**I affirm the resolution resolved: a just government ought to recognize the unconditional right of workers to strike**

For clarity, I offer the following definitions.

First, a just government is defined by cram as

a just government is **a government that acts for the good of the people** and is morally upright.

<https://www.cram.com/essay/Example-Of-A-Just-Government/PJWLQRKAEU>

Second, in the context of governments, recognize is defined by the Merriam-Webster dictionary as to

**acknowledge the** existence, validity, or **legality of [something]**

Therefore, affirming legalizes striking for workers.

Third, the Merrian-Webster dictionary defines unconditional as

**having no exceptions or restrictions**.

These exceptions could be threatening arrest for striking, being fired, or being coerced away from striking.

Lastly, and most importantly, strike is best defined by Waas 12 as a Colombian legislation expressly provides5 that the **suspension of work [that is]** must not only be **[both] temporary [and]**, but also “**peaceful**”.

**for the purpose of collective bargaining or other mutual aid or protection**

Because the resolution questions what makes a government just, my value is **Justice**, defined as giving each their due.

Because a just government must ensure that groups aren’t marginalized in its *processes or outcomes*, my value criterion is **minimizing structural oppression**

Structural oppression is defined by the Aspen Institute as

Systemic (or Structural) Oppression = The **ways in which** history, culture, ideology, **public policies, [and] institutional practices**, and personal behaviors and beliefs interact to **maintain a hierarchy – based on race, class, gender, and**/or **other group identities** – **that allows** the privileges associated with the dominant group and **the disadvantages associated with** the oppressed, targeted, or **marginalized group[s] to endure** and adapt **over time** (Aspen Institute).

Prefer this value criterion for these three reasons:

**First, structural oppression creates skewed, unjust power disparities** between citizens-citizen relationships and citizen-government relationships. This grossly unbalanced power dynamic allows oppressors to treat people as subhuman and remove their dignity for mere political or economic gains.

**Second, perpetuating structural oppression allows the ideologies of the privileged to be deemed as universal and true.** Only when the rights and voices of all people are heard and respected, can a society be just.

**Third, fighting oppression is integral to any understanding of morality**. According to Winter and Leighton 99,

Knowledgeable in the fields of social psychology, peace psychology, and justice and intergroup responses to transgressions of justice] “Peace, conflict, and violence: Peace psychology in the 21st century.” Pg 4-5 ghs Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that **our** normal **perceptual cognitive processes divide people into in-groups and out-groups.** Those outside our group lie outside our scope of justice, injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. **Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer.** Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. **To reduce** its **[structural oppression’s] nefarious effects, we must be vigilant in noticing and listening to the oppressed**, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity.

I offer the following observation.

As the affirmative debater, I only need to prove that affirming as a whole reduces structural oppression. That means that negative debater can’t only point out a few outliers to win the round, they need to argue that overall, negating is a good idea.

Second, in order to establish a fair round, the neg advocates for the status quo. Otherwise, the neg has infinite ground while the aff has limited ground, harming predictability and fairness in round.

**Contention 1) Self-Defense**

The workers right to strike is philosophically synonymous to the right to self-defense.

The right to self-defense is described by the HG Organization as

The law has long recognized the right of a person to protect himself or herself from harm under certain circumstances even when that conduct would otherwise subject that person to criminal culpability. Self-defense is considered **the right to prevent harm to oneself by using a sufficient level of counteracting force.**

<https://www.hg.org/legal-articles/self-defense-laws-40093>

Because strikes allow workers the power to stand up against horrible and harmful working conditions, it is considered a form of self-defense and ought to be protected by the government. Bernd Waas, a professor of Labour and Civil Laws states that

Second, entirely different attitudes exist towards strikes. In some countries, strikes are considered “a right to self-defence” which is not necessarily directed at the employer; in other countries, the area of admissible industrial action may be necessarily congruent with the relationship between employers and employees. In yet other countries, strikes are seen as acts of **[and] “self-empowerment”** which have very little to do with a legal order granting certain powers or rights. Finally, in some countries, the right to strike is viewed as being firmly rooted in human dignity, granted to each individual worker and not waivable [by anyone else] by him or her, and in others, the perspective may be more “technical” with a considerable power to dispose of the right to strike.

