## 1AC – Lay

### Framing

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

#### My value is Morality because of the word ought in the resolution which indicates a moral obligation as per Meriam Webster. Topicality must come first in weighing values since it is the only stasis for research – being topical allows for in-depth and researched debates.

<https://www.merriam-webster.com/dictionary/ought>

#### The best criterion to reach the value of morality is maximizing expected wellbeing, also known as utilitarianism. Prefer this criterion for two reasons.

#### First, Utilitarianism should come first because the actor of the topic is the government and utilitarianism is the best criterion for governments because it exclusively provides a metric of determining what action to take during trade offs and all government acts are, inevitably, trade-offs.

#### Second, Pleasure and pain are intrinsic value and disvalue – everyday experience proves

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI rc// Phoenix

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

### Contention 1: Democracy

#### Strikes reverse the current trend against democracy and thus prevent future wars through democratic peace theory which argues that democracies do not go to war because they are the ones who would feel the direct consequences.

#### a.] Democracy is currently low now globally – expansion has stopped

Diamond ’20 [Larry; September 15; Professor of Political Science and Sociology at Stanford University, Senior Fellow at the Hoover Institution; Democratization, “Democratic regression in comparative perspective: scope, methods, and causes,” p. 1-21]

The global democratic recession

For the past nearly decade and a half, the world has been in the grip of a democratic recession. 7 Until recently, this has been a mild and even ambiguous phenomenon, so much so that distinguished scholars challenged the notion that it was happening at all. 8 The main indicators of the downturn were three.

First, democracy simply stopped expanding. In fact, 2006 was the high water mark for democracy in the world, with the percentage of democracies peaking that year at 57% among states over one million population (Figure 1), and 61% of all states. 9 Since then the proportion of democracies in the world has gradually declined, to 55% of all states and 48% of states above one million population. And the percentage of people living in democracies has declined from 55% to 47%. The year 2019 marked the first time since the end of the Cold War that the majority of states over one million population was not democratic, and also the first time that a majority of the world’s people did not live in a democracy.

Second, beginning in 2006, freedom started to recede in the world. The ratio of countries gaining in freedom to the number declining in freedom (according to Freedom House) fell to about parity in 2006, but has been only about 50%–70% every year since 10 – exactly reversing the pattern for the fifteen years (1991–2005) following the demise of the Soviet Union (Figure 2).

To be sure, the impact on aggregate freedom scores in the world has still been modest. Averaging all countries of the world, the Freedom House 100-point scale of political rights and civil liberties has declined from a score of 62.4 in 2006 to 58.7 in 2019 (or, by 5.9%). The decline in the global average score on the Economist magazine’s Democracy Index in this period has been even more modest (1.5%). But this masks some more striking trends on the Freedom House scale. The average freedom scores for Africa, the Middle East and Latin American declined substantially between 2006 and 2019. Every other region showed at least a modest downward trend, except for East and Southeast Asian countries (over one million population), where the dramatic gains in Burma and the modest gains in Japan, Taiwan, Malaysia and East Timor slightly outweighed the deterioration in the Philippines, China, and (more modestly) South Korea, Indonesia, Thailand, and Cambodia. Despite relatively high global correlations, four different scales of democracy – Freedom House, the Economist Intelligence Unit, and V-Dem’s Liberal and Electoral Democracy indices – show sharply divergent trends for some regions (Table 1). The four scales agree that there has been a modest negative trend for the advanced Anglophone and West European democracies, a more substantial slide for countries in Latin America and the Caribbean above one million population, and erosion – but of widely varying extent – in Sub-Saharan Africa. But in sharp contrast to the other two scales, the V-Dem scales show substantial improvement in average scores for South Asia and the former Soviet Union during this period.

Third, the rate of democratic breakdown has been accelerating. If we divide the last 44 years of the third wave into four segments (“long decades”) of eleven years (1976–2019), we find that the rate of democratic breakdown went from 13.7% in the first long decade to just under 10.7% in each of the next two long decades, and then spiked up to 18.9% in the last eleven years. But this itself understates the intensity of the recent downturn. Figure 3 decomposes the third wave into nine five-year segments (1975–2019). The number of democratic breakdowns in the last five years (2015–2019) – 12 – (including by gradual and undeclared executive strangulation, for example, in the Philippines) was the highest of any five-year period since the start of the third wave, and the number of transitions to democracy – 7 – was the lowest. Hence the ratio of democratic transitions to breakdowns was by far the lowest of any five-year period in this nearly half century of political change. In fact, the ratio fell to below 1 (0.6) for the first time since the mid-1970s.

