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#### I value morality as the word ought in the resolution implies a moral obligation.

#### The criterion is minimizing structural violence.

#### First, oppression is based in moral exclusion on arbitrarily perceived differences.

**Winter and Leighton 07** Winter and Leighton 07 |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. Knowledgeable in the fields of social psychology, peace psychology, and justice and intergroup responses to transgressions of justice] “Peace, conflict, and violence: Peace psychology in the 21st century.” Pg 4-5

http://u.osu.edu/christie/files/2014/10/Section-II-Structural-Violence-Winter-Leighton-28aggie.pdf

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 is how 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. In the long run, reducing structural violence by reclaiming neighborhoods, demanding social justice and living wages, providing prenatal care, alleviating sexism, and celebrating local cultures, will be our most surefooted path to building lasting peace.

#### This has two Implications.

#### 1. Because Structures of violence are a rejection of the moral worth of others, preventing this is the first object of morality

#### 2. Rejecting Structural violence comes before util specifically, as how can we maximize happiness for those who aren’t counted in our calculus.

#### Using a starting point of our flawed world is the only way to create an implementable theory.

**Farrelly 07**, Colin Professor of Political Studies, Queen's University, "Justice in Ideal Theory: A Refutation", Political Studies, 2007

Political philosophers have recently begun to take seriously methodological questions concerning what a theoretical examination of political ideals (such as freedom, equality and justice) is supposed to accomplish and how effective theorising in ideal theory is in securing those aims. Andrew Mason (2004) and G.A. Cohen (2003), for example, believe that the fundamental principles of justice are logically independent of issues of feasibility and questions about human nature. Their position contrasts sharply with political theorists like John Dunn (1990) and Joseph Carens (2000) who believe that **normative theorising must be integrated with an appreciation of the empirical realities of one’s society.** Rather than bracket questions of feasibility and human nature, empirically oriented political theorists believe that real, **non-ideal considerations** (like our historical circumstances, problems of institutional design, etc.) **must be taken seriously when deriving normative theories of justice**. The disagreement between those political philosophers who feel inclined to invoke highly abstract hypotheticals when deriving the principles of justice, and those political theorists who take seriously real, non-ideal considerations, is a disagreement over how fact-sensitive a theory of distributive justice ought to be. Mason raises a challenge for the more empirically grounded political theorists when he asks: “what reason do we have for thinking that any adequate analysis of an ideal such as justice must be conducted in the light of an investigation of what is feasible?” (Mason, 2004, 255). In this paper I hope to provide a compelling response to Mason’s question. I believe **there is** some **conceptual incoherence** involved **in saying “This is what justice involves, but there is no way it could be implemented”** (Mason, 2004, 255). This incoherence stems from the fact that a theory of social justice, and the principles of justice it endorses, must function as an adequate guide for our collective action. **A theory of social justice that yields impotent or misguided practical prescriptions is** a **deficient** theory of justice. If the collective aspiration to implement the conclusions of a theory would not result in any noticeable increase in the justness of one’s society, then it fails as a normative theory. Liberal egalitarian theories of justice are theories that typically function at the level of ideal theory. The distinction between ideal and non-ideal theory is not given rigorous classification in the existing literature. As Mason (2004, 265) notes, this distinction is employed by John Rawls in The Law of Peoples. An account of justice in ideal theory must recognise “some moderately strong feasibility constraints which require it to be realistic in the best of foreseeable conditions” (Mason, 2004, 265). Rawls describes ideal theory as being realistically utopian. Political philosophy is realistically utopian “when it extends what are ordinarily thought of as limits of practical political possibility” (Rawls, 1999, 6). This contrasts with non-ideal theory, which is concerned with problems of non-compliance or unfavourable (historical, social or economic) conditions.

#### Our framework acknowledges that even if people have equal moral value they are not treated as such in the status quo and thus we must start our moral reasoning from there.

