## Contention 1: Guilt by Association

#### There are two versions of the right to strike, a qualified version, which makes it a right of association and thus subject to regulation and an unqualified version, which sees the right to strike as right of self-determination against oppression. Analyzing RTS as a freedom association claim inevitably leads to regulation and ultimately mutes the power of labor to negotiate. Strikes become the only means, but their effectiveness is so limited by constitutional regulation that striking become a Three Stooges episode: pointless and violent. There is no point because you have a right to organize and even strike, but you have no right to stop scabs or closing shop. Qualified RTS forbids actions outside bargaining agreements like boycotts and general strikes but permits the state to crack down violently.

**Gourevitch 2016** [Alex, Pf. Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike,” **Perspectives on Politics**  <https://www.cambridge.org/core/journals/perspectives-on-politics/article/quitting-work-but-not-the-job-liberty-and-the-right-to-strike/27B690FEDDBCF002FB20FB50E852D6A3/EM>

American law recognizes that the prospect of losing one’s job is a coercive threat and therefore threatening to fire someone for striking violates his or her right to strike. That is relevant because, surprisingly, while employers may not fire pro-union workers, the Supreme Court says that employers’ interest in maintaining production and controlling their property means they may threaten to close an entire business or relocate a plant solely because workers have threatened a strike. 35 They are also legally permitted to hire permanent replacement workers and these workers may vote to decertify the current union. 36 The only exception to that rule is when a strike is against “unfair labor practices,” which are strikes against employers accused to violating certain labor laws themselves (e.g., discriminating against pro-union employees.) For all normal “economic” strikes employers may explicitly threaten the entire body of workers with loss of their jobs and, though they may not fire the workers, may permanently replace them. It is unclear what conceptual distinction lies behind the legal distinction between firing and permanent replacement or shutting down and moving since the effect on the worker is the same. As one legal scholar has put it, “the ‘right to strike’ upon risk of permanent job loss is a ‘right’ the nature of which is appreciated only by lawyers.” 37 But there it is, in law. For these reasons alone we might think American workers do not enjoy a real right to strike. Yet there is more. 38 Workers may not organize in industry-wide unions without individual, workplace-by-workplace unionization agreements. Strikes must also usually take place on a workplace-by-workplace rather than industry-wide basis. 39 Closed and union shops are acceptable in many states, though some prohibit even mandatory collection of dues, and the Supreme Court allows employers to ban union-organizers from their property. 40 Further, the employer’s property-interest in the “core of entrepreneurial control” over hiring and firing, plant location, investment, pricing, or production processes remains outside the scope of what law and precedent have established as labor’s legitimate interests. 41 Strikes must therefore be restricted to protest unfair labor practices or negotiate narrow bread-and-butter issues like wages and hours. Workers may not engage in sympathy strikes or secondary boycotts, which includes legal prohibition on workers picketing outside stores that use or sell products made in struck workplaces. 42 To understand the consequences of that last prohibition, consider a store that is selling goods made with parts from a struck factory. Anyone who is not a worker from the striking factory may stand outside, simply as a citizen with free speech rights, and petition against shoppers spending their money there. But a worker from the striking factory may not do the same because it is considered illegal, secondary picketing. To go on strike is therefore to lose some basic civil liberties like freedom of speech. 43 In other words, the repertoire of mass, solidarity-based strikes across an industry are no longer a part of union action at least in part because they have been, since the mid-twentieth century, illegal. There are other relevant laws and precedents, but this gives a vivid enough picture as it is. The facts described in the previous three paragraphs remind us why our thinking about the right to strike matters. If the right to strike is just a derivative right, with the same general structure and function as rights of association, contract, and property, then many, if not all, of the laws or precedents described above are defensible. These restrictions flow from a rejection of the view that workers have an enforceable right to the job they strike; from the requirement that collective action remain voluntary; and from a refusal to accept that workers as a whole have shared interests as a consequence of their social position. Unions may, at most, operate closed shops and enjoy a formal right to strike, but they may not interfere with the core property rights of employers, contract rights of workers, nor claim that the interests of workers expand beyond a narrow range of issues in the workplace itself. If, however, we take the right to strike to be a distinct kind of right, protecting an independent interest, in which workers do legitimately have a right to the job over which they strike, then we would have to reject many existing restrictions on strike activity .In other words, many of the current legal restrictions on workers make some kind of sense if we accept the voluntarist position. To understand why this voluntarist view is wrong, we must move to the world of social theory. Specifically, we have to understand the way in which the labor market subjects workers to overlapping forms of unfreedom.

