

# AFF

## FW

I value morality as ought implies a moral obligation

The standard is minimizing material and structural violence. Prefer:

**Structural violence and oppression are based in moral exclusion, which is fundamentally flawed because exclusion is based on arbitrarily perceived differences.**

**Opotow 01** [Susan Opotow is a social and organizational psychologist. Her work examines the intersection of conflict, justice, and identity as they give rise to moral exclusion -- seeing others as outside the scope of justice and as eligible targets of discrimination, exploitation, hate, or violence. She studies moral exclusion and moral inclusion in such everyday contexts as schooling, environmental and public policy conflict, and in more violent contexts, such as deadly wars and the post-war period. She has guest edited The Journal of Social Issues and Social Justice Research and co-edited Identity and the Natural Environment: The Psychological Significance of Nature (MIT Press, 2003). She is associate editor of Peace and Conflict: Journal of Peace Psychology and Past President of the Society for the Psychological Study of Social Issues], "Social Injustice", Peace, Conflict, and Violence: Peace Psychology for the 21st Century! Englewood Cliffs, New Jersey: Prentice-Hall, 2001,

Both structural and direct violence result from moral justifications and rationalizations. Morals are the norms, rights, entitlements, obligations, responsibilities, and duties that shape our sense of justice and guide our behavior with others (Deutsch, 1985). Morals operationalize our sense of justice by identifying what we owe to whom, whose needs, views, and well-being count, and whose do not. Our morals apply to people we value, which define who is inside our scope of justice (or "moral community"), such as family members, friends, compatriots, and coreligionists (Deutsch, 1974, 1985; Opotow, 1990; Staub, 1989). We extend considerations of fairness to them, share community resources with them, and make sacrifices for them that foster their well-being (Opotow, 1987, 1993). We see other kinds of people such as enemies or strangers outside our scope of justice; they are morally excluded. Gender, ethnicity, religious identity, age, mental capacity, sexual orientation, and political affiliation are some criteria used to define moral exclusion. Excluded people can be hated and viewed as "vermin" or "plague" or they can be seen as expendable non-entities. In either case, disadvantage, hardship, and exploitation inflicted on them seems normal, acceptable, and just—as "the way things are" or the way they "ought to be." Fairness and deserving seem irrelevant when applied to them and harm befalling them elicits neither remorse, outrage, nor demands for restitution; instead, harm inflicted on them can inspire celebration. Many social issues and controversies, such as aid to school drop-outs, illegal immigrants, "welfare moms," people who are homeless, substance abusers, and those infected with HIV are essentially moral debates about who deserves public resources, and thus, ultimately, about moral inclusion. When we see other people's circumstances to be a result of their moral failings, moral exclusion seems warranted. But when we see others' circumstances as a result of structural violence, moral exclusion seems unwarranted and unjust. While it is psychologically more comfortable to perceive harm-doers to be evil or demented, we each have boundaries for justice. Our moral obligations are stronger toward those close to us and weaker toward those who are distant. When the media reports suffering and death in Cambodia, El Salvador, Nicaragua, the former Yugoslavia, and Rwanda, we often fail—as a nation, as communities, and as individuals—to protest or to provide aid. Rationalizations include insufficient knowledge of the political dynamics, the futility of doing much of use, and not knowing where to begin. Our tendency to exclude people is fostered by a number of normal perceptual tendencies: 1. Social categorization. Our tendency to group and classify objects, including social categories, is ordinarily innocuous, facilitating acquisition of information and memory (Tajfel & Wilkes, 1963). Social categorizations can become invidious, however, when they serve as a basis for rationalizing structural inequality and social injustice. For example, race is a neutral physical characteristic, but it often becomes a value-loaded label, which generates unequal treatment and outcomes (Archer, 1985; Tajfel, 1978). 2. Evaluative judgments. Our tendency to make simple, evaluative, dichotomous judgments (e.g., good and bad, like and dislike) is a fundamental feature of human perception. Evaluative judgments have cognitive, affective, and moral components. From a behavioral, evolutionary, and social learning perspective, evaluative judgments have positive adaptive value because they provide feedback that protects our well-being (Edwards & von Hippel, 1995; Osgood, Suci, & Tannenbaum, 1957). Evaluative judgments can support structural violence and exclusionary thinking, however, when they lend a negative slant to perceived difference. In-group-out-group and we-them thinking can result from social comparisons made on dimensions that maximize a positive social identity for oneself or one's group at the expense of others (Tajfel, 1982).

# Structural violence is built into the system we live in, only through acknowledging and thinking inclusionary can we begin to dismantle it (READ ONLY IF TIME PERMITS)

## Winter and Leighton '99

Winter, D., and D. Leighton. "Structural violence section introduction." *Accessed September 8 (1999):* 2003.

Direct violence is horrific, but its brutality usually gets our attention: we notice it, and often respond to it. **Structural violence**, however, **is almost always invisible, embedded in ubiquitous social structures, normalized by stable institutions and regular experience. Structural violence occurs whenever people are disadvantaged by political, legal, economic or cultural traditions.** Because they are longstanding, **structural inequities** usually seem ordinary, the way things are and always have been. The chapters in this section teach us about some important but invisible forms of structural violence, and alert us to the powerful cultural mechanisms that create and maintain them over generations. **Structured inequities produce suffering and death as often as direct violence does, though the damage is slower, more subtle, more common, and more difficult to repair.** Globally, poverty is correlated with infant mortality, infectious disease, and shortened lifespans. **Whenever people are denied access to society's resources, physical and psychological violence exists.**

Johan Galtung originally framed the term structural violence to refer to any constraint on human potential due to economic and political structures (1969). Unequal access to resources, to political power, to education, to health care, or to legal standing, are forms of structural violence. **When inner city children have inadequate schools while others do not, when gays and lesbians are fired for their sexual orientation, when laborers toil in inhumane conditions, when people of color endure environmental toxins in their neighborhoods, structural violence exists.** Unfortunately, even those **who are victims** of structural violence often **do not see the systematic ways in which their plight is choreographed** by unequal and unfair distribution of society's resources.

