# Strike While the Iron’s Hot AC

## Part 1: Cash Out

#### [ROJ & Giroux 1] THE AMERICAN EMPIRE IS CORRUPTING EDUCATION – it permits oppression for financial gain and DRIVES acceptance of the squo.

Giroux 1: Giroux, Henry A. [Waterbury Chair Professor, Pennsylvania State University] “Higher Education and the Politics of Disruption.” *Truthout*, March 17, 2015. CH

We now live at a time in which institutions that were meant to limit human suffering and misfortune and protect the public from the excesses of the market have been either weakened or abolished. (1) The consequences can be seen clearly in the ongoing and ruthless assault on the social state, workers, unions, higher education, students, poor people of color and any vestige of the social contract. Free-market policies, values and practices – with their emphasis on the privatization of public wealth, the elimination of socia cal ections and the deregulation of economic activity – now shape practically every commanding political and economic institution in the United States. Public spheres that once offered at least the glimmer of progressive ideas, enlightened social policies, noncommodified values, and critical dialogue and exchange have been increasingly commercialized – or replaced by private spaces and corporate settings whose ultimate fidelity is to increasing profit margins. For example, higher education is defined more and more as simply another core element of corporate power and culture, viewed mostly as a waste of taxpayers’ money, and denied its value as a democratic public sphere and guardian of public values. What has become clear is that the attack on the social state, workers and unions is now being matched by a full-fledged assault on higher education. Such attacks are not happening just in the United States but in many other parts of the globe where casino capitalism is waging a savage battle to eliminate all of those public spheres that might offer a glimmer of opposition to and protection from market-driven policies, institutions, ideology and values. We live at a time when it is more crucial than ever to believe that the university is both a public trust and social good. At best, it is a critical institution infused with the promise of cultivating intellectual insight, the imagination, inquisitiveness, risk-taking, social responsibility and the struggle for justice. In addition, higher education should be at the “heart of intense public discourse, passionate learning, and vocal citizen involvement in the issues of the times.” (2) Underlying this vision of the university are some serious questions about its relationship to the larger society. For instance, how might the university’s responsibility be understood with respect to safeguarding the interests of young people at a time of violence and war, the rise of a rampant anti-intellect  ualism, a devastating gap in income and wealth, the rise of the surveillance state, and the threat of ecological and nuclear devastation? What might it mean to define the university as a pedagogical space that disrupts, disturbs, inspires and energizes young people to be individual and social agents rather than as an institution that redefines itself in terms of market values and reacts mostly to market fluctuations? It is in the spirit of such considerations that I first want to address those larger economic, social and cultural interests produced largely by the growing inequalities in wealth, income and power that threaten the notion of higher education as a democratic public good. As higher education’s role as a center of critical thought and civic engagement is devalued, society is being transformed into a “spectacular space of consumption” and financial looting. One consequence is an ongoing flight from mutual obligations and social responsibilities and a loss of faith in politics itself. This loss of faith in the power of politics, public dialogue and dissent is not unrelated to the diminished belief in higher education as central to producing critically engaged, civically literate and socially responsible citizens. At stake here are not only the meaning and purpose of higher education, but also civil society, politics and the fate of democracy itself. And yet, under the banner of right-wing reforms, the only questions being asked about knowledge production, the purpose of education, the nature of politics and the future are determined largely by market forces.

Thus, **the Role of the Judge is to Promote Critical Education**, which means they must enhance our potential to fight dominant, oppressive social biases.

#### [ROB & Giroux 2] The Role of the Ballot is to Endorse the Better Method for Critically Empowering Students. Critical empowerment exists when we have the skills to question and attack the status quo. This is key to ALL alternatives.