### Advantage 1: Kafala

#### According to,

**Robinson 21** details the workings of this system:

Robinson, Kali. “What Is the Kafala System?” Council on Foreign Relations, Council on Foreign Relations, 23 Mar. 2021, https://www.cfr.org/backgrounder/what-kafala-system. LHS//EH

**The kafala**, or sponsorship, **system defines the relationship between foreign workers and** their local sponsor, or kafeel, which is usually **their employer. It is found in** the Gulf Cooperation Council (**GCC**) **countries**—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates—**as well as Jordan and Lebanon.** Under this system, the state gives local individuals or companies sponsorship permits to employ foreign laborers (except in Bahrain—a government agency, rather than the employer, is the worker’s sponsor). The sponsor covers travel expenses and provides housing, often in dorm-like accommodations or, in the case of domestic workers, the sponsor’s home. Rather than hiring an individual directly, sponsors sometimes use [private recruitment agencies](https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf) [PDF] in the countries of origin to find workers and facilitate their entry to the host country. Because **the system falls under** the jurisdiction of **interior** ministries, **rather than labor ministries, [so] workers have no protection under** the host country’s **labor law.** This **leav[ing]**es **them vulnerable to exploitation** and denies them such rights as the ability to enter a labor dispute process or join a union. Furthermore, because workers’ employment and residency visas are linked and only sponsors can renew or terminate them, the system endows private citizens—rather than the state—with control over workers’ legal statuses, creating a power imbalance that sponsors can exploit. In most situations, **workers need** their sponsor’s **permission to transfer jobs, end employment, and enter or exit the host country. Leaving the workplace without permission** is an offense that **results in the termination of** the worker’s **legal status and potentially imprisonment or deportation, *even if the worker is fleeing abuse*.** Workers have little recourse in the face of exploitation, and many experts argue that the system facilitates modern slavery. The word kafala traces back to [Islamic jurisprudence](https://brill.com/view/book/edcoll/9789004417342/BP000006.xml) on legal guardianship and other matters. The modern system arose in the Gulf states to regulate the treatment of foreign workers in the pearl industry and other commercial trades beginning in the early twentieth century. The system expanded in the 1950s, as newly oil-rich Gulf countries sought foreign laborers to work on large-scale infrastructure projects. Given their relatively small populations, they needed additional temporary workers who could come during periods of booming growth and return home when the economy weakened. Protecting local firms is a priority in Gulf countries, where expatriates sometimes form the majority of the population. But the system was also intended to offer workers much-needed protection. “They would bring in workers from abroad that didn’t speak the language, that were not aware of the cultural sensitivities, that came without a social support network,” says Houtan Homayounpour, head of the Qatar office of the International Labor Organization (ILO), a United Nations agency. “The sponsor was supposed to take care of them, ensure their safety, ensure their well-being. And over time, because of various changes to legislation, this became a power imbalance between workers and employers, and eventually opened the workers to abuse.” Initially, the system mostly favored Arab workers from nearby countries such as Egypt. But after the oil boom of the 1970s, preference turned to non-Arab workers, especially those from South Asia, due to a desire for cheaper labor and fears that Arab expats would spread a pan-Arab ideology that could undermine Gulf monarchies. They outnumbered Arab workers after the first Gulf War, when some two million Egyptians, Palestinians, and Yemenis were [expelled from the region](https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/rs/RS5.pdf) [PDF] over their governments’ support for Iraq’s invasion of Kuwait. The system has produced massive demographic changes: the Gulf region’s population [increased tenfold](https://blogs.worldbank.org/endpovertyinsouthasia/kafala-neither-guarantees-nor-cares-guest-workers-gulf-0) in fifty years, and foreigners now [outnumber locals](https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf) [PDF] in all GCC states but Saudi Arabia. The 2014 oil price crash and the resulting austerity measures in GCC states led governments to prioritize local workers, many of whom had lost their jobs and began to resent migrant laborers, says Robert Mogielnicki, a resident scholar at the Arab Gulf States Institute in Washington (AGSIW). Several host countries adopted policies to draw locals into the private sector and combat youth unemployment, such as hiring quotas and minimum wage increases. States have also begun to encourage foreign workers to [return home](https://www.theguardian.com/global-development/2020/jun/09/poor-people-middle-east-migrant-workers-face-uncertain-post-coronavirus-pandemic-future)—especially as employers struggle to pay them amid the economic downturn caused by the coronavirus pandemic—by paying travel fares and waiving fines for leaving. Who are the workers? The system applies to almost all foreigners working in a kafala host country, comprising all nationalities, economic classes, and professions. Today, most of these workers come from Africa and South Asia. They often take jobs that nationals find undesirable for financial or cultural reasons, such as construction, domestic work, or in service industries. They also earn less than locals. In Jordan, for example, minimum wage for foreign workers is $324 monthly, while [nationals earn](https://www.zawya.com/mena/en/economy/story/Minimum_wage_in_Jordan_to_go_up_to_3667_at_onset_of_2021-SNG_168340354/) at least $367. White-collar workers and those from Western countries generally receive better treatment. According to UN statistics, there were [thirty-five million international migrants](https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp) across GCC countries, Jordan, and Lebanon in 2019, nearly half the combined total population of those countries. What risks do workers face? Critics have called the system “[modern slavery](https://reliefweb.int/report/world/modern-day-slavery-rated-world-s-largest-single-crime-industry),” saying **mistreatment arises from the** sponsor-worker **power imbalance and sponsors’ legal impunity. Moreover, the Middle East lags behind** other regions **in** ratifying international agreements that **protect[ing] workers.** For example, **no host country has ratified the** ILO’s [**Domestic Workers Convention**](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:2551460:NO)**, which** commits signatories to **set[s]**ting **a minimum wage**, eliminating forced labor, **and ensur[es]**ing **decent working conditions**, among other protections. **Even where laws do protect workers, they are** often **poorly enforced**, says Ryszard Cholewinski, the ILO’s senior migration specialist for Arab states. As a result, **workers face numerous abuses** under the kafala system. These **includ[ing]**e: **Restricted movement and communications.** Employers regularly confiscate passports, visas, and phones, and confine domestic workers to their homes. Non-domestic workers often live in overcrowded dorms, which have become especially dangerous during the coronavirus pandemic. Workers risk contracting COVID-19 in the dorms, and many lack adequate health care. Debt bondage. Although most host countries require employers to pay recruitment fees, these often get passed on to workers, who take out loans to pay them or become indebted to the recruiter. Employers sometimes reduce or withhold workers’ wages, ostensibly to pay off recruiters but sometimes as punishment. Forced labor. Experts say **deception or coercion by recruiters[, and more, including]** when enlisting workers can amount to forced labor**. Contract substitution** is a common tactic **[,]in which workers** unwittingly **accept poor** wages and working **conditions by signing** [multiple **contracts**](https://www.spiegel.de/international/world/humiliation-and-abuse-in-lebanon-s-kafala-system-a-a30c9a0c-6a7a-466b-b335-78350b8d06f6), some **in languages they don’t understand.** Visa trading. **Sponsors sometimes illegally sell a worker’s visa to another employer** while remaining the official sponsor. The new employer **[who] might not keep to the same terms** as the original one**, requiring different** types of **work or providing lower wages.** Irregular residency status. Workers depend on sponsors to remain in the country legally because sponsors [they] can invalidate their status for any reason.

