# 1NC

## 1 – Theory

#### Interpretation: Debaters must only read a framework that is not maximizing expected well-being.

#### Violation: You read util

#### Standards:

#### 1. Inclusion – Util is bad for inclusion:

#### A) Bad for small schools since it maximizes the benefit for large program with mass amounts of prep

#### B) Util can’t justify intrinsic wrongness – We can’t know whether our action was good until we’ve evaluated the states of affairs they’ve produced since it’s based on the outcome of the action. For Example if asked the question “are hate crimes okay?” a utilitarian would not be able to say yes because there are situations in which they would be morally if they maximized pleasure

#### C) It’s ableist – certain individuals can’t experience pain and pleasure which justifies their inability to be agents and their manipulation.

#### 2. Shiftiness – There are multiple different types of maximizing well-being. Crisp, Roger, "Well-Being", *The Stanford Encyclopedia of Philosophy*(Fall 2017 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2017/entries/well-being/>.

Well-being is most commonly used in philosophy to describe what is non-instrumentally or ultimately good *for* a person. **The question of what well-being consists in is of independent interest**, but it is of great importance in moral philosophy, especially **in the case of utilitarianism**, according to which the only moral requirement is that well-being be maximized. Significant challenges to the very notion have been mounted, in particular by G.E. Moore and T.M. Scanlon. **It has become standard to distinguish theories of well-being as either hedonist theories, desire theories, or objective list theories**. According to the view known as welfarism, well-being is the only value. Also important in ethics is the question of how a person’s moral character and actions relate to their well-being.

#### They can shift out of my turns based on whatever theory of the good they operate under due to the nature of a vague standard. Especially true because the warrants for their standard could justify different versions of consequentialism as coming first and I wouldn’t know until the 1ar which gives them access to multiple contingent standards. That makes the 2NR impossible and debate unfair.

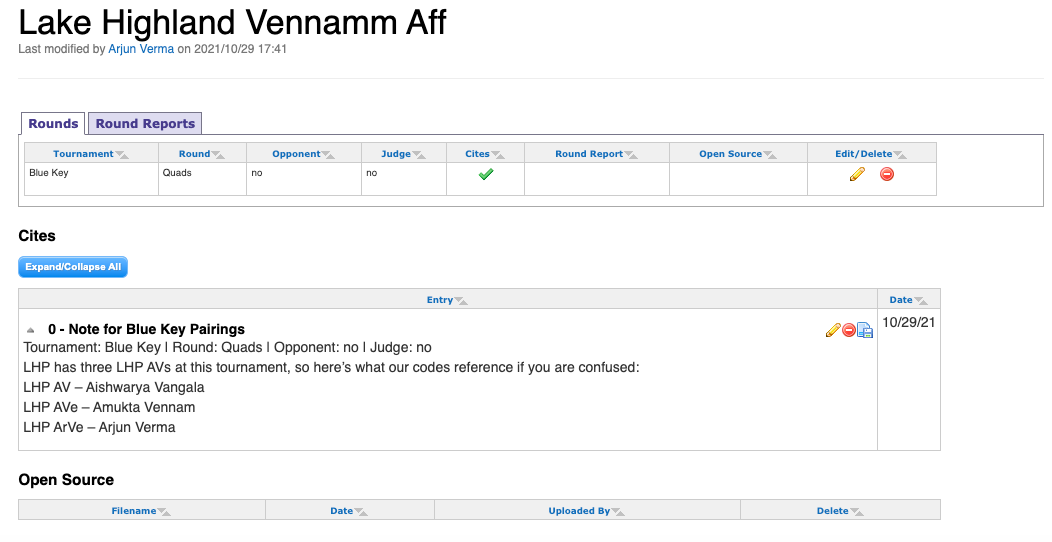
#### Voters – Fairness is a voter since debate is a competitive activity that requires an equal shot at winning. Inclusion is a voter since it’s a pre-requisite to engagement in the space and the judge has an obligation as an educator to ensure a safe space.

