively. Three quarters (74%) of women experienced sexual harassment from co-workers on at least a monthly basis and 64% on at least a weekly basis, compared to 58% and 52% of men; and 59% of women experienced sexual harassment from customers on at least a monthly basis, compared to 50% of men. One third (33%) of women restaurant workers experienced sexual harassment from customers on at least a weekly basis, compared to one quarter of men restaurant workers (see Fig. 3.1). as noted above (Fig. 1), nearly 50% of women workers, and also 47% of men respondents found sexual harassment to be a scary or unwanted aspect of the work environment in the restaurant industry. 60% of women and 46% of men found sexual harassment to be an uncomfortable aspect of the work environment, and 29% of women and 22% of men reported that being touched inappropriately was a common occurrence in their restaurant. a majority of women and nearly half of men surveyed had experienced uncomfortable or unwanted sexual behaviors in their workplace.

1. Restaurant Opportunities Centers United [mission is to improve wages and working conditions for the nation’s restaurant workforce. 13,000 restaurant workers, 100 high-road employers, thousands of engaged consumers united for raising restaurant industry standards] “The Glass Floor Sexual Harassment in the Restaurant Industry” (October 7, 2014) [↑](#footnote-ref-1)
2. José Medina [Professor of Philosophy at Vanderbilt] "Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism", Foucault Studies No. 12 (2011), 9-35. [↑](#footnote-ref-2)
3. Daniels, Norman. "Democratic equality: Rawls’s complex egalitarianism." The Cambridge Companion to Rawls 241 (2003): 76. [↑](#footnote-ref-3)
4. Deborah DuNann Winter and Dana C. Leighton. Winter: Psychologist that specializes in Social Psych, Counseling Psych, Historical and Contemporary Issues, Peace Psychology. Leighton: PhD graduate student in the Psychology Department at the University of Arkansas. Knowledgable in the fields of social psychology, peace psychology, and ustice and intergroup responses to transgressions of justice) (Peace, conflict, and violence: Peace psychology in the 21st century. Pg 4-5) [↑](#footnote-ref-4)
5. Maria Myotte [Spokesperson for Restaurant Opportunities Center United], "New Report: 90% of Female Restaurant Workers Experience Sexual Harassment" (October 14, 2014) < http://rocunited.org/pr-the-glass-floor-report/ > [↑](#footnote-ref-5)
6. Restaurant Opportunities Centers United [mission is to improve wages and working conditions for the nation’s restaurant workforce. 13,000 restaurant workers, 100 high-road employers, thousands of engaged consumers united for raising restaurant industry standards] “The Glass Floor Sexual Harassment in the Restaurant Industry” (October 7, 2014) [↑](#footnote-ref-6)
7. Rogers, Brishen [Assistant Professor of Law, Temple University James E. Beasley School of Law]. "Justice at Work: Minimum Wage Laws and Social Equality." Texas Law Review 92 (2013): 1543. Brackets in original [↑](#footnote-ref-7)
8. Zatz, Noah [prof @ UCLA Law School, ex-Skadden Fellow @ the National Employment Law Project]. "The Minimum Wage as a Civil Rights Protection: An Alternative to Antipoverty Arguments?." University of Chicago Legal Forum. 2009. [↑](#footnote-ref-8)
9. Jayaraman, Sari [Co-Founder and Co-Director of the ROC-United and Director of the Food Labor Research Center at UC Berkeley, graduate of Yale Law School and the Harvard Kennedy School of Government] “” [↑](#footnote-ref-9)
10. Dana Liebelson [staff reporter]. “The Minimum Wage Loophole That's Screwing Over Waiters and Waitresses” (May 12, 2014) < http://www.motherjones.com/politics/2014/05/minimum-wage-tip-map-waiters-waitresses-servers > [↑](#footnote-ref-10)
11. National Employment Law Project “An Order of Fair Pay” (July 2014) < http://www.nelp.org/page/-/rtmw/New-York-Tipped-Minimum-Wage-Order-Report.pdf?nocdn=1 > [↑](#footnote-ref-11)