#### The list goes on, and is only compounded by the fact that it exists primarily in countries that already have weak worker protections.

**Robinson [2]** continues with a focus on how race and gender play into this treatment.

How do race and gender play into this? Racism often [magnifies the inhumane treatment](https://www.wsj.com/articles/they-called-me-slave-beirut-blast-exposes-migrant-workers-plight-in-mideast-11599048000) of darker-skinned African and South Asian workers. A [2020 UN report](https://undocs.org/en/A/HRC/44/57/Add.1) on racism in Qatar found that foreign **workers** of all income levels **report**ed that **their salaries depended on their countries of origin**, and that “despite possessing professional degrees, some **migrant workers** reported being **[were] relegated to low-income jobs** most **commonly** linked to and **occupied by workers of their racial** or ethnic **group**.” **Gender**-based **discrimination is also rampant.** Domestic workers, usually **women**, **face the most abuse,** including sexual violence. **But victims** often **choose not to report, afraid to upset** their **sponsors or even be charged with a crime** themselves. Certain countries, such as Kuwait and Qatar, have [imprisoned female workers](https://www.economist.com/the-economist-explains/2018/12/07/what-are-zina-laws) for extramarital sex, even in cases of rape. The gendered abuses of the kafala system are especially worrisome given that in some countries, [such as Lebanon](https://www.hrw.org/news/2020/07/27/lebanon-abolish-kafala-sponsorship-system), women compose the majority of kafala workers.

#### The kafala system uniquely amplifies the racism and sexism these workers face because of their complete lack of bargaining power.