#### Plan text: A just government ought to recognize an unconditional right of workers to strike. CX checks interps.

## Contention 2: The Three Stooges

#### Oppression has three faces: Violation of fundamental rights, biopolitical control over power relations in the workplace and diminished social change as a result of muted collective voices. These Three Stooges produce visceral class based domination.

Gourevitch 2018 [Alex, Pf. Political Science, Brown University] “The Right to Strike: A Radical View,” **American Political Science Review**, Volume 112, Issue 4, November <https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424/EM>

To explain why the right to strike is a right to resist oppression, I first must give an account of the relevant oppression. Oppression is the unjustifiable deprivation of freedom. Some deprivations or restrictions of freedom are justified and therefore do not count as oppression. The oppression that matters for this article is the class-based oppression of a typical liberal capitalist society. By the class-based oppression, I mean the fact that the majority of able-bodied people find themselves forced to work for members of a relatively small group who dominate control over productive assets and who, thereby, enjoy unjustifiable control over the activities and products of those workers. There are workers and then there are owners and their managers. The facts I refer to here are mostly drawn from the United States to keep a consistent description of a specific society. While there is meaningful variation across liberal capitalist nations, the basic facts of class-based oppression do not change in a way that vitiates my argument's applicability to those countries too. Empirical analysis of each country to which the argument applies, and how it would apply, is a separate project. The first element of oppression in a class society resides in the fact that (a) there are some who are forced into the labor market while others are not and (b) those who are forced to work—workers—have to work for those who own productive resources. Workers are forced into the labor market because they have no reasonable alternative but to find a job.[8](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn8) They cannot produce necessary goods for themselves, nor can they rely on the charity of others, nor can they count on adequate state benefits. The only way most people can gain reliable access to necessary goods is by buying them. The most reliable, often only, way most people have of acquiring enough money to buy those goods is through employment. That is the sense in which they have no reasonable alternative but to find a job working for an employer. Depending on how we measure income and wealth, about 60–80% of Americans are in this situation for most of their adult lives.[**9**](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn9) This forcing is not symmetrical. A significant minority is not similarly forced to work for someone else, though they might do so freely. That minority has enough wealth, either inherited or accumulated or both, that they have a reasonable alternative to entering the labor market. So, this first dimension of oppression comes not from the fact that some are forced to work, but from the fact that the forcing is unequal and that asymmetry means some are forced to work for others.[**10**](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn10) That is to say, what makes it oppressive is the wrong of unequally forcing the majority to work, for whatever purpose, while others face no such forcing at all.[11](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn11) That way of organizing and distributing coercive work obligations, and of imposing certain kinds of forcing on workers, is an unjustifiable way of limiting their freedom and therefore oppressive. To fix ideas, I call this the structural element of oppression in class societies. Subordination, delegation, and dependence add up to a form of interpersonal oppression that employers and their managers have over their employees. The weight and scope of this oppression will vary, but those are variations on a theme. Employers and managers enjoy wide swaths of uncontrolled or insufficiently controlled power over their employees. This is the second face of oppression in a class society and it is a live issue. For instance, during the Verizon strike of 2016, one major complaint was that, when out on the job, hanging cable, or repairing lines, some technicians had to ask their manager for permission to go to the bathroom or to get a drink of water. As one striker said in an interview, “Do I have to tell my boss every single minute of what I am doing? This is basic human dignity” (Gourevitch [2016b](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#ref023)). If they did not ask or wait to get clear approval from their manager, then they were guilty of a time code violation and were suspended for up to six weeks. The strike made workplace control a direct issue and one measure of its success was a change in disciplinary proceedings (*ibid.).* To take another example, the Fight for $15 strikes have made control over scheduling a central demand, even managing in certain states and municipalities to pass laws mandating minimal regularity and predictability in weekly schedules (Andrias [2016](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#ref004), 47–70). So, if the first face of oppression is that workers are forced to work for some employer or another who does not face a similar kind of forcing; the second face is that workers are forced to become de jure and de facto subordinates to a specific employer.[16](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn16) The third face of oppression is the systematic distributive effects of structural and interpersonal oppression. While some instances of class-based oppression are idiosyncratic, in general it has consistent distributive effects. The structural and interpersonal oppression of workers produces wage-bargains and limits on wealth accumulation that reproduce workers’ economic dependence on employers, their over or underemployment, and thereby allows a relatively small group of owners and highly paid managers to accumulate most of the wealth and income. I cannot discuss the extensive literature on inequality. I can only cite some generally well-known facts and papers pointing to the role of inequalities in power as determining factors in these outcomes.[**17**](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn17) To the degree that inequalities are a product of structural and workplace oppression, distributive outcomes are their own dimension of oppression and serve to reproduce those basic class relationships. Above all, there is one unjustifiable distributive effect of this oppression: that the majority of wage-bargains ensure the reproduction of that oppressive class structure. At any given point in time, a majority of workers do not earn enough to both meet their needs *and* to save such that they can employ themselves or start their own businesses. They must therefore remain workers or, to the degree they rise, they do so either by displacing others or by taking the structurally limited number of opportunities available.[18](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn18) Each of these different faces of oppression—structural, interpersonal, and distributive—is a distinct injustice. Together they form an interrelated and mutually reinforcing set of oppressive relationships. The various ways in which workers are forced to work, made subject to dominating authority, and made asymmetrically dependent in the economy does not produce a fair way of distributing the obligation to work and the rewards of social production. Rather, it constrains their freedom in a way that secures the exploitation of one class by another.