**Structural violence** is problematic in and of itself, but it **is also dangerous because it frequently leads to direct violence. Those who are chronically oppressed are often, for logical reasons, those who resort to direct violence.** For example, cross-national studies of murder have shown a positive correlation between economic inequality and homicide rates across 40 nations (Hansmann & Quigley, 1982; Unnithan & Whitt, 1992). In the U.S., racial inequality in wealth is correlated with murder rates (Blau & Golden, 1986). **Often elites must use direct violence to curb the unrest produced by structural violence.** For example, during the 1980s, mean income disparity between whites and blacks in the same urban area predicted use of deadly force by police (Jacobs & O'Brien, 1998). Structural violence often requires police states to suppress resentments and social unrest. **Huge income disparities in many Latin American countries are protected by correspondingly huge military operations, which in turn drain resources away from social programs and produce even more structural violence. Organized armed conflict in various parts of the world is easily traced to structured inequalities.** Northern Ireland, for example, has been marked by economic disparities between Northern Irish Catholics-- who have higher unemployment rates and less formal education--and Protestants (Cairns & Darby, 1998). In Sri Lanka, youth unemployment and underemployment exacerbates ethnic conflict (Rogers, Spencer & Uyangoda, 1998). In Rwanda, huge disparities between the Hutu and Tutsies eventually led to ethnic massacres.

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 Opatow 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 Opatow 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 Opatow, 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.

## **The structural violence of inequality outweighs other impacts—there is an ethical obligation to address it.**

**Ansell 17** — David A. Ansell, Senior Vice President, Associate Provost for Community Health Equity, and Michael E. Kelly Professor of Medicine at Rush University Medical Center (Chicago), holds an M.D. from the State University of New York Upstate Medical University College of Medicine, 2017 (“American Roulette,” *The Death Gap: How Inequality Kills*, Published by the University of Chicago Press, ISBN 9780226428291, p. kindle 307-363)

**There are many different kinds of violence. Some are obvious: punches, attacks, gunshots, explosions. These are the kinds of interpersonal violence that we tend to hear about in the news. Other kinds of violence are intimate and emotional. But the deadliest and most thoroughgoing kind of violence is woven into the fabric of American society. It exists when some groups have more access to goods, resources, and opportunities than other groups, including health and life itself. This violence delivers specific blows against particular bodies in particular neighborhoods. This unequal advantage and violence is built into the very rules that govern our society. In the absence of this violence, large numbers of Americans would be able to live fuller and longer lives. This kind of violence is called structural violence, because it is embedded in the very laws, policies, and rules that govern day-to-day life. It is the cumulative impact of laws and social and economic policies and practices that render some Americans less able to access resources and opportunities than others. This inequity of advantage is not a result of the individual’s personal abilities but is built into the systems that govern society. Often it is a product of racism, gender, and income inequality.** The diseases and premature mortality that Windora and many of my patients experienced were, in

the words of Dr. Paul Farmer, “biological reflections of social fault lines.”<sup>9</sup> As a result of these fault lines, **a disproportional burden of illness, suffering, and premature mortality falls on certain neighborhoods, like Windora’s. Structural violence can overwhelm an individual’s ability to live a free, unfettered, healthy life.** As I ran to evaluate Windora, I knew that her stroke was caused in part by lifelong exposure to suffering, racism, and economic deprivation. Worse, the poverty of West Humboldt Park that contributed to her illness is directly and inextricably related to the massive concentration of wealth and power in other neighborhoods just miles away in Chicago’s Gold Coast and suburbs. That concentration of wealth could not have occurred without laws, policies, and practices that favored some at the expense of others. Those laws, policies, and practices could not have been passed or enforced if access to political and economic power had not been concentrated in the hands of a few. Yet these political and economic structures have become so firmly entrenched (in habits, social relations, economic arrangements, institutional practices, law, and policy) that they have become part of the matrix of American society. The rules that govern day-to-day life were written to benefit a small elite at the expense of people like Windora and her family. These rules and structures are powerful destructive forces. **The same structures that render life predictable, secure, comfortable, and pleasant for many destroy the lives of others like Windora through suffering, poverty, ill health, and violence.** These structures are neither natural nor neutral. The results of structural violence can be very specific. In

Windora’s case, stroke precursors like chronic stress, poverty, and uncontrolled hypertension run rampant in neighborhoods like hers. Windora’s illness was caused by neither her cultural traits nor the failure of her will. Her stroke was caused in part by inequity. She is one of the lucky ones, though, because even while structural violence ravages her neighborhood, it also abets the concentration of expensive stroke-intervention services in certain wealthy teaching hospitals like mine. If I can get to her in time, we can still help her. Income Inequality and Life Inequality Of course, Windora is not the only person struggling on account of structural violence. **Countless neighborhoods nationwide are suffering from it, and people are dying needlessly young as a result. The magnitude of this excess mortality is mind-boggling.** In 2009 my friend Dr. Steve Whitman asked a simple question, “How many extra black people died in Chicago each year, just because they do not have the same health outcomes as white Chicagoans?” When the Chicago Sun-Times got wind of his results, it ran them on the front page in bold white letters on a black background: “HEALTH CARE GAP KILLS 3200 Black Chicagoans and the Gap is Growing.” The paper styled the headline to look like the declaration of war that it should have been. In fact, **we did find ourselves at war** not long ago,

when almost 3,000 Americans were killed. That was September 11, 2001. That tragedy propelled the country to war. Yet when it comes to the premature deaths of urban Americans, no disaster area has been declared. No federal troops have been called up. No acts of Congress have been passed. Yet this disaster is **even worse**: those 3,200 black people were in Chicago alone, in just one year. **Nationwide each year, more than 60,000 black people die prematurely because of inequality.**<sup>10</sup> While blacks suffer the most from this, it is not just an issue of racism, though racism has been a unique and powerful transmitter of violence in America for over four hundred years.<sup>11</sup> **Beyond racism, poverty and income inequality perpetuated by exploitative market capitalism are singular agents of transmission of disease and early death.** As a result, **there is a new and alarming pattern of declining life expectancy among white Americans as well.** Deaths from drug overdoses in young white Americans ages 25 to 34 have exploded to levels not seen since the AIDS epidemic. **This generation is the first since the Vietnam War era to experience higher death rates than the prior generation.**<sup>12</sup> White Americans ages 45 to 54 have experienced skyrocketing premature death rates as well, something not seen in any other developed nation.<sup>13</sup> White men in some Appalachian towns live on average twenty years less than white men a half-day's drive away in the suburbs of Washington, DC. Men in McDowell County, West Virginia, can look forward to a life expectancy only slightly better than that of Haitians.<sup>14</sup> **But those statistics reflect averages, and every death from structural violence is a person.** When these illnesses and deaths are occurring one at a time in neighborhoods that society has decided not to care about—neighborhoods populated by poor, black, or brown people—they seem easy to overlook, especially if you are among the fortunate few who are doing incredibly well. The tide of prosperity in America has lifted some boats while others have swamped. Paul Farmer, the physician-anthropologist who founded Partners in Health, an international human rights agency, reflects on the juxtaposition of “unprecedented bounty and untold penury”: “It stands to reason that **as beneficiaries of growing inequality, we do not like to be reminded of misery of squalor and failure. Our popular culture provides us with no shortage of anesthesia.**”<sup>15</sup> **That people suffer and die prematurely because of inequality is wrong. It is wrong from an ethical perspective. It is wrong from a fairness perspective. And it is wrong because we have the means to fix it**

