

# A Democratic Right to Political Strikes

Philipp Stehr | [philippstehr.github.io](https://philippstehr.github.io)

August 30th 2024

## **A Democratic Right to Political Strikes**

- a rationale for political strikes
- and a moral defense
- and some considerations for regulation

**Notes**

## **Realist Democracy**

- democracy is an imperfect system
- general lack of influence for ordinary citizens
- elite capture: winners keep winning
- this can be shown in empirical studies
  - policy generally is only weakly responsive to public opinion
  - rich people wield disproportionate influence
- in the extreme: objectionable rule!

### **Notes**

## **Realist Democracy II**

- Solutions?
- not more participation!
- not less formal rules!
- better ways for regular people to exercise influence
- in order to defend themselves against infringements on their democratic rights

### **Notes**

Some have even argued that less participation and more bureaucracy would be a suitable measure to combat capture

## One Possibility: Political Strikes



Figure 1: The 2017 General Strike in Catalunya

### Notes

(Or so I'll argue)

Political strikes can be a means for citizens to defend their democratic rights against elite capture

## **What's a Political Strike?**

- collective refusal to work
- “quitting work but not the job” (Gourevitch)
- with political demands
- in a direct conflict with the state, not the employers

### **Notes**

## Arguing for a Right to Political Strikes

- two strands of argument
- 1. political strikes as a permissible defense of democratic rights
  - because rights conventionally come with permission to defend them
- 2. political strikes as a valuable democratic institution
  - a right to political strikes has a valuable function
  - put a limit on elite capture

### Notes

so two-pronged: reactive rationale and institutional rationale

The first argument clarifies the morality of the political strike

The second argument clarifies why and how political strikes should be regulated

## Arguing for a Right to Political Strikes II

- defensive means have to be:
  - effective
  - necessary
  - proportionate
  - directed

### Notes

That's from the ethics of defense

Think of someone slapping me in the face. My response has to be:

- effective (cannot destroy the slapper's car)
- necessary (I can only slap back if shouting doesn't work)
- proportionate (I cannot grievously harm the slapper)
- directed (cannot slap the slapper's friend)

I'll go through them in order

And they'll also help thinking about the institutional argument

## Effectiveness

- effective in defending democratic rights?
- does it achieve the goal?
- withholding labour exercises pressure on politicians
  - employers won't like it
  - makes politicians unpopular
  - limits politicians' options
- empirically we find some effectiveness

## Notes



## Necessity

- necessary to defend democratic rights?
  - are there any less invasive means available?
- the realist assessment puts conventional means in doubt
- elite capture blocks democratic paths
- but, still, some other means should have been tried first

## Notes

we learn for regulation: somehow fix the *ultima ratio* character of strikes!

## **Proportionality**

- proportional to the threat to democratic rights?
- does it involve harms of similar gravity?
- depends on what we think about the threat
- and thus the risk of undue escalation

### **Notes**

## Undue escalation?



Figure 2: Cooperative ants

### Notes

We might think that democracy currently works like this  
And we transition to...

## Undue escalation?



Figure 3: Antagonistic deer

### Notes

This!

So, for the question of individual permissibility we have to ask ourselves what status quo we find.

But then there are also questions for the legalization point here:

- doesn't the legalization of political strikes lead us down the road to the deer?

This is part of a broader conversation on the merits of defensive institutions, on to that now

## Too Antagonistic an Institution?

- democracy with contestatory means vs. one without
  - does the infrastructure set us up as deer or ants?
- sure, this is more antagonistic
- but be realistic about the point of comparison
  - its efficiency
  - in how far it realizes democratic values
- then the more antagonistic version is not unattractive!

### Notes

## Liability

- target those liable for the threat?
- the wrong people seem to bear the costs of resistance in this instance
- employers are harmed by the political strike
- but they are not the addressees of the demands
- isn't this unjustifiable?

### Notes

Think back to the political strike over Catalan independence. Even if we agree with the story as told by the independence movement, they put the burden on the wrong people.

The central state is responsible, but it is the local businesses that suffer.

## **Liability: the Defensive Ethics View**

- in some cases, employers might be liable!
- and then it's justifiable to harm them
- otherwise it seems impermissible

### **Notes**

This is the defensive ethics argument

But we can also take a more institutional view

## **Liability: a Comparative View**

- think about the distribution of harms in a democratic system
- capture burdens those who are not well-resourced and organized
- but that is burdening those who are already worse-off!
- political strikes largely burden the better off
- it seems justifiable to let strong shoulders bear democratic burdens

### **Notes**

An idea proposed by Christopher Finlay

We shouldn't compare "no harms" and "harms to employers"!