**Thorwaldsson 14**, Karl-Petter. “Taking Away the Right to Strike Would Make Us All into Slaves.” Equal Times, 31 Oct. 2014, https://www.equaltimes.org/taking-away-the-right-to-strike#.YWCndhrMKUk. LHS//EH

The kafala system [It] gives the employer complete control over their workers. **Millions** of migrant workers, mostly from poorer countries, **are trapped in this system**.They can’t change jobs unless their employer allows them to, they can’t leave the country unless their boss signs an exit visa, and trade **unions and strike action are** totally **forbidden.** This **leav[ing]**es **the worker powerless and open to** the most barbaric **exploitation. Poverty wages,** appalling levels of **death and injury** at work **and abusive treatment** by supervisors and managers **are the daily reality** for the huge numbers of workers; the men building infrastructure for the [2022 World Cup in Qatar](http://www.rerunthevote.org/), the women domestic workers, and all the other jobs that generate the fantastic wealth held by a few ruling families. **Life without the right to strike**, life without a union, **is** for them **a life of desperation**. That’s far from the reality for most working people in the world, although in many other places basic rights for working people are far from fully respected. There are plenty of employers that respect their employees’ right to union organisation and to withdraw their labour. Lufthansa CEO Carsten Spohr for example, who defended his employees’ right to take industrial action when he was mocked by [Qatar Airways](http://www.equaltimes.org/qatar-airways-taking-workplace#.VFNdCxZkzm4) boss Akhbar Al-baker during a recent pilots’ strike. From the fringes to the centre But there are others who want to [eliminate the right to strike](http://www.equaltimes.org/the-ilo-employers-row-time-for-an-industrial-relations-rethink#.VFNdJxZkzm5) as a fundamental part of the international legal framework. What used to be a radical fringe of right-wing ideologues in global employer circles has now moved front and centre. Despite decades of recognition by the International Labour Organization’s (ILO) expert international panel of judges and law scholars that the right to strike is firmly entrenched in international law, the International Organisation of Employers (IoE) is seeking to change the rules, challenging long-standing legal principles and blocking the good functioning of the tripartite Standards Committee at the ILO’s annual conference. For most people, the inner workings of the ILO may seem far away from their daily concerns – it is hardly a topic of conversation at the kitchen table. But the IOE is not simply playing legal games. Their intent is to weaken the ILO, and to roll back hard-won gains that workers have made, bit by bit, putting the world of work onto a road that leads to a deeply unpleasant destination. At the end of that road is kafala for everyone. When people’s right to withdraw their labour is taken away, they end up as little more than slaves, entirely dependent on what their boss decides and with no means to push back.

#### Increasing bargaining power, achieved through the unconditional right to strike, would solve for this exploitation as well as providing the workers with a means to demand fair treatment.

**Lim 19** Woojin Lim (Editor for the Harvard Crimson). “The Right to Strike.” The Harvard Crimson. 11 December 2019. JDN. https://www.thecrimson.com/article/2019/12/11/lim‐right‐to‐strike/**The right to strike** is a right to resist oppression. The strike (and the credible threat of a strike) **is an indispensable part of** the **collective bargaining** procedure. Collective bargaining **[it]** (or “agreement‐making”) **provides workers** and employees with **the opportunity to influence** the establishment of **workplace rules** that govern a large portion of their lives. The concerted withdrawal of labor allows workers to promote and defend their unprotected economic and social interests from employers’ unilateral decisions, and provide employers with pressure and incentives to make reasonable concessions. Functionally, **strikes provide** workers with **the** bargaining **power to drive** fair and meaningful **negotiations, offsetting the inherent inequalities of bargaining power** in the employer‐employee relationship**. The right to strike is essential in** preserving and **winning rights. Any curtailment of this right** involves the **risk[s]** of **weakening the very basis of collective bargaining.**