**Giroux 2:** Giroux, Henry A. [Waterbury Chair Professor, Pennsylvania State University] “Radical Politics in the Age of American Authoritarianism: Connecting the Dots.” *Truthout*,April 2016. RP

At the root of this notion of developing a comprehensive view of politics is the need for educating ourselves by developing a critical formative culture along with corresponding institutions that promote a form of permanent criticism against all elements of oppression and unaccountable power.**One important task of emancipation is to fight the dominant culture industry by developing alternative public spheres and educational institutions capable of nourishing critical thought and** action. The time has come for educators, artists, workers, young people and others to push forward **a** new **form of politics** in which public values, trust and compassion trump neoliberalism's celebration of self- interest, the ruthless accumulation of capital, the survival-of-the-fittest ethos and the financialization and market-driven corruption of the political system. Political responsibility is more than a challenge -- it is the projection of a possibility in which new modes of identification and agents must be enabled that can sustain new political organizations and transnational anti-capitalist movements. Democracy must be written back into the script of everyday life, and doing so demands overcoming the current crisis of memory, agency and politics by collectively struggling for a new form of politics in which matters of justice, equity and inclusion define what is possible. Such struggles demand an increasingly broad-based commitment to a new kind of activism. As Robin D. G. Kelley has recently noted there is a need for more pedagogical, cultural and social spaces that allow us to think and act together, to take risks and **to get to the roots of the conditions that are submerging the United States into a new form of authoritarianism wrapped in the flag, the dollar sign and the cross.** Kelley is right in calling for a politics that places justice at its core, one that takes seriously what it means to be an individual and social agent while engaging in collective struggles. We don't need tepid calls for repairing the system; instead, we need to invent a new system from the ashes of one that is terminally broken. We don't need calls for moral uplift or personal responsibility. We need calls for economic, political, gender and racial justice. Such a politics must be rooted in particular demands, be open to direct action and take seriously strategies designed to both educate a wider public and mobilize them to seize power. The left needs a new political conversation that encompasses memories of freedom and resistance. Such a dialogue would build on the militancy of the labor strikes of the 1930s, the civil rights movements of the 1950s and the struggle for participatory democracy by the New Left in the 1960s. At the same time, there is a need to reclaim the radical imagination and to infuse it with a spirited battle for an independent politics that regards a radical democracy as part of a never-ending struggle. **None of this can happen unless progressives understand education as a political and moral practice crucial to creating new forms of agency, mobilizing a desire for change and providing a language** that underwrites the capacity to think, speak and act so as to challenge the sexist, racist, economic and political grammars of suffering produced by the new authoritarianism. The left needs a language of critique that enables people to ask questions that appear unspeakable within the existing vocabularies of oppression. We also need a language of hope that is firmly aware of the ideological and structural obstacles that are undermining democracy. We need a language that reframes our activist politics as a creative act that responds to the promises and possibilities of a radical democracy. Movements require time to mature and come into fruition. They necessitate educated agents able to connect structural conditions of oppression to the oppressive cultural apparatuses that legitimate, persuade, and shape individual and collective attitudes in the service of oppressive ideas and values. Under such conditions, radical ideas can be connected to action once diverse groups recognize the need to take control of the political, economic and cultural conditions that shape their worldviews, exploit their labor, control their communities, appropriate their resources, and undermine their dignity and lives. Raising consciousness alone will not change authoritarian societies, but it does provide the foundation for making oppression visible and for developing from below what Étienne Balibar calls "practices of resistance and solidarity." We need not only a radical critique of capitalism, racism and other forms of oppression, but also a critical formative culture and cultural politics that inspire, energize and provide elements of a transformative radical education in the service of a broad-based democratic liberation movement.

Thus, whoever better promotes critical empowerment wins.

## Part 2: Minimizing Expected Wellbeing

#### [Bogage et al] TIME’S UP – workers are striking, but employers aren’t listening – they’re just replacing those who speak out.

Bogage et al, 10/31: Bogage, Jacob [Business reporter, *The Washington Post*] and Alyssa Fowers [Graphics reporter, *The Washington Post*]. “Workplace strikes are surging. Here’s why they won’t stop anytime soon.” *The Washington Post*, October 31, 2021. <https://www.washingtonpost.com/business/2021/10/31/faq-striketober/> CH