**Paradigm issues specified in the next shell**

## 2 – Theory

**Interpretation: Debaters must disclose round reports for all past debates on the NDCA LD wiki prior to the round.**

**Violation:**

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**Standards:**

1. **Strat skew – they can see my round reports and tailor their case to my past strategies, but I can’t do the same. That destroys my ability to strategically engage in the round because I don’t have enough information to form a neg strategy based on possible 1ARs and 2ARs. Skews fairness because they will always have better strategy.**
2. **Critical thinking – if I know their past collapses, then I can think strategically to craft a 1NC. That’s good for education because strategic thinking is a useful skill.**

**Fairness is a voter because**

1. **The only way a judge can determine who’s better is if we enter the debate on an even playing field.**
2. **People quit if they lose to unfair arguments so fairness is a prereq to debate’s existence.**

**Education is voter because:**

1. **It’s the only portable benefit of debate.**
2. **It’s the only reason we get funding.**

**Theory is drop the debater:**

1. **Only DTD enables theory to deter bad behavior and be a tool for norm setting. Drop the Arg just lets them dodge whatever they did wrong with barley any consequences.**
2. **Dropping the arg can’t rectify past abuse because the 1AC was uniquely bad, so there should be a consequence.**

**No RVI’s:**

1. **they’re illogical – it doesn’t make sense to reward someone for not doing anything bad. People need to do good things to win.**
2. **RVI’s chill legitimate theory, justifying even more abuse.**

**Competing Interps:**

1. **Reasonability usually lacks a brightline and favors unnecessary judge intervention.**
2. **Reasonability lets them arbitrarily choose a brightline that favors their arguments – skews fairness.**

**I know their laptop was updating this morning but they should’ve disclosed after r2 last night, also they can still access the wiki on their other computer to do round reports.**

## 3 – NC

#### The reason morality exists in the first place is to regulate our actions towards others. If any moral code is not motivational then there is no reason to do what is right and that code merely fails to escape the skeptical conclusion. Motivational externalism collapses into internalism.

**Joyce 1**, Richard (Professor of Philosophy at Victoria University Wellington, New Zealand). The Myth of Morality. 2001. [Bracketed for grammatical clarity] //Park City NL

Back to the [Suppose] external reason[s]. Suppose it were claimed, instead, that I have a reason to refrain from drinking the coffee because it is tapu and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. [r]egardless of my desires (it is claimed) I ought not drink - l have a reason not to drink. But how could that reason ever explain any action of mine? Could the external reason even explain my [action] from drinking? Clearly, in order to explain it the external reason must have some causally efficacious role [in] among the antecedents of the action (in this case, an omission) — l must have in some manner. "internalized" it. The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason claim [but] : I believe that the coffee is tapu. There's no doubting that such a belief can play a role in explaining actions - including my refraining from drinking the coffee. The question is whether the belief alone can[not] produce action, to which the correct answer is “No.” A very familiar and eminently sensible view says that **in** order to explain an action the belief must couple with desires (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: if I believe that the coffee is [bad] tapu but really just don’t care about that, then I will not refrain from drinking it. So in order for the belief to explain action it must couple with [desire] elements - but in that case the putative external reason collapses into an internal one.

#### Additionally, agents can only be motivated by their own desires; not the external desires of another because:

#### [A] External desires are inaccessible through empirical uncertainty – an evil demon could deceive us, we could be dreaming, or in a simulation, and we’re unable to know others’ experiences, so externalism is an unreliable basis for ethics since we can only verify and access internal drives.

#### [B] Individuals have unlimited wants and those are not communicated, so we never know what others want

#### [C] We only care about our own desires as individuals are self interested and don’t care about helping others, even if we did know how to help.

#### Only a contractarian system that derives principles of mutual restraint from individuals’ self-interest account for this fact because contractarian principles are necessarily in the interest of all parties involved because they wouldn’t constrain their action against their will.

**Gauthier 86** Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print. // Park City NL

Moral principles are introduced as the objects of full voluntary ex ante agreement among rational persons. Such agreement is hypothetical, in supposing a pre-moral context for the adoption of moral rules and practices. But the parties to agreement are real, determinate individuals, distinguished by their capacities, situations, and concerns. In so far as [Since] they would agree to constraints on their choices, restraining their pursuit of their own interests, they acknowledge a distinction between what they may and may not do. As rational persons understanding the structure of their interaction, they recognize for mutual constraint, and so for a moral dimension in their affairs.

#### Additionally, self-interest is determined at the time of the original decision to rise to a norm of mutual self-restraint. For example, I might say that eating ice cream is in my self-interest because I’m hungry even if it will lead to extinction somehow in the future.

#### Thus, the standard is consistency with contractarian principles of mutual restraint, defined as those principles by which individuals would constrain their actions with the belief that doing so would serve their self-interest.

