### Framing

#### The value is Justice, defined as giving each their due, because the only reason to value anything else is because humans value it, which concedes that humans are valuable and deserving. *And, justice is uniquely important in this debate, because the resolution is a question of what a JUST government ought to do.*

#### Because conflicting interests are inevitable, just actions are dictated by overall wellbeing – thus, the criterion is Maximizing Expected Wellbeing. Prefer for two reasons –

#### [1] Degrees of wrongness – there’s obviously a distinction between the ethicality of breaking a promise to take a friend to lunch and breaking a promise to take a dying person to the hospital. The only distinguishing factor between both cases is the degree to which you hinder wellbeing, which means only my framework can reconcile for varying degrees of wrongness.

#### [2] Motivation – if an agent decides to take any action, they ipso facto determine that the action will serve for their wellbeing either immediately or in the future. The only reason why people want to take actions is because they are required for some future good, either intrinsic to themself or another person. Absent motivation, agents would have no binding reason to follow any ethical system.

#### [3] There is no act omission distinction – a) choosing not to act is an action in of itself since you had to make an active decision to omit. For example, walking past a drowning baby and choosing not to save it is a cognitive decision you were faced with and you actively decided to keep walking b) warranting a distinction gives agents the permissible choice of omitting from any ethical action since omissions lack culpability.

### Contention 1: Conditionality is Preferable

#### First, strikes can be violent – that turns their framework because killing is non-universalizable.

Tenzam ’20 - Mlungisi Tenzam LLB LLM LLD Senior Lecturer, University of KwaZulu-Natal, 2020, The effects of violent strikes on the economy of a developing country: a case of South Africa, http://www.scielo.org.za/scielo.php?script=sci\_arttext&pid=S1682-58532020000300004

The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike.11The Constitution grants these rights to a "worker" as an individual.12However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14¶ The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to "advance economic development, social justice, labour peace and the democratisation of the workplace".16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society.¶ Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike 17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally.18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful.19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers' demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows:¶ "[T]here is no sweet strike, there is no Christian strike ... A strike is a strike. [Y]ou want to get back what belongs to you ... you won't win a strike with a Bible. You do not wear high heels and carry an umbrella and say '1992 was under apartheid, 2007 is under ANC'. You won't win a strike like that."21¶ The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects innocent members of the public, non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers' homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour.22 This points to the fact that for many workers and their families' living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer's business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26¶ These examples from case law show that South Africa is facing a problem that is affecting not only the industrial relations' sector but also the economy at large. For example, in 2012, during a strike by workers employed by Lonmin in Marikana, the then-new union Association of Mine & Construction Workers Union (AMCU) wanted to exert its presence after it appeared that many workers were not happy with the way the majority union, National Union of Mine Workers (NUM), handled negotiations with the employer (Lonmin Mine). AMCU went on an unprotected strike which was violent and resulted in the loss of lives, damage to property and negative economic consequences including a weakened currency, reduced global investment27, declining productivity, and increase unemployment in the affected sectors.27Further, the unreasonably long time it takes for strikes to get resolved in the Republic has a negative effect on the business of the employer, the economy and employment.

#### Second, lack of truck drivers leads to societal collapse and the shut-down of hospitals and water-purification plants – the impact is mass death.

Mackenzie 08 New Scientist, major journal and winner of the Royal Statistical Society, Award for Statistical Excellence in Journalism, April 5, 2008, "Will a pandemic bring down civilisation?" <http://www.newscientist.com/channel/being-human/mg19826501.400-will-a-pandemic-bring-down-civilisation.html>