### Scenario 1: Collective Action

#### Socialism and neo-liberalism both misinterpret RTS. RTS is an instrumental right to refuse oppression. Allows workers to find their only true pathway to self-determination. But to protect self-determination they must be meaningful. Toothless strikes never protects workers and only gives an illusion of rights. RTS must be un-constrained and must allow mass strikes, protests and general strikes. Unqualified RTS undermines state’s justification for violent suppression. Any qualification of RTS allows the state to crack down violently.

Gourevitch 2018 [Alex, Pf. Political Science, Brown University] “The Right to Strike: A Radical View,” **American Political Science Review**, Volume 112, Issue 4, November <https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424/EM>

The third virtue of the radical approach is that it gives a distinct explanation for the shape of the right to strike. Recall that the liberal and the social democratic approaches can have a tendency to explain the shape of that right by reference either to (a) the basic liberties of actual liberal societies, or (b) the liberties one enjoys in an ideal constitution, or (c) through a mixture of both arguments. That form of reasoning imparts a particular shape to the right: it must respect the basic liberties with which it comes in conflict. On the best version of the social democratic view, that methodological error is avoided. But it is present in any version of the argument in which the shape of the legal right to strike one ought to enjoy is the same as or similar to the right workers exercise when suffering economic injustice. But on the right to resist oppression view, the shape of the right is explained exclusively by reference to the liberty interest it is supposed to protect under conditions of oppression. The right is justified instrumentally, by reference to the fact that strikes are generally effective means for resisting the oppression to which workers are subject. And, further, the right is justified by reference to the interest workers have in using their own collective power to reduce and resist that oppression. Under conditions of oppression, that use of collective power is one of the primary ways workers can give expression to the demand for self-determination. But that aspect of the justification also depends upon strikes being generally effective means for resisting oppression, since otherwise they would just be collective acts of self-delusion or symbolic gestures of resistance but not acts self-determination. For that to be the case, the right to strike must include the use of at least *some* of the means that make strikes effective for those subject to oppression. That the right comprises permissions to use some effective means is a defining feature of the radical argument. After all, for the right to strike to protect the interest that justifies it, it must be shaped in ways that permit the right's exercise in ways that actually protect that interest. That follows directly from the liberty-based justification of the right. So, on this account, there would be no strict prohibition on the use of coercive strike tactics like sit-downs and mass pickets.[**33**](https://www.cambridge.org/core/journals/american-political-science-review/article/right-to-strike-a-radical-view/8B521F67E28D4FAE1967B17959620424#fn33) A fourth virtue of the radical approach follows from the third. If the radical right to strike does not contain, internal to its justification, the same restraints on the means strikers may use, there is still the question of why the right to strike would have moral priority over other basic liberties in the case of labor disputes. On the radical view, the important point is not just that there is economic oppression but that the economic oppression that workers faced is in part created and sustained by the legal articulation and protection of those basic economic and civil liberties. Workers find themselves oppressed because of the way property rights, contractual liberties, corporate authority, tax and labor law create and maintain that oppression. If that is the case, then the normal justification of those liberties,