Factory workers, nurses and school bus drivers are among the tens of thousands of Americans who walked off jobs in October amid a surge of labor activism that economists and labor leaders have dubbed “Striketober.” The strike drives, experts say, stem from the new leverage workers hold in the nation’s tight job market: Having seen the massive profits their companies collected during the coronavirus pandemic, they want their contributions acknowledged in the form of better pay and working conditions. While work stoppages may contribute to near-term inflation and production tie-ups, economists say they could fundamentally change the economic standing of millions of workers. Here’s what you need to know about the tide of recent strikes. WHAT TO KNOW Why are so many workers on strike? Do the strikes have anything to do with the “Great Resignation?” How many workers are on strike? Have the strikes been effective for workers? What do all these strikes mean for my job? What do all these strikes mean for the broader economy? Why are so many workers on strike? There are a number of reasons, but ultimately it comes down to how the pandemic has changed the way people see themselves, their employers and their jobs — especially if going to work heightened their risk of exposure to the deadly virus. So while millions of people quit or switched positions, others have staged walkouts — or at least are threatening to. “People don’t want to go and die at work. I mean, they’re not compensated enough,” said Kim Cordova, president of the 23,000-member United Food and Commercial Workers in Colorado. Strikes or strike authorizations — when a union supports a walkout if negotiations with management break down — typically revolve around compensation. At John Deere, where 10,000 workers at 14 factories walked off the job on Oct. 14, employees want better pay and retirement benefits. The company offered 5 to 6 percent raises in a new collective bargaining agreement, but workers say it’s not enough, given the company’s soaring profits. Kaiser Permanente nurses and health workers in California and Oregon want the health care provider to drop a proposed two-tiered wage and benefits system that would compensate new employees less than existing ones. More than 30,000 workers represented by several unions authorized a strike in an Oct. 11 vote. More than 1,400 Kellogg workers in Pennsylvania, Nebraska, Michigan and Tennessee went on strike on Oct. 5, seeking better benefits, vacation time and trying to defeat a two-tier wage system. Several hundred of those employees returned to work on Tuesday after the company threatened to hire a contractor to replace them. Other workers are using strike drives to try to improve workplace culture. A walkout at Chicago tortilla-maker El Milagro was tied to requests for better safeguards against sexual harassment and coronavirus safety protocols. Management responded to the work stoppage by locking workers out of its factories; executives have not responded publicly to employees’ concerns. Workers at a West Virginia producer of industrial pump parts went on strike Oct. 1 seeking better seniority rights. Do the strikes have anything to do with the “Great Resignation?” Return to menu The “Great Resignation” is the term some economists are using to describe how workers are reevaluating their jobs nearly two years into the pandemic. A record 4.3 million people — or nearly 3 percent of the U.S. workforce — quit their jobs in August alone, Labor Department data shows. So many businesses need employees, economists say, that working people have more leverage than they’ve had in many years. Millions of people are venturing into the job market in search of better wages and working conditions. For others, though, it’s provided the impetus to strike — success can mean more pay and benefits without starting over somewhere else. How many workers are on strike? Some 17,400 U.S. workers went on strike in October, according to a Bloomberg Law work stoppage database. Of the 119 union strikes so far this year, 15 are “major” strikes involving 1,000 or more individuals, according to the database. That compares with nine major strikes in 2020, when the pandemic took hold, and 30 in 2019. Data on U.S. work stoppages is not centralized, so it is difficult to draw direct comparisons between years. But it is clear, economists say, that the 2021 strike movement is historic in both its size and the way it spans across industries. In 2019, strikes mainly occurred among public-sector and health care workers, according to Labor Department and Bloomberg Law data. That trend continued in 2020: Aside from a 10,000-person carpenters strike in Massachusetts in April, 34,000 of the 58,000 workers involved in union-involved strikes were by educators or health service workers. This year, manufacturing workers made up 47 percent of those who began strikes, data show, while education and health services represented 36 percent. In January, 1,400 workers walked out at Hunts Point Produce Market in New York seeking better pay. In March, 1,300 workers in five states from Allegheny Technologies struck over wages and health care premiums. Numbers spiked in recent months after strikes at major corporations including Nabisco (1,000 workers struck for 40 days), Frito-Lay (600 workers struck for 19 days), Kellogg (1,000 workers have been on strike since Oct. 5) and John Deere (10,000 workers have been on strike since Oct. 14). Have the strikes been effective for workers? Results are mixed, economists and labor leaders say. Nabisco and Frito-Lay workers won big concessions from their employers, and both groups returned to work in September. Nabisco workers received $5,000 bonuses, annual raises and increased contributions into employees’ 401(k) accounts. Frito-Lay workers stopped their strike after the company agreed to wage increases and a guarantee of at least one day off each week. Hollywood production workers secured concessions from television and film studios after threatening to strike, including mandatory 10-hour break periods between shifts, a 54-hour weekend, 25 percent pay increases for lower-level workers and a $400 million contribution to pension accounts. Those new contracts have galvanized other strike drives across the country, AFL-CIO President Liz Shuler said in an interview. Others, though, are still on the picket line — or have returned to work — without winning much from their employers. Coal miners in Alabama have been on strike since April asking for better wages and more vacation time. Their employer, Warrior Met, has continued operations with a nonunionized workforce, and Alabama state police have escorted those workers to the mine through picket lines in recent weeks. Kellogg and John Deere have both run their factories without union members. But 400 Kellogg mechanics broke their strike on Oct. 19 after the company threatened to contract out their work to a third-party vendor. What do all these strikes mean for my job? Short term, the rise in strikes contributes to the existing worker shortage, said Julia Pollak, a labor economist for job site ZipRecruiter. That means there are more job openings and fewer workers to take them, giving all sorts of workers more leverage.

