# 1AC

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

### Framing

#### Every person must recognize their ability to pursue their desires and ethical goals as a necessary good not contingent on the will of others. We must recognize our right to act autonomously in order to be moral agents.

**Alan Gewirth writes in 1984**, Alan (1984) "The Ontological Basis of Natural Law: A Critique and an Alternative," American Journal of Jurisprudence: Vol. 29 : Iss. 1 , Article 5. <http://scholarship.law.nd.edu/ajj/vol29/iss1/5> \*bracketed for gendered language\*

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, **every agent acts for purposes** he **[they] regard**s **as good. Hence**, he **[they] must regard as necessary goods the freedom** and well being **that are the generic features and necessary conditions of** his **action** and successful action in general. From this, **it follows that every agent logically must hold** or accept that he has **rights to these conditions.** For if he were to deny that he has these rights, then he would have to admit that it is permissible for other persons to remove from him the very conditions of freedom and well-being that, as an agent, he must have. But it is contradictory for him to hold both that he must have these conditions and also that he may not have them. Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, **every agent must further admit that all other agents** also **have those rights, since all other** actual or prospective **agents have** the same **general characteristics of agency on which** he **[they] must ground** his **[their] own right-claims.** What I am saying, then, is that **every agent, simply by virtue of being an agent, must regard his freedom** and well being **as necessary good**s **and must hold that** he and **all other** actual or prospective **agents have rights to these necessary goods. Hence, every agent**, n pain of self-contradiction, **must accept the following principle: Act in accord with the generic rights of** your recipients as well as of yourself. The generic rights are rights to the generic features of **action, freedom, and well-being.** I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action.

#### This has 2 important implications:

#### 1. Agency is inescapable since to engage in any enterprise is to engage in agency.

#### 2. Agency is a precondition to be able to act ethically because it requires you recognize yourself as the cause of your own actions.

**Therefore, my value is freedom.**

**There are two models of freedom—the non-interference model and the non-domination model. The non-interference model holds that freedom is violated if someone is actually interfered with, whereas the non-domination model holds that freedom is violated if it is possible for someone to be arbitrarily exploited by an institution.**

**You should prefer non-domination – the non-interference model can’t ground political legitimacy as it would reject all use of the state. That’s obviously bad because we need limited government authority to protect our freedoms.**

Phillip Pettit argues in 2012 that Philip Pettit, “Legitimacy and Justice in Republican Perspective” Current Legal Problems, 2012

One of the reasons why the legitimacy issue may generally be ignored in the contemporary literature, at least as an issue about freedom, is that the conception of freedom that has been dominant since the late 18th century casts it as non-interference and under that conception it is hard to see how state coercion could cohere with freedom. Interfering with a choice, on a generous interpretation, may involve intentionally replacing an option, removing an option, or misrepresenting any of the options by which the choice is defined. Under that account, all laws take away from the freedom of subjects in at least some of their independently available choices. The point was emphasized, almost with relish, by Bentham himself. ‘As against the coercion applicable by individual to individual, no liberty can be given to one man but in proportion as it is taken from another. All coercive laws, therefore... and in particular all laws creative of liberty, are, as far as they go, abrogative of liberty’.30 This means that under the conception of freedom as non-interference, there is no way in which the subjects of the law can enjoy full freedom of choice. They will be subject to state interference, and so to a loss of freedom, insofar as the state decides what laws to put in place; enforces those laws with the threat of penalty; imposes penalties on those who offend; and taxes its subjects with a view to maintaining the system. It is true, of course, that in a well-run society the interference that the state perpetrates in imposing laws and taxes and penalties may be less, by whatever measure is taken to be appropriate, than the interference that the state prevents. But even in that ideal event, it will remain the case that the state does indeed perpetrate interference and that in doing so it fails to preserve the freedom of citizens in their dealings with it; they are subject to its will in a way that takes from their freedom under this conception. Thus Isaiah Berlin writes, in elaboration of what he takes to be a lesson from Bentham: ‘Law is always a fetter, even if it protects you from being bound in chains that are heavier than those of the law, say some more repressive law or custom, or arbitrary despotism or chaos’.31

**By distinguishing between arbitrary and non-arbitrary interference, the non-domination model can ground political legitimacy and justify state interference. However, it still prevents the state from oppressing its citizens.**