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

Further, the right to self-defense is unconditional. Breggin 79 states that the

Voluntary exchange is only possible when individuals have the right to protect themselves from assault upon their freedom and dignity. The amount of force used in defense should be no more than what is necessary to protect oneself, otherwise self-defense becomes aggression. You do not kill someone when a single punch might do the trick; you do not humiliate someone in public when a private warning might do. Similarly, you may not use extreme force even if it is required to stop minor aggression. Let' s suppose someone insults you at a party and refuses to stop. It makes little sense to escalate the conflict into physical assault when little is to be gained from it. But in casual relations, and especially in close personal relations, an individual has the right to protect himself from all harmful actions, even those committed by friends and family. Indeed, since those nearest and dearest to us are most able to harm us, it is most important to defend ourselves in those relationships. This **right to self-defense is unconditional in [that]** several aspects. First, it does not depend upon whether or not the aggressor has good intentions or protests his or her love for you. **You** need to **determine whether or not the effect on you is good or bad.**  You have the right to defend yourself against bad effects regardless of the perpetrator's intent. Second, the right to self-defense does not depend upon your prior conduct toward that person. If you insult someone, it does not justify his insulting you; it justifies only his defending himself against your insults. The quickest way to destroy a relationship is to let your guilt over past misdeeds justify your acceptance of aggressive behavior. Insist that others treat you well, regardless of their excuses or justifications for abusing you. But remember, this means you must treat them well, too, regardless of your real or imagined hurts at their hands. Devotion to the unconditional right of self defense is the best way to prevent a spiraling of hostility in close relationships.

<https://breggin.com/wp-content/uploads/2016/07/Breggin1979_Self-OwnershipLibertarian.pdf>

Other actors, like the government, do not get to choose when you are harmed, and thus external conditions on the right to self-defense do not respect one’s own inherent dignity and to reduce oppression.

And thus, because strikes are a form of self-defense, an unconditional human right, a just government ought to protect the right that allows the oppressed to defend themselves and demand their own solutions.

**Contention 2) Oppressive Working Conditions (aka shitting on capitalism) (aka The Socialist Transition State)**

There are three parts to this contention

**The first one is that current economic scenes lead to worker oppression**

Currently, many workers are structurally oppressed in society.

Gourevitch 18 explains why, stating that

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, there[fore]**by**, enjoy unjustifiable control over the activities** and products **of th[eir]**ose **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 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.

https://www.cambridge.org/core/journals/ american‑political‑science‑review/article/abs/right‑to‑strike‑a‑radical‑view/8B521F67E 28D4FAE1967B17959620424

As a result, workers face horrible forms of oppression, as Gourevitch 2018 furthers that

Dependence: Finally, managers **[employers]** might **have the** material **power to force employees** to submit to commands or even **to accept violations of their rights because of the worker’s dependence on the employer.** A [chief] headline example is wage-theft, which [robs] affects American workers [around] to the tune of $8– $14 billion per year (Eisenbray 2015; Judson and Francisco-McGuire 2012; NELP 2013; Axt 2013). In other cases, [further] **workers have been** forced to wear diapers rather than go to the bathroom, **refused** legally required **lunch breaks,** or pressured to work through them, **forced to keep working after their shift is up, or denied the right to read or turn on air conditioning during break** (Oxfam 2015; BennettSmith 2012; Egelko 2011; Greenhouse 2009, 3– 12; Little 2013; Vega 2012). **Other employers have forced their workers to** stay home rather than go out on weekends or to **switch churches and alter religious practices on pain of being fired** and deported (Garrison, Bensinger, and Singer-Vine 2015). In these cases, employers are not exercising legal prerogatives, they are instead taking advantage of the material power that comes with threatening to fire or otherwise discipline workers. This material power to get workers to do things that employers want is in part a function of the class structure of society, both in the wide sense of workers being asymmetrically dependent on owners, and in the narrower sense of workers being legally subordinate to employers

https://jacobinmag.com/2018/07/right-to-strike-freedom-civil-liberties-oppression

Further, the RAND organization finds that

Working conditions in the United States can be harsh. 61% of American workers perform repetitive or intense physical work. This work can include moving heavy loads or maintaining painful positions. **More than half [of workers] are exposed to hazards such as** loud environments, **extreme temperatures, hazardous materials, or unhealthy air.** The environment can be hostile. **20% report recent abuse or harassment at work.** These workers can be subject to verbal abuse, humiliation, unwanted sexual attention, or bullying or harassment — often from their customers. Americans' jobs are hectic. **50% work in their free time to meet workplace demands.** Ten percent do so nearly every day. Twenty seven percent of workers say they don’t have enough time to do their job, and 66% work at high speed or on tight deadlines.

https://www.rand.org/education-and-labor/projects/american-working-conditions.html

This issue is made worse, because people are forced to work in modern day society, meaning that they are required to submit to this oppression in order to make a living.