#### [McNicholas et al] AND that’ll keep happening, since Trump massively undermined the right to strike while in office.

McNicholas et al: McNicholas, Celine [Director of Policy and Government Affairs; General Counsel, Economic Policy Institute], Margaret Poydock [Policy Analyst, EPI], Lynn Rhinehart [Senior Fellow, EPI]. “Unprecedented: The Trump NLRB’s attack on workers’ rights.” Economic Policy Institute, October 16, 2019. <https://www.epi.org/publication/unprecedented-the-trump-nlrbs-attack-on-workers-rights/> CH

The Trump board has repeatedly reversed long-standing board precedent, weakening workers’ rights and giving more power to employers.15 In the two years that Republicans have held the majority on the board, they have overturned NLRB precedent in more than a dozen cases. All of these decisions overturning precedent favor employers. None favor workers or unions. In none of these cases did the Trump board follow the NLRB’s long-standing practice of seeking public input through amicus briefs before reversing precedent.16 The manner and speed with which the Trump board has reversed precedent lays bare their anti-worker, anti-union agenda. And, disturbingly, more decisions are on the horizon, with the Trump GC urging the board to change the law in favor of corporations and against workers in numerous other cases. The Trump board has weakened workers’ rights to organize and engage in collective bargaining in every possible area—in the scope of workers covered under the law, in the definition of what activity is protected under the law, in workers’ ability to communicate with their co-workers about workplace issues, in workers’ ability to decide which group of co-workers to organize and bargain with, and in workers’ ability to strike to achieve their goals. At the same time, the Trump board has given employers new tools to restrict communications by workers and unions, and to undermine collective bargaining relationships by making unilateral changes and refusing to recognize incumbent unions. The sweep and imbalance of the Trump board’s decisions are outlined below.

They add:

