

Strikes as a Justifiable Contestatory Means? Between Self-defense and Expression

Philipp Stehr

philippstehr.github.io

The Plan for Today

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- specifically: distinguish defence-based and expressive justifications of the strike

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- ① strikers violate contractual obligations and demand they not be punished
- ② some strikes look a lot like hostage-taking:
 - ▶ gratuitous harm problem
 - ▶ instrumentalisation worries
- we need substantial reasons to justify strikes

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 - ▶ as economic policies

Alex Gourevitch's defence of strikes

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. [...] 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. – Gourevitch, Alex. "Quitting Work but Not the Job: Liberty and the Right to Strike." *Perspectives on Politics* 14, no. 2 (2016): 307–23. (314f.)

Raekstad and Rossi's „comradely contribution”

We agree with Gourevitch (2018: 910) that the radical right to strike is best grounded in an interest in human emancipation, “as an (at least implicit) demand for self-emancipation or the winning of greater liberty through one’s own efforts.” And, as we have seen, it is justified in cases where it has a realistic chance of reducing oppression. We also agree that rights which provide less oppressive social relations take priority over other rights if and when they conflict. [...] On the radical view, the right to strike is justified because it is a realistically effective tactic to reduce oppression and further human emancipation in the foreseeable future. – Raekstad, Paul, and Enzo Rossi. “Radicalizing Rights: Basic Liberties and Direct Action.” Political Studies Review 20, no. 3 (2022): 353–65. (359)

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- and it's a very plausible argument!

The Futility Challenge

Neoliberal Dogma

Imagine a society in which worker class consciousness is low and instead an individualist ideology of self-improvement and individual entrepreneurship rules. Any strikers will not receive support from their co-workers and employers will resist forcefully in order to prevent any challenge to their position and the establishment of class consciousness. No strike will ever be successful in contesting unjust labour conditions.

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- so they constitute gratuitous harm

The Expressive View

Gourevitch's second strand of argument

The refusal to perform work while retaining the right to the job is a way of *bringing to the fore* this social and structural element in their condition. It *vivifies* the real nature of the production relationship that workers find themselves in. Quitting the work but not the job is a way of *saying that* this society is not and cannot be just a system of voluntary exchanges among independent producers. (314f., my emphasis)

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- i.e. could the communicative purpose justify rights infringements?

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- and because communication alone is not a sufficiently weighty goal
 - ▶ making someone understand something *by itself* isn't sufficient to justify rights infringements
- we need a more *specific* account of the function
- why *this way* of expressing and how does it trump other people's rights?

The Fittingness Argument

The basic idea

The alternative view I wish to propose is this: those engaged in acts of futile resistance are not engaged in defence at all; instead, they are protesting their treatment at the hands of their attackers by expressing rejection of the wrong done to them. Futile resistance is a way of saying 'no' which in some circumstances may be only adequately said with an act: a kick, a scratch, a punch, and so on. - Flanigan, Edmund Tweedy. "Futile Resistance as Protest." *Mind* 132, no. 527 (2023): 631–58. (641)

The fittingness point

By contrast, I do not claim that protest is justified in virtue of the value it realizes or a duty it satisfies. Instead, I propose that protest, understood as an expression of rejection, is justified when and because it is the fitting response to circumstances of futility. In other words, it is what is correct, appropriate, proper, apt and called for when facing a threat of wrongdoing one cannot overcome. [...] As I use the term, whenever we say that something is the 'fitting' response, we can equivalently say that it is 'correct', 'appropriate', and other synonyms. For example, gratitude is the correct response to kindness, and blame is the appropriate response to what is blameworthy. (644)

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- adequacy
- compare: apologies or outrage

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- and to the people who enable this condition-setting
- and to the people who benefit from it

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- nicely captures a distinguishing feature of the strike
- if the conditions of cooperation are objectionable, it seems *fitting* not to work!
- and to maintain that no one else should work under these conditions either
- strikes are not „just“ one tool of resistance that one can use

Concluding Remarks

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- a new view on what makes strikes justifiable
- that avoids effectiveness/futility problems
- but provides a justification for rights violations
- and gives us a more detailed analysis of what makes strikes special

Thank you!

Thank you for your attention!

Comments welcome: philipp.stehr@hfp.tum.de