### Framing

#### The meta-ethic is Procedural Moral Realism –

#### Practical reason is that procedure –

#### Moral law must be universal –

#### Thus, the Standard is Consistency With Universal Maxims. Prefer –

#### [1] Ethical frameworks must be theoretically legitimate –

#### [2] Performativity –

#### [3] Humanity Principle –

### Contention

#### I affirm Resolved: A just government ought to recognize an unconditional right of workers to strike.

#### [1] A right to strike defends workers to set and pursue their own ends and resist coercion.

**Gourevitch 18:** Gourevitch, Alex. “A Radical Defense of the Right to Strike.” *Jacobin* 2018. <https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression> // King CP recut

Workers have an interest in resisting the oppression of class society by using their collective power to reduce, or even overcome, that oppression. Their interest is a liberty interest in a double sense. First, resistance to that class-based oppression carries with it, at least implicitly, a demand for freedoms not yet enjoyed. A higher wage expands workers’ freedom of choice. Expanded labor rights increase workers’ collective freedom to influence the terms of employment. Whatever the concrete set of issues, workers’ strike demands are always also a demand for control over portions of one’s life that they do not yet enjoy. Second, strikes don’t just aim at winning more freedom — they are themselves expressions of freedom. When workers walk out, they’re using their own individual and collective agency to win the liberties they deserve. The same capacity for self-determination that workers invoke to demand more freedom is the capacity they exercise when winning their demands. Freedom, not industrial stability or simply higher living standards, is the name of their desire. Put differently, the right to strike has both an intrinsic and instrumental relation to freedom. It has intrinsic value as an (at least implicit) demand for self-emancipation. And it has instrumental value insofar as the strike is an effective means for resisting the oppressiveness of a class society and achieving new freedoms. But if all this is correct, and the right to strike is something that we should defend, then it also has to be *meaningful*. The right loses its connection to workers’ freedom if they have little chance of exercising it effectively. Otherwise they’re simply engaging in a symbolic act of defiance — laudable, perhaps, but not a tangible means of fighting oppression. The right to strike must therefore cover at least some of the coercive tactics that make strikes potent, like sit-downs and mass pickets. It is therefore often perfectly justified for strikers to exercise their right to strike by using these tactics, even when these tactics are illegal. Still, the question remains: why should the right to strike be given moral priority over other basic liberties? The reason is not just that liberal capitalism produces economic oppression but that the economic oppression that workers face is in part created and sustained by the very economic and civil liberties that liberal capitalism cherishes. Workers find themselves oppressed *because* of the way property rights, freedom of contract, corporate authority, and tax and labor law operate. Deeming these liberties inviolable doesn’t foster less oppressive, exploitative outcomes, as its defenders insist — quite the opposite. The right to strike has a stronger claim to be protecting a zone of activity that serves the aims of justice itself — coercing people into relations of less oppressive social cooperation. Simply put, to argue for the right to strike is to prioritize democratic freedoms over property rights.

#### [2] The humanity principle mandates no exploitation of agents.

**Lofaso 17** Anne Marie Lofaso, Workers’ Rights as Natural Human Rights, 71 U. Miami L. Rev. 565 (2017) Available at: https://repository.law.miami.edu/umlr/vol71/iss3/3 [Anne Marie Lofaso is Associate Dean for Faculty Research and Development and a professor at the West Virginia University College of Law. In 2010, she was named WVU College of Law Professor of the Year.] // King CP recut

It is the categorical imperative’s second formulation, known as the principle of ends, the principle of dignity, or the humanity principle, where Kant seems to add something more.202 Kant’s humanity principle tells us to treat people as if each person has intrinsic value simply because each person is human: “Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as a means.”203 The humanity principle forbids us to act in ways that exploit human beings or at least in ways that merely exploit human beings.204 Presumably, hiring workers per se does not violate the CI even though the employer uses its workers in furtherance of its purposes. The moral question inherent in a natural human rights approach to workers’ rights is whether these workers are being used merely as a means. Those interested in workers’ rights must determine whether, as a matter of fact (as opposed to a matter of law), workers are actually being used in an exploitative manner. This is essentially an empirical assessment of the moral claim: Are institutions, which are designed to protect workers, doing their job? It is also a legal strategy for developing positive labor standards, which reflect a particular conception of human dignity and autonomy while minimizing the impact of state and business coercion of workers.205 This particular formulation of the CI further and most clearly shows how the CI is in tension with political (or even economic) utilitarianism, by which majority rule governs and the ends justify the means.206 Morality requires that when people act we consider the humanity of each person and the effect of our actions on others’ humanity.