#### Upholding RTS leads to mass protests and general strikes that culminate in realistic action on climate change. Union mobilization will lead to mass mobilization that snowballs. Leads to broad based environmental action that protects human survival

Subasinghe and Vogt 2019 [Ruwan, Legal Advisor to the International Transport Workers’ Federation; Jeff, Director for the Solidarity Center’s Rule of Law department and was previously the legal director of the International Trade Union Confederation] “Unions must join the Global Climate Strike to avert a climate catastrophe,” **Equal Times** <https://www.equaltimes.org/unions-must-join-the-global#.YYAWzJ7MLIW/EM>

Over the past twelve months, groups like the youth-led #FridaysforFuture movement and the civil disobedience network Extinction Rebellion have woken up the world to the climate and ecological emergency we are facing. Earlier this year, over a million students walked out of classes as part of two hugely successful global school strikes against inaction on the climate crisis. Now young people around the world are calling on workers to join them on 20 and 27 September for the third wave of global climate strikes. While some trade unions have been responding to the call with plans for lunch break actions and workplace climate assemblies, most are constrained by legal restrictions on the right to strike at the national level. A strike is generally framed in national law as either a positive right or a freedom from liability which an employer would otherwise be able to assert in, for example, tort or contract. However, in many jurisdictions the right can only be exercised in the context of collective bargaining and/or a trade dispute. Unions operating in such jurisdictions will find it difficult to formally join the Global Climate Strike as the purpose of the action ostensibly falls outside the strict scope of collective bargaining or a trade dispute. While unions are increasingly bringing environmental issues to the bargaining table with demands for [greening or just transition clauses](https://adaptingcanadianwork.ca/green-collective-agreements-database/), these efforts are still limited to workplace mitigation and adaptation strategies and do not cover wider commitments on climate change. In countries where strikes in furtherance of socio-economic aims are permitted, unions will nevertheless need to win the argument that climate change is a socio-economic issue and not just an environmental or a political one. The International Labour Organization’s (ILO) tripartite Committee on Freedom of Association (CFA) has for nearly 70 years defined the scope of the right to freedom of association, including the right to strike. The CFA has consistently held that workers may engage in collective action, including protests and strikes, outside of the collective bargaining process and over matters beyond the traditional ambit of wages and conditions of work. So long as the strike is not ‘purely political’ in nature, such as an insurrection, the CFA has stated that, “organizations responsible for defending workers’ socio-economic and occupational interests should be able to use strike action to support their position in the search for solutions to problems posed by major social and economic policy trends which have a direct impact on their members and all workers in general, in particular as regards employment, social protection and standards of living.” In the past, the CFA has given its imprimatur to protests and strikes concerning a range of issues including trade agreements, labour law reform, pensions, tax policy, social protection and similar demands. While it has not yet had occasion to consider a climate strike, it should find such a strike to be protected. Indeed, there is no issue today that has a more direct, immediate and serious impact on the world of work than the climate emergency. Already, the ILO has explained that climate change, if not addressed, will have a serious impact on employment in all sectors and in all regions. These impacts include significant climate-driven migration for work, dangerous working conditions from extreme heat, job loss in rural areas due to crop failure and job loss in urban areas due to extreme weather events. Also, the actions we will need to take to mitigate climate change may be deeply disruptive, as the ILO Commission on the Future of Work has underscored. Conflict over how this is carried out and who benefits is certain to happen. Indeed, this is why Sustainable Development Goal 16 calls for broad social engagement in order to attain economic, social and environmental sustainability. The concept of a just transition of the workforce is firmly embedded in the legally binding Paris Agreement. Furthermore, in 2015 the ILO’s tripartite constituents unanimously endorsed guidelines for a just transition towards environmentally sustainable economies and societies. The promotion and realisation of fundamental principles and rights at work, which includes the principle of freedom of association, lies at the heart of the guidelines. It is evident that without the right to strike workers will not be able to effectively demand investment in new green jobs, training, income protection and other necessary measures for a fair and just transition. After the After the climate strike, we will urgently need to think about how to deepen policy coherence between the labour and environmental justice fields. While they have some different objectives, both share a common history of resistance to dominant economic and political structures which have subordinated the interests of individuals and communities. Indeed, a new field of ‘just transition’ law may be a way to bridge the fields of labor and environmental law and transform these into a coherent legal discourse. We would also propose as an important step the recognition of the right to strike in cases where an employer engages in activity which is demonstrably harmful to the environment. This is in a sense the extension of the long-standing principle that workers can remove themselves immediately from dangerous work without fear of retaliation. What can be more dangerous than activity that threatens our workplace, our communities and indeed life on Earth as we know it. With only 11 years left to avert climate catastrophe, trade unions must be given the means to help prevent irreversible damage from climate change. The right to strike is a human right protected under international law. Strikes have been, and can continue to be, a tool for major societal transformations, such as the democratisation of countries, from Poland to South Africa to Tunisia, and a just transition to a low carbon economy is just as significant. Without the industrial muscle of unions, we will not be able to effectively achieve the profound transformation of our economy, including the investment needed to create millions of new sustainable jobs.