Pettit continues that Philip Pettit, “Legitimacy and Justice in Republican Perspective” Current Legal Problems, 2012

But while the conception of freedom as non-interference makes it impossible to argue on grounds of freedom for the legitimacy of any likely state, the republican conception of freedom that it replaced does not make this impossible in the same manner. Indeed it is for that reason, I surmise, that legitimacy was taken in the republican tradition to be something that could be institutionally secured in a state: specifically, secured by the fact of the state’s operating under the constraints imposed by a mixed constitution. On the republican conception, freedom is a matter of enjoying a suitable civic status. Spelled out in greater detail, it requires, first, a freedom in the exercise of certain choices; second, a freedom in the exercise of those choices that is secured on a certain basis; and third, a freedom that is understood in a distinctive manner, requiring non-domination rather than non-interference. Taking up the first of these three conditions, the choices in which freedom is required are what John Libourne in the 17th century described as ‘the fundamental liberties’: the choices, as I conceive of them, that all citizens can exercise and enjoy at one and the same time.32 These do not include choices requiring impossible abilities, as in the choice between walking on water and walking on solid ground. Nor choices in which people are in essential competition, as in the choice between winning or not winning superiority over others. Nor choices involving victims, as in the choice between attacking another or not. They are fundamentally compossible choices that may be simultaneously exercised by all and, at the same time, enjoyed by all. They may be compossible by nature, as with the choice between speaking your mind and not speaking your mind. Or they may be compossible by virtue of institutional design, as with the choice between appropriating or not appropriating something under local rules of property. Turning now to the second of our three conditions, the basis on which the fundamental or basic liberties have to be secured for civic freedom in the republican sense is a basis in public law. As a matter of shared awareness amongst the citizenry, it has to be the case that the free person—the liber in early Latin usage, the ‘freeman’ in 17th-century English—is protected, perhaps even in some ways resourced, in the exercise of relevant choices by a law that is promulgated in public and applied equally in defence of all. It is this public entrenchment of freedom that enables free persons, in the age-old republican picture, to be able to look one another in the eye, without fear or deference: to escape not just servitude but also servility.33 Indeed the natural criterion for what constitutes adequate entrenchment is that it is enough, by local cultural standards, to give this capacity to all citizens, or at least to those who are not excessively timid or paranoid. In the ‘free Commonwealth’ or republic, as John Milton wrote, ‘they who are greatest ... are not elevated above their brethren; live soberly in their families, walk the streets as other men, may be spoken to freely, familiarly, friendly, without adoration’.34 We have seen that republican freedom requires freedom in the choices associated with the basic liberties and that this must be secured on the basis of public law. Turning finally to our third condition, it also equates freedom in a choice with the absence of domination, not interference. On this conception, freedom requires people not to be subject to the will of others rather than requiring, as Bentham required, that they not be subject to the interference of others. Freedom, as Algernon Sidney put it in the 17th century, consists in ‘independency upon the will of another’. ‘Liberty’, in an 18th-century variant, ‘is, to live upon one’s own terms; slavery is, to live at the mere mercy of another’.35 The difference between the two conceptions comes out in a difference on two fronts between the implications that they support. It is possible to be subject to the will of another in a certain choice—it is possible to have to depend on the will of the other as to what you should choose there— without that other exercising any active interference. The classical example of such a possibility arises with the slaves who are lucky enough to have an indulgent master who gives them a great deal of latitude in the choices they may make for themselves. Even if the master allows the slaves to exercise the basic liberties of the society as they wish, still they are subject to the master’s will; they have to depend on the state of the master’s will remaining favourable if they are to be able to choose as they wish. The slaves may not suffer interference but still, on the conception of freedom as non-domination, they lack freedom. They are not their own men or women. The second difference of implication between the rival conceptions of freedom appears in the possibility, not of domination without interference, but of interference without domination. You are subject to the interference of another in your choices, even if there is an arrangement in place, perhaps set up by you, perhaps set up by a third party, under which you can control that interference; say, you can stop that interference at will or allow it to continue only on terms that you endorse. Suppose you hire someone to make certain of your decisions for you— say, your financial or social or even religious decisions—or suppose that you inherit such an arrangement from your family. The person hired may not always choose as you would choose—may even choose in a way that frustrates your current wishes—but so long as you have to the power to suspend and shape the interference, you are not subject to their will. You do not depend on their will remaining a goodwill for being able to impose your wishes on the matters they currently administer for you. This should serve to introduce the republican view of the freedom that can go with civic status. We might describe the social order established by a state as just, in a republican rendering of the idea, insofar as it enables people to enjoy such a civic status in relation to one another. But it remains to show why we need not despair, on this view of freedom, about identifying institutional conditions under which the coercive state would not jeopardize the freedom of its citizens in imposing such an order and would count therefore as legitimate. Why does the legitimacy problem become feasible under the conception of freedom as non-domination, when it is so obviously infeasible under the conception of freedom as non-interference? The answer, at the abstract level, is pretty straightforward. The second implication of this way of conceptualizing freedom is that interference in your choices need not be dominating and that when it is not dominating it does not impose another’s will and does not jeopardize your freedom. The coercive state, as we have seen, certainly interferes in the choices of its citizens. But this coercion or interference will not jeopardize the freedom of those citizens if they exercise an appropriately effective form of control over the interference. And so the prospect of a legitimate state is nothing more or less than that of a state in which citizens exercise a suitable type of control over the coercion that the state practices in their lives. The legitimate state will be, in an etymological sense, the democratic state: the state in which the demos or people exercise a suitable form of kratos or control over those in power. This abstract answer points us in the direction that a satisfactory theory of legitimacy has to take and identifies the ideal of a legitimate state, understood in the republican way, as a form of democratic ideal. But these indications, reassuring as they may be, are worth little unless we can say more about the sort of control that citizens must be able to achieve over the workings of their polity. Without being able to go into much detail, I turn to a consideration of this challenge in the final section.