12. Rogers, Brishen [Assistant Professor of Law, Temple University James E. Beasley School of Law]. "Justice at Work: Minimum Wage Laws and Social Equality." Texas Law Review 92 (2013): 1543. Brackets in original [↑](#footnote-ref-12)
13. Brandon Ambrosino,"Tipping perpetuates racism, classism, and poverty — let's get rid of it!" (December 19, 2014) < http://www.vox.com/2014/7/17/5888347/one-more-case-against-tipping > [↑](#footnote-ref-13)
14. Vbriefly. “LD Side Bias.” 3177 aff wins, 3737 neg wins. [↑](#footnote-ref-14)
15. Zatz, Noah [Professor of Law @ UCLA]. "The Minimum Wage as a Civil Rights Protection: An Alternative to Antipoverty Arguments?." University of Chicago Legal Forum. 2009. [↑](#footnote-ref-15)
16. Kapoor, 2008 (Ilan, Associate Professor at the Faculty of Environmental Studies, York University, “The Postcolonial Politics of Development,” p. 138-139) [↑](#footnote-ref-16)
17. Rawls, John. A theory of justice. Harvard university press, 2009. Page 398 [↑](#footnote-ref-17)
18. Daniels, Norman. "Democratic equality: Rawls’s complex egalitarianism." The Cambridge Companion to Rawls 241 (2003): 76. [↑](#footnote-ref-18)
19. Abplanalp, Edward, "BACKGROUND ENVIRONMENTAL JUSTICE: AN EXTENSION OF RAWLS'S POLITICAL LIBERALISM" (2010). Philosophy Dissertations, Theses, & Student Research. Paper 2. http://digitalcommons.unl.edu/philosophydiss/2 [↑](#footnote-ref-19)
20. Philip, Pettit. "Republicanism: a theory of freedom and government." (1997). [↑](#footnote-ref-20)
21. https://ci.uky.edu/toc/sites/default/files/TOC%20Tournament%20Procedures%20Document%20Final%20%281%29.docx [↑](#footnote-ref-21)
22. Tejeda, Carlos, Manuel Espinoza, and Kris Gutierrez. "Toward a decolonizing pedagogy: Social justice reconsidered." Pedagogies of difference: Rethinking education for social change (2003): 9-38. [↑](#footnote-ref-22)
23. Mari, Associate Professor of Law, University of Hawaii, “When the First Quail Calls: Multiple Consciousness as Jurisprudential Method”, 11 Women's Rts. L. Rep. 1989 [↑](#footnote-ref-23)
24. Deborah DuNann Winter and Dana C. Leighton. Winter: Psychologist that specializes in Social Psych, Counseling Psych, Historical and Contemporary Issues, Peace Psychology. Leighton: PhD graduate student in the Psychology Department at the University of Arkansas. Knowledgable in the fields of social psychology, peace psychology, and ustice and intergroup responses to transgressions of justice) (Peace, conflict, and violence: Peace psychology in the 21st century. Pg 4-5) [↑](#footnote-ref-24)
25. Kapoor, 2008 (Ilan, Associate Professor at the Faculty of Environmental Studies, York University, “The Postcolonial Politics of Development,” p. 138-139) [↑](#footnote-ref-25)
26. Mari, Associate Professor of Law, University of Hawaii, “When the First Quail Calls: Multiple Consciousness as Jurisprudential Method”, 11 Women's Rts. L. Rep. 1989 [↑](#footnote-ref-26)
27. José Medina [Professor of Philosophy at Vanderbilt] "Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism", Foucault Studies No. 12 (2011), 9-35. [↑](#footnote-ref-27)
28. [Spain, Selena ~Program specialist, National Economic Development and Law Center~. Wiley, Jean Senior planner and editor, National Economic Development and Law Center~. “The Living-Wage Ordinance: A First Step in Reducing Poverty.” Clearinghouse Review, 1998.] RG [↑](#footnote-ref-28)
29. Suzanne Heller Clain, Villanova University, “How Living Wage Legislation Affects U.S. Poverty Rates,” Journal of Labor Research 29.3 (2008), http://link.springer.com/article/10.1007/s12122-007-9028-8 [↑](#footnote-ref-29)
30. [Spain, Selena ~Program specialist, National Economic Development and Law Center~. Wiley, Jean Senior planner and editor, National Economic Development and Law Center~. “The Living-Wage Ordinance: A First Step in Reducing Poverty.” Clearinghouse Review, 1998.] RG [↑](#footnote-ref-30)
31. Wagner, Stephanie [J.D. 2008, Georgetown University Law Center. M.P.P. 2008, Georgetown Public Policy Institute. B.A. 2000, Tufts University]. "Big Box Living Wage Ordinances: Upholding Our Constitutive Commitment to a Remunerative Job." Geo. J. on Poverty L. & Pol'y 15 (2008): 359. [↑](#footnote-ref-31)