The NLRA protects concerted activity—activity by one or more workers asserting a shared concern—on workplace issues, whether or not workers are engaged in the activity through a formal union. If workers are engaged in advocacy around a workplace issue in a group or on behalf of a group—be it protections against sexual harassment, equal pay, health and safety protections, scheduling fairness, or any other workplace issue—an employer may not interfere with this activity or retaliate against workers engaged in this activity. The Trump board has changed the law to narrow what counts as protected concerted activity. Contrary to long-standing precedent, the Trump board ruled in Alstate Maintenance, LLC that an airline skycap (porter) who protested about a lack of customer tips in front of co-workers and a supervisor was not engaged in protected concerted activity—meaning that it was not illegal for the company to fire the worker on account of the protest activity.34 Undermining the right to strike (Case discussed: Walmart Stores, Inc.) The right to strike—the right of workers to withhold their labor in an effort to put economic pressure on their employer to agree with workers’ demands—is at the core of our labor relations system in the United States. Over a period of years, groups of employees at Walmart—the world’s largest company, with 2.2 million employees—engaged in several short strikes to call attention to issues and to pressure Walmart to change its practices. But in July 2019, the Trump board ruled that a group of 100–130 Walmart workers who engaged in a 5–6 day strike to demonstrate at Walmart’s annual shareholders’ meeting were engaged in an “intermittent” strike that was not protected by labor law. Because the Trump board decided that the strike was an unprotected intermittent strike, Walmart faced no legal consequence for retaliating against the strikers, who included 29 workers who were striking for the first time. In determining that the strike was an unprotected “intermittent” strike, the Trump board made up a new legal test, saying that strikes that take place “pursuant to a ‘plan to strike, return to work, and strike again’” are not protected. As detailed by member McFerran in her dissent, the majority undermines what the Supreme Court has called the “strong interest of federal policy in the legitimate use of the strike.”35 Permitting employers to fire workers in retaliation for union activity (Case discussed: Electrolux Home Products) In a disturbing decision, the Trump board found that an employer gave a false reason for firing a pro-union worker, but the Trump board let the employer off the hook, saying that the general counsel did not show that the employer had an anti-union motivation for firing the worker. The employer told the pro-union worker to “shut up” when she made pro-union comments at a mandatory captive audience meeting, but that was not enough evidence of anti-union bias for the Trump board. According to dissenting member McFerran, the decision “marks the first time in history the board has declined to find a violation of the Act when there is clear reason to infer an anti-union motive and no evidence…of any other lawful motive.”36

#### [McNicholas & Poydock] In fact, COVID-era workers need the right to strike more than ever, but it’s subject to huge restrictions.

McNicholas & Poydock: McNicholas, Celine [Director of Policy and Government Affairs; General Counsel, Economic Policy Institute] and Margaret Poydock [Policy Analyst, EPI]. “Workers are striking during the coronavirus: Labor law must be reformed to strengthen this fundamental right.” Economic Policy Institute, June 22, 2020. <https://www.epi.org/blog/thousands-of-workers-have-gone-on-strike-during-the-coronavirus-labor-law-must-be-reformed-to-strengthen-this-fundamental-right/> CH