#### The right to strike must also be unconditional in order to provide the necessary bargaining power.

**Thorwaldsson [2]**, Karl-Petter. “Taking Away the Right to Strike Would Make Us All into Slaves.” Equal Times, 31 Oct. 2014, https://www.equaltimes.org/taking-away-the-right-to-strike#.YWCndhrMKUk. LHS//EHThe kafala system gives the employer complete control over their workers. Millions of migrant workers, mostly from poorer countries, are trapped in this system.They can’t change jobs unless their employer allows them to, they can’t leave the country unless their boss signs an exit visa, and trade unions and strike action are totally forbidden. This leaves the worker powerless and open to the most barbaric exploitation. Poverty wages, appalling levels of death and injury at work and abusive treatment by supervisors and managers are the daily reality for the huge numbers of workers; the men building infrastructure for the [2022 World Cup in Qatar](http://www.rerunthevote.org/), the women domestic workers, and all the other jobs that generate the fantastic wealth held by a few ruling families. Life without the right to strike, life without a union, is for them a life of desperation. That’s far from the reality for most working people in the world, although in many other places basic rights for working people are far from fully respected. There are plenty of employers that respect their employees’ right to union organisation and to withdraw their labour. Lufthansa CEO Carsten Spohr for example, who defended his employees’ right to take industrial action when he was mocked by [Qatar Airways](http://www.equaltimes.org/qatar-airways-taking-workplace#.VFNdCxZkzm4) boss Akhbar Al-baker during a recent pilots’ strike. From the fringes to the centre But there are others who want to [eliminate the right to strike](http://www.equaltimes.org/the-ilo-employers-row-time-for-an-industrial-relations-rethink#.VFNdJxZkzm5) as a fundamental part of the international legal framework. What used to be a radical fringe of right-wing ideologues in global employer circles has now moved front and centre. **Despite decades of recognition by the** International Labour Organization’s (**ILO**) expert international panel of judges and law scholars **that the right to strike is firm**ly entrenched **in international law, the** International Organisation of Employers **(IoE**) **is seeking to change the rules**, challenging long-standing legal principles and blocking the good functioning of the tripartite Standards Committee at the ILO’s annual conference. For most people, the inner workings of the ILO may seem far away from their daily concerns – it is hardly a topic of conversation at the kitchen table. But the IOE is not simply playing legal games. **Their intent is to** weaken the ILO, and to **roll back hard-won gains that workers have made,** bit by bit, **putting the world of work onto a road that leads to** a deeply unpleasant destination. At the end of that road is **kafala for everyone.** When people’s right to withdraw their labour is taken away, they end up as little more than slaves, entirely dependent on what their boss decides and with no means to push back.

#### The system will expand, and all its awful abuses with it, if these workers don’t have the unconditional right to strike.

### Contention 2: Prison Labor

#### Prison work conditions are awful

**Schlitz 21**, Heather. “Some Companies Are Using Prison Labor amid Claims of a Worker Shortage. Critics Argue They Should Just Raise Wages Instead.” Business Insider, Business Insider, 20 July 2021, https://www.businessinsider.com/companies-hiring-prisoners-instead-of-raising-wages-critics-say-report-2021-7. LHS//EH

Some companies have turned to prison labor to fill perceived worker shortages, The Guardian reported. Examples include candy manufacturer Russell Stover, which operates in Kansas, along with restaurants in Texas, Michigan, Delaware, and Ohio. Though this may be an economical solution for companies, critics say **prison work** release **programs are exploitative, as prisoners are** typically **paid less** than non-incarcerated workers **and** are **denied benefits and paid time off**. A spokesperson for Russell Stover did not immediately respond to a request for comment. The Guardian reported that during a waste management industry conference, company leaders suggested using prisoners to fill positions that companies had struggled to find applicants for. "The talk about immigrant labor, prison labor, it's all about exploitation, nothing else," Chuck Stiles, director of the Teamsters solid waste and recycling division, told the Guardian. "There is no driver shortage. There is a huge wage and benefits shortage that these waste companies refuse to give up anything on the bottom line." According to Stiles, prison work release **programs** in the waste industry often **subject prisoners to dangerous working conditions** and bad weather, without the benefits that non-incarcerated workers receive. Although many companies have said they struggle to fill positions, economists have noted that there isn't a significant labor shortage. Brandilynn Parks, president of the Kansas Coalition for Sentence and Prison Reform, told the Guardian that work release **programs** often **end up taking jobs from and dropping wages for non-incarcerated workers and don't result in prisoners being hired after they're released**. Parks told the Guardian that the use of **prison labor** helps **preserve[s] the high incarceration rate** in the US**, as government contracts with companies require a certain number of people to be incarcerated** in order for the state **to provide enough prisoners to work**. Hiring people "who are at their lowest in life and then throwing them crumbs is despicable," Parks told The Guardian. Incarcerated people have also been subjected to increasingly dangerous conditions within prisons **during the pandemic**. In the early days of the pandemic, many **states** used prison labor to manufacture safety essentials that were in short supply, like sanitizer and face masks, Business Insider reported. At the time, state prison industries **paid inmates an average of 33 cents an hour**. COVID-19 has also devastated US prisons, and as correctional facilities ran low on PPE and struggled to implement social distancing procedures, **[and they]** prisoners **became 5.5 times more likely to contract the virus** than the average American.