Overall, many workers in the status quo are oppressed by harmful employer/worker relations.

**Second part is that the government enables the issue through conditions on strikes**

Rhomberg 12 states that

No discussion of unions or collective bargaining in the contemporary United States should proceed without considering workers’ right to strike, a right explicitly protected by the 1935 National Labor Relations Act (NLRA) and effectively recognized as a basic human right by the United Nations’ International Labor Organization (Gernigon, Odero, and Guido, 1998). The right to strike was a crucial part of the system for democratic workplace governance under the NLRA, as the U.S. Supreme Court affirmed in its 1960 Insurance Agents decision. There is only one problem now: The strike has virtually disappeared from American life. The numbers are stark. During the 1970s, an average of 289 major work stoppages involving 1000 or more workers occurred annually in the U.S. By the 1990s, that number had fallen to about thirty-five per year, and in 2009 there were no more than five (Lambert 2005; U.S. Bureau of Labor Statistics 2011). Nor can the decline in the number of strikes be explained solely by declining union density in the economy. According to a study by sociologist Jake Rosenfeld (2006), unionization among private sector, full-time employees fell by 40 percent between 1984 and 2002, but the drop in total strike frequency was even greater, falling by more than two thirds. Why has the strike disappeared, and what does that mean for us now? Since the 1980s, the forces of economic globalization, technological change, and corporate re-structuring have all put increasing pressure on the employment relationship. None of those forces by themselves, however, need automatically lead to the disappearance of either strikes or unions, as the comparative experience of other industrialized countries shows. Rather, **the most important cause [of a lack of strikes] has been the profound change in the legal [policies]** and institutional regime **governing labor relations and workers’ rights in the U.S.** The strike has been transformed from an economic bargaining tactic and protected legal right to a more high-risk confrontation, in which the issues at stake are no longer the dollars-and-cents on the table but the continued existence of the collective bargaining relationship. To understand these changes, we first need to acknowledge that our traditional notions of strikes are either poor caricatures or badly out of date. We can then illustrate the historic shift by recalling how the New Deal system of labor relations was supposed to work, and how it stabilized under the so-called post World War II labor “accord.”

https://www.fordham.edu/download/downloads/id/1129/the\_return\_of\_judicial\_repression\_what\_has\_happened\_to\_the\_strike.pdf

Government conditions decrease the effectiveness and frequency of strikes in two ways

First, a conditional right to strike prevents effective strikes by placing a legal minefield around workers.

Current government legal conditions on strikes have destroyed the chance of workers fighting for better rights. Reddy 21 states that current government conditions on

The National Labor Relations Board—the institution charged with enforcing the policies of the Act—summarizes these “qualifications and limitations” on the right to strike on its website in the following way: The lawfulness of a **strike[s] may depend on** the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are **matters that are not always easy to determine.** Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.93 **The [conditional] “right” to strike,** it seems, **is filled with uncertainty** and peril. Collectively **[Because of this], these rules** prohibitmany of the strikes which helped build the labor movement in its current form. Ahmed White accordingly argues that law **prohibits effective strikes**, strikes **which** could **actually change employer behavior**: “Their inherent affronts to property and public order place them well beyond the purview of what could ever constitute a viable legal right in liberal society; and they have been treated accordingly by courts, Congress, and other elite authorities.”94