But numbers do not tell the whole story. Since the democratic recession began in 2006, democracy has been failing in a number of big and strategically significant states, such as Bangladesh, Thailand, Turkey, the Philippines, and for the first time in a member state of the EU – Hungary. 11 These instances followed the executive-led strangulation (in the early years of the new century) of an emerging democracy in Russia and of a longstanding but deeply troubled democracy in Venezuela. Other states, like Sri Lanka and Nepal, have moved back and forth or hovered on the precipice. And then are the states that remain democratic but have been deteriorating in quality, including the world’s four largest democracies – the United States, India, Indonesia, and Brazil – and the largest democracy in Central and Eastern Europe, Poland. 12 In 2019, India suffered one of the steepest declines on the 100-point Freedom House scale (4 points). Since 2012, India has declined by 5 points, Indonesia by 7, Brazil by 6, Poland 9, and the U.S. 7 points.

#### b.] Strikes increase democratic participation which reinvigorates democracy

McElwee 15 [Sean; Research Associate at Demos; “How Unions Boost Democratic Participation,” The American Prospect; 9/16/15; https://prospect.org/labor/unions-boost-democratic-participation/]

Labor organizer Helen Marot once observed, "The labor unions are group efforts in the direction of democracy." What she meant is that more than simply vehicles for the economic interests of workers (which they certainly are), labor unions also foster civic participation for workers. And nowhere is this clearer than in voter turnout, which has suffered in recent years along with union membership. Indeed, new data from the Census Bureau and a new analysis of American National Election Studies data support the case that unions' declining influence has also deeply harmed democracy.

In 2014, voter turnout was abysmal, even for a midterm. Census data suggest that only 41.9 percent of the citizen population over 18 turned out to vote. However, as I note in my new Demos report Why Voting Matters, there are dispiriting gaps in turnout across class, race, and age. To examine how unions might affect policy, I performed a new analysis of both Census Bureau and American National Election Studies data. The data below, from the 2014 election, show the differences in voter turnout between union and non-union workers (the sample only includes individuals who were employed, and does not include self-employed workers). While only 39 percent of non-union workers voted in 2014, fully 52 percent of union workers did.

As part of ongoing research, James Feigenbaum, an economics PhD candidate at Harvard, ran a regression using American National Election Studies data suggesting that union members are about 4 percentage points more likely to vote and 3 points more likely to register (after controlling for demographic factors) and individuals living in a union household are 2.5 points more likely to vote and register. This is largely in line with the earlier estimates of Richard Freeman.

These numbers may appear modest, but in a close national election they could be enough to change the result.

Other research has found an even stronger turnout effect from unions. Daniel Stegmueller and Michael Becher find that after applying numerous demographic controls, union members are 10 points more likely to vote.

What's particularly important is that unions boost turnout among low- and middle-income individuals. In a 2006 study, political scientists Jan Leighley and Jonathan Nagler found that, "the decline in union membership since 1964 has affected the aggregate turnout of both low and middle-income individuals more than the aggregate turnout of high-income individuals." In 2014, the gap between unions and non-union workers shrunk at the highest rung of the income ladder. There was a 15-point gap among those earning less than $25,000 (40 percent turnout for union workers, and 25 percent turnout for non-union workers). Among those earning more than $100,000, the gap was far smaller (49 percent for non-union workers and 52 percent for union workers).

Individuals living in union households are also more progressive than those in non-union households. I examined 2012 ANES data and find that union households aren't largely different from non-union households on many issues regarding government spending, but they are more likely to have voted for Obama, identify as Democratic, and support a robust role for the government in reducing income inequality. When looking at union members specifically, the gaps become slightly larger.

More upscale union members are far more progressive than their non-union counterparts. Non-union households with an income above $60,000 oppose government intervention to reduce inequality by 11 points, with 32.2 percent in favor and 43.4 percent against. But richer union households support government intervention, with 42.5 percent in favor and 29.9 percent opposed. As Richard B. Freeman has pointed out, "union members are more likely to vote for a Democrat for the House or Presidency than demographically comparable nonunion voters." He similarly finds that "unionism moves members to the left of where they would be given their socioeconomic status," in line with the data I examined from 2012.

