

STRIKING IN UTOPIA

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Intuitively, one could reserve the justification for the right to strike to a special set of cases that react to a sufficient kind of oppression. I claim that Alex Gourevitch's paper, "The Right to Strike: A Radical View," proceeds with roughly this thought, except he wants to add that the injustice for which striking is justified is primarily an issue of power relations at the point of bargaining between worker and employer that can be reversed when the worker has the ability to threaten the cessation of labor. The "radical view" has its appeal. However, I want to reinterpret the issue, not by asking "when do workers possess the right to strike?" but to ask "when *don't* workers possess the right to strike?" By reinterpreting the question in this way, and on the radical view's own terms, I argue that the conditions for which one could say work is sufficiently just such that workers no longer possess the right to strike is full of necessary conditions hopelessly Utopian. In discovering these conditions, we will have to reconstitute what it means to be a worker to capture the entirety of injustice done through inappropriate power relations to those who do work but may not be called workers in the current political economy and could still overcome that injustice through striking. Gourevitch's radical view, when reinterpreted in this way, provides us with some key insights, giving us a right to strike that seemingly never terminates. As such, this paper does not explore how the radical view justifies strikes, but instead, its "radical" implications.

The actions commonly pursued in a strike require justification. Strikes will often, and almost always, incur violations on the rights of others. Such infractions include, but are not limited to: the property rights of owners, replacement worker's right to work, and

forcing union members to strike who may not have voted to do so in the first place. A strike is paradigmatically a forceful act. For a strike to work, strikers must not simply stop working, they must prevent other workers from taking their place.¹ A strike is conceptually an act of force and therefore requires a justification suitable to those it may seem to wrong.

Given that a strike is almost always forceful and entails significant coercion, why would anyone possess such a right? Gourevitch claims that this right can only be obtained under the harsh conditions of workplace injustice. This injustice is the product of a political economy centered on exploitation wherein one cannot live except by finding work, thereby put in a state of domination vis-à-vis their employer.² When one cannot expect to meet their basic needs except through the means of employment, they are at the mercy of the employer, yielding an asymmetrical power relation at the *point of bargaining*. What Gourevitch argues is that a worker possesses a right to strike due to this power relation. A worker is able to reverse the power relation as the *point of bargaining* by quitting their labor while still keeping their job, thereby reclaiming lost power at the *point of production*.³ This right only manifests itself once the conditions of work are sufficiently unjust so as to warrant the stoppage of labor.

What is important to notice about Gourevitch's account of the right to strike is that it arises in a purely reactive form. Gourevitch seems to say that the way in which work is organized is one that means: due to market conditions, one is obligated to work under the current and prevailing work superstructure, one of the oppressive political economy, and this causes the organization to be exploitative and unjustifiable because such market

¹ Alex Gourevitch, "The Right to Strike," 1.

² Alex Gourevitch, "The Right to Strike," 3.

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compulsions give workers no feasible way to seek other means of meeting their basic needs. This is the only underlying feature which bestows the right to strike.⁴ *Mutadis mutandis* and the worker experienced no oppression at the *point of bargaining*, she would possess no right to strike at the *point of production* because she personally has no claim to resist oppression in the workplace. If we were to take this under a reductive view, the right to strike is only held by those who have been oppressed by the unequal power of employers. Therefore, those who experience ideal workplace conditions cannot enact a strike, at least not understood as a forceful, coercive act.⁵ This means that anyone who strikes while experiencing the ideal power relation is unjustifiably wronging others. Rather, one cannot conceive of the right to strike from a background of just conditions.

We should first consider the exceptional cases of general strikes and solidarity strikes. These strikes do not so much reverse the inadequacy of the worker's initial bargaining power through the cessation of labor at the point of production as much as they seem to challenge the domination of the political economy as a tool for distributing the commodified labor of workers. It challenges the very asymmetry itself rather than attempting to meaningfully reverse power dynamics *ex post*. For example, a school teacher does nothing to improve *her* bargaining with another's oppressive factory owner when she goes on general strike (perhaps she does structurally, but not on a transactional level).⁶ She challenges what both industries share to exploit her: the operations of the political economy. That being the case, general strikes may appeal to even broader structures of the market paradigm that obscure what it would mean for conditions to be "just." Take, for instance, a localized political economy, what I'll clumsily call a

⁴ Alex Gourevitch, "The Right to Strike," 8.

⁵ Alex Gourevitch, "The Right to Strike," 2.