Another desideratum for legislation: protect the weak employers

Those were the four parts of defensive ethics. Now on to the regulation question.



## Regulating Political Strikes

- ensure *ultima ratio* status
- ensure proportionality
- distribute harms properly

### Notes

## Regulating Political Strikes II

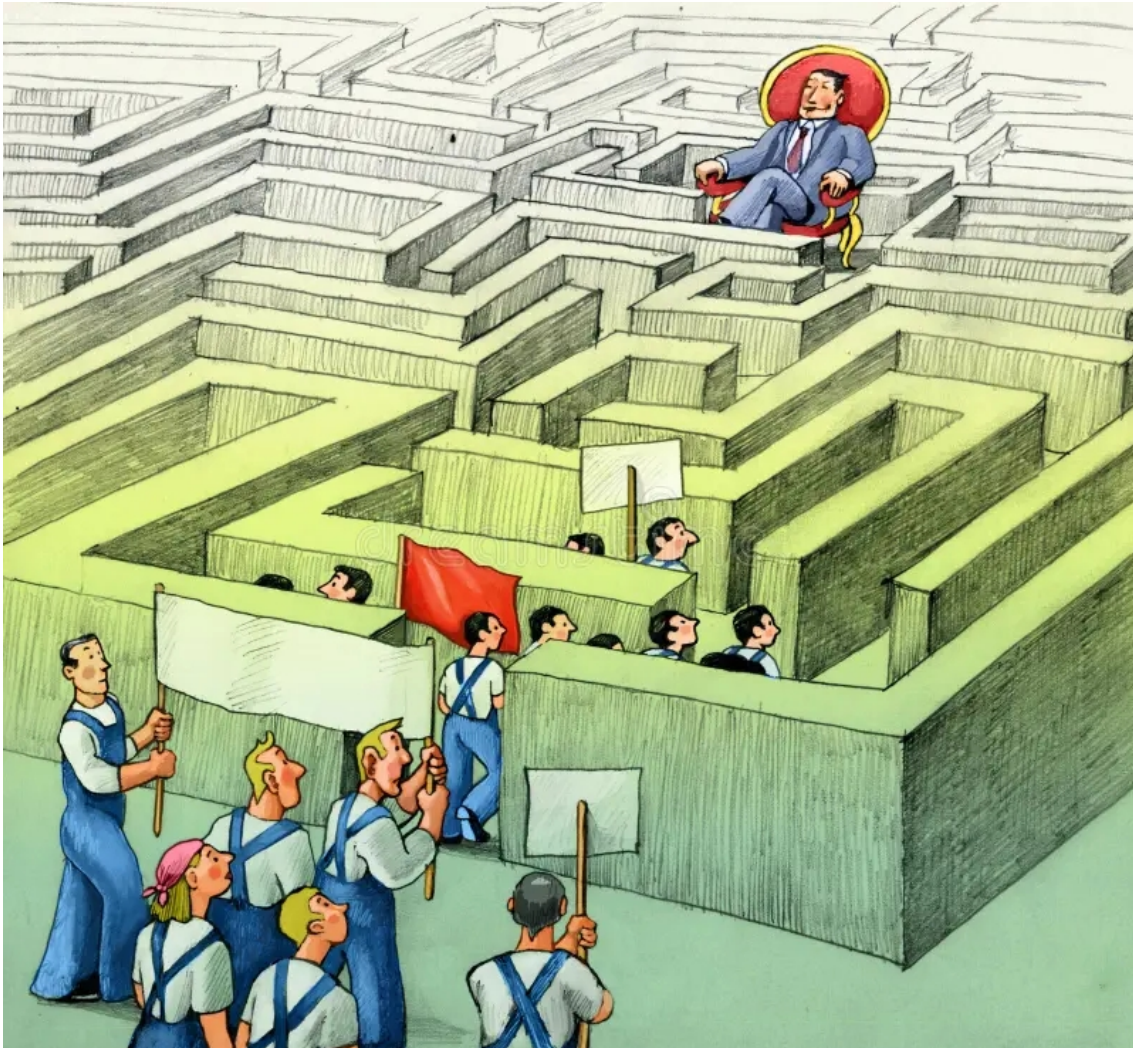


Figure 4: Strikes between accessibility and proper regulation

### Recap

- there is evidence that democratic politics has severe flaws
- a way for regular people to exercise influence: political strike
- a defensive mechanism
- should follow proportionality and necessity
- but difficult to properly regulate
- a fair distribution of the costs of democracy

### The end

Thank you for your attention.