32. David Fairris et al 05 Department of Economics, UC Riverside and David Runsten North American Integration and Development Center, UCLA Carolina Briones and Los Angeles Alliance for a New Economy and Jessica Goodheart Los Angeles Alliance for a New Economy, “Examining The Evidence The Impact of the Los Angeles Living Wage Ordinance on Workers and Businesses”, UCLA, 2005, [↑](#footnote-ref-32)
33. Brandon Ambrosino,"Tipping perpetuates racism, classism, and poverty — let's get rid of it!" (December 19, 2014) < http://www.vox.com/2014/7/17/5888347/one-more-case-against-tipping > [↑](#footnote-ref-33)
34. Jared Bernstein [ex- Chief Economist and Economic Adviser to Vice President Biden, executive director of the White House Task Force on the Middle Class, PhD in Social Welfare from Columbia] and Sharon Parrott [ex- Counselor for Human Services Policy at the U.S. Department of Health and Human Services] “”Center on Budget and Policy Priorities (January 7, 2014) < http://www.cbpp.org/cms/?fa=view&id=4075 > [↑](#footnote-ref-34)
35. Mike Konczal (fellow at the Roosevelt Institute). “7 Bipartisan Reasons to Raise the Minimum Wage.” Boston Review. March 3rd, 2014. http://www.bostonreview.net/us/mike-konczal-seven-reasons-raise-minimum-wage [↑](#footnote-ref-35)
36. Haskell, John N [banker and a former diplomat]. "EITC Boosts Local Economies." Partners in Community and Economic Development 16.3 (2006). [↑](#footnote-ref-36)
37. Kelly Phillips Erb. “The Credit We Love to Hate: The Earned Income Tax Credit (EITC)” Forbes Magazine. 2012. www.forbes.com/sites/kellyphillipserb/2012/02/01/the-credit-we-love-to-hate-the-earned-income-tax-credit-eitc/ [↑](#footnote-ref-37)
38. Merriam-Webster [↑](#footnote-ref-38)
39. (Kevin Drum [Political blogger/writer for Mother Jones.], “Wage Subsidies Might Be a Good Idea, But Republicans Will Never Support It”, December 2013) [↑](#footnote-ref-39)
40. Mike Konczal (fellow at the Roosevelt Institute). “7 Bipartisan Reasons to Raise the Minimum Wage.” Boston Review. March 3rd, 2014. http://www.bostonreview.net/us/mike-konczal-seven-reasons-raise-minimum-wage [↑](#footnote-ref-40)
41. Michael J Tanner [Cato Institute senior fellow] “The Basic Income Guarantee: Simplicity, but at What Cost?” (August 26, 2014) < http://www.cato-unbound.org/2014/08/26/basic-income-guarantee-simplicity-what-cost > [↑](#footnote-ref-41)
42. Philippe Van Parijs [Belgian philosopher and political economist, mainly known as a proponent and main defender of the basic income concept] “Opening the Debate” (October 2000) < http://www.bostonreview.net/forum/ubi-van-parijs > [↑](#footnote-ref-42)
43. Mike Konczal (fellow at the Roosevelt Institute). “7 Bipartisan Reasons to Raise the Minimum Wage.” Boston Review. March 3rd, 2014. http://www.bostonreview.net/us/mike-konczal-seven-reasons-raise-minimum-wage [↑](#footnote-ref-43)
44. Sylvia A. Allegretto [economist at the Institute for Research on Labor and Employment at the University of California, Berkeley] and David Cooper [Economic Analyst @ the Economic Policy Intsitute]. “Twenty-Three Years and Still Waiting for Change “ (July 10, 2014) < http://www.epi.org/publication/waiting-for-change-tipped-minimum-wage/ > [↑](#footnote-ref-44)
45. Mike Konczal (fellow at the Roosevelt Institute). “7 Bipartisan Reasons to Raise the Minimum Wage.” Boston Review. March 3rd, 2014. http://www.bostonreview.net/us/mike-konczal-seven-reasons-raise-minimum-wage [↑](#footnote-ref-45)
46. Merk, Jeroen [PhD in International Relations from the University of Sussex, Brighton. Between 2003- 2014, he has also been a research and policy coordinator at the International Secretariat of the Clean Clothes Campaign]. "Stitching a decent wage across borders: the Asia floor wage proposal." Globalization & the Workplace (2009): 429. [↑](#footnote-ref-46)