A 2013 study by Jasmine Kerrissey and Evan Schofer finds that union members are not only more likely to vote, but also more likely to belong to other associations, and to protest. They also find that these effects are strongest among people with lower levels of education, suggesting that unions may help mobilize the least politically active groups. A recent study of European countries finds union members vote more and identifies those aspects of union membership that contribute to the higher turnout.

The strongest factor is that workers who engage in democratic organizations in the workplace (via collective bargaining) are more likely to engage in democracy more broadly by, for instance, voting.

Other studies support the idea that civic participation creates a feedback loop that leads to higher voting rates. Another factor is that union members make more money, and higher income is correlated with voting behavior. Finally, union members are encouraged by peers and the union to engage in politics, which also contributes to higher levels of turnout.

It's not entirely surprising that politicians who savage unions often share a similar contempt for the right to vote. Democracy in the workplace leads to democracy more broadly throughout society. Workers with more democratic workplaces are more likely to democratically engage in in society. Further, when unions and progressives demonstrate that government can benefit them, Americans are more likely to want to participate in decision-making. For all these reasons, unions play a unique and indispensable role in the progressive project. As Larry Summers, certainly not a leftist, recently argued, "the weakness of unions leaves a broad swath of the middle class largely unrepresented in the political process."

#### c.] Democracy perseverance is necessary to prevent laundry list of impacts – climate change, terrorism, and most importantly, global war

Kendall-Taylor 16 [Andrea; Deputy national intelligence officer for Russia and Eurasia at the National Intelligence Council, Senior associate in the Human Rights Initiative at the Center for Strategic and International Studies in Washington; “How Democracy’s Decline Would Undermine the International Order,” CSIS; 7/15/16; <https://www.csis.org/analysis/how-democracy%E2%80%99s-decline-would-undermine-international-order>/]

It is rare that policymakers, analysts, and academics agree. But there is an emerging consensus in the world of foreign policy: threats to the stability of the current international order are rising. The norms, values, laws, and institutions that have undergirded the international system and governed relationships between nations are being gradually dismantled. The most discussed sources of this pressure are [the ascent of China](http://nationalinterest.org/feature/how-china-sees-world-order-15846) and other non-Western countries, Russia’s assertive foreign policy, and the diffusion of power from traditional nation-states to nonstate actors, such as nongovernmental organizations, multinational corporations, and technology-empowered individuals. Largely missing from these discussions, however, is the [specter of widespread democratic decline](http://www.journalofdemocracy.org/article/facing-democratic-recession). Rising challenges to democratic governance across the globe are a major strain on the international system, but they receive [far less attention](http://www.iiss.org/en/publications/survival/sections/2016-5e13/survival--global-politics-and-strategy-april-may-2016-eb2d/58-2-03-boyle-6dbd) in discussions of the shifting world order.

In the 70 years since the end of World War II, the United States has fostered a global order dominated by states that are liberal, capitalist, and democratic. The United States has promoted the spread of democracy to strengthen global norms and rules that constitute the foundation of our current international system. However, despite the steady rise of democracy since the end of the Cold War, over the last 10 years we have seen dramatic reversals in respect for democratic principles across the globe. [A 2015 Freedom House report](https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf) stated that the “acceptance of democracy as the world’s dominant form of government—and of an international system built on democratic ideals—is under greater threat than at any point in the last 25 years.”

Although the number of democracies in the world is at an all-time high, there are a number of [key trends](file:///C:\Users\PMeylan\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\5V2CJVRN\160715_KendallTaylor_DemocracysDecline_Commentary.docx#http://www.journalofdemocracy.org/article/democracy-decline) that are working to undermine democracy. The rollback of democracy in a few influential states or even in a number of less consequential ones would almost certainly accelerate meaningful changes in today’s global order.

Democratic decline would weaken U.S. partnerships and erode an important foundation for U.S. cooperation abroad. [Research demonstrates](file:///C:\Users\PMeylan\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\5V2CJVRN\160715_KendallTaylor_DemocracysDecline_Commentary.docx#http://cmp.sagepub.com/content/18/1/49.abstract) that domestic politics are a key determinant of the international behavior of states. In particular, democracies are more likely to form alliances and cooperate more fully with other democracies than with autocracies. Similarly, authoritarian countries have established mechanisms for cooperation and sharing of “worst practices.” An increase in authoritarian countries, then, would provide a broader platform for coordination that could enable these countries to overcome their divergent histories, values, and interests—factors that are frequently cited as obstacles to the formation of a cohesive challenge to the U.S.-led international system.