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

## C1: Racial Inequality

**PoC are already unequal in the economy. Bahn et. al. 20**

**Bahn et. al.** “Wage discrimination and the exploitation of workers in the U.S. labor

market.” Washington Center for Equitable Growth, 15 Sep. **2020**,

<https://equitablegrowth.org/research-paper/wage-discrimination-and-the-exploitation-of-workers-in-the-u-s-labor-market/>. **Kate Bahn** is the director of labor market policy and economist at the Washington Center for Equitable Growth. Her areas of research include gender, race, and ethnicity in the labor market, care work, and monopsonistic labor markets. //ech

Not only do **Black and Latinx workers experience high levels of income inequality in the United States, they also face an even wider wealth divide with their White peers.**<sup>27</sup> In 2016, White families had median wealth of \$171,000, while Black families’ median wealth was just \$17,000—or almost 90 percent less—and Latinx families’ median wealth was \$21,000.<sup>28</sup> (See Figure 1.) **This gap simply cannot be explained by differing levels of education or income: The wealth divide in the United States has not decreased over time, even as Black Americans have achieved higher levels of education and income.** (See Figure 1.) One contributor to the racial wealth divide is the lower rates of homeownership among Black Americans.<sup>29</sup> This divide in large part is due to the systematic blocking of Black homeownership through federal policies that fostered redlining and discrimination in housing, among other barriers to access—discrimination that began to diminish only beginning in the late 1970s and well after the wealth-creating housing boom of the previous three decades that accrued to White homeowners. And even today, while discrimination and prevention of homeownership based on race is technically illegal, the reality is that those Black and Latinx Americans who are able to purchase homes face higher property tax burdens than their White neighbors, even within the same local property tax jurisdictions. Black Americans also face lower rates of intergenerational mobility, or the likelihood that a child will earn more than their parents when they are adults.<sup>31</sup> And, of course, the disproportionate incarceration of Black Americans contributes to racial economic disparities, not only keeping a higher proportion of Black people out of the labor force for longer and more periods of time, but also lowering their credit scores and reducing their wealth-accumulation opportunities.<sup>32</sup> **All of these systemic hurdles put Black workers at a disadvantage in the labor market by lowering their access to wealth and wealth-building opportunities.** Our new theoretical model shows that **wealth is an important factor in a worker’s ability to change jobs and weather the potential income shocks that come with searching for and switching to new jobs.** These shocks can be as small as the lost wages from taking time off to interview or a delay in pay when transitioning to a new role, or as large as a longer period of time off resulting from an unexpected delay or issue with the transition to a new job. **As the persistent racial wealth gap in the United States indicates, Black and Latinx workers—who have less access to wealth—are less able to get through potential household financial crises than their otherwise-identical White peers. This means that similar workers of different races and ethnicities have different ease and ability to navigate the labor market, making Black and Latinx workers less sensitive to wage differences between their job and others when the cost and risk of leaving their job is too high. If an employer recognizes this disparity (or holds racist views, which leads to a similar low-wage outcome), then the employer will exploit Black and Latinx workers more by offering them lower wages than their White colleagues, expanding the racial wage divide.**

**The RTS is the fundamental right for union negotiation**

**Myall, James.** “Right to Strike Would Level the Playing Field for Public Workers, with Benefits for All of Us.” Maine Center for Economic Policy, 17 Apr. **2019**,

<https://www.mecp.org/blog/right-to-strike-would-level-the-playing-field-for-public-workers-with-benefits-for-all-of-us/>. James Myall is a Policy analyst for @MECEP1. Member, Maine Permanent Commission on Racial, Indigenous & Tribal Pops. British. Recovering historian. //ear

All of us have a stake in the success of collective bargaining. **But a union without the right to strike loses much of its negotiating power. The right to withdraw your labor is the foundation of collective worker action.** When state employees or teachers are sitting across the negotiating table from their employers, how much leverage do they really have when they can be made to work without a contract? **It's like negotiating the price of a car when the salesman knows you're going to have to buy it — whatever the final price is.** Research confirms that public-sector unions are less effective without the right to strike. Public employees with a right to strike earn between 2 percent and 5 percent more than those without it.[ii] While that's a meaningful increase for those workers, **it also should assuage any fears that a right to strike would lead to excessive pay increases or employees abusing their new right.** LD 900, "An Act to Expand the Rights of Public Employees Under the Maine Labor Laws," ensures that Maine's public-sector workers will have the same collective bargaining rights as other employees in Maine. The bill would strengthen the ability of Maine's public-sector workers to negotiate, resulting in higher wages, a more level playing field, and a fairer economy for all of us. Notes [i] MECEP analysis of US Census Bureau, Current Population Survey, Outgoing Rotation Group data, 1998-2017 via the Integrated Public Use Microdata System. [ii] Jeffrey Keefe, "Laws Enabling Public-Sector Collective Bargaining Have Not Led to Excessive Public-Sector Pay," Economic Policy Institute, Oct 16, 2015. Web. Available at <https://www.epi.org/publication/laws-enabling-public-sector-collective-bargaining-have-not-led-to-excessive-public-sector-pay/>

## **Collective action i.e. unions participating in strikes, is essential to social movements. Dixon and Roscigno 03 (READ ONLY IF TIME PERMITS)**

Marc Dixon, Vincent J. Roscigno "Status, Networks, and Social Movement Participation: The Case of Striking Workers." American Journal of Sociology, May. 2003, [https://www.researchgate.net/profile/VRoscigno/publication/254316446\\_Status\\_Networks\\_and\\_Social\\_Movement\\_Participation\\_The\\_Case\\_of\\_Striking\\_Workers/links/54ce46a40cf298d656606f5d/Status-Networks-and-Social-Movement-Participation-The-Case-of-Striking-Workers.pdf](https://www.researchgate.net/profile/VRoscigno/publication/254316446_Status_Networks_and_Social_Movement_Participation_The_Case_of_Striking_Workers/links/54ce46a40cf298d656606f5d/Status-Networks-and-Social-Movement-Participation-The-Case-of-Striking-Workers.pdf). Vincent J. Roscigno has been a professor at The Ohio State University, Department of Sociology, Columbus, United States for 25 years. Marc Dixon is a Professor and Chair, Department of Sociology with a B.A. University of Vermont, M.A. Ohio State University, and Ph.D. Ohio State University. //ech