47. RYAN WILLIAMS [Senior Advisor, Worker Center Watch]. “Big Labor Declares A War on Tipping” (11:24 AM 06/27/2014) < http://dailycaller.com/2014/06/27/big-labor-declares-a-war-on-tipping/ > [↑](#footnote-ref-47)
48. Michael Kink [Executive Director Strong Economy For All Coalition] “Consider 'One Fair Wage'” (January 7, 2015) < http://www.timesunion.com/opinion/article/Consider-One-Fair-Wage-6000142.php > [↑](#footnote-ref-48)
49. Mark Huffman [consumer news reporter for ConsumerAffairs since 2004],“Can fast food stores really pay their people $15 an hour?” (2015) < http://www.consumeraffairs.com/news/can-fast-food-stores-really-pay-their-people-15-an-hour-012315.html > citing Pollin, Robert, and Jeannette Wicks-Lim [both Department of Economics and Political Economy Research Institute (PERI) University of Massachusetts-Amherst]. "A $15 US Minimum Wage: How the Fast-Food Industry Could Adjust Without Shedding Jobs." (2015). [↑](#footnote-ref-49)
50. BRYCE COVERT [Economic Policy Editor for ThinkProgress. previously editor at the Roosevelt Institute] “Here’s How Fast Food Could Handle A $15 Minimum Wage Without Cutting Jobs” (JANUARY 23, 2015) < http://thinkprogress.org/economy/2015/01/23/3615049/fast-food-15-minimum-wage/ > [↑](#footnote-ref-50)
51. Jayaraman, Sari [Co-Founder and Co-Director of the ROC-United and Director of the Food Labor Research Center at UC Berkeley, graduate of Yale Law School and the Harvard Kennedy School of Government] “Commentary: Fight flu, give restaurant workers paid sick leave” (January 30, 2013) < http://laborcenter.berkeley.edu/fight-flu-give-restaurant-workers-paid-sick-leave/ > [↑](#footnote-ref-51)
52. Yost, Benjamin. Continental Philosophy Review, forthcoming “Responsibility and Revision: a Levinasian Argument for the Abolition of Capital Punishment.” Continental Philosophy Review, forthcoming [↑](#footnote-ref-52)
53. Kwak, Hochul. "Rights of Concrete Others: Ethics of Concrete Others, Social Individuality, and Social Multiculturalism." (2012). [↑](#footnote-ref-53)
54. Cass Sunstein and Adrian Vermuele, “Is Capital Punishment Morally Required? The Relevance of Life‐Life Tradeoffs,” Chicago Public Law & Legal Theory Working Paper No. 85 (March 2005), p. 17 [↑](#footnote-ref-54)
55. Gino et al 2008 [Francesca Gino Kenan-Flagler Business School, University of North Carolina at Chapel Hill, Don Moore Tepper Business School, Carnegie Mellon University, Max H. Bozman Harvard Business School, Harvard University “No harm, no foul: The outcome bias in ethical judgments” http://www.hbs.edu/research/pdf/08-080.pdf] AT [↑](#footnote-ref-55)
56. Gino et al 2008 [Francesca Gino Kenan-Flagler Business School, University of North Carolina at Chapel Hill, Don Moore Tepper Business School, Carnegie Mellon University, Max H. Bozman Harvard Business School, Harvard University “No harm, no foul: The outcome bias in ethical judgments” http://www.hbs.edu/research/pdf/08-080.pdf] AT [↑](#footnote-ref-56)
57. Vbriefly. “LD Side Bias” [↑](#footnote-ref-57)
58. Restaurant Opportunities Centers United [mission is to improve wages and working conditions for the nation’s restaurant workforce. 13,000 restaurant workers, 100 high-road employers, thousands of engaged consumers united for raising restaurant industry standards] “The Glass Floor Sexual Harassment in the Restaurant Industry” (October 7, 2014) [↑](#footnote-ref-58)
59. Pollin, Robert, and Jeannette Wicks-Lim [both Department of Economics and Political Economy Research Institute (PERI) University of Massachusetts-Amherst]. "A $15 US Minimum Wage: How the Fast-Food Industry Could Adjust Without Shedding Jobs." (2015). [↑](#footnote-ref-59)
60. Restaurant Opportunities Centers United [mission is to improve wages and working conditions for the nation’s restaurant workforce. 13,000 restaurant workers, 100 high-road employers, thousands of engaged consumers united for raising restaurant industry standards] “The Glass Floor Sexual Harassment in the Restaurant Industry” (October 7, 2014) [↑](#footnote-ref-60)