#### Prefer additionally:

#### [1] Consent – contractarianism is based on consent – implicit in acceptance of a contract – which ultimately determines what qualifies as good or evil. Moral theories must be based in consent otherwise actions could never be determinate.

**Enoch 15** David Enoch. “Against Public Reason.” Central European University. 2015.

Recall the characteristic feature of public reason accounts – in order to reconcile liberty and authority, they require that the relevant authority or principles be justified to all those subject to the authority.And while falling short of requiring consent, this requirement does require some kind of engagement of the subjects as they actually are. But this creates a problem, at least in the context of hoping to vindicate some contemporary states. The problem is that actual citizens of actual large-scale contemporary states are a very varied bunch. Different people are committed – sometimes even in the deepest ways – **to all sorts of views and doctrines,** they value – even intrinsically – all sorts of different things. If the justifications offered to them are to engage them as they actually are – perhaps based on principles they accept, or on the values they hold dear, or on what is already there in their motivational set – then it’s hard to believe that there is anything at all that can be justified to all. This is perhaps clearest on consensus versions of public reason accounts, according to which for a political principle (e.g.) to be legitimate there must be a justification for it that is available (in the relevant way) to all11. **But it** remains true even on convergence views, according to which the condition **necessary for legitimacy is just that for any citizen, there’s a justification available to her** (without the further requirement that it must be the very same justification that’s available to all)12 . So long as the justification-to requirement is non-vacuous, and so long as the relevant constituency consist of all the citizens of a contemporary state as we actually find them, it’s hard to imagine anything at all passing the bar.

#### [2] Infinite Regress – Only contractarianism can avoid an infinite regress. When we look to an external authority to derive normative conceptions of the good, we are left wondering why a certain good is actually good. Any conception of morality and what people are due begs the question of why our assessment of individual dues ought be preferred over other assessments. Contractarianism avoids this by allowing individuals to construct conceptions of the good based on a rational restriction of their future actions.

#### [3] Performativity – You agree to 4 minutes of prep and if you tried to go over the judges would down you or tell the tournament to DQ you. Their very performance justifies the NC framework and proves the AC collapses to the NC.

#### Negate:

#### Strikes inhibit the ability to create contracts, create power imbalances, and violate individual contracts.

Levine 1, Peter. "The Libertarian Critique of Labor Unions." Philosophy and Public Policy Quarterly 21.4 (2001): 17-24. (Peter Levine is the Associate Dean for Research and Lincoln Filene Professor of Citizenship & Public Affairs in Tufts University’s Jonathan Tisch College of Civic Life. He has secondary appointments in the Tufts Philosophy Department and the Tufts Clinical and Translational Sciences Institute. He was the founding deputy director (2001-6) and then the second director (2006-15) of Tisch College’s CIRCLE, The Center for Information and Research on Civic Learning and Engagement, which he continues to oversee as an associate dean.) JG

Libertarians strongly defend freedom of choice and association. Thus, when workers choose to act collectively, negotiate together, or voluntarily walk off the job, libertarians have no reasonable complaint--even if other people are harmed--because they support the right to make and exit voluntary partnerships. But unions gain strength **by overriding private rights.** They routinely block anyone from working **under a non-union contract**, and they prevent employers from making offers--even advantageous ones--to individual workers unless the union is informed and consents. Unions declare strikes and establish picket lines to prevent **customers and workers** from **entering company property**; they may **fine employees who cross these lines.** They also extract fees from all workers who are covered by their contracts. Although covered workers may avoid paying for certain union functions (such as lobbying) that are not germane to contract issues, they must pay for strikes and other activities that some of them oppose. The great libertarian theorist Friedrich Hayek concluded that unions “are the one institution where government has signally failed in its first task, that of preventing coercion of men by other men--and by coercion I do not mean primarily the coercion of employers but the coercion of workers by their fellow workers.” Hayek may have been thinking mainly of corrupt and unaccountable union leaders. But even a completely democratic union sometimes supplants private rights. As libertarians like Morgan O. Reynolds point out, majorities within a union are able to ignore minorities’ preferences.