Will a pandemic bring down civilisation? FOR years we have been warned that a pandemic is coming. It could be flu, it could be something else. We know that lots of people will die. As terrible as this will be, on an ever more crowded planet, you can't help wondering whether the survivors might be better off in some ways. Wouldn't it be easier to rebuild modern society into something more sustainable if, perish the thought, there were fewer of us. Yet would life ever return to something resembling normal after a devastating pandemic? Virologists sometimes talk about their nightmare scenarios - a plague like ebola or smallpox - as "civilisation ending". Surely they are exaggerating. Aren't they? Many people dismiss any talk of collapse as akin to the street-corner prophet warning that the end is nigh. In the past couple of centuries, humanity has innovated its way past so many predicted plagues, famines and wars - from Malthus to Dr Strangelove - that anyone who takes such ideas seriously tends to be labeled a doom-monger. There is a widespread belief that our society has achieved a scale, complexity and level of innovation that make it immune from collapse. "It's an argument so ingrained both in our subconscious and in public discourse that it has assumed the status of objective reality," writes biologist and geographer Jared Diamond of the University of California, Los Angeles, author of the 2005 book Collapse. "We think we are different." Ever more vulnerable A growing number of researchers, however, are coming to the conclusion that far from becoming ever more resilient, our society is becoming ever more vulnerable (see page 30). In a severe pandemic, the disease might only be the start of our problems. No scientific study has looked at whether a pandemic with a high mortality could cause social collapse - at least none that has been made public. The vast majority of plans for weathering a pandemic all fail even to acknowledge that crucial systems might collapse, let alone take it into account. There have been many pandemics before, of course. In 1348, the Black Death killed about a third of Europe's population. Its impact was huge, but European civilisation did not collapse. After the Roman empire was hit by a plague with a similar death rate around AD 170, however, the empire tipped into a downward spiral towards collapse. Why the difference? In a word: complexity. In the 14th century, Europe was a feudal hierarchy in which more than 80 per cent of the population were peasant farmers. Each death removed a food producer, but also a consumer, so there was little net effect. "In a hierarchy, no one is so vital that they can't be easily replaced," says Yaneer Bar-Yam, head of the New England Complex Systems Institute in Cambridge, Massachusetts. "Monarchs died, but life went on." Individuals matter The Roman empire was also a hierarchy, but with a difference: it had a huge urban population - not equalled in Europe until modern times - which depended on peasants for grain, taxes and soldiers. "Population decline affected agriculture, which affected the empire's ability to pay for the military, which made the empire less able to keep invaders out," says anthropologist and historian Joseph Tainter at Utah State University in Logan. "Invaders in turn further weakened peasants and agriculture." A high-mortality pandemic could trigger a similar result now, Tainter says. "Fewer consumers mean the economy would contract, meaning fewer jobs, meaning even fewer consumers. Loss of personnel in key industries would hurt too." Bar-Yam thinks the loss of key people would be crucial. "Losing pieces indiscriminately from a highly complex system is very dangerous," he says. "One of the most profound results of complex systems research is that when systems are highly complex, individuals matter." �One of the most profound results is that when systems are highly complex, individuals matter� The same conclusion has emerged from a completely different source: tabletop "simulations" in which political and economic leaders work through what would happen as a hypothetical flu pandemic plays out. "One of the big 'Aha!' moments is always when company leaders realise how much they need key people," says Paula Scalingi, who runs pandemic simulations for the Pacific Northwest economic region of the US. "People are the critical infrastructure." Vital hubs Especially vital are "hubs" - the people whose actions link all the rest. Take truck drivers. When a strike blocked petrol deliveries from the UK's oil refineries for 10 days in 2000, nearly a third of motorists ran out of fuel, some train and bus services were cancelled, shops began to run out of food, [and] hospitals were reduced to running minimal services, hazardous waste piled up, and bodies went unburied. Afterwards, a study by Alan McKinnon of Heriot-Watt University in Edinburgh, UK, predicted huge economic losses and a rapid deterioration in living conditions if all road haulage in the UK shut down for just a week. What would happen in a pandemic when many truckers are sick, dead or too scared to work? Even if a pandemic is relatively mild, many might have to stay home to care for sick family or look after children whose schools are closed. Even a small impact on road haulage would quickly have severe knock-on effects. One reason is just-in-time delivery. Over the past few decades, people who use or sell commodities from coal to aspirin have stopped keeping large stocks, because to do so is expensive. They rely instead on frequent small deliveries. Cities typically have only three days' worth of food, and the old saying about civilisations being just three or four meals away from anarchy is taken seriously by security agencies such as MI5 in the UK. In the US, plans for dealing with a pandemic call for people to keep three weeks' worth of food and water stockpiled. Some planners think everyone should have at least 10 weeks' worth. How long would your stocks last if shops emptied and your water supply dried up? Even if everyone were willing, US officials warn that many people might not be able to afford to stockpile enough food. Two-day supply Hospitals rely on daily deliveries of drugs, blood and gases. "Hospital pandemic plans fixate on having enough ventilators," says public health specialist Michael Osterholm at the University of Minnesota in Minneapolis, who has been calling for broader preparation for a pandemic. "But **they'll run out of oxygen** to put through them first. No hospital has more than a two-day supply." Equally critical is chlorine for water purification plants. �Hospital pandemic plans fixate on having enough ventilators. But they'll run out of oxygen first� It's not only absentee truck drivers that could cripple the transport system; new drivers can be drafted in and trained fairly quickly, after all. Trucks need fuel, too. What if staff at the refineries that produce it don't show up for work? "We think that if we can make people feel safe about coming to work, we'll have about 25 per cent staff