The coronavirus pandemic has revealed much about work in the United States: There have been countless examples of workers speaking out against unsafe work conditions and demanding personal protective equipment (PPE) to try and stay healthy and safe on the job. We also have seen that essential workers are often not paid commensurate with the critical nature of their work. Few U.S. workers have access to paid sick time or paid leave of any kind. And, when workers have advocated for health and safety protections or wage increase, they have often been retaliated against, and even fired for doing so. As a result, many workers have decided to strike in an effort to have their voices heard. Even before the pandemic, data from the Bureau of Labor Statistics (BLS) showed an upsurge in major strike activity in 2018 and 2019, marking a 35-year high for the number of workers involved in a major work stoppage over a two-year period. Further, 2019 recorded the greatest number of work stoppages involving 20,000 or more workers since at least 1993, when the BLS started providing data that made it possible to track work stoppages by size. In fact, after decades of decline, strike activity surged in 2018, with 485,200 workers involved in major work stoppages—a nearly twenty-fold increase from 25,300 workers in 2017. The surge in strike activity continued in 2019, with 425,500 workers involved in major work stoppages. On average in 2018 and in 2019, 455,400 workers were involved in major work stoppages—the largest two-year average in 35 years. What is the right to strike and who has it? Most private-sector workers in the United States are guaranteed the right to strike under Section 7 of the National Labor Relations Act (NLRA). Section 7 of the Act grants workers the right “to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” This allows private-sector workers to engage in concerted activities such as strikes, regardless of whether the worker is in a union or covered by a collective bargaining contract. However, those in a union are better situated to engage in a long-term strike through strike funds. There is no federal law that gives public-sector workers the right to strike, but a dozen states grant public-sector workers the right to strike. In general, there are two types of strikes: economic strikes and unfair labor practice strikes. In an economic strike, workers withhold their labor as leverage when bargaining for better pay and working conditions. While workers in economic strikes retain their status as employees and cannot be discharged, their employer has the right to permanently replace them. In an unfair labor practice strike, workers withhold their labor to protest their employer engaging in activities that they regard as a violation of labor law. Workers in an unfair labor practice strike cannot legally be discharged or permanently replaced. However, not all strikes are protected under the law. For example, it is currently unlawful for workers to be involved in “secondary” strikes, which are strikes aimed at an employer other than the primary employer (for example, when workers from one company strike in solidarity with another company’s workers). If a strike is deemed an “intermittent strike”—when workers strike on-and-off over a period of time—it is not protected as a lawful strike by the NLRA. In general, a strike is also unlawful if the collective bargaining agreement between a union and the employer is in effect and has a “no-strike, no-lockout” clause. What data do we have on strikes? Unfortunately, there are major data limitations around strikes. As a result, it is impossible to know the full extent of strike activity throughout the U.S. The main government source for strike data is the Bureau of Labor Statistics (BLS) data on major work stoppages. However, BLS data only include information on work stoppages involving 1,000 or more workers that last at least one full shift. Unfortunately, comprehensive data on work stoppages that involve fewer than 1,000 workers, or that last less than one full shift, are not readily available from BLS or other sources. The BLS’s monthly data on work stoppages do not capture any strikes directly related to the coronavirus pandemic. However, it is evident essential workers are going on strike as seen in the recent walkouts organized by Amazon, Instacart, and Target workers as well as the dozens of strikes organized by fast food and delivery workers. Consequently, there is a large gap in knowledge about the true extent of strikes that occur during the coronavirus pandemic and beyond. Based on the very limited data available, the resurgence of strike activity in recent years has given over a million workers an active role in demanding improvements in their pay and working conditions. Essential workers during the coronavirus pandemic are continuing this trend by demanding better pay and safer working conditions from their employers. However, without comprehensive data, it’s impossible to understand the scope of how many workers are utilizing their fundamental right to strike. This knowledge gap makes it difficult for policymakers to adequately address the needs for workers in the United States, and the Bureau of Labor Statistics should be provided funding to gather comprehensive data on worker strikes. But even with the limited knowledge we have, it’s evident that strikes are an effective tool to improve the pay and working conditions of working people. Therefore, strengthening the right to strike for workers needs to be at the heart of labor law reform going forward.

## Thus, I affirm:

#### [Gourevitch 1] Resolved: A just government ought to recognize an unconditional right of workers to strike. This entails creating an enforceable claim of employees to retain employment while refusing to perform services under conditions they deem objectionable.

**Gourevitch 1:** Gourevitch, Alex. [Assistant professor of Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike.” Cambridge University Press, June 13, 2016. MB/CH

The right to strike is peculiar. It is not a right to quit. The right to quit is part of freedom of contract and the mirror of employment-at-will. Workers may quit when they no longer wish to work for an employer; employers may fire their employees when they no longer want to employ them. Either of those acts severs the contractual relation- ship and the two parties are no longer assumed to be in any relationship at all. The right to strike, however, assumes the continuity of the very relationship that is suspended. Workers on strike refuse to work but do not claim to have left the job. After all, the whole point of a strike is that it is a collective work stoppage, not a collective quitting of the job. This is the feature of the strike that has marked it out from other forms of social action. If a right to strike is not a right to quit, what is it? It is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is.Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of strikers.... Strikers . . . withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour.

## Part 3: Fighting Back

#### [Gourevitch 2] STRIKES CHALLENGE THE ROOT CAUSE OF VIOLENCE – they begin the reversal of economic and structural domination – impact turns all econ DAs.

