# 1N

## 1 off

#### CP: The United States Government should recognize an unconditional right to strike

#### Medical union strikes have 4 negative consequences 1. Harms individuals’ health 2. Harms public health Thus 3. hurts economic growth and 4. Worsens socio-economic inequalities particularly in developing countries where economic growth and inequality is already worse Essien 18

Essien, M. J. (University of Uyo) (2018). The Socio-Economic Effects of Medical Unions Strikes on the Health Sector of Akwa Ibom State of Nigeria. *Asian Business Review*, *8*(2), Art. #12, pp. 83-90. https://doi.org/10.18034/abr.v8i2.157

The study indicates that the positive socioeconomic effective of medical unions’ strikes include: increment of salaries, provision of medical equipment, improved welfare package for health workers and improved performance of health workers. This study seems to set the pace in this direction, in the sense that the researcher could not find literature that studied positive socioeconomic effects of medical unions’ strikes. It seems that previous studies were focused on negative socioeconomic effects of medical unions’ strikes. On the causes of medical union strike, the study also struck accord with previous studies. It indicates that the fundamental causes of medical union strike in Akwa Ibom included unpaid salaries, denial to salary review, unpaid leave grant and other entitlements, poor workings environment and dearth equipment, and default of MoU by government. Earlier studies by researchers have also identified these factors as the fundamental causes of medical workers strike (Kelly and Nicholson 1980; Adalsteinsson 2007; Chima 2013). In particular, this study corroborates recent cross-sectional descriptive study carried out by Obinna Oleribe and co-researchers about the causes of medical union strike in Nigeria between 2013-2015. In their findings, it was shown that the main cause of medical union's strike in Nigeria was demand for salaries review at 82%. In this study, demand for higher salary was the second most important cause of medical union strike in Akwa Ibom State at 22.7% following unpaid salaries which was identified as the most important cause if medical Union strikes in Akwa Ibom State at 40%. These findings are in line with what Maslow thesis that strike will always disrupt the flow of services if the basic physiological needs of the services providers are not adequately met while the reverse would be the case if such basic needs are met. Finally, on the measures that could be adopted to curb the negative effects of medical union strikes, the study shows the various measures that could help curb the negative effects of strikes if adopted. These included: timely payment of health workers salaries and other entitlement, adequate review of health workers salaries, A&E department should not retrieve medical serves, health care providers in private hospitals should operate at reduced cost, NGOs, CBOs, and CSOs should provide skeletal services (Figure 2). In this study, Figure 2 indicate that the two most important/useful measures to curb negative effects of strike are timely payment of health worker's Salaries/ other entitlements and adequate sales review which ranked 42% and 26% respectively.