⁶ What I mean here is that it would be strange to say that the factory owner has any sort of power over the school teacher except in that the owner has structural control over the bargaining rights of factory workers, a form of employment the school teacher may find herself in at some point.

“state,” that is perfectly just, but co-inhabits a larger society that could have major influence in the global market. (We might even consider some industries within one political economy to have features like this to varying extents.⁷) We should also imagine that workers outside of this state are subject to any range of oppressive and dominative economies as a result of competing in the global market. Imagine that the cessation of labor in the just state would have serious effects on the conditions of work in the unjust states participating in the larger global economy. Workers in the just state have an obligation to use their influence within their own economy to challenge the domination of *any* political economy that threatens the status of *any* worker (if they even have the right to strike to resist their own domination). They possess this obligation because 1) the fact that *they* experience a just economy is the result of luck, such as geography and time, 2) if they were to switch places with the oppressed, they would likely want, and reasonably expect, those who can strike in solidarity in ways to enact change to do so and, most importantly, 3) the plight of the worker is shared. A threat to one worker is a threat to the class of workers. It isn’t just that one worker *could have* been oppressed, but *could still* become oppressed. The existence of just states does not exclude the thought that there may be economically external reasons for one to leave (or even be forced from) the just state and be at the mercy of external unjust economies.

My point is that the just working conditions of one state are not enough to restrict the right to strike of those working in that state; for a worker may still be subject to the domination of a political economy she does not belong to for economically external factors may one day arbitrarily situate her within a different political economy (which is the case if she moves or even

⁷ The kinds of industries I have in mind here are associations that could influence the conditions of other industries within the same political economy. Industries like cab drivers, nurses, etc., have incredible influence and even if they experienced just working conditions (though strangely enough, these industries often suffer the worst conditions of work), they have an obligation to strike for these other less influential industries.

if she changes industries in some cases). For her to strike in solidarity is for her to challenge the structure of a political economy she does not presently experience, thus the conditions of the political economy she *does* experience are unimportant to her right to strike in order to protect her future self. This aspect of “just working conditions” needs to be considered when saying that one could not conceive of a right to strike against the background of justice.

We may also find reasons to strike (even in solidarity) in order to rectify historical injustices that are not properly recognized in making the political economy itself just. In other words, even if all political economies, or even the global political economy, were perfectly just, other societal institutions may create objectionable circumstances *in work* that may require the collective action of workers in order to resolve them. For example, even if similarly qualified agents yielded the same returns on their labor within the same job and even across industries, gender, race, geography, etc., there may be unequal access to those qualifications in ways that the political economy cannot account for absent of those historical events (say, in ways that the political economy could not rectify by itself either because those able to grant these qualifications do not respond to certain incentives or the nature of these qualifications do not intersect meaningfully with the political economy such that it possessed the tools to increase its accessibility). That is, if the economy is just in the sense that 1) qualifications X yield returns Y and all agents with qualifications X see returns Y, that doesn't mean that 2) all workers had similar access to qualifications X. A political economy may be made just in the first sense and not the second. The second may make work unjust in a way that warrants a strike.

The first sense we might equate with what is canonically “just” and the second sense is what is “justified” to pursue given a society's particular historical development of injustice. Policies like affirmative action are roughly of this class of incentives that aim to rectify the

second form of injustice and are *justified* to pursue. That is, they are pursued only when society is arranged in a particular way that requires the political economy to enact compensatory measures to combat injustice in seemingly non-economical areas of society or of historical circumstance. We might also say that because these measures are not generalizable enough to include them within a package of justice prescriptive to all societies, they exist outside the “canonically just” state, but nonetheless are necessary for the pursuit of a just society and workers are entitled to strike for these measures when they affect work. That is, a just political economy may not fully capture the range of *justified* measures because they are particular to each society (and even within societies at different times in their history). This would also mean that if there were states that required different *justified* measures, those of which would not be *just* if one measure were applied to both states, then workers in one economy possess the right to strike in solidarity for the *justified* measures necessary in the other. They possess this right that all *justified* measures be fulfilled everywhere by virtue of the fact that workers should secure as maximally protective ex ante conditions for fear of arbitrary, extra-economic factors inserting them into the other state. For example, a worker in state A could strike for the historically-specific *justified* conditions in state B even though the same *justified* measure would not apply to state A. This would be like workers in West Africa striking to secure affirmative action policy in America. They possess this right to strike in virtue of another state’s unjust history. The just conditions for which to strip away the right to strike must therefore account for global societal history.