## Case

### Consequentialism Fails

1. **Induction fails: Consequentialism relies on interpreting the past to predict the future. That doesn’t work because the only justification for such logic is that it has worked in the past. The argument is circular. Consequentialism fails when there’s no way to predict the consequences of an action.**
2. **Infinite consequences: Any given action has infinite consequences. For example, the assassination of archduke Franz Ferdinand triggered the first world war, which triggered numerous effects throughout the world including the rise of Hitler. It would’ve been impossible in 1914 to predict that a single murder would eventually cause a second world war and genocide. One can’t weigh the consequences of an action when there are potentially infinite results, making consequentialism non-action guiding.**
3. **Culpability: Either 1) we can’t judge the morality of an action until the consequences have occurred, making consequentialism non-action binding, or 2) people can use a subjective prediction that their action would benefit the greater good as an excuse to take an immoral action. Either consequentialism can’t guide moral action or can’t enforce morality – either way it fails.**

### Hijack

#### 1. Pleasure/Happiness/Well-being is arbitrarily defined – can’t universally guide action if we don’t know what it is

Medvedev and Landhuis 18

Medvedev, Oleg N, and C Erik Landhuis. “Exploring constructs of well-being, happiness and quality of life.” *PeerJ* vol. 6 e4903. 1 Jun. 2018, doi:10.7717/peerj.4903. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985772/>

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The existing definitions of happiness, subjective well-being, and health related quality of life and the main components assigned to these constructs in the research literature (see Table 1) suggest conceptual overlap between these dimensions (Camfield & Skevington, 2008). Quality of life was defined in the cross-cultural project of the World Health Organization (WHO) as: An individual’s perception of their position in life, in the context of the culture and value systems in which they live, and in relation to their goals, expectations, standards, and concerns. It is a broad ranging concept, affected in a complex way by the person’s physical health, psychological state, level of independence, social relationships and their relationships to salient features of their environment. The new reconceptualization of subjective well-being assumed to be synonymous of happiness by Diener (2006, p. 400) as: “An umbrella term for different valuations that people make regarding their lives, the events happening to them, their bodies and minds, and the circumstances in which they live” resulted in greater theoretical convergence between these constructs. This raises an issue as to the point in which conceptual overlap invites redundancy, and whether one or the other of the terms is now surplus to requirements. Historically, humans strived to achieve happiness and considered it the most important goal in life (Compton, 2005). Cross-cultural research provide supporting evidence for primacy of happiness compared to other individual values such as physical health, wealth or love (Kim-Prieto et al., 2005; Skevington, MacArthur & Somerset, 1997). Essentially, other human goals are valued because they are believed to give rise to happiness (Csikszentmihaliy, 1992). Initially psychology was dealing with mental health issues affecting physical and social functioning of an individual (Andrews & McKennell, 1980; Beck, 1991, 1993). Happiness, well-being, and quality of life have only attracted increased interest of psychologists by the end of the 20th century resulting in growing research in this area (Diener, 1984; WHOQOL Group, 1998a, 1998b). Happiness and well-being research became increasingly important in the economics’ context (Kristoffersen, 2010), and well-being data are widely used along with economic indicators by economists (Kahneman & Krueger, 2006). Currently, **there is no agreement between researchers in defining happiness and its related constructs** (Diener, 2006; Diener et al., 2010; Rojas & Veenhoven, 2013; Kern et al., 2014; Shin & Johnson, 1978). In the literature **happiness is often called subjective well-being** (Diener, 2006; Hills & Argyle, 2002), **emotional well-being, positive affect** (Brandburn, 1969; Fordyce, 1988), **and quality of life** (Diener, 2000; Ratzlaff et al., 2000; Shin & Johnson, 1978), **which suggests that the meanings of happiness may depend on the context** (Diener, 2006; Carlquist et al., 2016). Elsewhere, subjective happiness was defined as “a global evaluation of life satisfaction” (Diener, 2006, p. 400). In the same way, subjective well-being was defined as “evaluations of life quality” (Andrews & McKennell, 1980, p. 131). These definitions indicate close relationship between the constructs of happiness, subjective well-being, quality of life, and life satisfaction. More recently subjective well-being was proposed as more appropriate “Big One” including the relevant aspects of global well-being (Diener, 2006; Kashdan, Biswas-Diener & King, 2008).

#### 2. Different things cause different people pleasure – that leads to conflict over what’s ethical under util. Empirics prove: people disagree on whether policies will have a positive outcome so they can’t determine what’s the solution.

**That mean util collapses into the state of nature: when people disagree on what actions are good, absent authority, there are endless resource wars, moralistic conflicts, and violent personal disputes.**

#### Therefore, people must enter into a Hobbesian social contract in which a sovereign authority, like the government, mediates disputes and creates ethical rules.