<https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

Pope et al. 17 explains, stating that

The prospects for union revival may seem bleaker than ever during the Trump administration, even as the triumph of right‑wing populism makes more urgent what was already apparent: the need to build a labor movement that can fight for the interests of the working class in the face of corporate power. But prospects are not as grim as they appear. Over the past decade, there has been an undeniable shift toward class politics, most visibly evidenced by Occupy Wall Street, the Bernie Sanders campaign, the Fight for Fifteen, and the rise of a Black Lives Matter movement that supports economic justice demands, including the right to organize. Building the labor movement in this period of danger and opportunity will require not only heeding Lerner’s call for a strategic shift and extralegal action; labor must also reclaim the right to strike and confront the deep structural disabilities that impede unions from challenging corporate power. As Lerner diagnosed twenty years ago, U.S. [conditions on strikes] labor law blocks unions and workers from effective organizing and striking. Then As [of] now, the law’s protections for workers’ rights amount to little more than paper guarantees, while its restrictions are downright deadly. Indeed the Committee on Freedom of Association of the International Labor Organization (ILO) has held that the United States is **[governments are]** violating international standards by **failing to protect the right to [strike]** organize**, by banning secondary strikes** and boycotts **across the board, and by allowing employers to permanently replace workers who strike.** The ban on secondary strikes is especially debilitating, because it prevents workers who have economic power, such as organized grocery workers, from aiding workers who do not, for example unorganized packing house workers. If the grocery workers support striking packers by refusing to handle food packed by strikebreakers, they are said to be engaging in an illegal secondary strike. But the law cuts even deeper, deforming workers’ organizations at their inception. As amended by the Taft‑Hartley Act of 1947 (tagged by unionists as the “Slave Labor Law”), the National Labor Relations Act (NLRA) confronts workers with a choice between two inadequate forms of organization: statutory “labor organizations,” popularly known as unions, and “others,” for example workers’ centers that organize outside the statutory framework. At first glance, the choice seems obvious. Only unions can demand and engage in collective bargaining. But unions are subject to so many restrictions that some workers’ organizations (such as the Restaurant Opportunities Centers United) are willing to forego collective bargaining in order to avoid them, while others (including the Coalition of Immokalee Workers) consider themselves lucky to be excluded from the NLRA altogether. In the 1960s Cesar Chavez of the United Farm Workers rejected NLRA coverage for farm workers on the ground that it would inscribe “a glowing epitaph on our tombstone.”

https://bostonreview.net/forum/james‑graypope‑ed‑bruno‑peter‑kellman‑right‑strike

And overall, the RWC concludes that

The unconditional right to strike at any time, for any reason: Solidarity strikes, political strikes, secondary strikes, wildcat strikes, and mass pickets are prohibited, blunting the effect of the strike weapon, while other workers are prohibited from striking at all, such as federal workers, or many who work in transportation. These limitations allow capitalists to keep strikes within certain limits that weaken their effect, while allowing them to call on the state to suppress workers should they succeed in stopping the flow of profits. We demand the right to use the weapon of the strike to its fullest extent, which includes the repeal of the Taft-Hartley and Landrum-Griffin Acts.

https://restaurantworkerscouncil.org/2021/10/02/program-on-the-attitude-of-conscious-workers-to-the-law-programa-sobre-la-actitud-de-los-trabajadores-conscientes-ante-la-ley%EF%BF%BC/

The many confusing and uncertain conditions on the right to strike prevents effective strikes. Many workers do not understand the entirety of all strike laws, and thus they refrain from striking because they don’t want to walk through the legal minefield and trip a landmine. Unconditionality is key to solving this issue, because it’s the only way for workers to trust that their strike will be protected.

Secondly, the existence of conditions allows companies to exploit loopholes to legally shutdown strikes.

The CWA 05 states that

**In the battles [where] American workers** are forced to **fight to exercise their rights to organize and bargain**, union-busting **companies frequently rely on** the advice of management-side **labor lawyers.**

<https://cwa-union.org/news/entry/exploiting_legal_loopholes_rare_lawsuit_exposes_tactics_of_union-busting_co>

With conditions on strikes, companies can hire lawyers to exploit these legal conditions and turn the law against strikers and unions. Because of this, McNicholas 19 continues stating that

The data show that **U.S. employers are willing to use a wide range of legal and illegal tactics to frustrate the rights of workers to** form unions and **collectively bargain.** Employers are charged with violating federal law in 41.5% of all union election campaigns. And one out of five union election campaigns involves a charge that a worker was illegally fired for union activity. Employers are charged with making threats, engaging in surveillance activities, or harassing workers in nearly a third of all union election campaigns. Beyond this, there are many things employers can do legally to thwart union organizing; **employers spend roughly $340 million annually on [anti-strike and anti-union]** “union avoidance” **consultants** to help them stave off union elections. This combination of illegal conduct and legal coercion has ensured that union elections are characterized by employer intimidation and in no way reflect the democratic process guaranteed by the National Labor Relations Act.