**Gourevitch 2:** Gourevitch, Alex. [Assistant professor of Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike.” Cambridge University Press, June 13, 2016. MB/CH

We now have a way of explaining the right to strike as something decidedly more modern than just residual protection of some feudal guild privilege. The right to strike springs organically from the fact of structural domination. Striking is a way of resisting that domination at the point in that structure at which workers find themselves—the particular job they are bargaining over. It is not that workers believe they have some special privilege but quite the opposite. It is their lack of privilege, their vulnerability, that generates the claim. Structural domination makes its most immediate appearance in the threat of being exploited by a particular employer, even though the point of structural domination is that workers can be exploited by any potential employer. The sharpest form that the structural domination takes is through the threat of being fired, or of never being hired in the first place. The claim that strikers make to their job is therefore, in the first instance, a dramatization of the fact that their relationship is not voluntary, it is not accidental and contingent. They are always already forced to be in a contractual relationship with some employer or another. The refusal to perform work while retaining the right to the job is a way of bringing to the fore this social and structural element in their condition. It vivifies the real nature of the production relationship that workers find themselves in. Quitting the work but not the job is a way of saying that this society is not and cannot be just a system of voluntary exchanges among independent producers. There is an underlying structure of unequal dependence, maintained through the system of contracts, that even the “most voluntary” arrangements conceal. This is not just a dramaturgical fact about strikes, though the drama has, in many cases, been nearly Greek in its intensity and tragedy. It is a point about power. It would not have the drama if it were not a power play. By demanding the job as a matter of right workers do not just publicize their domination, they attempt to challenge the forcing to which they are subject. Limiting the employer’s ability to make contracts with others, and preventing other workers from taking those jobs, is a way of reversing the power relationship. It is a way of neutralizing the threat of losing the job, which is the most concrete, immediate point of contact with that background structure of domination. If you cannot lose your job, you are less vulnerable, less immediately economically dependent. Of course, this does not do away with the background structure itself, but a particular strike can never do that. Though even here, there are times when a strike, as it becomes a more generalized rejection of structural domination—say in large-scale sympathy strikes or general strikes—can begin to challenge the broad structure of economic control itself.

#### [Gourevitch 3] AND the RIGHT to strike reverses the power imbalance at the heart of capitalistic labor, regardless of strikes’ outcomes.

**Gourevitch 3:** Gourevitch, Alex. [Assistant professor of Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike.” Cambridge University Press, June 13, 2016. MB/CH

This is a challenge to the logic of the capitalist labor market that begins from within, at the location of the strike itself. At that point in the system, strikers temporarily reverse the relationships of power by eliminating that employers’ ability to use the threat of job- loss against them. They do that not just by claiming the job but by claiming it as a matter of right. The thought is that the exploitation of workers is unjustifiable, an unjustifiability that appears in the terms of the employment itself. Workers have the right to the job, and therefore to interfere with the employer’s property rights and other workers’ contract rights, because it is unjustifiable to subject workers to exploitative conditions. To be sure, many strikes and many strikers never articulate the argument in this language. But the point is not what workers always explicitly say, but rather what they do and what that doing presupposes. I am reconstructing the ideal presuppositions of a strike, and in particular, how to think about the peculiar set of assumptions about the right to a job. We have seen that it is no atavistic recovery of traditional rights and guild privileges but is a way of resisting a thoroughly modern form of social domination from a point within that structure of domination. Again, facing a freedom to quit the job but not the work, workers assert a right to quit working but keep the job. To put this all another way, though strikes are still about bargaining, and in that sense like market exchanges, they are simultaneously a challenge to the market as the appropriate standard by which to judge the fairness of workers’ compensation. The market is unfair because of workers’ structural disadvantage. Over and against the market value, strikers can argue that there are shared, or at least shareable, standards of fair compensation that employers should adhere to. While here again we see the echoes of feudal theories of “just price” and equity jurisprudence,61 we must note that in principle the claim is not, or does not have to be, based on special privilege. Rather, it begins by challenging the view that labor “freely” finds its value on the market. Workers are always already in relationships with employers and they cannot leave the basic relationship of earning money only by selling labor- power, no matter how many jobs they might quit. The standards we use for evaluating those kinds of forced relationships, like the state, are different, based on shared conceptions of justice and human need, not private agreement. Two final observations before we move to the work- place itself. If the foregoing analysis is correct then we can get a better sense of the way a right to strike relates to the rights of employers and replacement workers. The right to strike does not have to include the claim that employers have no right to use their property to pursue their own interests. It just means employers have no right to use their property in ways that allow them to exploit workers. That is why, from within the theory of the right to strike, employers do not have a unilateral right to hire whomever they please on whatever terms they please. If that latter right is permitted then, of course, employers may take advantage of the fact that every propertyless worker needs a job. Further, the right to strike does not have to mean replacement workers have no right to pursue their interests and make labor contracts. Rather, it means they do not have a right to use that power to reproduce the system of structural domination that puts all workers at an unfair disadvantage. That is why they may not take jobs that striking workers refuse to perform.