### Scenario 2: Bio-politics

#### The workplace is the zero-point of biopolitics. The biopolitical nature of the workplace guarantees power is distorted permitting a culture of impunity in workplaces that reinforces structural domination in ways that cannot be rectified by social policy that cycles into serial failure. This entails de-humanization like forcing workers to wear diapers instead of bathroom breaks, sexual discrimination, bullying and subhuman conditions produced by a worker’s inability to strike effectively. Separates power from body and rests it in sovereignty of the workplace.

**Gourevitch 2016** [Alex, Pf. Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike,” **Perspectives on Politics**  <https://www.cambridge.org/core/journals/perspectives-on-politics/article/quitting-work-but-not-the-job-liberty-and-the-right-to-strike/27B690FEDDBCF002FB20FB50E852D6A3/EM>

Strikes are ways of resisting structural domination at its most immediate, concrete point—the job. But that is only one aspect of the unfreedom that produces strikes. The other arises from personal domination in the workplace itself. Most modern work is a continuous, coordinated activity of workers in a workplace. This coordination is only possible through a system of authoritative decisions and standards that cover the complex, ongoing, ever-changing set of workplace activities. Here we meet the second way in which a contract-based social theory is not up to the task of giving an adequate account of the actual relationships in which workers find themselves. Though there are attempts to explain and justify the arbitrary authority that employers possess by reference to the labor contract, these fail, leaving an analytic and moral void. The view of the workplace as a product of private contracts makes it difficult even to grasp the political structure of the workplace itself, let alone understand the range of issues against which workers might strike when resisting an employer’s arbitrary authority. 62 A workplace is a site of personal domination because workers are subject to the arbitrary authority of bosses. The bosses’ authority is arbitrary because it is not sufficiently controlled by workers. The ruling legal and social assumption is that decisions about how to run the workplace are up to employers and their managers. Workers are expected simply to obey. In American law, this is enshrined as the “core of entrepreneurial control” regarding hiring and firing, work schedules, design of tasks, introduction of new technology and the like—and they extend to prerogatives of capital regarding purchase of goods, plant location, and other investment-related decisions. 63 A general set of often poorly-enforced labor laws establish specific reservations against what an employer may order workers to do or require them to accept. But the very fact that these are specific reservations only reinforces the fact that the assumption is one of dependence on the arbitrary will of managers and owners. For examples, consider the fact that in many states employers have been within their rights when firing workers for comments they made on Facebook, for their sexual orientation, for being too sexually appealing, or for not being appealing enough. 64 Workers face being given more tasks than can be performed in the allotted time, being locked in the workplace overnight, being forced to work in extreme heat or physically hazardous but not illegal conditions, or being arbitrarily isolated from the rest of one’s coworkers. 65 Some workers are forced to wear diapers rather than go to the bathroom, are refused lunch breaks or pressured to work through them, are forced to keep working after their shift is up, are denied the right to read or turn on air conditioning during break, or are forced to take random drug tests and to perform other humiliating or irrelevant actions. 66 Notably, in these cases and in many others, the law protects the employer’s right to make these decisions without consulting workers and to fire them if they refuse. The bitterness of this experience of subjection is old and used to carry the complaint of “wages-slavery.” As an American labor agitator once wrote in 1886, liberty consists in being able to satisfy all one’s wants, to develop all one’s faculties, without in any way depending upon the caprice of one’s fellow-beings, which is impossible if man cannot produce upon his own responsibility. So long as the workman works for a boss, a master, he is not free. “You must obey,” the master will say, “for since I assume the responsibility of the undertaking, I alone have the right to its direction.” 67 The point of greatest interest to us here is that the employer’s claim to exercise this authority is intimately bound up with the commodification of labor-power and the free exercise of property rights. As the quotation above suggests, the employer’s authority is supposed to derive from the way in which he “assumes the responsibility of the undertaking.” He is the agent, putting his idea and money on the line, taking all the risk. The worker, on the other hand, already received her reward. She has sold her commodity—her labor-power—to the employer, who pays her a wage in exchange for rights to that commodity. To have a property-right in something is to have some kind of exclusive authority over it; therefore, the boss should not have to consult with the worker about how to use the labor-power he bought. However, as labor reformers have long observed, the special thing about the sale of labor is that “labor is inseparably bound up with the laborer.” 68 A labor contract “assumes that labor shall not be a party to the sale of itself beyond rejecting or accepting the terms offered. This purchase of labor gives control over the laborer-his physical intellectual, social and moral existence. The conditions of the contract determine the degree of this rulership.” 69 In other words, there is no way for the boss to enjoy his property right in the purchased labor-power without also exercising that arbitrary power over the person of the laborer. But this is just the kind of power that the exchange of property is not supposed to give over the seller of property since the seller’s will is supposed to be separable from the commodity. The employer’s arbitrary authority is derived from the view that the worker has sold his property, his labor-power, but that same theory of property seems to deny that such arbitrary control may be claimed when the seller cannot withdraw his will from the property.