**Thus, my value criterion is consistency with freedom as non-domination.**

**To clarify, it’s not a question of maximizing non-domination in certain instances, but rather having institutional constraints that prevent domination.**

**Prefer additionally –**

1. **Topic specificity – the framework of non-domination was specifically intended to answer the question of how a just government should distribute rights. Therefore, when discussing this resolution, we should prefer my framework because it’s tailored to be used in debates like this one.**
2. **It strikes a middle ground between non-interference and frameworks that don’t consider freedom. It’s important to have rights under the model of non-domination, but governments can still coerce people when necessary.**

### Contention 1 is the inherent domination of labor

#### Workers do not truly make free contracts of labor – the labor market is fundamentally coercive because workers only choice other than labor is starvation. This doesn’t mean work is bad, but it does mean that workers must have methods of maintaining their freedom.

#### Alex Gourevitch argues in 2016:

Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." *Perspectives on Politics* 14.2 (2016): 307. Yoaks

The problem with the real freedom of contract view is that it is based on faulty social analysis. The labor market is not just another commodity market in which property owners are, or can be made, free to participate or not participate. Here some social theory is inescapable. Workers who have no other consistent source of income than a wage have no reasonable alternative to selling their labor-power. That is because in capitalist societies most goods are only legally accessible if you can buy them. There is no other way of reliably acquiring necessary goods. The only way for most workers to get enough money to buy what they need is by selling their labor power. Their only alternatives are to steal, hope for charity, or rely on inadequate welfare provision. These are, generally speaking, unreasonable alternatives to seeking income through wages. If workers have no reasonable alternative to selling their labor-power they are therefore forced to sell that labor-power to some employer or another.56 This forcing exists even when workers earn relatively high wages, since they still lack reasonable alternatives, though the forcing is more immediate the closer one gets to poverty wages. The key feature of this forcing is that it is consistent with voluntary exchange but it is not some occasional or accidental feature of this or that worker’s circumstances. It is a product of the distribution of property in society. People are forced to sell their capacity to labor when, on the one hand, everyone has property rights in their own capacity to labor and, on the other hand, some group of individuals monopolize all or nearly all of the productive assets in that society. These are the necessary conditions to create a labor market sufficiently robust to organize production. That is to say, a society in which the primary way of organizing production is through a labor market is one in which most people are forced into that labor market. Or, put another way, a society in which most people were truly free to enter or not enter the labor market would be one in which labor is so radically decommodified that the mere formal possibility of a labor market could not serve, on its own, to guarantee social reproduction. Relations among workers and employers would be truly free and thus truly contingent. It is only when there is a sufficiently large population of individuals who have nothing but their labor-power to sell that the mechanism of social forcing guarantees a constant supply of labor through the labor market itself. But this means that, in a society based on the commodification of labor, the conditions that would make the buying and selling of labor-power a truly free set of exchanges would require utterly transforming that market-based production relationship itself. It would require giving workers a reasonable alternative to selling their labor—say through a sizable, unconditional basic income and universal public goods, or through giving all workers the possibility of owning or cooperatively owning their own enterprise. Such measures would amount to a radical de-commodification of labor-power, an overcoming of the very social conditions that give rise to the labor market’s self-image as a site of free exchange. As Ira Steward, a nineteenth-century American labor reformer, once said, “if laborers were sufficiently free to make contracts ... they would be too free to need contracts.” 57