#### Prison labor is not justified and leads to recidivism and people accepting bad labor conditions outside of prison.

**Mantouvalou 21**, Virginia. “Human Rights for Working Prisoners.” UK Labour Law, 8 Sept. 2021, https://uklabourlawblog.com/2021/09/08/human-rights-for-working-prisoners-by-virginia-mantouvalou/. Virginia Mantouvalou is Professor of Human Rights and Labour Law at UCL, Faculty of Laws. LHS//EH

Are the exclusions justified? Some may think that these exclusions of working prisoners from protective laws are justified because working prisoners should contribute to the cost of the running of the facilities. Yet upon closer inspection, we see that **the work that prisoners do** often consists in much more than maintenance of the facilities, that it can **involve[s] long** working **hours**, that the quality of the work **[and] does not support** their **reintegration[.]** and that private firms make profit from this situation (see the blog post by Pandeli). The fact that **the work of prisoners is linked to structures of exploitation** must make us question this supposed justification. To the contrary, what we see is that the **rules increase** and perpetuate **existing structural unfairness:** people who may **[those] already** be **disadvantaged because of** background conditions of **poverty are excluded from the protection of labour law.** They are in this way made vulnerable to exploitation by profit-making organisations that are involved in the running of the prisons or the running of prison workshops where prisoners are employed. There is another crucial issue that must be highlighted. **These structures** of exploitation **do not only affect workers** employed **while in prison. They are connected to precarious work after they leave the criminal justice system.** It has been observed by [Erin Hatton](https://www.ucpress.edu/book/9780520305342/labor-and-punishment) that those who have worked in prison **[they] ‘come to expect** – and sometimes embrace – **low-wage precarious work outside prison’.** In addition, they also face serious obstacles when attempting to find better work because of their criminal record (see [this article](https://www.cambridge.org/core/journals/law-and-social-inquiry/article/abs/working-around-the-law-navigating-legal-barriers-to-employment-during-reentry/6D037D791DFB29C759BC569CC2C6B287) by Dallas Augustine). What we see is that the structure of exploitation in prison extends to structures of exploitation after prison.

#### The structures of exploitation present within prisons extend beyond the bounds of the system. The effects aren’t short-term - they persist long after they leave the prison system.

**Kaur 19 elaborates**, Baljeet. “Prisoners' Right to Strike: Protests by Inmates Should Not Be Considered an Offence.” Economic and Political Weekly, 17 Aug. 2019, https://www.epw.in/engage/article/prisoners-right-strike-protests-inmates-should-not. LHS//EH

By the second half of the 20th century, the **prison strikes** were seen **in different countries** the world over. However, these strikes were **[were] met with adverse responses from** the **authorities**. 450 **Palestinian prisoners [who] protested** in December 1975, **against inhuman conditions** of the prisons in the region of the West Bank. These prisoners **were** kept **locked up** for up to 23 hours **in overcrowded prisons** with no windows or ventilations. The quality of food was not only inferior but also harmful. Prisoners also highlighted other issues related to clothing, bedding, amount of money allowed to be received by them among other issues. In response to the protests, **prison authorities stopped facilities in prison, tried to force-feed them, and some were put in solitary confinement** while most of them were segregated into different prisons; this occurred despite condemnation by the United Nations Human Rights Council (UNHRC) (MERIP 1977). **Another** recent **example** **is the “National Prisoners Strike**” that took place **in** August and September **2018** which also spread to many prisons in the United States of America. **Prisoners protested via many means**: hunger strikes, stopping medical treatment, abandoning prison facilities, work stoppages, demonstrations, etc. **This strike had enlisted 10 demands including improved prison conditions** and **humane treatment of prisoners, voting rights** for prisoners, **equal wages** for work, **[and an] end to racial laws** and penal practices, etc (IWOC 2018). One of the prisoners on strike was quoted as saying, “... we’re asking for a little compassion here. Just treat us like humans ...” (Gross 2018).