The result of this study has serious social and economic implications for the society in terms of its effects on microeconomic and macro-economic indices of the country. The impact is usually higher in developing economies. In other words, in less developed economies, medical unions’ strikes further worsens already worse socioeconomic circumstances to the extent that citizens lack or have little options to turn to. From the study, 20% of the respondents reported that medical union strike worsen patients’ health conditions, 14.7% reported that it leads to spreading of disease, and 6.7% indicated that medical union strike increases social inequality (Figure 1). In Nigeria about 70% of the population **is reported to** live [in] below poverty line, this means that the little money individuals and household have is used to purchase essential services such as food, shelter, clothing and healthcare. Yet, healthcare is cheaper in government managed facilities. However, when the health workers within such facilities down tools, this decreases the ability of many individuals and households to obtain healthcare because they usually lack the wherewithal to finance such alternatives. This leads to worsening of the conditions of both inpatients and outpatients and also leads to spreading of diseases in the case of contagious diseases. This also means that the affected population would be less productive in terms of their involvement in pursuit of economic productive ends achieve through exerting labour. At the macro-economic level, the aggregate productivity of the national economy will be negatively affected. From the study, it was reported that medical Union strike leads to increased social inequality. This means that during strike the gap between the poor and the rich as well as between the male and female gender becomes increasingly obvious. Many rich people could obtain medical services at private clinics during which fewer poor could do same. In the same vein, fewer female than their male counterparts could obtain medical services at private healthcare facility. The impact of worsening social inequality implies that, most of the disadvantaged group could not contribute to economic growth at per capita level. This would also have negative effects on national aggregates. 12.7% of respondents indicated that medical union strike increases mortality rate (Figure 1); particularly that of children who are known to be more vulnerable to disease (Todaro and Smith 2012) Studies have indicated that healthier people earn higher wages. In Cote d' Ivoire it was reported that unhealthy people, that is people who were likely to lose a day of work per month due to illness earned 19% lower than healthy people (Todaro and Smith 2012). This further means that, a healthy population is a prerequisite for successful economic development. This study indicates that medical unions’ strike worsens outpatients' health and reduces the opportunity of the population to obtain healthcare services (Figure 1). Good health standard in a population is unimportant to achieve goals of poverty reduction. As Todaro and Smith (2012) note, "if parents are two weak, unhealthy, and unskilled to be productive enough to support their family, the children have to work. But if the children work, they cannot get the education they need, so when they grow up, they will have to send their own children to work "(p.403). Thus, the cycle of poverty and low productivity extend across generations. Health and education are pivotal to economic development (Todaro and Smith 2012). Strike itself is based on microeconomic self-interest. Umo (1993) noted that “the economic world draws its dynamism from the self-interest motivation of individuals, firms and governments in response to some desirable incentives” (p.3). Umo (1993) also noted that every economic activity is a response to a reward or loss system. The existence of appropriate incentives elicits appropriate (correct) economic behavior. The level of efficiency in public institutions depends on the structure of positive and or negative incentives facing the operators (Umo 1993). People work to earn a living. Health workers also work to earn a living. Their motivation to work is the reward that they get. However, when the incentive is distorted, they are bound to react. A restoration of these incentives means restoration of efficiency to the system. We can say that strike is an economic corrective mechanism necessary for the effective functioning of the work environment in terms of protecting the reward system of the economy thereby, ensuring efficiency and productivity. From the findings of the study, it can be concluded that strikes interrupt the smooth flow of medical services to citizens and it is slowly and irredeemably destroying the public health system. This is a result of incompatible demand of the employers and her employees. Also, the study also reveal that denial of salary review and accumulated salary arrears were identified as major causes of medical union strikes. It is noteworthy that the impact of industrial conflict is felt in the productive sector of the economy, both at microeconomic and macroeconomic levels. When people’s health conditions get worsened or there is high mortality rate due to strikes, they become unable to shoulder their responsibilities effectively and hence cannot make progress that will contribute to the growth of the society. This will also reduce labour force drastically both currently and in the future and will in turn affect aggregate production and income negatively. Poor health and negative economic growth are inextricably linked. Improving the health of a nation’s citizens can directly result in economic growth. When human capital is deteriorated, economic productivity is at stake. Health workers have been seen as valuable assets to the society. Their intrinsic value, in terms of human capital, should be respected rather than focusing on economic productivity that may be derived from it. Whenever that is ignored, labour unions utilize the threat of strike (Owoye, 1994). Poorly paid health workers are consistently searching for greener pastures, and may in turn resign from their current services to take up greener opporxtunities in foreign countries. When this happens, the health sector faces the problem of brain drain which results in the reduction of both internally generated income and foreign reserves. Effective public health systems are essential for providing care for the sick and for instituting measures that promote wellness. It breeds healthy citizens that make up a healthy labour force that determines the growth of the state and the country at large.