This article extends the understanding of social movement participation, and strike action specifically. **Building on prior social movement and labor analyses, we suggested that participation in collective action will be patterned by both calculations associated with status position and the embeddedness of actors in networks—networks that may condition decision making processes through information, grievance sharing, and identity building or that may more directly pressure individuals to act.** The case of a labor strike on a large university campus provided the opportunity to address these questions with appropriate and unique data. These data include straightforward measures of participation, demographics on participants and nonparticipants alike, and network indicators that are meaningful given our population of interest and the actual form of mobilization examined. **Findings revealed the importance of background and workplace status, and their associations, for individual strike involvement. African American and other racial and ethnic minority employees displayed higher levels of strike participation relative to whites. This is partially attributable to their disparate concentration in lower-paying custodial work.** Here, the absolute income costs of participation are lower and wage grievances arguably more pronounced—something quite evident in our qualitative observations of protest events and pickets. Maintenance and especially skilled workers, in contrast, experienced a contradictory intrastatus tension between rewards on the one hand (which decrease strike support) and **union loyalty and history (which increase strike support)** on the other. Indeed, once we accounted for the depressant effect of their higher incomes, these workers were the most likely to strike. Importantly, as noted in our background discussion, this particular mobilization framed issues broadly **and** mostly in material terms.



**This served to bridge potential interstatus divides between black and white workers and between low- and high-skilled workers.** Such findings inform labor and social movement research given the explicit focus on the complexities of class and other background statuses in relation to action. Labor research, because of data limitations, has been somewhat limited in this regard to examinations of single occupations or relatively homogeneous workforces. Thus, variation in status impact and mobilization potential among advantaged and disadvantaged groups is often overlooked. This is unfortunate, **as the status divisions and pulls specified here are relevant not just to labor mobilization but to social movement participation and persistence generally.** Most movements, in fact, attempt to appeal to distinct social groups. In order to persist, they must also successfully negotiate internal status divisions. Social Movement Participation and Striking Workers 1321 Equally, if not more important, is our finding that **strike participation is shaped by more than individual status, income, and identity. Networks, too, are influential.** Results indicated that, above and beyond individual causes, class identity within networks and especially strike action among those in one's unit have implications for individual involvement. **Both quantitative results and supplemental ethnographic material suggest that workplace networks are crucial through grievance sharing and identity formation prior to the strike, as well as through individual decision making and calculations at a pivotal point.** Here, an initial core of strikers in the unit appeared to be influential for engaging others in strike mobilization. The results also suggested, through a declining but persistent positive effect of network strike support, a possibility that there are lingering costs associated with not striking when others in one's unit do

### **Unions create the multiracial solidarity society workers need to overcome racism**

Day, Meagan. "Unions Are Essential for Eliminating Racism." Jacobin, July 2020, <https://www.jacobinmag.com/2020/07/multiracial-solidarity-unions>. Meagan Day is a staff writer at Jacobin. She is the coauthor of Bigger than Bernie: How We Go from the Sanders Campaign to Democratic Socialism. //ear

**There are a number of different mechanisms by which unions might decrease racism,** and Frymer and Grumbach present cases for several in their paper, **ranging from structural incentives for union leadership to promote racial equality to the labor movement's institutional ties to the comparatively less racist Democratic Party.** **But I'll stress one in particular: unions provide opportunities for people of different racial backgrounds and identities to not merely work side by side — which may itself relax prejudice through sheer exposure — but to work toward a common goal together, promoting cooperation, and enhancing respect and mutuality across racial lines.** In many workplaces, that goal of building a strong union cannot be achieved without workers joining together.

**Organizations of all kinds shape their members' political views, broadly speaking, but unions are unique among organizations,** as Frymer and Grumach note, **due to the fact that they represent people based on where they work. Work is compulsory for most people of all racial backgrounds, which means that union membership can and often does (though not as a rule) feature a degree of diversity that's higher than in other types of community formations.** For example, a white Indiana warehouse worker may live in a mostly white neighborhood, and perhaps attend a mostly white church, but his or her employer hires people of all racial backgrounds, and therefore their union is likely to be more racially diverse.

But lots of workplaces are racially diverse. **The distinct feature of unions is that workers from disparate backgrounds are encouraged to view their interests as bound together.** And in many

**cases, they have opportunities to make collective decisions about how they want their union to be run, and to work together to secure common victories.**

Some unions are more democratic or better at member engagement than others. Indeed this presents a strong argument for building more democratic unions, for it's in active cooperation that people are most likely to have their inherited prejudices challenged and their worldview transformed.

**Unions give people the opportunity to routinely practice multiracial solidarity. Not only that, but they incentivize it: the more cooperative union members are, the greater unity they will have heading into a workplace struggle, and the greater the eventual reward for all. In that sense, diverse democratic unions can be schools of cross-racial cooperation, which are sorely lacking and desperately needed in our racially stratified society.**

**Unions provide better conditions for all workers.**

**Bahn et. al.** "Wage discrimination and the exploitation of workers in the U.S. labor market." Washington Center for Equitable Growth, 15 Sep. 2020, <https://equitablegrowth.org/research-paper/wage-discrimination-and-the-exploitation-of-workers-in-the-u-s-labor-market/>. **Kate Bahn** is the director of labor market policy and economist at the Washington Center for Equitable Growth. Her areas of research include gender, race, and ethnicity in the labor market, care work, and monopolistic labor markets. //ech