#### The right to strike is a means of reversing employer domination – it challenges the structural relationship between employer and employed and turns the dominating power dynamic on its head.

#### Gourevitch continues:

Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." *Perspectives on Politics* 14.2 (2016): 307. Yoaks

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.60 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 jobloss 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 laborpower, 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 workplace 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.

### Contention 2 is specific workplace exploitation

#### Workplaces are a site of personal domination that transfer worker liberty to managerial and discretion according to exploitative contracts – strikes challenge this

#### Gourevitch furthers:

Gourevitch, Alex. "Quitting work but not the job: Liberty and the right to strike." *Perspectives on Politics* 14.2 (2016): 307. Yoaks

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

#### A broad unconditional right to strike should be understood as a right against domination and protects self-determination. Denying workers the ability to strike is a violation of non-domination.

#### Gourevitch asserts in a 2018 article that:

Gourevitch, Alex. "The right to strike: A radical view." *American Political Science Review* 112.4 (2018): 905-917. Yoaks

The radical view has a number of advantages over the liberal and social democratic accounts. First and foremost, it is a more adequate response to the facts of oppression in actually existing liberal economies. Where the liberal view recognizes no particular injustice, and the social democratic view focuses primarily on inequalities of bargaining power, the radical view is based on the social analysis sketched in the second section of this article. That social analysis identifies the full range of oppressions, and their interlocking character, that are typical of actually existing class-divided liberal societies. That is why I call this view radical: not for the sectarian frisson sometimes associated with that word but because radical means going to the root of a problem. Second, the radical view goes to the root not just because it properly identifies all of the relevant facts, but because it thereby more accurately identifies the kind of interest that the right to strike is supposed to protect. It identifies the guiding interest of the right not as an interest (only) in creating fair contracts or in distributive justice narrowly conceived but, rather, as an interest in claiming freedom against its illegitimate limitation. Workers have an interest in not facing certain kinds of coercive restraints against their access to property, in not being subject to unfair ways of forcing them to work, in not being required to accept various kinds of labor contracts, and in not being dominated in the workplace. These are elements of the same interest that workers have in self-determination, or in enjoying those liberties that allow them to have the personal and political autonomy they ought to. This is the full sense in which the radical view is more responsive to the facts of oppression than other accounts. This further means that the radical argument is compatible with, or at least in the neighborhood of, any number of egalitarian theories of justice—such as those arguing for property-owning democracy or for workplace democracy and free time32—that are concerned with these wider forms of unfreedom. It is, for the same reason, compatible with a wide range of socialist and other left-wing criticisms of power and unfreedom in capitalist workplaces (e.g., Arnold 2017; Ezorsky 2007;Weeks 2011). The third virtue of the radical approach is that it gives a distinct explanation for the shape of the right to strike. Recall that the liberal and the social democratic approaches can have a tendency to explain the shape of that right by reference either to (a) the basic liberties of actual liberal societies, or (b) the liberties one enjoys in an ideal constitution, or (c) through a mixture of both arguments. That form of reasoning imparts a particular shape to the right: it must respect the basic liberties with which it comes in conlict. On the best version of the social democratic view, that methodological error is avoided. But it is present in any version of the argument in which the shape of the legal right to strike one ought to enjoy is the same as or similar to the right workers exercise when suffering economic injustice. But on the right to resist oppression view, the shape of the right is explained exclusively by reference to the liberty interest it is supposed to protect under conditions of oppression. The right is justified instrumentally, by reference to the fact that strikes are generally effective means for resisting the oppression to which workers are subject. And, further, the right is justified by reference to the interest workers have in using their own collective power to reduce and resist that oppression. Under conditions of oppression, that use of collective power is one of the primary ways workers can give expression to the demand for self-determination. But that aspect of the