**Instrest Arbitration maximizes the effectiveness of strikes while limiting the damage they can have, it’s the best of both worlds Tenza 20**

Mlungisi Tenza (Senior Lecturer, University of KwaZulu‐Natal). “The effects of violent strikes on the economy of a developing country: a case of South Africa.” Obiter vol.41 n.3 Port Elizabeth 2020. JDN. http://www.scielo.org.za/scielo.php?script=sci\_arttext &pid=S1682‐58532020000300004

4 2 Introducing interest arbitration As stated above, a **strike that takes an unreasonably long period of time to get resolved has devastating effects on the business, customers, economy and employment thereby perpetuating poverty which has severe effects on the lives of people.** The question that arises is how to put a stop to a strike that is taking too long to get resolved. The article argues that the introduction of interest arbitration could be used to stop strikers from continuing with violent industrial action. Interest arbitration gives the court or similar structure the power to intervene and force the parties to find a solution to their problem. Interest arbitration gives the parties an option to agree on mechanisms that will terminate industrial action once it becomes violent or cause damage to property. This is not yet applicable in South Africa and it is submitted that the LRA needs to be amended to include a provision on interest arbitration. In Canada, if a strike continues longer than expected with no solution forthcoming, Canadian law provides certain mechanisms for ending the dispute.64 The Canadian Labour Code confers certain powers on elected officials to intervene where there is a compelling public interest in doing so65 Interest arbitration as a remedy is used in peri‐ ods of prolonged strikes, particularly where a work stoppage has the potential to inter‐ fere with ”public safety, public health or the general economic health of the nation.”66 The parties to a dispute have to first agree on an arbitrator and if they fail to do so, the Minister of Labour will appoint an arbitrator in terms of legislation.67The Minister has the discretion to refer the matter regarding the maintenance of industrial peace to either the Canadian Industrial Relations Board or direct the Board to do what he or she deems necessary as authorised by the Canadian Labour Code.68 The Minister is also empow‐ ered to do what he or she deems expedient to maintain industrial peace and promote conditions favourable to the settlement of industrial disputes.69 Borrowing from Canada the concept of interest arbitration, South Africa will have to amend the Labour Relations Act to include such a provision. Interest arbitration gives the parties an option to agree on mechanisms that will terminate industrial action once it becomes violent or cause damage to property. The article suggests that this will assist in reducing the number of protracted strikes and the negative impact that these strikes have on the economy.

## ON Case

Nothing on case says why the right to strike needs to be unconditional

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state key to preserving the radical aspect of black abolitionist politics look to Last line of case disobedience is key

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.[179](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.[180](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”[181](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.[182](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.[184](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.[185](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.[186](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.[187](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.[188](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.[190](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.[191](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.[192](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”[193](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.

ROB: DA

White supremacists ideology can be espewed by black people too see candace owens, so ROB is 1. Reductive 2. Encourages exploiting black voices only to support your own veiws even if they’re flawed

## 1NC – SSD Blackness Short

#### Violation: Wrong starting point – the resolution must be the starting point of the debate. Your 1ac might be about the topic, but not topical. And, you must have an interpretation of the topic. Even if you don’t like the topic, you need an interpretation.

#### Standards: Switch side debate requires you to affirm the resolution. Fluidity is the strategy of whiteness, able to mold and shape itself to avoid being identified and to remain invisible.