There are several policy options for restoring worker power in the United States. **First, policymakers can strengthen unions, expand their ability to organize workers, and make it easier for workers to form unions by passing pro-labor policies** such as the Protecting the Right to Organize Act, which passed in the U.S. House of Representatives but stalled in the U.S. Senate earlier this year.<sup>42</sup> **In boosting worker bargaining power and collective action, unions limit employers' ability to exploit workers.**<sup>43</sup> **Unions are proven institutions through which workers can negotiate with employers for higher pay and better, safer working conditions. The right to strike and act collectively remains incredibly important for workers to be able to demand better pay and working conditions or protest unfair treatment. Research on the types of unions and unionization benefits that the U.S. workforce wants shows how important the ability to organize and bargain collectively is to workers.**<sup>44</sup> **Not only does it help workers themselves, but direct contact with strikes and those striking can also lead to higher overall public support for organized labor.** One study of the 2018 teacher strikes in the United States, for instance, showed that parents who had firsthand exposure to the walk-outs were more likely to support the teachers who were striking and more likely to join a union or support unionization.<sup>45</sup> Only around 10 percent of private-sector workers are union members today, but studies now show that many more nonunionized workers want to belong to one.<sup>46</sup> **Even those workers who are not union members benefit from strong unionization thanks to spillover effects,**<sup>47</sup> **wherein unions set job-quality standards that nonunion firms must meet in order to remain attractive and compete for workers.** Earlier this year, Harvard University's Labor and Worklife Program announced a set of policies designed to address economic and political inequality in the United States through a new legal framework that would rebalance power in the labor market.<sup>48</sup> The "clean slate for worker power" agenda proposals include new activities for organized labor to participate in and expansions of collective bargaining coverage in graduated representation levels, as well as a path to achieve sectoral bargaining across the economy. All of the policies proposed would enhance worker power and strengthen unions, ensuring that employers aren't able to freely take advantage of their workers in order to maximize



profits.<sup>49</sup> Likewise, repealing state-level right-to-work laws would increase unions' power and ability to protect workers from exploitation. So, too, would repealing the Taft-Hartley Act, which allows states to pass right-to-work laws.<sup>50</sup>

## C2: Poverty

**The current conditional system allows coercion and job loss to disincentivize a right to strike**

**Lafer and Lousaunau 20** Report • By Gordon Lafer and Lola Lousaunau • July 23. "Fear at Work: An inside Account of How Employers Threaten, Intimidate, and Harass Workers to Stop Them from Exercising Their Right to Collective Bargaining." Economic Policy Institute, July 2020, [www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/](http://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/).

Most American workers want a union in their workplace but very few have it, because **the right to organize**—supposedly guaranteed by federal law—**has been** effectively cancelled out **by** a combination of legal **and illegal** **employer intimidation tactics**. This report focuses on the legal tactics—heavy-handed tactics that would be illegal in any election for public office but are regularly deployed by employers under the broken National Labor Relations Board's union election system. **Under this system, employees in workplace elections have no right to free speech or a free press, are threatened with losing their jobs if they vote to establish a union, and can be forced to hear one-sided propaganda with no right to ask questions or hear from opposing viewpoints.** Employers—including many respectable, name-brand companies—collectively spend \$340 million per year on "union avoidance" consultants who teach them how to exploit these weakness of federal labor law to effectively scare workers out of exercising their legal right to collective bargaining. inside accounts of unionization drives at a tire manufacturing plant in Georgia and at a pay TV services company in Texas illustrate what those campaigns look like in real life. Below are some of the common employer tactics that often turn overwhelming support for unions at the outset of a campaign into a "no" vote just weeks later. **All of these are legal under current law: Forcing employees to attend daily anti-union meetings** where **[and] alternative views and can be fired on the spot** if they ask a question. **Plastering the workplace with anti-union posters,** banners, and looping video ads— **and denying pro-union employees access to any of these media. Instructing managers to tell employees** that there's a good chance, **they will lose their jobs if they vote to unionize.** Having **supervisors** hold multiple one-on-one talks with each of their employees, **stressing why it would be bad for them to vote in a union.** Having managers tell employees that pro-union workers are "the enemy within." Telling supervisors to **[and] grill[ing] subordinates about their views on unionization,** effectively destroying the principle of a secret ballot. At the heart of management's campaign was the threat that workers would lose their jobs if they voted to unionize. **Under the NLRA, it is legal for employers to "predict" that they will shut down if workers organize** but illegal to "threaten" closure. Insofar as **they scare workers out of organizing** t there is no significant difference between these, and employers often issue a combination of illegal threats and technically legal predictions. In Kumho's case, an administrative law judge of the NLRB ultimately determined that 12 different managers (including the company's CEO) issued illegal **[and] threat[en] to close** the plant **or lay off employees** 148

**Unions increase wages & solve poverty, and these impacts extends to even non-union workers**

David Brady et al, Berlin Social Research Center/duke University & Wzb Berlin Social Research Center, 8-30-2013, "When Unionization Disappears: State-Level Unionization and Working Poverty in the United States," SAGE Journals, <https://journals.sagepub.com/doi/full/10.1177/0003122413501859> Professor and Director of Blum Initiative on Global and Regional Poverty, School of Public Policy, University of California, Riverside//ear

Despite these reasons for skepticism, **we propose that state-level unionization reduces working poverty. This expectation is theoretically motivated by three literatures:** (1) comparative institutions; (2) unionization and earnings; and (3) U.S. states as polities. First, **the**

**comparative institutions literature demonstrates that institutions and power relations between collective actors fundamentally shape inequalities** (Brady and Leicht 2008).

**Institutions and power relations organize the distribution of resources**, regulate risks, allocate opportunities, and socialize normative expectations (Brady 2009; Tilly 1998). Institutions reduce the likelihood of poverty-inducing events and mitigate the consequences when such events occur (DiPrete 2002). Power resources theory, which animates much of the comparative institutions literature (Brady 2009; Hicks 1999; Korpi 1983; Moller et al. 2003; Volscho and Kelly 2012), contends that class-based collective political actors shape the distribution of economic resources (Brady, Fullerton, and Cross 2009). To make the distribution more egalitarian, the working class and poor must bond together, form organizations, and politically mobilize in elections and workplaces. Although power resources theory is traditionally used to explain welfare states, it offers a more general model of income distribution (Brady et al. 2009; Korpi 1983). Accordingly, **the level of unionization in a state is an important labor market institution,**

**indicating the power resources of labor relative to business and other collective actors.**

Consistent with power resources theory, the comparative institutions literature shows that cross-national variation in earnings inequality can be explained by labor market institutions like corporatism and unionization (Blau and Kahn 2002; Koeniger, Leonardi, and Nunziata 2007; Kristal 2010). Scholars have also demonstrated that labor market institutions can explain cross-national differences in low-wage work (Doellgast, Holtgrewe, and Deery 2009; Gautie and Schmitt 2009), poverty (Brady 2009; Moller et al. 2003; Plasman and Rycx 2001), and working poverty specifically (Brady et al. 2010; Lohmann 2009; Zuberi 2006). Despite these contributions, the comparative literature's insights have rarely been applied to the study of U.S. poverty. Second, **an extensive economic and sociological literature shows that unions raise wages** (Freeman and Medoff 1984; Kalleberg, Wallace, and Althausen 1981). Cornfield and Fletcher (2001) **estimate union members receive a 20 percent wage premium over similar non-union workers. Because wages are a large share of low-income households' economic resources, such wage advantages could lift many households out of poverty.**