absences if we get a flu pandemic like the one in 1918," says Jon Lay, head of global emergency preparedness for ExxonMobil. If that happens, then by postponing non-essential tasks, and making sure crucial suppliers also hang tough, "we can maintain the supply of products that are critical to society". Some models, however, suggest absenteeism sparked by a 1918-type pandemic could cut the workforce by half at the peak of a pandemic wave. "If we have 50 per cent absences, it's a different story," says Lay, who says his company has not modelled the impact of absence on that scale. And what if a pandemic is worse than 1918? Critical infrastructure All the companies that provide the critical infrastructure of modern society - energy, transport, food, water, telecoms - face similar problems if key workers fail to turn up. According to US industry sources, one electricity supplier in Texas is teaching its employees "virus avoidance techniques" in the hope that they will then "experience a lower rate of flu onset and mortality" than the general population. The fact is that the best way for people to avoid the virus will be to stay home. But if everyone does this - or if too many people try to stockpile supplies after a crisis begins - the impact of even a relatively minor pandemic could quickly multiply. Planners for pandemics tend to overlook the fact that modern **societies are becoming ever more tightly connected, which means any disturbance can cascade rapidly through many sectors**. For instance, many businesses - including New Scientist's parent company - have contingency plans that count on some people working online from home. Models show there won't be enough bandwidth to meet demand, says Scalingi. And what if the power goes off? This is where the complex interdependencies could prove disastrous. Refineries make diesel fuel not only for trucks but also for the trains that deliver coal to electricity generators, which now usually have only 20 days' reserve supply, Osterholm notes. Coal-fired plants supply 30 per cent of the UK's electricity, 50 per cent of the US's and 85 per cent of Australia's. Powerless The coal mines need electricity to keep working. Pumping oil through pipelines and water through mains also requires electricity. Making electricity depends largely on coal; getting coal depends on electricity; they all need refineries and key people; the people need transport, food and clean water. If one part of the system starts to fail, the whole lot could go. Hydro and nuclear power are less vulnerable to disruptions in supply, but they still depend on highly trained staff. With no electricity, shops will be unable to keep food refrigerated even if they get deliveries. Their tills won't work either. Many consumers won't be able to cook what food they do have. With no chlorine, water-borne diseases could strike just as it becomes hard to boil water. Communications could start to break down as radio and TV broadcasters, phone systems and the internet fall victim to power cuts and absent staff. This could cripple the global financial system, right down to local cash machines, and will greatly complicate attempts to maintain order and get systems up and running again. Even if we manage to struggle through the first few weeks of a pandemic, **long-term problems could build up without essential maintenance and supplies. Many of these problems could take years to work their way through the system.** For instance, with no fuel and markets in disarray, how do farmers get the next harvest in and distributed? Closing borders As a plague takes hold, some countries may be tempted to close their borders. But quarantine is not an option any more. "These days, no country is self-sufficient for everything," says Lay. "The worst mistake governments could make is to isolate themselves." The port of Singapore, a crucial shipping hub, plans to close in a pandemic only as a last resort, he says. Yet action like this might not be enough to prevent international trade being paralysed as other ports close for fear of contagion or for lack of workers, as ships' crews sicken and exporters' assembly lines grind to a halt without their own staff, power, transport or fuel and supplies. �Quarantine is not an option any more. These days, no country is self-sufficient� Osterholm warns that most medical equipment and 85 per cent of US pharmaceuticals are made abroad, and this is just the start. Consider food packaging. Milk might be delivered to dairies if the cows get milked and there is fuel for the trucks and power for refrigeration, but it will be of little use if milk carton factories have ground to a halt or the cartons are an ocean away. "No one in pandemic planning thinks enough about supply chains," says Osterholm. "They are long and thin, and they can break." When Toronto was hit by SARS in 2003, the major surgical mask manufacturers sent everything they had, he says. "If it had gone on much longer they would have run out." The trend is for supply chains to get ever longer, to take advantage of economies of scale and the availability of cheap labour. Big factories produce goods more cheaply than small ones, and they can do so even more cheaply in countries where labour is cheap. Flawed assumptions Lay points to recent hurricanes in the US and the 2005 fire at the Buncefield oil depot in the UK as examples of severe disruptions to the normal supply chain. In all of these instances, he points out, supplies from refineries were maintained. But those disasters were localised, and help could come from unaffected places nearby. Disaster planners usually focus on single-point events of this kind: industrial accidents, hurricanes or even a nuclear attack. But a pandemic happens everywhere at the same time, rendering many such plans useless. "There are numerous assumptions behind our conclusions," Lay admits. "If they prove to be flawed, we could struggle." �Planners focus on single-point events like the Buncefield fire, but a pandemic happens everywhere� The main assumption is how serious a pandemic could be. Many national plans are based on mortality rates from the mild 1957 and 1968 pandemics. "No government pandemic plans consider the possibility that the death rate might be higher than in 1918," says Tim Sly of Ryerson University in Toronto, Canada. Even a rerun of 1918 could be bad enough. In a 2006 study, economist Warwick McKibbin of the Lowry Institute for International Policy in Sydney, Australia, and colleagues based their "worst-case" scenario on the same death rate as in 1918. The result, their model predicts, would be 142 million deaths worldwide, leading to a massive global economic slowdown that would wipe out 12.6 per cent of global GDP. Death rate This scenario assumes around 3 three per cent of those who fall ill die. Of all the people known to have caught H5N1 bird flu so far, 63 per cent have died. "It seems negligent to assume that H5N1, if it goes pandemic, will necessarily become less deadly," says Sly. And flu is far from the only viral threat we face.