#### [3] A right to strike is key to support property rights.

Chicktay 6 [Mohamed Alli Chicktay, academic at the University of the Witwatersrand, 2006, “PLACING THE RIGHT TO STRIKE WITHIN A HUMAN RIGHTS FRAMEWORK,” No Publication, [https://journals.co.za/doi/pdf/10.10520/EJC85180] //King](https://journals.co.za/doi/pdf/10.10520/EJC85180%5d%20//King) CP

In addition, in terms of the concept of “self-ownership” we are all owners of our own bodies and therefore should not be forced to do anything with our bodies against our will. We can do whatever we wish with our bodies, provided that we are not aggressive to others who also have “self-ownership” over their bodies (Cohen Self-ownership, Freedom and Equality (1995) 68). Since we own our bodies, we also own the labour that we can perform with our bodies just as we do any other property. Being forced to work without the right to strike could therefore be seen as an infringement of one’s property rights. One may also argue that our body belongs to us and hence is our property. By striking we are withholding the use of our body and any prevention of the right to strike would thus be a violation of our property rights. Israel has argued that the denial of the right to strike violates one’s freedom from forced labour. He argues that by prohibiting strikes or imposing criminal and civil sanctions upon strikers, one would be forcing employees to work, which would be a violation of their right not to be subjected to forced labour (Israel International Labour Standards (1989) 25). The right to strike is also a violation of one’s right to dignity. Workers find a sense of self-worth in their work, which is hindered if they are exploited by employers and have no say in this environment. One of the most effective ways in which workers can have a meaningful say in the workplace is if they have the power to halt production (Harmer “The Right to Strike Charter Implications and Interpretations” 1992 47 University of Toronto Faculty of Law Review 438).

#### [4] A right to strike is key to freedom of association and collective bargaining.

Vogt 16 [Jeffrey S Vogt, Legal Director of the International Trade Union Confederation (ITUC), 2016, “The Right to Strike and the International Labour Organisation (ILO),” King’s Law Journal, <https://sci-hubtw.hkvisa.net/10.1080/09615768.2016.1148297>] //King CP recut

II. FREEDOM OF ASSOCIATION AND THE RIGHT TO STRIKE The Employers’ Group relies on a deeply flawed argument in which the right to freedom of association is a self-contained, individual right, wholly divorced from the context of industrial relations. For them, freedom of association confers no more than the right to gather together into organisations. However, the right to freedom of association has long been understood also as a collective right, particularly in the context of industrial relations, and indeed is a bundle of rights exercised jointly and protected individually which enable those in the association to further the purposes for which it was formed. The right to associate in a trade union is commonly understood to include the right to strike (and to bargain collectively). Indeed, without these attendant rights, the right to association in the industrial relations context would be wholly meaningless. The theory of freedom of association applied in the industrial relations context by the ILO, human rights courts and high courts is specific to the context of the workplace. Combination in a trade union may be a function of individual liberty, but this liberty has little meaning if workers are unable to pursue their own interests through such organisations. Worker solidarity allows workers to overcome the limitations inherent in entering individual contracts of employment, to achieve fair conditions of employment and to participate in making decisions which affect their own lives and society at large. In the absence of a right to strike, it remains difficult (if not impossible) for workers to achieve these goals given the unequal power in the employment relationship. From this premise stems the view that freedom of association implies not only the right of workers and employers to form freely organisations of their own choosing, but also the right to pursue collective activities for the defence of workers’ occupational, social and economic interests. While some have sought to argue that freedom of association should be regarded as a mere individual liberty without reference to its context, here the industrial context,9 this is not a view which has held sway in academic10 or judicial opinion.11 The unquestioned (and unquestionable) international right to collective bargaining gives further support to the existence of the right to strike as a derivative right of freedom of association. While the right to strike is not to be confined to the advancement or defence of collective bargaining,12 the right to collective bargaining is, on the workers’ side, without practical effect in the absence of a right to strike. Without the latter right, a right to collective bargaining amounts to no more than a right to ‘collective begging’. 13 Given the palpable threats of dismissal and relocation which could be presented by an employer, the corresponding threat of temporary withdrawal of labour was all that most workers could offer in return. Certainly, as early as 1924, the ILO ‘Nicod’ Report considered freedom of association in tandem with industrial action, self-evidently seeing the two as linked.14 And the stated view of the International Labour Office by 1927 was that there was an ‘intimate relationship between the right to combine for trade union purposes and the right to strike’ with a strong case being made for international legislation relating to both.15 Space does not permit a full treatment of the legal foundations of the right to strike.16 However, I will here provide a brisk review of the right to strike as it has been developed by the ILO supervisory system as well as the jurisprudence of regional courts which have relied on the ILO’s views, consistent with the Vienna Convention on the Law of Treaties, to interpret their own charters which protect freedom of association—and by extension the right to strike.

# Accessibility

### Contention

#### A right to strike defends workers to set and pursue their own ends and resist coercion.

Gourevitch 18

Expanded labor rights increase workers’ freedom to influence terms of employment. strike demands are always a demand for control over one’s life using their individual and collective agency to win the liberties It has intrinsic value as a demand for self-emancipation The right to strike must cover some of the coercive tactics therefore justified for strikers to strike even when illegal

#### The humanity principle mandates no exploitation of agents.

Lofaso 17

humanity principle forbids us to exploit human beings The moral question inherent is whether workers are being used merely as a means It is a strategy for developing labor standards, which reflect human dignity and autonomy while minimizing coercion of workers

#### A right to strike is key to support property rights.

Chicktay 6

we own the labour we perform with our bodies By striking we are withholding the use of our body any prevention to strike would be a violation of our property rights denial violates one’s freedom from forced labour

#### A right to strike is key to freedom of association and collective bargaining.

Vogt 16

freedom of association confers to gather into organisations in a union is understood to include the right to strike without these rights the right to association would be meaningless liberty has little meaning if workers are unable to pursue their interests through organisations right to collective bargaining support the right to strike collective bargaining without a right to strike amounts to no more than ‘collective begging’