The union wage premium even applies to low-wage workers with less skill (Eren 2009) or less than a high school education (Maxwell 2007). **Although the U.S. poverty literature neglects unionization, scholars of low-wage work have shown powerful effects of unions** (Gautie and Schmitt 2009; Newman 1999; Zuberi 2006). **Benefits of unionization have been documented for low-wage workers in hospitals** (Applebaum et al. 2003), **hotels** (Bernhardt, Dresser, and Hatton 2003), **call centers** (Batt, Hunter, and Wilk 2003), **and casinos** (Waddoups 2001) **and for temporary workers** in automotive supplier firms, hospitals, and public schools (Erickcek, Houseman, and Kalleberg 2003). **These studies demonstrate how unions pressure management for higher wages, restrict the use of contingent workers whose presence would reduce wages, and regulate working conditions. Although there are benefits to being a union member, the vast majority of workers near the poverty line are unlikely to be unionized.**

For state-level unionization to reduce working poverty, it must have a contextual effect that spills over to non-union, low-wage workers.<sup>4</sup> Indeed, **the literature has found such spillover effects of unionization for non-union workers.** For instance, Zuberi (2006) **demonstrates how higher unionization in Vancouver**

**versus Seattle contributes to a significantly better environment for even non-union service workers. The classic explanation—contrary to the aforementioned crowding effects—is that unionization poses a threat to non-unionized firms. To discourage unionization, proximate firms raise wages preemptively** (Freeman and Medoff 1984; Leicht 1989). Leicht, Wallace, and Grant (1993) demonstrate that the presence of unionization in interdependent industries raises the earnings of the non-union working class. Partly because unions establish contracts that cover non-union workers, unionization also benefits non-union workers, especially in the presence of high union density (Bernhardt et al. 2003; Neumark and Wachter 1995). Non-union firms in states with higher unionization may be forced to pay more, or else risk losing their workers to better paid union-firms. Furthermore, unions influence the moral economy by cultivating norms of equity and advocating for the expectation of higher pay for all workers. Western and Rosenfeld (2011) argue that unions encourage labor market norms of equity (1) culturally, by disseminating egalitarian discourses; (2) politically, by influencing policy; and (3) institutionally, through rules governing labor markets. Accounting for the effect of unions on non-union wages, Western and Rosenfeld (2011) conclude that the decline of unionization in the United States explains one-fifth to one-third of the growth in earnings inequality since 1973. If these effects are not solely due to constraining the top of the earnings distribution, the decline of unionization has likely increased working poverty.

### C3: Self-Determination

The unconditional right of workers to strike is guaranteed and found in the constitutional law.

**Waas 12.** (Dr. Bernd Waas: Goethe University, Frankfurt, Germany. "Strike as a Fundamental Right of the Workers".

<https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf>)

The legal position of trade unions and workers is particularly strong if the right to strike action is provided for both in a statute and if it is guaranteed at the constitutional level. This is the case in Poland, for example. The Polish Constitution acknowledges the right to strike in its second chapter on "The Freedoms, Rights and Obligations of Persons and Citizens" – "Political Freedoms and Rights". Accordingly, the right to strike is understood as a basic human right (or freedom). The consequences are twofold: First, the right to strike is difficult to restrict. According to Article 31(3) of the Constitution, "any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights". Second, according to the so-called in dubio pro libertate-rule of construction, any doubts that may arise when interpreting the provisions on strike must be interpreted in favour, not against, the constitutionally protected right to strike. In Colombia, the Constitutional Court has repeatedly stressed that only the legislator can limit the right to strike and only if certain requirements are met. In particular, when setting limitations on the right to strike in the area of "essential public services", the criteria applied by the legislator must be "objective and reasonable". Accordingly, the court holds that "essential public services" refers to services whose suspension could affect fundamental rights such as life or physical integrity. Merely invoking "public interest or economic importance" does not suffice to justify restrictions on the right to strike. In most countries, the right to strike is founded in constitutional law. Many countries explicitly guarantee the right to strike. A case in point is Hungary where both the right to collective bargaining and the right to strike are expressly mentioned in the new Constitution (which was adopted in April 2011). The same applies, for instance, to Argentina. In some countries, the guarantee of a constitutional right to strike is only implicit. Article 28 of the Constitution of Japan, for instance, provides for "the right of workers (...) to act collectively". This is understood to guarantee so-called "dispute acts" of workers, the right to strike action being the most important of such acts. In Chile, the Constitution is ambivalent with regard to the right to strike, based on a purely literal interpretation of the respective provision. If the Constitution is to explicitly contain a ban on strikes in various sectors, an argumentum e contrario is required to conclude that the right to strike may be exercised outside these sectors. The law in Germany provides an example for an even more "circumlocutory" constitutional guarantee of the right to strike. Under Article 9 of the Constitution, "the right to form associations to safeguard and improve working and economic conditions shall be guaranteed to every individual and to every occupation or profession". This is interpreted by the courts as meaning that individuals may establish associations and become members but that the associations as such enjoy certain constitutional rights as well. Though the right to bargain collectively is not expressly mentioned in Article 9, it is generally understood as forming an

**essential element of freedom of association.** And though the right to collective action is also not mentioned in Article 9, it is understood as being included in the freedom of association, insofar as such a right is necessary to ensure an effective right to collective bargaining. A similar approach can be found in other jurisdictions. For instance, **in Finland, the right to strike is not guaranteed** “as such”, **but is considered part** and parcel **of freedom of association.**

**Unconditional RTS is recognized by constitutional governments as essential to self-determination.**

**Bornman**, David A. “Contractualism and the Right to Strike.” *Res Publica*, 18 Apr. 2016, <https://link.springer.com/article/10.1007/s11158-015-9316-8>. **David A. Bornman** works at Department of Political Science, Philosophy, and Economics at Nipissing University. //ech