## Case

### Contention

#### [1] The 1AC’s offense is bogus – it conflates “right to strike” with “right to quit” – striking is not a legitimate right and is fundamentally unfair.

**Gourevitch, 16** (Alex Gourevitch, associate professor of political science at Brown University, 6-13-2016, accessed on 10-12-2021, *Perspectives on Politics*, "Quitting Work but Not the Job: Liberty and the Right to Strike", <https://sci-hub.se/10.1017/S1537592716000049>) \*brackets in original //D.Ying

The right to strike is peculiar. It is not a right to quit. The right to quit is part of freedom of contract and the mirror of employment-at-will. Workers may quit when they no longer wish to work for an employer; employers may fire their employees when they no longer want to employ them. Either of those acts severs the contractual relationship and the two parties are no longer assumed to be in any relationship at all. The right to strike, however, assumes the continuity of the very relationship that is suspended. Workers on strike refuse to work but do not claim to have left the job. After all, the whole point of a strike is that it is a collective work stoppage, not a collective quitting of the job. This is the feature of the strike that has marked it out from other forms of social action. If a right to strike is not a right to quit, what is it? It is the right that workers claim to refuse to perform work they have agreed to do while retaining a right to the job. Most of what is peculiar, not to mention fraught, about a strike is contained in that latter clause. Yet, surprisingly, few commentators recognize just how central and yet peculiar this claim is. 16 Opponents of the right to strike are sometimes more alive to its distinctive features than defenders. One critic, for instance, makes the distinction between quitting and striking the basis of his entire argument: the unqualified right to withdraw labour, which is a clear right of free men, does not describe the behaviour of strikers.… Strikers … withdraw from the performance of their jobs, but in the only relevant sense they do not withdraw their labour. The jobs from which they have withdrawn performance belong to them, they maintain. 17 On what possible grounds may workers claim a right to a job they refuse to perform? While many say that every able-bodied person should have a right to work, and they might say that the state therefore has an obligation to provide everyone with a job, the argument for full employment never amounts to saying that workers have rights to specific jobs from specific private employers. For instance, in 1945, at the height of the push for federally-guaranteed full employment, the Senate committee considering the issue took care to argue that “the right to work has occasionally been misinterpreted as a right to specific jobs of some specific type and status.” After labeling this a “misinterpretation,” the committee’s report cited the following words from one of the bill’s leading advocates: “It is not the aim of the bill to provide specific jobs for specific individuals. Our economic system of free enterprise must have free opportunities for jobs for all who are able and want to work. Our American system owes no man a living, but it does owe every man an opportunity to make a living.” 18 These sentences remind us how puzzling, even alarming, the right to specific jobs can sound. In fact, in a liberal society the whole point is that claims on specific jobs are a relic of feudal thinking. In status-based societies, specific groups had rights to specific jobs in the name of corporate privilege. Occupations were tied to birth or guild membership, but not available to all equally. Liberal society, based on freedom of contract, was designed to destroy just that kind of unfair and oppressive status-based hierarchy. A common argument against striking workers is that they are latter-day guilds, protecting their sectional interests by refusing to let anyone else perform “their jobs.” 19 As one critic puts it, the strikers’ demand for an inalienable right to, and property in, a particular job cannot be made conformable to the principles of liberty under law for all … the endowment of the employee with some kind of property right in a job, [is a] prime example of this reversion to the governance of status. 20