#### [Gourevitch 4] Further, STRIKES WORK – they have a spillover effect that impacts other labor movements.

**Gourevitch 4:** Gourevitch, Alex. [Assistant professor of Political Science, Brown University] “Quitting Work but Not the Job: Liberty and the Right to Strike.” Cambridge University Press, June 13, 2016. EM/CH

It is true that, since strike activity has declined by nearly 90 percent from its peak in the 1970s, we might think this form of collective action is no longer relevant (see Figure 1). However, in the past few years, we have seen **significant strikes by Chicago teachers and transit workers, nurses and fast food workers, truckers and oil refiners, Verizon and WalMart workers. Some of these actions have** spilled out into wider campaigns**, most significantly the recent “Fight for $15” strikes whose aim is to raise the minimum wage and which have included everyone from food service workers to** child care providers. These strikes have taken place in those sectors expected to add the largest number of jobs in coming years, like health care, food service, and retail. Present and future Supreme Court rulings on topics like public sector union fees and unpaid work have revived interest in labor law generally, after years of relative indifference. Moreover, strikes by British postal workers, South African miners, Belgian and Greek anti-austerity activists, and hundreds of thousands of Chinese workers, speak to the global scope of the issue. Given the new poli**tics of inequality that has emerged after the last decades of relative labor quiescence, and especially since the Great Recession of 2008 and the Euro-crisis of 2010, there is every reason to think that strikes will be as much a part of our future as our past.**

#### [Gourevitch 5] Next, workers are entitled to participate in them, so their RIGHT to do so should be recognized – contracts that don’t validate strikers’ basic freedom aren’t legitimate, and CPs don’t solve.

**Gourevitch 5:** Gourevitch, Alex. [Assistant professor of Political Science, Brown University] "Quitting Work but Not the Job: Liberty and the Right to Strike", Cambridge University Press, June 13, 2016. MB/CH

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 exploita- tion 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 imper- atives of maximizing profits translate into the exercise of managerial authority and organization of work. Uncon- tested 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 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 govern- ment 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.

He adds:

My basic thought is that the right to strike is a right of human freedom claimed against the social domination that the typical modern worker experiences. Ordinarily, the right to strike is thought to be an economic right whose purpose is to maintain a certain kind of bargaining relationship among self-interested economic actors. However, it is better understood as a political right that individuals claim against an unjust system of law and property in the name of justice and emancipation. It is a political right even when most strikes do not have explicitly political ends. Put another way, one reason strikes are political is the way they threaten the normal distinction between politics and economics itself. They do so by challenging the idea that the logic of commodity exchange and private contracts should govern labor relations. The best justification of the right to strike lies in the way strikers claim their liberty not just as abstract persons but as socially-situated agents, who find them- selves in the historically specific relationships of domina- tion associated with the labor market. It is this connection to resisting domination that makes the right to strike political. My central purpose is to develop an argument for the right to strike and in so doing to show how recent developments in political philosophy around concepts like domination and freedom can enrich our thinking about labor rights.14 While basically a normative argu- ment, this is not an argument from what is sometimes called ideal theory. The procedure here is not to imagine the best regime and derive the right to strike from features of that regime—quite the opposite. It would, in fact, be hard to understand just why the strike protects a funda- mental interest in non-domination if we began from perfectly just conditions. As we shall see, we can only make sense of the right to strike—of the interests it protects, of its scope, of the role it plays in our moral reasoning—against the background of injustice. Those unjust conditions of domination explain the right to strike. I make no general claims about the superiority of non-ideal versus ideal theory. Rather, my argument here is narrower: to explain and justify the right to strike, we must begin with the significantly unjust conditions of the typical labor market.