Recent examples support the empirical data. Democratic backsliding in Hungary and the hardening of Egypt’s autocracy under Abdel Fattah el-Sisi have led to enhanced relations between these countries and Russia. Likewise, democratic decline in Bangladesh has led Sheikh Hasina Wazed and her ruling Awami League to seek closer relations with China and Russia, in part to mitigate Western pressure and bolster the regime’s domestic standing.

Although none of these burgeoning relationships has developed into a highly unified partnership, democratic backsliding in these countries has provided a basis for cooperation where it did not previously exist. And while the United States certainly finds common cause with authoritarian partners on specific issues, the depth and reliability of such cooperation is limited. Consequently, further democratic decline could seriously compromise the United States’ ability to form the kinds of deep partnerships that will be required to confront today’s increasingly complex challenges. Global issues such as climate change, migration, and violent extremism demand the coordination and cooperation that democratic backsliding would put in peril. Put simply, the United States is a less effective and influential actor if it loses its ability to rely on its partnerships with other democratic nations.

A slide toward authoritarianism could also challenge the current global order by diluting U.S. influence in critical international institutions, including the [United Nations](https://www.washingtonpost.com/opinions/christopher-walker-authoritarian-regimes-are-changing-how-the-world-defines-democracy/2014/06/12/d1328e3a-f0ee-11e3-bf76-447a5df6411f_story.html) , the World Bank, and the International Monetary Fund (IMF). Democratic decline would weaken Western efforts within these institutions to advance issues such as Internet freedom and the responsibility to protect. In the case of Internet governance, for example, Western democracies support an open, largely private, global Internet. Autocracies, in contrast, promote state control over the Internet, including laws and other mechanisms that facilitate their ability to censor and persecute dissidents. Already many autocracies, including Belarus, China, Iran, and Zimbabwe, have coalesced in the “Likeminded Group of Developing Countries” within the United Nations to advocate their interests.

Within the IMF and World Bank, autocracies—along with other developing nations—seek to water down conditionality or the reforms that lenders require in exchange for financial support. If successful, diminished conditionality would enfeeble an important incentive for governance reforms. In a more extreme scenario, the rising influence of autocracies could enable these countries to bypass the IMF and World Bank all together. For example, the Chinese-created Asian Infrastructure and Investment Bank and the BRICS Bank—which includes Russia, China, and an increasingly authoritarian South Africa—provide countries with the potential to bypass existing global financial institutions when it suits their interests. Authoritarian-led alternatives pose the risk that global economic governance will become [fragmented and less effective](http://www.tandfonline.com/doi/abs/10.1080/00396338.2016.1161899?journalCode=tsur20#.V2H3MRbXgdI).

Violence and instability would also likely increase if more democracies give way to autocracy. [International relations literature](https://www.foreignaffairs.com/articles/china/1995-05-01/democratization-and-war) tells us that democracies are less likely to fight wars against other democracies, suggesting that interstate wars would rise as the number of democracies declines. Moreover, within countries that are already autocratic, additional movement away from democracy, or an “authoritarian hardening,” would increase global instability. Highly repressive autocracies are the most likely to experience state failure, as was the case in the Central African Republic, Libya, Somalia, Syria, and Yemen. In this way, democratic decline would significantly strain the international order because rising levels of instability would exceed the West’s ability to respond to the tremendous costs of peacekeeping, humanitarian assistance, and refugee flows.

Finally, widespread democratic decline would contribute to rising anti-U.S. sentiment that could fuel a global order that is increasingly antagonistic to the United States and its values. Most autocracies are highly suspicious of U.S. intentions and view the creation of an external enemy as an effective means for boosting their own public support. Russian president Vladimir Putin, Venezuelan president Nicolas Maduro, and Bolivian president Evo Morales regularly accuse the United States of fomenting instability and supporting regime change. This vilification of the United States is a convenient way of distracting their publics from regime shortcomings and fostering public support for strongman tactics.