justification also depends upon strikes being generally effective means for resisting oppression, since otherwise they would just be collective acts of self-delusion or symbolic gestures of resistance but not acts self-determination. For that to be the case, the right to strike must include the use of at least some of the means that make strikes effective for those subject to 32 There is a very large literature here, but to cite just a few: Stanczyk 2012; Anderson 2017; Rose 2016; O’Neill and Williamson 2012. oppression.That the right comprises permissions to use some effective means is a deining feature of the radical argument. After all, for the right to strike to protect the interest that justiies it, it must be shaped in ways that permit the right’s exercise in ways that actually protect that interest. That follows directly from the libertybased justiication of the right. So, on this account, there would be no strict prohibition on the use of coercive strike tactics like sit-downs and mass pickets.33 A fourth virtue of the radical approach follows from the third. If the radical right to strike does not contain, internal to its justification, the same restraints on the means strikers may use, there is still the question of why the right to strike would have moral priority over other basic liberties in the case of labor disputes. On the radical view, the important point is not just that there is economic oppression but that the economic oppression that workers faced is in part created and sustained by the legal articulation and protection of those basic economic and civil liberties. Workers ind themselves oppressed because of the way property rights, contractual liberties, corporate authority, tax and labor law create and maintain that oppression. If that is the case, then the normal justiication of those liberties, which is supposed to establish their ‘basicness’ and thus priority is weak. Their priority is normally explained by the thought that, ideally speaking, the protection of those liberties creates more or less non-oppressive, non-exploitative relations of social cooperation.34 In reality, their legal protection achieves the opposite. Meanwhile, the right to strike, as a way of reducing that oppression has a stronger claim to be protecting a zone of activity that actually serves the aims of justice itself—of coercing people into relations of less oppressive social cooperation. That is why the right to strike would have priority over some of these basic economic and civil liberties, like property rights, freedom of contract, and freedom of association. For the foregoing reasons,we can see why the right to strike as a right to resist oppression resolves the opening dilemma in a forceful and distinctive way. Workers may use coercive strike tactics, like sit-downs and mass pickets, because those are necessary means for the most oppressed workers to go on strike with some reasonable chance of success. The radical right to strike does not ex ante prohibit the use of those means and, given the actual social effects of the legal protection of basic liberties, it has priority over the basic liberties. Moreover, those strikes can be aimed at the full range of oppressions workers in those industries might face— not just denial of adequate respect for their labor rights or poverty wages, but as acts of resistance to various features of workplace oppression and the unfair distribution of work requirements. We can also see that this version of the right to strike permits—though does not require—mass civil disobedience in those frequent instances where the state decides to enforce the law against strikers. For one, the property, contract, and related laws that strikers break are the ones that create systematic oppression. The systematic and serious character of that oppression undermines any general claim to political obligation, or local claim to an obligation to obey those laws.35 Moreover, when the state decides, as it historically has done, that coercive strike tactics violate the law or otherwise violate the fundamental rights of legal persons, it has used sometimes quite extraordinary violence to suppress strikes.36 Workers would be within their rights to resist that illegitimate use of violence, though it will often be prudential not to do so. It is important to draw this conclusion because it is a direct implication of the argument. Moreover, if one does not agree that workers are justiied in mass civil disobedience as part of the exercise of the right to strike, then one is committed to arguing that the state is justiied in the violent suppression of strikes—a violence with a long and bloody history. One might very well draw that latter conclusion, but then one must be clear about the side one is choosing. Either workers are justiied in resisting the use of legal violence to suppress their strikes, or the state is justiied in violent suppression of coercive strike tactics. There is no way around that stark fact about the liberal state and coercive strike tactics.

**Under a framework that promotes non-domination, or avoids arbitrary oppression and coercion, I urge an affirmative vote because workplaces are inherently locations of dominations, but strikes can help workers fight for their freedom.**