#### No value to life in a biopolitical framework—everyone is exposed to the possibility of being reduced to bare life in the name of instrumentality

Agamben 1998 [Giorgio, professor of philosophy at university of Verona, Homo Sacer: Sovereign Power and Bare Life, pg. 139-140]

It is not our intention here to take a position on the difficult ethical problem of euthanasia, which still today, in certain coun­tries, occupies a substantial position in medical debates and pro­vokes disagreement. Nor are we concerned with the radicaliry with which Binding declares himself in favor of the general admissibility of euthanasia. More interesting for our inquiry is the fact that the sovereignty of the living man over his own life has its immediate counterpart in the determination of a threshold beyond which life ceases to have any juridical value and can, therefore, be killed without the commission of a homicide. The new juridical category of “life devoid of value” (or “life unworthy of being lived”) corre­sponds exactly—even if in an apparently different direction—to the bare life of homo sacer and can easily be extended beyond the limits imagined by Binding. It is as if every valorization and every “politicization” of life (which, after all, is implicit in the sovereignty of the individual over his own existence) necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only “sacred life,” and can as such be eliminated without punishment. Every society sets this limit; every society—even the most modern—decides who its “sacred men” will be. It is even pos­sible that this limit, on which the politicization and the *exceprio* of natural life in the juridical order of the state depends, has done nothing but extend itself in the history of the West and has now— in the new biopolitical horizon of states with national sovereignty—moved inside every human life and every citizen. Bare life is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being.

#### Thus, the role of the ballot becomes a negotiation of knowledge, a deciding of axes and boundaries. Evaluate our aff by its ability to reorient political perception and action.

#### The structures of knowledge come first they are the groundwork for any truth claim to be evaluated, you must prioritize the aff ability to change in both the in the debate space and post fait. We insert analysis of biopolitical structures and they way they shape dominate thought into this space as a act of rupturing dominate thought within debate, that spills up.

## Contention 3: Solvency

#### Un-qualified RTS addresses the questions of biopolitical control of the workplace, mass action and structural oppression of workers. Contractarian analysis forces workers into involuntary servitude to the market. Unqualified strikes solve better than courts, legislation. Unqualified RTS demonstrates the genealogy of power and exposes domination better than theories of structural change. Unlocks true collective social action. Solves for the Three Stooges. Put your Ks away they don’t take into account our analysis.