Since 9/11, and particularly in the wake of the Arab Spring, Western enthusiasm for democracy support has waned. Rising levels of instability, including in Ukraine and the Middle East, fragile governance in Afghanistan and Iraq, and sustained threats from terrorist groups such as ISIL have increased Western focus on security and stability. U.S. preoccupation with intelligence sharing, basing and overflight rights, along with the perception that autocracy equates with stability, are trumping democracy and human rights considerations.

While rising levels of global instability explain part of Washington’s shift from an historical commitment to democracy, the nature of the policy process itself is a less appreciated factor. Policy discussions tend to occur on a country-by-country basis—leading to choices that weigh the costs and benefits of democracy support within the confines of a single country. From this perspective, the benefits of counterterrorism cooperation or access to natural resources are regularly judged to outweigh the perceived costs of supporting human rights. A serious problem arises, however, when this process is replicated across countries. The bilateral focus rarely incorporates the risks to the U.S.-led global order that arise from widespread democratic decline across multiple countries.

Many of the threats to the current global order, such as China’s rise or the diffusion of power, are driven by factors that the United States and West more generally have little leverage to influence or control. Democracy, however, is an area where Western actions can affect outcomes. Factoring in the risks that arise from a global democratic decline into policy discussions is a vital step to building a comprehensive approach to democracy support. Bringing this perspective to the table may not lead to dramatic shifts in foreign policy, but it would ensure that we are having the right conversation.

### Contention 2: Inequality

#### Strikes are key for workers to boost their wages and improve working conditions

#### a.] Strikes work – empirics prove wages go up when workers strike

Scheiber ‘19

Scheiber, Noam. “In a Strong Economy, Why Are So Many Workers on Strike?” The New York Times, The New York Times, 19 Oct. 2019, [www.nytimes.com/2019/10/19/business/economy/workers-strike-economy.html. //](http://www.nytimes.com/2019/10/19/business/economy/workers-strike-economy.html.%20//) Phoenix

In Chicago, teachers who went on strike on Thursday are demanding that local officials devote more of a recent billion-dollar cash infusion from the state to raises. They point out that teaching assistants’ pay starts at around $30,000 a year but they are required by law to live in the high-cost city. And veteran teachers often leave the district during the several years in which they only receive cost-of-living increases. The teachers also want the district to hire more school nurses and librarians, who are in short supply across Chicago.

“In Chicago, the citizenry during the austerity talks believed it,” said Michelle Gunderson, a first-grade teacher on the union’s bargaining committee, referring to the [lean contract](https://www.ctulocal1.org/blog-img/text/Summary-Term-Sheet-10-10-16-TA.pdf) negotiated in 2016. “At that time, we had a Republican governor who wasn’t funding our schools. But now an infusion of money has come in that has not made it to the classroom.”

The school district has noted that $700 million of that money went directly to teacher pensions, and that the rest kept the district solvent. The district has proposed raising salaries 16 percent over five years and substantially increasing the number of nurses.

For its part, while G.M. has made $35 billion in profits in North America over the past three years, sales appear to be slowing in the United States and China. Domestic automakers [also say](https://www.nytimes.com/2019/10/01/business/gm-strike.html) they are under pressure from foreign rivals, which have lower labor costs in nonunion factories in the South, and to invest in developing electric vehicles.

That is one reason G.M. sought to preserve a so-called two-tiered wage scale introduced amid the company’s struggles over a decade ago, in which workers hired after 2007 make up to 45 percent less than the $31 an hour that veteran workers currently earn. The company also relies on a cadre of temporary workers who earn even less.

As part of the tentative deal the company reached with the United Automobile Workers, G.M. appears to have agreed to [a path](https://www.nytimes.com/2019/10/18/business/gm-uaw-contract.html?rref=collection%2Fbyline%2Fneal-e.-boudette&action=click&contentCollection=undefined&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection) for temps to become permanent workers, and [to](https://www.nytimes.com/2019/10/18/business/gm-uaw-contract.html?rref=collection%2Fbyline%2Fneal-e.-boudette&action=click&contentCollection=undefined&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection)alter its tiered wage scale. Workers will vote on the agreement over the next several days, and a result is expected on Friday.