Parrish 04 [Parrish, Rick, [Rick Parrish teaches at Loyola University New Orleans. His current research is focused on the play of violence and respect within justice.] "Derrida’S Economy Of Violence In Hobbes’ Social Contract" Theory &amp; Event, Vol. 7 No. 4, 2005, 2005, http://muse.jhu.edu/article/244119#back, DOA:6-30-2018 // WWBW]

All of the foregoing points to the conclusion that in the commonwealth the sovereign's first and most fundamental job is to be the ultimate definer. Several other commentators have also reached this conclusion. By way of elaborating upon the importance of the moderation of individuality in Hobbes' theory of government, Richard Flathman claims that peace "is possible only if the ambiguity and disagreement that pervade general thinking and acting are eliminated by the stipulations of a sovereign."57 Pursuant to debunking the perennial misinterpretation of Hobbes' mention of people as wolves, Paul Johnson argues that "one of the primary functions of the sovereign is to provide the necessary unity of meaning and reference for the primary terms in which men try to conduct their social lives."58 "**The whole [reason for]** raison d'être of **sovereign helmsmanship lies** squarely **in the** chronic **defusing of interpretive clashes,**"59 **without which humans would** "fly off in all directions" and **fall** inevitably **into the violence of the natural condition.** 26. It is not surprising that so many noted students of Hobbes have reached this conclusion, given how prominently he himself makes this claim. According to Hobbes, "in the state of nature, where every man is his own judge, and differeth from others concerning the names and appellations of things, and from those differences arise quarrels and breach of peace, it was necessary there should be a common measure of all things, that might fall in controversy."61 The main categories of the sovereign's tasks are "to make and abrogate laws, to determine war and peace, [and] to know and judge of all controversies,"62 but each of these duties is a subspecies of its ultimate duty to be the sole and ultimate definer in matters of public importance. **It is only through the sovereign's** effective continued **[exercise of authority]** accomplishment of this duty **that** the **people** of a commonwealth **avoid the** definitional problems that typify the **state of nature**. 27. Judging controversies, which Hobbes lists as the third main task of the sovereign, is the duty most obviously about being the ultimate definer. In fact, Hobbes declares it a law of nature that "in every controversy, the parties thereto ought mutually to agree upon an arbitrator, whom they both trust; and mutually to covenant to stand to the sentence he shall give therein."63 As I repeatedly alluded to above, this agreement to abide by the decision of a third party arbitrator, a sovereign in the commonwealth, is necessary because of the fundamentally perspectival and relative nature of persons' imputations of meaning and value into the situations they construct. Hobbes understands this problem, as evidenced by his claim that "seeing right reason is not existent, the reason of some man or men must supply the place thereof; and that man or men, is he or they, that have the sovereign power"64 to dictate meanings that will be followed by all. The sovereign is even protected from potential democratic impulses, by which a 'true' meaning would be that agreed upon by the greatest number of people. Because "no one man's reason, nor the reason of any one number of men, makes the certainty," they will still "come to blows . . . for want of a right reason constituted by nature"65 unless both the majority and the minority agree to abide by the meanings promulgated by the sovereign. 28. These meanings are usually created and promulgated by the sovereign in the form of laws, another of the tasks with which Hobbes charges it. In one of his clearest explanations of the law, Hobbes writes that "it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what ho nest, what dishonest, what good, what evil; that is summarily, what is to be done, what to be avoided in our common course of life."66 The civil law is the set of the sovereign's definitions for ownership, justice, good, evil, and all other concepts that are important for the maintenance of peace in the commonwealth. **When everyone follows** the law (that is, when everyone follows **the sovereign**'s definitions) **there are far fewer conflicts among persons because everyone appeals to the same meanings**. This means that people know what meanings others will use to evaluate the actions of themselves and others, so the state of nature's security dilemmas and attempts to force one's own meanings upon others are overcome. 29. There is to be no question of the truth or falsity of the sovereign's definitions because "there are no authentical doctrines concerning right and wrong, good and evil, besides the constituted laws in each realm and government."67 In fact, Hobbes specifically says that one of the "diseases of a commonwealth" is that "every private man is judge of good and evil actions."68 Only when individual persons agree to follow the meanings promulgated by the sovereign, which of course includes refraining from trying to impose their own meanings on others, can persons live together in peace -- when they take it upon themselves to impose meaning on situations of public import, they descend into violence again.