#### Prison strikes happen, but are not legally protected in the US

**HLR 19** “Striking the Right Balance: Toward a Better Understanding of Prison Strikes.” Harvard Law Review, 8 Mar. 2019, https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/. LHS//EH

As a threshold matter, state and federal **statutory law provides no recourse for protecting prison strikes.** Incarcerated individuals are not included as protected “employees” in the text of federal labor laws like the Fair Labor Standards Act and the National Labor Relations Act and courts have refused to extend the protections that these statutes offer to those confined within prison walls. Further, this Note is aware of no state labor laws, or for that matter any state constitutional provisions, that have been interpreted to allow prisoners to strike. **Not only are prison strikes not protected by** statutory **law** — **they** also **are often explicitly prohibited.** State **statutes** and prison regulations pose the most immediate barrier to prison strike activity, as states across the union appear to categorically **bar prison strikes and other forms of inmate collective organizing**. For instance, Alaska’s administrative code lists “participation in an organized work stoppage” and “encouraging others to engage in a food strike” as “[h]igh-moderate infractions.”The same is true at the federal level, as **the Bureau of Prisons has made “[e]ngaging in or encouraging a group demonstration”** and “[e]ncouraging others to refuse to work, or to participate in a work stoppage” **prohibited acts** Further research is certainly necessary to develop a fuller, more nuanced treatment of the various state and federal statutory schemes that impact prison strikes. But even this brief overview drives home a clear bottom line: that state and federal laws, in their current forms, likely offer no viable protection for prison strikes and indeed often prohibit them outright.

#### This is a global phenomenon, as explained by

**Mantouvalou 2**, Virginia. “Human Rights for Working Prisoners.” UK Labour Law, 8 Sept. 2021, https://uklabourlawblog.com/2021/09/08/human-rights-for-working-prisoners-by-virginia-mantouvalou/. Virginia Mantouvalou is Professor of Human Rights and Labour Law at UCL, Faculty of Laws. LHS//EH

Even though work in prison is not part of punishment and should therefore be a right rather than duty, it is often compulsory. A Council of Europe survey that looked at forty (out of its forty-seven) member states found that in twenty-five of those prisoners are required to work at least in certain circumstances ([Stummer v Austria](http://hudoc.echr.coe.int/eng?i=001-105575), 2011, para 60(a)). Those who refuse to work may be sanctioned with reduced visits from friends and family, reduced television or gym time, less or no income and even solitary confinement. In reality, very often work in prison is meaningless, repetitive and is perceived by prisoners as part of their punishment rather than a route to reintegration. In this piece I do not talk about violations of the human rights of prisoners more generally that the European Court of Human Rights has [often](https://echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf) found, or about the institution of prison as a whole, which has been scrutinised by [Angela Davis](https://www.penguinrandomhouse.com/books/213837/are-prisons-obsolete-by-angela-y-davis/) and others. I will only focus on prison labour. 2. State-mediated structures of exploitation While real work in prison can be beneficial, as the Howard League for Penal Reform has regularly [argued](https://howardleague.org/our-work/transform-prisons/real-work-in-prison/), working prisoners are forced and trapped in [structures of exploitation that are state-mediated](https://academic.oup.com/clp/article-abstract/73/1/59/5918202). By structures, I mean patterns that we can identify that are becoming all the more widespread, and where people are forced and trapped. I call them state-mediated because the state has a major role to play in creating and perpetuating workers’ vulnerability by excluding them from protective laws. Prisoners are a vulnerable group of people, as the European Court of Human Rights has repeatedly ruled, and the authorities have a duty to protect them [(](https://uklabourlawblog.com/2021/09/08/human-rights-for-working-prisoners-by-virginia-mantouvalou/)[Enache v Romania](http://hudoc.echr.coe.int/eng?i=001-142073), para 49). That the state creates further vulnerability by excluding them from important labour and social security rights should be scrutinised carefully. I will give a few examples of prisoners’ exclusions from protective rules. **Working prisoners are excluded from many labour and social security rights across the world.** In comparative studies of European countries, it has been [highlighted](http://www.prisonobservatory.org/upload/PrisoninEuropeOverviewandtrends.pdf) that working prisoners **in several countries [they] are excluded from the right to form trade unions and the right to strike,** from being covered by collective agreements or a social security system, and from minimum wage laws. A Council of Europe survey showed that in twelve member states, prisoners are not included in a pension system ([Stummer v Austria](http://hudoc.echr.coe.int/eng?i=001-105575), para 60(c)), while in other countries the affiliation to a social security system depends on the type of work performed, and particularly whether it is remunerated and whether it is for outside employers. **In France,** the Criminal Procedure Code (Article 717-3) states that the **employment relations of incarcerated people are not covered by an employment contract**. As a result, prisoners do not have a right to form and join trade unions or a right to sick pay. **They** also **do not have a** right to have a **say on working conditions, or a right to compensation** for industrial accidents. Moreover, prisoners are not entitled to the minimum wage, from which they are explicitly excluded by law or a right to access labour courts. Similar exclusions are found in Germany, where prison work is compulsory but those working in prison have better coverage in unemployment protection that in France (see further [here](http://www.cesdip.fr/wp-content/uploads/PI_06_2005.pdf)). **Exclusions from labour rights of working prisoners exist in many other legal orders.**