#### b.] Unconditional right to strike is crucial for workers to improve conditions

Croucher et. al 12

Richard Croucher, Business Professor from Middlesex University, Mark Kelley, Associate Professor from Western Sydney University, Lillian Miles, Senior Lecturer from University of Westminister. “A Rawlsian Basis For Core Labor Rights” January 2012 https://www.researchgate.net/publication/236873894\_A\_Rawlsian\_basis\_for\_core\_labor\_rights

Indeed, a right to bargain collectively, far from being simply neglected, is in effect explicitly excluded by Rawls under the first principle, when he excludes the freedom to enter into contracts from his schedule of basic liberties.38 This exclusion does not to mean that Rawls wants to forbid people from negotiating contracts – it is just that he does not think this is a basic freedom under the first principle. Rawls wants to allow that, pursuant to the second principle, the state may restrict people’s freedom to contract. This could include contracts between employers and employees. Indeed, a minimum wage or any legislated minimum working conditions would constitute a limitation of the freedom of negotiation. Hence, the limitation seems to be quite compatible with a concern for the interests of workers. There can be no complete right to collective bargaining under the first principle, because such an untrammelled right would not even be desirable, since it implies the right to make grossly unfavourable and exploitative agreements. Indeed, an unlimited right to enter into contracts would lead to the situation famously outlined by Robert Nozick using the example of Wilt Chamberlain, leading to the collapse of the entire second principle of justice qua attempt to influence the distribution of goods: people would be free to get into relationships that would be economically bad for them and that the government would be powerless to remedy entirely. That being the case, it would be very surprising if the ILO were to demand such a complete right to bargain, so of course it does not, but rather only ‘the effective recognition of the right to collective bargaining’ (our emphasis). We take ‘effective recognition’ to mean that some substantial right to collective bargaining ought to be recognised, but without implying total government non-interference. The question then is whether ‘effective recognition’ is something one could mandate under the first principle. I think the answer must be ‘no’. ‘Effective recognition’ effectively implies a right mitigated not only by its compatibility with other rights guaranteed by the first principle (one does not demand an ‘effective recognition of the freedom of conscience’, but rather simply demands the freedom of conscience), but according to other considerations. We will therefore leave consideration of the right to bargain collectively for now until we reach the second principle. There is another right for us to address here under the first principle. Even the right to bargain collectively as asserted by the ILO is, taken in isolation, a hollow right. It is necessary to have the possibility of recourse to industrial action in some form to back one’s bargaining position in order for a right to bargain to be substantive. If it is illegal for workers to take any action opposing an employer’s interests, then the right to bargain is meaningless, since the employer is free to ignore workers’ attempts to negotiate. We therefore must consider not only the rights to organise and bargain collectively, but also the right of labour to act collectively. The paradigmatic form of such a right of labour, the one most often discussed, is the right to strike, though other forms of industrial action exist. A right to strike is often mooted and has been seriously considered by the ILO for adoption as a declared right, though the ILO has not heretofore put it forward as a core right in the way it has other rights. That the ILO should be relatively conservative in asserting the rights of labour is unsurprising, given its tripartite structure and diplomatic position. However, the ILO has in various places outside of its most fundamental documents acknowledged that the right to bargain collectively implies a right to strike. The right to strike appears as a special and controversial case, then, but we argue that from a rights perspective it is a simple, fundamental freedom. The right to conduct industrial action is in effect that to withdraw their labour in some way (quitting, striking, going slow) unless collective demands are met. As individuals, every worker, if they are not a slave (and slavery is explicitly not permitted under Rawls’s first principle) has a right to withdraw their own labour, and might of course threaten this in individual negotiations with their employer. Effectively, what occurs in industrial action is a pooling of individual rights into collective rights, via the individual freedom to associate with our peers, and in this respect we may still discuss these collective rights qua individual rights under Rawls’s first principle of justice. That is, individuals may be said to have an individual right to join in collective industrial action to improve their conditions.

#### c.] therefore, establishing an unconditional right to strike is important – it’s the sanctity of organized labor activities and their existence in every sector

Pope 18 [James Gray Pope is a distinguished professor of law at Rutgers Law School and serves on the executive council of the Rutgers Council of AAUP/AFT Chapters, AFL-CIO. He can be reached at jpope@law.rutgers.edu. "Labor’s right to strike is essential." https://www.psc-cuny.org/clarion/september-2018/labor%E2%80%99s-right-strike-essential]

The recent teacher strikes underscore another, equally vital function of the strike: political democracy. It is no accident that strikers often serve as midwives of democracy. Examples include Poland in the 1970s, where shipyard strikers brought down the dictatorship, and South Africa in the 1970s and 1980s, where strikers were central to the defeat of apartheid. Even in relatively democratic countries like the United States, workers often find it necessary to withhold their labor in order to offset the disproportionate power of wealthy interests and racial elites. During the 1930s, for example, it took mass strikes to overcome judicial resistance to progressive economic regulation. Today, workers confront a political system that has been warped by voter suppression, gerrymandering and the judicial protection of corporate political expenditures as “freedom of speech.” With corporate lackeys holding a majority of seats on the Supreme Court, workers may soon need strikes to clear the way for progressive legislation just as they did in the 1930s.