**Thus, util collapses to a standard of consistency with the will of the sovereign.**

**That negates:**

1. **The state recognizing a universal right of workers means it gives up its sovereign power to control labor disputes, so they will no longer be solved by the will of the sovereign.**
2. **Strikers frequently contest sovereign power during encounters with the police and military. Recognizing a right to strike gives them more power to undermine the state.**

### Strikes Fail

#### Strikes fail: two-tier agreements, financially unstable unions, and scabs all undermine effectiveness

Garneau 19

Garneau, Marianne. “Why don’t strikes achieve more?” 1 May, 2019. *Organizing Work.* <https://organizing.work/2019/05/why-dont-strikes-achieve-more/>

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Last week social media and the labor press were filled with triumphant celebration of the strike at Stop & Shop, which saw some 31,000 workers off the job, and then of its resolution with a new collective agreement. There has been considerable [excitement](https://wagingnonviolence.org/2019/04/labor-organizer-jane-mcalevey-strikes-trump-era/" \t "_blank) on the [left](https://jacobinmag.com/2019/04/strike-jeremy-brecher-interview-teachers" \t "_blank) lately about strikes in general, especially since, for a long time, that tactic lay somewhat dormant. With strikes on the [uptick](https://www.democracynow.org/2019/2/15/headlines/more_us_workers_went_on_strike_in_2018_than_in_any_year_in_three_decades" \t "_blank), the left is primed to view this as a hopeful turnaround, signaling labor’s re-consolidation of its power. However, there is sometimes a troubling news cycle in all of this. Basically: a union goes out on strike, it all looks very exciting, the left cheers the worker militancy, then notice of a settlement comes down, the union writes a press release declaring victory, and the left affirms the power of labor.  If you read the content of the collective bargaining agreements, though, there is often less reason to be enthusiastic. **In three strikes that were settled in the past few weeks**—Stop & Shop, the Saskatoon Co-op, and the Chicago Symphony Orchestra—all of the **contracts involved the introduction of a two-tier system**. This is one of the worst moves a union can make.  A two-tier system stipulates different employment terms for future employees than for current employees, or for full-timers versus part-timers, etc. In the case of the [Saskatoon Co-op](https://organizing.work/2019/04/saskatoon-co-op-strike-ends-with-two-tier-contact/" \t "_blank), new employees will top out at a lower wage, and will take longer to reach that maximum wage. In the case of [Stop & Shop](https://www2.bostonglobe.com/business/2019/04/22/stop-shop-agreement-seen-win-for-workers/riq8cmn40UGDp3wylfSdGM/story.html" \t "_blank), new part-timers (the majority of the workforce is part-time) lose out on time-and-a-half pay, and get lower pension contributions. In the case of the [Chicago Symphony Orchestra](https://www.nytimes.com/2019/04/27/arts/music/chicago-symphony-strike.html" \t "_blank), future hires are losing guaranteed pensions in favor of riskier defined-contribution plans. **Two-tier contracts divide the workforce**, pitting different groups of workers against each other. **Existing employees or senior employees take a superior deal for themselves, and in so doing, burn future hires or those less senior**. **This is toxic to worker solidarity and undermines the overall power of workers**—ensuring they’ll be weaker for future job actions like strikes. When a union signs a two-tier contract, it signals to the workforce that what they really are is a craft union for the high-seniority, full-time staff, with everyone else invited to fight for one of those spots, if they remain accessible at all. Two-tier contracts are a short-sighted move by the union and a long-game strategic move by the boss. They allow a union to settle a strike with their existing members keeping what they have (and maybe making a few gains elsewhere), while selling out future workers. Employers get to look forward to lower employment costs down the road, not to mention a divided workforce. Unions are also in effect selling out their future selves. **The upper tier of workers** whose interests they serve better **shrinks over time**, as those workers retire or leave. **The workers who remain are less powerful. That means the union is less powerfu**l. It may still have membership numbers and dues income, but its workforce is more vulnerable, and the union is bargaining from a weaker position going forward. Acknowledging that unions are signing two-tier or rollback contracts is demoralizing. It is especially so at a time when labor is supposed to be in a strong bargaining position because of a decent economy with low unemployment. If strikes are the best tactic labor has, and the economic circumstances are in our favor, why are unions signing crappy contracts? There are a number of factors that contain how effective strikes can be, and impel unions to settle them. For one thing, they are expensive. **If a union is providing** even **minimal strike pay, it needs** a war chest of **millions of dollars to** be able to **support** even **a few hundred workers. Strikes** drain union coffers, and they **take a financial, physical, and emotional toll on workers** as well, who aren’t usually earning as much in strike pay as they would on the job, while getting yelled at or hit by cars or freezing on the picket line. Quite often, **strikes don’t succeed in** completely **shutting down a business**, not least **because employers can** legally **hire scabs**. The product may suffer, and employers may take a hit, but they can hobble along (while draining the union’s bank account). (A note on the alleged $100 million loss suffered by Stop & Shop during the recent strike, which leftists also celebrated: that figure was put out by the [employer](https://www.masslive.com/boston/2019/04/stop-shop-owner-says-11-day-strike-cost-company-about-100-million.html" \t "_blank), and is more than double an estimate put forward by an [industry analyst](https://www.newhavenindependent.org/index.php/archives/entry/pyrrhic_victory/" \t "_blank). We should always remain skeptical about boss communications. In this case, they may be crying poverty to get workers to sign the proposed collective agreement.) Sometimes strikes end because of government intervention, as when workers are [legislated back to work](https://organizing.work/2018/11/canada-post-strikes-and-occupations-end-as-workers-legislated-back-to-work/" \t "_blank), or [fired en masse](https://www.politico.com/story/2017/08/05/reagan-fires-11-000-striking-air-traffic-controllers-aug-5-1981-241252" \t "_blank). Less dramatically, the government can intervene to bring about some kind of settlement in the form of binding arbitration. Sometimes employers even goad unions into striking, knowing what a heavy toll strikes take. If an employer knows they can weather a strike much better than the union, they are perfectly incentivized to provoke one and [starve the union out](https://labornotes.org/2006/11/viewpoint-looking-back-northwest-strike" \t "_blank). The bottom line is that strikes, under the current labor relations system, are not the slam-dunk tactic the left takes them to be. Strikes can only take place when the contract has expired, and once the membership has been balloted. This means that the employer has years to prepare, knowing when the contract is set to expire. They probably even know roughly how long the strike can last. They’ve also seen strikes before, and aren’t bowled over by them. There is no element of surprise. They know the union won’t do anything too drastic like occupy the workplace or chain the doors shut. They hire scabs, they manage public relations (often by crying poverty or publicly claiming the union won’t come to the table), and they wait it out. Of course we in left labor circles sympathize with strikers and see their cause as morally and politically righteous. But sympathy is one matter, and clear-eyed analysis is another. That we wish workers victory does not mean we suspend judgement about the effectiveness of their tactics. Nor is any of this meant to judge or condemn unions for choosing the tactics that they do. Instead, it is about zooming out and understanding what factors are constraining the situation in general. When leftists picture strikes, they are probably in part remembering black-and-white images of workers in the 1910s and 1920s streaming out of factories and mines and violently clashing with Pinkerton guards. But strikes have been tamed by the labor relations framework established by the Wagner Act (the National Labor Relations Act) of 1935 and the Taft-Hartley Act of 1947. Those legislative measures were passed in response to massive upheaval, in which workers shut down production with strikes, or employers shut down production with lockouts. The goal of the Wagner Act is right there in its full title: “to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce.” The NLRA forced employers to sit down and bargain with workers, not out of a desire to strengthen workers as a class, but to funnel disputes between workers and bosses into a less disruptive process – in boardrooms and away from the shopfloor — so that economic production could continue. Taft-Hartley further contained strikes in numerous ways, again in response to creative and effective forms of economic disruption, by outlawing sympathy strikes, political strikes, “wildcat” strikes taken without the authorization of union leadership, secondary picketing and boycotts, and so on. Under this legal framework, strikes are a blunted tactic, quite intentionally so. They do accomplish something – in each of the three cases described above, workers would almost certainly have got a worse deal had they not struck. There are also strikes that yield apparently better deals, such as the [contract](https://labornotes.org/2018/12/marriott-hotel-strikers-set-new-industry-standard" \t "_blank) bargained by Unite Here with Marriott hotels – arguably in part because contracts at seven different bargaining units expired simultaneously, allowing almost 8,000 workers to strike at once. But strikes don’t change the big-picture balance of power between employers and workers. Most of the time, strikes are like a fistfight in which one side gets a bloody nose, the other gets a black eye, and each walks away saying “You shoulda seen the other guy.” At best, a win looks like giving the other side two wounds while you only suffer one.