**By striking, workers declare their right to self-determination within economic life, the right to cooperatively determine the rules and conditions of labour which affect them in essential ways, materially and psychologically.** This assertion of a right to justification is activated when normative conflict of some kind arises (as reflected in the list of common demands given earlier). As Don Locke argues in his noncontractualist defence of the right to strike, strikers—irrespective of the particular, first-order claims involved (better pay, better hours, etc.)—are thus making, in effect, a certain sort of moral, or quasi-moral, claim: **a strike is not simply a refusal to continue working on the terms currently on offer; it is also, in effect, a claim that those terms are unacceptable [i.e., unjustified or unjustifiable], and it is because they are unacceptable that the strikers refuse to accept them.** (Locke 1984, p. 192)<sup>6</sup> This is a normative claim: if it were simply descriptive (‘these terms are unacceptable’), strikers could not legitimately prevent others from coming into take these jobs on those terms (which would constitute an empirical refutation of the descriptive claim) and, if that were the case, there would be no right to strike at all but only a right to quit. **The claim, then, is that no one should perform these jobs under those conditions, even if there are many who for reasons of comparative desperation might consent to do so. The actual act of striking is,** therefore, not a punitive boycott aimed strategically at forcing the hand of employers (and therefore a strategy for reaching a compromise between conflicting interests); it is, according to Locke, an ‘exculpatory boycott,’ **in which we refuse to perform an act because it would be wrong (for anyone) to do so** (Locke 1984, p. 193). The strike is therefore one salvo in a process aimed at reaching an agreement regarding justified conditions (and this, whether or not it is pursued in tandem with organized collective bargaining). Of course, workers can be unjustified in their particular or first-order assertions and demands; this is no way alters the fact that, whatever the content of those demands, the making-of-them implies a second-order claim to a right to self-determination which, like the right to freedom of expression, protects even its wrong-headed use. This second-order claim can be taken both as a targeted complaint against a particular employer and, as it has been historically, as a protest against the structural domination of the capitalist labour market. From the point of view of the law within liberal states and of (the relevant sort of) large employers, on the other hand, there is no right on the



part of workers to self-determination in labour (for an excellent defence of this position, see Anderson 2015). Consequently, strikes are seen as assertions of interest, to be evaluated along strategic lines: as the political economists taught, and as employers historically argued, the strike is simply a strategic attempt 'to test the state of the market for labour' (Macfarlane 1981, p. 46). **The employers' lockout and the employees' strike are thus not symmetrical: the former is not an attempt to insist that employees be receptive to good reasons understood in contractualist terms; it is an assertion of power, a reminder of the employers' legally enshrined unilateral control over the conditions of labour and access to the means of production** (for agreement on the asymmetry, see Macfarlane 1981, pp. 46, 76–77). I suspect that this judgment will strike many readers as polemical and perhaps idealizing, so let me say a little more about why I think it justified. First of all, it is a judgment about the structural position of large employers and of the government as shaped by existing law and by political- and economic-class relationships. No doubt there may still be some Frederick Engels or Robert Owen out there who voluntarily attempts to hold his structural privilege in abeyance (just as some fictional union might voluntarily accept a contract that included unilateral determination of conditions by their employer); but not only are such cases obviously exceptional, to insist upon their relevance is either to deny the significance of the legal and economic structuring of employment relations (for instance, investor and shareholder agreements that make prioritizing profit legally binding), or simply to miss the forest for the trees. **Secondly, it is admittedly easy to imagine an employer attempting to defend his position in apparently moral terms and so denying the asymmetry I have claimed: 'I have a moral right to dispose over my private property as I deem fit' he might say (and he did say, historically), 'and so also to impose terms upon those who seek access to it.'** Such an argument is demonstrably without merit: the employer cannot reasonably claim a unilateral right to determine the working conditions of other people as a consequence of his or her own self-determination.<sup>7</sup> But that is not the real point here, in any case: the point is that **even attempting to legitimize this argument would, according to contractualism, require the employer to concede that it is only justified if it is agreed to by all those affected on the basis of generally acceptable reasons. And that concession is fundamentally incompatible with the unilateral nature of the declared right:** he might as well say, 'I'll command you, if you'll agree'. To put the same point differently: **for the contractualist, there can be no unilaterally declared rights;** and so the employer here is abusing the language of rights and is not, after all, making a rights claim which is symmetrical to the claim made by the striking worker. Finally, one might object that nothing in contractualism stipulates that the relevant normative agreement must take place at the level of the individual firm: we might instead have a contractualist justification for a system of self-interested bargaining under which our employer might indeed enjoy the entitlements to which he lays claim. The employer's lockout would in that case remain an act of power, but so too would the worker's strike be. It is quite true that we can imagine such a possibility consistent with some kind of contractualism. There are even some indications that Habermas, in his later work, is attracted to a similar view. But so much the worse for Habermas: neither is it the case that the current organization of labour relations is the product of any such agreement—to the contrary,

it is transparently the result of force—nor is it even conceivable that workers could have hypothetically and reasonably agreed to a system of self-interested bargaining which is premised on such unequal power. This possibility, then, is pure ideal theory, in the worst possible sense. To summarize: the conflict between labour and capital and government which is made manifest in a strike is not located at the first-order level where a specific schedule of putative rights is to be justified or constrained; instead, it takes place at the more fundamental level where the right to have rights (in this domain), or the salience of normative justification, is itself contested. In the strike, a demand for justification is confronted with (often, is inspired by) a refusal to justify: implicit or explicit (second-order) moral claims collide with (unjustified) norm-excluding assertions of interest. If this characterization is correct, then non-instrumental contractualism might appear to have advanced no farther than Nielsen, when he awkwardly concludes that the conditions are not yet right for morality. Although agreements here concern what is right, contractualists do not exclude consideration of existing interest positions: to the contrary, they argue in one form or another that a norm is to be judged legitimate if it can be reasonably accepted from the point of view of all affected, taking into account the effects the general observance of the norm could be anticipated to have on their interests (Habermas 1990, p. 65). But if this is so, then the present prospects for justifying a right to strike might be thought bleak indeed. As Nielsen observed, the recognition of such a right is very much in contradiction to the existing interests of employers, so that a consensus on this point ‘would only be possible if the capitalists generally—and not just in isolated instances [ala` Engels and Owen, above]—would in the interests of fairness and humaneness de-class themselves voluntarily. But,’ Nielsen sagely concludes, ‘it is an idle dream to expect this to happen’ (Nielsen 1989, p. 127). Prima facie, given the difficulty just described, hypothetical-agreement-contractualism might seem to have an important advantage over its rival: namely, its willingness to declare that some interests—such as the interest in maintaining positions of asymmetrical power—are not legitimate (Scanlon 1997, p. 278). But for the actual-agreement contractualist, there are two problems with this response. First, it is not clear that there is a defensible point of view from which we are able to distinguish unilaterally and conclusively between legitimate and illegitimate interests on someone else’s behalf—hence Forst’s prohibition of such claims or, better, ‘diagnoses’. Second, even if I am able to carry through the argument that the interests standing in the way of justifying a right to strike—which do so by blocking the communicative orientation or a presupposed right to self-determination in the first place—are such that they may be ‘reasonably rejected’, it is not clear to the actual-agreement contractualist (a position influenced by pragmatism) what the good would be of such a unilateral defence. Typically, the motivational significance of deontological justification is to deprive the would-be violator of rights of all legitimate reasons for their actions (for instance, by proving that there can be no good reason for cheating). But in the case at hand, depriving opponents of their ability to justify their refusal to recognize rights is pointless, since that refusal takes the form of a refusal of justification itself. Put differently: we cannot leap to the question of whether employers would be unreasonable to reject the right to strike, since we must first deal with the question of what types of reasons or considerations are relevant and it