But if the right to strike is a no-brainer, then how did Cuomo and de Blasio justify attacking it? “The premise of the Taylor Law,” said Cuomo, “is you would have chaos if certain services were not provided,” namely police, firefighters and prison guards. If that’s the premise, then why not endorse Nixon’s proposal as to teachers and most public workers, and propose exceptions for truly essential services? That’s the approach of international law, and that’s what Nixon clarified she supports. But Cuomo couldn’t explain why teachers and other non-essential personnel should be denied this basic human right. As for de Blasio, he claimed that the Taylor Law accomplishes “an important public purpose” and that “there are lots of ways for workers’ rights to be acknowledged and their voices to be heard.” What public purpose? Forcing workers to accept inadequate wages and unsafe conditions? What ways to be heard? Groveling to politicians for a raise in exchange for votes?

The ban forces once-proud unions to serve as cogs in the political machines of Wall Street politicians. No sooner did Nixon endorse the right to strike than two prominent union leaders rushed to provide cover for Cuomo. Danny Donohue, president of the Civil Service Employees Association, called her “incredibly naive” and charged that “clearly, she does not have the experience needed to be governor of New York.” Evidently Cuomo, who was elected governor on a program of attacking unions and followed through with cuts to public workers’ pensions and wages, does have the requisite experience. John Samuelsen of the Transport Workers Union, which represents more than 40,000 New York City transit workers, also lashed out, saying, “I believe that she will cut and run when we shut the subway down…. As soon as her hipster Williamsburg supporters can’t take public transit to non-union Wegmans to buy their kale chips, she will call in the National Guard and the Pinkertons.”

Tough talk. Roger Toussaint, the TWU Local 100 president who led a subway strike in 2005 and was jailed for it, once tagged Samuelsen a “lapdog” for Cuomo. But “attack dog” might be more accurate in this case. Presented with a rare opportunity to trumpet workers’ most fundamental right in the glare of media attention, Samuelsen chose instead to drive a cultural wedge between traditionally minded workers and nonconformists, many of whom toil as baristas, restaurant servers and tech workers – constituencies that are fueling the anti-Trump resistance and pushing the Democratic Party to break with Wall Street.

Here we see shades of former AFL-CIO President George Meany, who helped to elect a very different Richard Nixon by refusing to endorse George McGovern, one of the most consistently pro-labor candidates in US history, on the ground that he was supported by “hippies.”

Samuelsen’s descent to Cuomo attack dog is inexplicable except as a response to the crushing pressures generated by the Taylor Law. He stands out from most other public-sector labor leaders not for sucking up to establishment politicians, but for minimizing it. Just two years ago, Samuelsen was one of the few major labor leaders who had the guts to endorse Bernie Sanders over Wall Street’s choice, Hillary Clinton. And when he was elected president of the New York local, it was on a promise to be more effective at mobilization and confrontation than Toussaint. Once on the job, however, he and his slate had to confront the devastating results of the strike ban. In addition to jailing Toussaint and penalizing strikers two days’ pay for each day on strike, a court had fined the union millions of dollars and stripped away its right to collect dues through payroll deductions. No wonder Samuelsen quietly redirected the union’s strategy away from striking and toward less confrontational mobilizations and political deal-making.

A WAY FORWARD

Any way you look at it, striking will be absolutely essential if American organized labor, now down to 11 percent of the workforce, is to revive. As AFL-CIO President Richard Trumka once warned, workers must have “their only true weapon – the right to strike,” or “organized labor in America will soon cease to exist.” Red-state teachers have shown the way, exercising their constitutional and human right to strike in defiance of “law.” Will Democrats and labor leaders celebrate their example, or will they follow Cuomo, de Blasio and the Republicans down the path of suppression?