**Gourevitch 2016** [Alex, Pf. Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike,” **Perspectives on Politics**  <https://www.cambridge.org/core/journals/perspectives-on-politics/article/quitting-work-but-not-the-job-liberty-and-the-right-to-strike/27B690FEDDBCF002FB20FB50E852D6A3/EM>

There are a few ways that a contract-based social theory might respond to this challenge, but we shall focus here on the most important: 70 the incompleteness of contracts. It is a well known fact that all contracts are incomplete. 71 But in the case of the workplace, this incompleteness is intensified and magnified by the fact that the contract is to take part in a dynamic, continuous activity with other people. No matter what a worker has agreed to at the point of the contract, it is impossible for a contract to specify all of the eventualities that arise in the complex, ongoing process of running a workplace. Something else has to explain who exercises control over all these unanticipated matters. This means that no matter how freely made a contract is, we cannot say that the authority to which a worker is subject is justified by that free consent. At most, the radical incompleteness of labor contracts is what allows the many aspects of law and cultural assumption to fill the void. For instance, this where that “core of entrepreneurial control” over issues like hiring, firing, investment, and work organization plays a major role. 72 Strikers may not strike to contest these decisions and employers may not be forced to bargain about them. They need not give any account of why such production decisions have been made, even if they have dramatic consequences for employees—like producing plant closures or changing the organization and definition of tasks. Courts have defended this managerial control and the narrowing of the right to strike by importing older, status-based ideas about contract and property to fill the void of incompleteness. Only by (often semi-articulated) reference to quasi-feudal master-servant law have they been able to fill out the authority that the contract leaves open. Courts have argued that worker deference to managers of a “common enterprise” is implied in the contract or by arguing that employers enjoy uninfringeable property rights in the worker’s labor or wider enterprise. 73 In other words, courts themselves have acknowledged the incompleteness and thus indeterminacy of the contract with respect to the organization of work, but generally resolved this authority in favor of employers by appeal to something outside the contract itself. So the point about structural domination was that workers might be forced to make a variety of explicit concessions on any number of issues—wages, hours, conditions, stultifying jobs. But the point about personal domination in the workplace is that the contract also seems to involve the tacit concession of generic control over a further set of unknown issues. The problem from the standpoint of contract theory is that the contract itself cannot adequately explain why this power is assumed to devolve to the employer nor why law should support this assumption. At most, we can only say that the worker agreed to give up this control, not that she in any way agreed to the various decisions about her work. Usually, however, we do not think a human being has a right to such blanket alienation of her liberty. In the case of work, the only reason supporting that worker’s alienation of control as authoritative seems to be that the worker sold her property—her labor-power—and therefore has no right to control that property for the duration of the work (within the reasonable boundaries of protective labor legislation) or that she owes obligations of deference to the employer. As we have seen, workers resist these accounts on the grounds that their capacity to labor is not a commodity at all. Or at least, labor-power cannot operate as a commodity in this case because a crucial feature of the sale of property—separability of the seller’s will from the commodity sold—is impossible. Therefore whatever the status the labor contract has, the authority relations of the workplace itself cannot legitimately be derived from the contract—at least not from the contract conceived as a sale of property. Workers nevertheless find themselves in a world in which employers do legally possess this arbitrary authority. The strike is, again, one way of challenging this authority by attacking the idea that, since they appear like sellers of their capacity to labor, workers may be treated as subordinates. The strike is a way of pressing the claim that workers, too, should exercise control rather than submit passively to managerial prerogatives. There are many historical examples of resistance to this kind of personal domination, such as “control strikes,” strikes over the introduction of new technology, and even strikes over seemingly lesser issues like “abolition of the luncheon privilege.” 74 The general point being that strikes that target decisions usually falling under the domain of “core of entrepreneurial control” are not just about instrumental considerations regarding compensation and conditions but about resisting the very logic of contract and property that supports the manager’s authority in the first place. 