If we were to summarize all the requirements for working conditions to be “just” so as to terminate the right to strike, it would look something like “all political economies are just and able to sufficiently compensate for work-related inadequacies in other aspects of society/history

by guaranteeing the necessary justified measures expected for the varying histories and social institutions of distinct political economies.” However, this sounds a lot like “just society” or at least what I’ll call *functionally just society* and wholly Utopian. A worker would no longer possess the right to strike if and only if there is no threat of any worker living under any oppressive political economy that does not appropriately recognize and adjust for historical and extra-economic factors. It would be the case that there is no power asymmetry to overcome for it no longer exists at the point of bargaining and there is no threat of an oppressive political economy. The worker would no longer be at the mercy of the employer because what ultimately created unequal bargaining power is now absent.

Though we’ve covered the utopian nature of the “just” in “just working conditions,” we need also reevaluate “work.” Our conception of just conditions sees “worker” as one who occupies a position in a firm subject to the authority of some corporate body. This definition of worker operates semantically insofar as it is useful for clarifying who are *officially recognized workers*, but to be a worker, at least when we are talking about the right to strike, is to belong to a category possessing a distinct phenomenology of dominative, involuntary work for the sake of non-personal market interests. Here, I’m thinking of someone like a cashier as within the semantic “worker” and domestic labor or sex labor as outside the semantic group, but within the categorical. This phenomenology, relating to the power dynamic in work, is present and may even be the defining feature of the category and is the cause for strike. The semantic “worker” may be wholly removed from the category when the state is just, but those who would remain in the category who are not semantic workers possess the right to strike and the now categorically distinct semantic workers may strike in solidarity for them. If it were such that the working conditions for cashiers were just and not that of sex workers, cashiers possess the right to strike.

The injustice of work's arrangement is what creates this shared experience of the worker category and is what the right to strike is intended to combat. Those that experience those conditions should possess the right to strike and that experience extends far beyond the understanding of worker as only representing the semantic group. Conditions of justice powerful enough to relinquish the right to strike need to be such that they do not undermine the solidaristic struggle of a class whose categorical uniqueness was ultimately accidental in the chronicle of societal injustice. It is a mere accident of history, of circumstance, that one may find themselves in this powerlessness. It is more so accidental that they find themselves on the losing end of the arrangement of work and that the political economy may not recognize their work on the labor market and further subject you to the humiliation of out-of-market work. It becomes a necessary condition of this justice that the category of worker be empty, which implies that "non-workers" who belong to this category be considered.

By understanding worker as a category, we can introduce moralized conceptions of what it means to be a worker, one who is dominated by the oppressive imperatives of the market and political economy, so as to extend our initial semantic group. This allows us to understand a much larger spectra of those who may not normally possess the right to strike who are now respected by the solidaristic actions of others. There could be any number of out-of-market workers who cannot escape their domination because we fail to recognize them as a worker at all. Some of these groups might be domestic caretakers, escorts, and anyone who relies on an alternative market or no market at all, but nonetheless provide goods and services. These groups experience the diminutive state and phenomenology of the categorical worker but do not also belong to the semantic worker group. They are similarly oppressed by the political economy because their workplace is poorly protected from serious humiliation or violations of their basic

rights as well as being coerced into these alternative markets by virtue of needing to compete with the traditional political economy. By broadening our understanding of what it means to be a worker, we understand that for the category of worker to be empty, these out-of-market workers need also be liberated from this category in order to eliminate the right to strike. This might look like cases where teamsters strike in solidarity for the rights of housewives. This also serves to further elucidate the unity of workers. It means more than the fact that you occupy a position in a firm subject to some authority but that you are disenfranchised by the arrangement of work whether that be at the workplace, in the political economy, or in the failure of the political economy to rectify, or even recognize the injustice of your position.

I hope to have shown that Gourevitch's paper is doing a lot more than saying the reason workers possess the right to strike is because they experience work-related injustice. Rather, this injustice is inescapable. I also hope to have advanced the discussion by suggesting we acknowledge this inescapable domination as integral to how we constitute the definition of worker. That's not to say that all strikes are created equal. Some considerations we might introduce to limit the actions taken in a strike are: the type of actions permissible may be inversely proportional to the experienced injustice and directly proportional to the causal influence a certain strike may have on the status of workers (especially those enacted in solidarity). However, these are considerations for another paper.

REFERENCES

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ARTICLE DETAILS

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