is here that the disagreement is stalled. Because the conflict occurs at the fundamental level where the types of reasons that are salient is itself in dispute, the actual-agreement approach seems to fare hardly better: the project of justification as it is described by Forst and Benhabib cannot get off the ground. Workers, by making some purportedly legitimate first order demand, simultaneously assert their right to have rights in the domain of labour; the law and employers refuse to take up that claim in a communicative attitude and insist instead on a compromise-orientation framed by considerations of relative power. Because existing relations of power are so asymmetrical, employers are able today—and at the level of the development of law, have historically been able—to force the orientation toward compromise upon their interlocutors. Of course, the first-order move on the part of employers implies a second-order commitment that the economy operate as a ‘norm-free’ or ‘justification-free’ sphere of the play of interests, money, and power, a commitment which itself calls for justification. But the impasse is simply repeated at the second-order level: as I’ve already argued, there is no genuine effort (nor was there historically) to normatively justify this view in terms acceptable to workers, an effort which would require taking up communicatively, even if critically, the moral-normative claims of workers and so accepting (by presupposition) their right to have rights. Instead, as the dissenting Justices in Saskatchewan continued to argue, the economy is to be regarded as a ‘delicate’, technical system in which competing interest are in a complex balance; the state must have the ‘flexibility’ to intervene as the system requires and because of this the Court, even when faced with a Charter challenge, must ‘demonstrate deference in the field of labour relations’ apparently irrespective of the force of reason (Saskatchewan 2015, paras. 107 and 114).

**The subjectivity of definitions of “minority” and the denial of self-determination in previous times to minorities perpetuates discrimination.**

**Saladin**, Claudia “Self-Determination, Minority Rights, and Constitutional Accommodation: The Example of the Czech and Slovak Federal Republic” Michigan Journal of International Law, Vol. 13, Issue 1, 15 Sep. **1991**,

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**The right to self-determination is generally held to belong to "peoples" and not to "minorities."** Whether a group is considered a people or a minority is significant in determining what rights can be attributed to the group under international law. Modern international law recognizes three collective human rights of peoples:<sup>12</sup> the right to physical existence,<sup>3</sup> the right to self-determination,<sup>4</sup> and the right to natural resources.<sup>5</sup> Minorities have two collective human rights under international law:<sup>6</sup> the right to physical existence<sup>7</sup> and the right to preserve a separate identity.<sup>8</sup> **A crucial difference, then, between peoples and minorities is the right to self-determination. As set forth in the International Covenant on Civil**

and Political Rights, self-determination refers to full rights in the cultural, economic, and political spheres, with political control being the most essential aspect of the right.<sup>19</sup>

Minority rights as set forth in the Covenant do not include political control.<sup>20</sup> Despite the importance of the difference between the two groups there is no official definition of either minority or people.

Francesco Capotorti, the special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, defines minority as: A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members-being nationals of the State possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly a sense of solidarity, directed towards preserving their culture, traditions, religion or language.<sup>21</sup> This definition includes both objective criteria (groups with distinct characteristics, numerical inferiority, nondominant position) and subjective criteria (a group perception of distinctiveness and a desire to preserve that distinctiveness). Definitions of "peoples" given by scholars have similar criteria. Yoram Dinstein, for example, argues that "peoplehood" is contingent on two separate elements: the objective element of the existence of an ethnic group linked by a common history and the subjective element of the state of mind of the group.<sup>22</sup> Aureliu Critescu, also a special rapporteur of the Sub-commission on Prevention of Discrimination and Protection of Minorities, lays out the following criteria as crucial in defining a people for the purpose of affording them the right of self-determination: (a) The term "people" denotes a social entity possessing a clear identity and its own characteristics, (b) It implies a relationship with a territory, even if the people in question have been wrongfully expelled from it and artificially replaced by another population.<sup>23</sup> Thus the crucial element distinguishing a people from a minority is the concept of territory, but scholars seem hard pressed to articulate further the difference between peoples and minorities. Despite the different rights attributed to "minorities" and "peoples," international law provides neither a practical nor a legal means of distinguishing between the two. While the Hungarians are obviously a people, possessing their own territory and nation state, and sharing a common history, Hungarians living in Czechoslovakia are a minority. Such a group, which represents a portion of a people separated from the territorial nation state of their larger group, is clearly, a minority in some sense of the word. But when one considers ethnic groups that do not possess a nation state of their own, defining the difference between a minority and a people becomes more problematic. Take the Kurds as an example: they are a distinct group possessing distinct ethnic and linguistic characteristics as well as a subjective group identity and a territorial base, yet within each nation state that they occupy (Iraq, Turkey, the USSR, and Iran) they are treated as a minority, although they appear to meet all the criteria of a people. Unlike the Hungarians living in Czechoslovakia, they have no nation state of their own to which they could emigrate or which is in a position to petition other States for their protection. The Slovaks are problematic in a similar way, although, as a group, they have the comparative advantage over the Kurds of being within one State. They possess a history and language separate from, although related to, that of the Czechs. They also possess a distinct territorial base. They have existed, briefly, as a nation state and have also been a distinct territorial and administrative unit within Czechoslovakia

since 1968. In a large part the difficulty in arriving at, or deriving from practice, meaningful definitions of these two categories, demonstrates the confusion surrounding these concepts and the artificiality of the distinction between them. Instead, the concepts might be conceived of as points on a continuum, or different manifestations of a single problem, rather than as distinct categories. 24 Professor Ian Brownlie has asserted that "the issues of self-determination, the treatment of minorities and the status of indigenous populations, are the same, and the segregation of topics is an impediment to fruitful work."<sup>25</sup> He goes on to argue that the recognition of group rights, that is, minority rights, represents the practical and internal working of the concept of self-determination, <sup>26</sup> providing a link between the concepts of self-determination and minority rights. Brownlie contends that the core of the principle of self-determination consists of the right of a community that has a distinct character to have this character reflected in the institutions under which it lives.<sup>27</sup> The eclectic terminology used in discussing self-determination- "nationalities," "peoples," and "minorities"-all involve the same concept.