75 It is worth noting the way in which the two kinds of domination are intertwined. Resistance to managerial discretion is not just about objecting to arbitrary power as a matter of principle, nor just about challenging a particularly nasty manager. Rather, the point is that, in a modern capitalist economy, the manager’s authority is tied to the problem of exploitation itself. Structurally-dominated workers are not just threatened with exploitation at the moment of contract but in the workplace. The core interest of the employer is in extracting as much labor as possible, which is why employers, regardless of whether they are benevolent or cruel, tend to seek unchallenged authority over the work process. Seemingly petty actions, like denying bathroom breaks or imposing dangerous work speeds, are not, on this account, isolated instances of abuse, but rather moments when the structural imperatives of maximizing profits translate into the exercise of managerial authority and organization of work. Uncontested managerial authority is of concern to workers not just because those who have power tend to abuse it, but because this power is directed to a systematic purpose: it is used to exploit workers. These prerogatives are, in effect, a way of unilaterally altering the terms of employment. Threatening to introduce new technology, speed up work, relocate plants, or reduce and redistribute tasks is typically part of an interconnected process in which structural and personal elements of domination fold into each other to to guarantee maximum effort for minimum compensation. That is why confining strikes narrowly to issues regarding wages, hours, and conditions is so problematic. Such limitations rely on analytically groundless or morally dubious attempts to derive entrepreneurial authority from the contract, and they fail to understand why managerial prerogatives with respect to hiring, firing, investment, and organization are just as significant to the basic interests of the worker as bread-and-butter issues like wages and hours. 76 The worker’s interest in not being subject to continuously arbitrary authority is expansive. The question of compensation cannot be separated from the organization and control over work. Nor can the expansiveness of this interest be reduced to the fact that workers cannot fairly bargain for basic terms if they cannot also contest the wider range of managerial prerogatives. All members of a democratic society have an independent interest in self-rule. They have that latter interest whenever they find themselves in the kind of ongoing, formally coordinated, rule-bound relationships that are backed by coercive law. This is just what a government is. 77 Absent an actually democratic workplace, the right to strike remains a central way for workers to resist these arbitrary forms of authority. Strikes are in many ways superior to protective legislation, labor arbitration, and the courts because those formal processes are slow and can cover only a limited number of issues. Strikes are more immediate, powerful, and reliable ways for workers to contest the employer’s otherwise arbitrary power. In the process of challenging that form of authority they challenge the very idea that they should be seen as mere sellers of their labor-power, with no further interests in liberty. They reject the notion that in making a labor contract they have alienated rights of control over their minds and bodies. I have argued that the right to strike is a right of human liberty because it is a form of justified resistance to two interconnected forms of unfreedom: structural and personal domination. Sympathetic critics might wonder why not argue for the elimination of these forms of domination altogether, perhaps by arguing for an egalitarian distribution of property and workplace democracy. But that fails to respond to the central question: what explains and justifies the right to strike. Moreover, talking about ideal distributions puts us in a different political register. It is one thing to ask “ideally speaking, what is the best state of affairs” and another to ask “here and now, who can do what to whom.” Instead of saying anything more about those questions, I wish to conclude here with some reflections on the interest of my argument for political science. From a conceptual and normative point of view, I have suggested that there are interesting normative results if we shift our question from what is a fair distribution to who can do what to whom, but this is also a way of reorienting empirical research. For instance, there is a great deal of interest in the study of ‘varieties of capitalism,’ an interest given renewed importance by the new politics of inequality and by ongoing debates about the fate of the welfare state, corporate regulation, and international finance.[**78**](https://www.cambridge.org/core/journals/perspectives-on-politics/article/quitting-work-but-not-the-job-liberty-and-the-right-to-strike/27B690FEDDBCF002FB20FB50E852D6A3#fn78)The standard approach to thinking about variation has been some version of the distributive and institutional questions regarding what distributions are achieved; how do they vary; and how are they explained by/constitutive of different political coalitions. However, the right to strike and the wider question of labor rights points us to variations in powers of action. Instead of comparing, first and foremost, different welfare-state regimes, we might ask about different labor regimes, not just in the sense of the comparison among varieties of labor law but also the different powers and practices of organized workers. Moreover, since the right to strike is a moral right, one that would have to be given substance by a kind of culture or movement sub-culture, it is interesting to think about how the institutional and cultural conditions under which thinking about labor rights emerge in that self-assertive and conflictual way, as compared with the more cooperative and institutional practices of something like German works councils.

## UV

Aff gets 1AR theory

#### 1) I get 1ar theory because otherwise the neg can be infinitely abusive which outwieghs everything because that makes it impossible for the aff to win.

#### 2) Paradigm Issues: Drop the debater a) to deter future abuse, b) if I prove abuse it means substance has already been skewed. No RVIs, a) debaters don’t win for just being fair or educational, b) it would encourage good theory debaters to be abusive so they can bait theory and win off an RVI

3) 1AR theory is the highest layer of the round – they get thirteen minutes on theory vs our seven minutes – they’ll say we can read 1ac theory but we can’t preempt every possible abuse story. Reject nc paradigm issues regarding 1ar theory bc it deters checking abuse.