#### Switch side debate is blackness – Conviction based debate is whiteness.

Evans, 2012. Rashad. JD Penn. <http://www.rwesq.com/the-3nr/> November 21

I agree with this argument.  However, you have no warrant to support the claim that SSD prevents the pursuit of social justice. **SSD best facilitates social justice**. You have already dropped my argument that **it protects negative ground and that protecting negative ground is essential to promoting social justice in debate. You also dropped my argument that allowing Debaters to go rogue because of their “personal convictions” may mean that we never discuss issues pertaining to social justice because debaters may choose to avoid those issues all together.** In short, **“conviction based debate” (“CBD”) is neither necessary nor sufficient to produce social justice.** You lose this argument. CH says: Rashad has presented a defense of a “Black SSD” which allows individuals to “[engaged] the resolution from [their] specific social location”. This modification to the traditional practice of SSD, he claims, exposes debates to a broad range of topics, encourages reflexivity, forces students to “check their privilege”, and offers creative takes on the topic, all while preserving the “instrumental goal” of topic-based fairness in debate. However, none of the purported benefits \*justify\* SSD. Rashad has to thread the needle: First, you dropped my pre-empt to this argument**. SSD is Blackness; CBD is whiteness. Therefore, Black SSD is not a modification by a clarification.** However, your ghetoization of debate that is engaging as opposed to dismissive highlights the problems with CBD and is my first voting issue in this debate. **Encouraging debaters to engage the resolution from their social location is not a Black thing; it’s just a thing. It recognizes that white people have a social location as well and that they must begin to situate themselves as merely part of the picture and not the whole picture. In other words, SSD or Black SSD as you call it forces you realize that your view comes from somewhere and is not just a view from nowhere.** Lastly, this argument was gay turned in the 1NC. SSD requires debaters to speak on issues they may not otherwise consider**.  In the world of increasing diversity and Black participation in particular, SSD takes on even more significant meaning as it is a unique opportunity to incorporate Black thought into debate and policy making.  This incorporation solves the fundamental problem with all debate:  it’s too white, too male, and too straight.** Again, debate infused by Black and queer thought is the solution to the ills you identify.  Your argument has been turned.

#### It’s a voting issue - You fail to ground your discourse in materiality – you don’t defend anything and understand the impacts of your inaction

Rashad Evans writes while debating Casey Harrigan in 2012: Rashad Evans, 2012 11-20-2012 (<http://www.rwesq.com/the-1nc/>)

**A quare approach to debate includes afro-pessimism**.  For instance, **I am pessimistic that any of the solutions being floated around will meaningfully address anti-blackness. I am pessimistic of changes in MPJ, resolutional wording or tournament practices to address the attitudinal and structural (throwback) barriers to black participation in debate.  A quare approach to debate recognizes the importance that color, sex and gender have in structuring our lives and producing differing results for different people.** **Disidentification is a way by which we can enact change at the structural level through localized acts of resistance**. It is a process whereby we can work on and against the system. I started this process at Harvard with the initiation of my affirmative action policy and have continued on facebook and my blog**. This disidentification is important because it recognizes the material consequences of our actions and inactions. It also allows individuals utilize discourse in a subversive way. E. Patrick Johnson explains that: “Foucault himself acknowledges that discourse has the potential to disrupt power: “Discourses are not once and for all subservient to power or raised up against it, anymore than silences are. We must make allowances for complex and unstable process whereby discourse can be both an instrument and effect of power, but also a hindrance, a stumbling block, a point of resistance and a starting point for an opposing strategy. Discourse transmit and produces power; it reinforces it , but also undermines and exposes it, renders it fragile and makes it possible to thwart it. Although people of color, myself included, may not have theorized our lives in Foucault’s terms, we have used discourse in subversive ways because it was necessary for our survival. Failure to ground discourse in materiality is to privilege the position of those whose subjectivity and agency, outside the realm of gender and sexuality, have never been subjugated.”** Therefore**, we must look look at the material consequences of our acts and inactions and account for the ways in which certain performances either maintain power or subvert power.** In addition, **we must account for stylistic differences. It is at the level of style that most black and queer politics are enacted.  In the debate space, stylistic differences is one of the most important ways that Black debaters enact their politics and resistance.  Style is an important tool of survival for Black, queer and female debaters. One cannot speak if she cannot speak with and from her own voice.    Style is important and so too is the value of using the debate space to theorize about life more generally.  Debate is a homeplace for its participants.  Theorizing about things like anti-blackness, humanism and feminism from within the debate space is important to teaching debaters how to theorize about this issues outside the debate space**.  We must always be able to be critical in those places where we are most familiar and most comfortable.  That is why these discussions regarding debate are so important. **Important to a quare understanding of debate is the work done by Dr. Shanara Reid-Brinkley and her call that we pay specific attention to how we produce our scholarship.  Responsible argumentation should account for multiple forms of knowledge including (1) academic scholars, (2) organic intellectuals and (3) personal experience.  Responsible debaters also engage in knowledge production and not just knowledge consumption.**