<https://www.epi.org/publication/unlawful-employer-opposition-to-union-election-campaigns/>

Overall, the mere existence of legal conditions in the right to strike greatly weakens it’s power to create change due to legal minefields and anti-strike lawyers.

**The third part is that the unconditional right to strike solves the issue**

Affirming is absolutely key, because conditions are inherently harmful to the effectiveness of strikes. If granted the unconditional right to strike, strikes would become much more powerful and workers would finally have an effective means of fighting back.

Gourevitch 18 [pdf] finds that

**For the right to strike to [resists oppression]** enjoy its proper connection to liberty**, workers must have a reasonable chance of carrying out an effective strike, otherwise it would lose its instrumental value as a way of resisting oppression.** If prevented from using a reasonable array of effective means, exercising the right to strike would not be a means of reducing oppression and, therefore, strikes would also be of very limited value as acts of self-emancipation. It would not be an instance of workers attempting to use their own capacity for self-determination to increase the control they ought to have over the terms of their daily activity

On this radical view, the right to strike has both an intrinsic and instrumental relation to liberty. It has intrinsic value as an (at least implicit) demand for self-emancipation or the winning of greater liberty through one’s own efforts. [The unconditional right to strike] It has instrumental value insofar as the strike is on the whole an effective means for resisting the oppressiveness of [the employer-worker relationship.] a class society.

There are two impacts

Firstly, strikes themselves reduces worker oppression

Olsen 95 finds that

Our analysis of strikes in the early 1880s leads to two main conclusions. First, strike outcomes were fundamentally discrete. For strikes over wage increases, a failed strike meant a return to work at the prestrike wage. **A successful strike**, on the other hand, **meant a significant wage increase (averaging 13[.6] %)**. Ninety percent of strikes were resolved by one of these two outcomes. Second, win/loss probabilities were proportional to the size of the wage gain if the strike succeeded. Analyzing patterns across larger and smaller strikes, strikes with higher and lower participation rates, strikes in different industries, and strikes before, during, and after the wave of unrest in May 1886, we find a consistent pattern linking the wage premium for a successful strike to the probability of success. The discreteness of strike outcomes and other qualitative evidence lead us to interpret disputes over wage increases as contests to determine the bargaining status of workers. If a strike succeeded, the strikers' bargaining power was recognized and a wage premium-the equivalent of a union wage gap-was established. Otherwise, employers continued to earn all the potential rents. This interpretation maps into a war-of-attrition model in which the prize for the winner of the dispute is a share of the rents. The theoretical model highlights the importance of the parties' strike costs relative to the size of the available rents. Within this framework, the proportionality between win/loss rates and the wage premium for a successful strike can be interpreted as evidence that employers with greater rents had higher delay costs during a work stoppage.

https://www.jstor.org/stable/pdf/2535306.pdf?refreqid=excelsior%3Ade514bf96e5c407200ff35427056585c

Further, the Economic Policy Institute 20 states that

Based on the very limited data available, the resurgence of **strike activity** in recent years **has given** over a **million[s of] 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.

<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/>

Further, even if the negative can prove that strikes are bad in the short term, remember that the affirmative decreases worker oppression in the long run, making it the best way to fight the oppressive structures that are perpetuated over time.

Secondly, the threat of strikes reduces worker oppression

When you affirm, you give the unconditional right to strike, making strikes much more powerful. As a result, employers will preemptively increase working conditions even if the actual strikes do not happen. The UE Union Organization states that

A strike is always our last resort. As UE members we know that there are hundreds of ways to put pressure on an employer to settle a good contract. But the strike — or **the threat of [a strike]** one — **remains the single most powerful [tool]** inducement **to force employers to deal with the demands of workers.** Because of this, every Local — even one that has never gone on strike — must keep its strike machinery well-oiled. Remember - only your local membership can decide to strike - not UE Officers, staff or workers from other locals or shops.

<https://www.ueunion.org/strikes>

Rosenfeld 06 citation <https://www.jstor.org/stable/pdf/3844415.pdf?refreqid=excelsior%3Af13531230ecc51323a725c1cca99dc8e>

Control f “strikes may boost”

Therefore, by affirming and increasing the power of strikes, the threat of strikes increases and companies would be more likely to preemptively increase wages and working conditions

Overall, because the unconditional right to strike is synonymous to our right to self-defense, and because it will improve the conditions of workers who are oppressed by their employers, I strongly affirm the resolution.