#### The aff solves for the conditions of the prison system.

**HLR 19** “Striking the Right Balance: Toward a Better Understanding of Prison Strikes.” Harvard Law Review, 8 Mar. 2019, https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/. LHS//EH

From August 21, 2018, to September 9, 2018, incarcerated individuals across America orchestrated a daring and seemingly improbable coordinated protest: they went on strike. From California to North Carolina and in roughly fifteen other states, thousands of prisoners engaged in peaceful work stoppages, hunger strikes, sit-ins, and commissary boycotts. This nationwide strike emerged in part as a response to a deadly riot, kindled by poor living conditions and guard understaffing, at the Lee Correctional Institution in South Carolina in April 2018. But more broadly, the prison strikers sought to draw public attention to longstanding grievances over inhumane treatment within prisons across the country and to call for significant criminal justice reforms. The strikers, through the inmate organization Jailhouse Lawyers Speak, issued a list of ten national demands, calling for, among other things, improved prison conditions, better access to rehabilitation programs, voting rights for all current and former prisoners, and the “immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans.” Most critically, the strikers passionately called for the “immediate end to prison slavery”— the label that activists use to describe the exploitative labor practices within prisons of putting prisoners to work, sometimes compulsorily, for just “cents an hour or even for free.”

Although none of the strikers’ ten demands have yet been met, the 2018 nationwide prison strike was still a remarkable event in its scope and coordination, as well as its ability to generate public support and attention. An estimated 150 different organizations endorsed the strike; citizens held numerous demonstrations outside of prisons in solidarity; and a range of national media publications provided detailed coverage of the protest’s motivations, objectives, tactics, and status as potentially the “largest prison strike in U.S. history.”

Despite the 2018 prison strike’s apparent gravity, it is difficult to fully contextualize its significance because surprisingly little attention has been paid to prison strikes previously. For instance, just two years prior, in 2016, a similar nationwide prison strike was described as “[t]he largest prison strike . . . you [probably] haven’t heard about.” Show More In light of this reality, this Note peers behind prison walls to improve our understanding of prison strikes — the end goal being to open the door to a broader discussion of why and how these strikes should receive legal protection. Part I briefly documents America’s history of prison strikes, showing that the 2018 nationwide strike is the latest in a long, important tradition of prisoners using the only real means available to them are collective actions against prison administrators — to protest labor conditions and other deeply held grievances. Part II then evaluates the legal framework governing prison strikes, demonstrating that such **strikes** likely **do not receive sufficient protections** under either the Constitution or federal and state statutes **and therefore can be shut down by prison administrators without fear of judicial oversight**. Part III, informed by the rich history of prison strikes, argues that **their** potential and demonstrated **value demands, at the very least, consideration** of the merits **of protecting incarcerated individuals’ right to strike,** and it contends that **the First Amendment** framework **offers one** **potential avenue to allow prisoners to peacefully surface pressing problems in our carceral system and to collectively express their humanity and dignity.**

#### This is one example of how it could work in the US, with similar means of enforcement on a global scale solving for the incredibly inhumane conditions they face.

#### For these reasons, I encourage an affirmative ballot, and stand open for cross examination.