

Cabot RH V.1

1NC

I negate Resolved: A just government ought to recognize an unconditional right of workers to strike.

Onto my definitions

A just government is defined as, a body in general control over a people, and becomes just out of following Hobbes' social contract.

A worker is defined as an individual providing services for another party, and receiving monetary compensation for said services.

An unconditional right is “without conditions or limitations... total.”

unconditional right to definition | English definition dictionary | Reverso . (2021). Retrieved 29 June 2021, from <https://dictionary.reverso.net/english-definition/unconditional+right+to#:~:text=1%20without%20conditions%20or%20limitations%3B%20total>

Our value is justice per the phrase just government, providing a probable body to carry out the resolution.

The criterion is maximizing well being, in order to maintain the good off of all people you have to negate the resolution.

With that out of the way, let's move on to the contentions.

Contention 1- The resolution is definitionally impossible

According to Hobbes' social contract, a government is only just whenever they protect the security of their people. However, this is impossible.

Crime will always exist;

The right to strike. The Right to Strike | National Labor Relations Board. (n.d.). Retrieved October 25, 2021, from <https://www.nlr.gov/strikes>.

Rather, they assert that crime is a result of those unchanging aspects of human nature that make any human act possible. In other words, crime is a manifestation of the same human nature that produces acts of greatness.

The impact is obvious, a just government can not exist, as crime will always exist. Because of this, there is no one to carry the resolution, making all affirmative null and void, because they have no access.

Furthermore, unconditional rights do not exist;

Miller, D. (2012). Are Human Rights Conditional.

https://www.politics.ox.ac.uk/materials/centres/social-justice/working-papers/SJ020_Miller_Are%20Human%20Rights%20Conditional%20final%20draft.pdf.

This then generates the problem that my article addresses: how can we announce in our manifestos that human rights are held unconditionally by all human beings, while in our everyday practice – fighting wars or punishing criminals – we appear to violate them without being troubled by the fact.³ Is there some way to reconcile these two positions?

Unconditional rights can not exist because we violate them. If they were unconditional, we would uphold them, meaning that all rights are inherently conditional, meaning that workers could never have an “unconditional” right to strike.

Contention 2 - Health Care Workers

When nurses go on strike, there are negative repercussions

Goldstein, J. (2010, April 5). *When hospital nurses go on strike, the death rate increases*. NPR.

Retrieved October 25, 2021, from

https://www.npr.org/sections/money/2010/04/when_hospital_nurses_go_on_str.html

Hospital death rates increase by about one fifth when nurses go on strike, according to a working paper the NBER published today. Another way of parsing the numbers: There is one additional death for every 286 patients admitted to the hospital during a strike. Sure, it's a somewhat intuitive finding. But it's still interesting to see the numbers and get a sense of the magnitude. "Lots of people know that strikes are bad, but I don't know that anybody's put a number on the human suffering that occurs as a result," Jonathan Gruber, one of the authors of the paper, told me when I called him this afternoon.

The impact is obvious, when nurses go on strike, there are deaths that could have easily been prevented. By allowing healthcare workers to strike, affirmative, in effect, is in partial advocacy of rising death rates.

Furthermore, history has proven that hospital strikes leave hospitals horribly underprepared;

Bengu, J., & Muula, A. S. (2002, September). *Is it ethical for health workers to strike? issues from the 2001 Qech General Hospital Strike*. Malawi medical journal : the journal of Medical Association of Malawi. Retrieved October 20, 2021, from

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3346014/>R.H.

Between 5th and 19th October. [in] 2001, a general strike in which virtually all workers at the Queen Elizabeth Central Hospital (QECH) were involved was effected. Hospital workers' grievances included low remuneration and poor work environment. The strike resulted in the virtual closure of the QECH, as the 1500-bed hospital was maintained less than a hundred in-patients. The outpatient department was closed. Patients that were still in hospital were being cared for by volunteer workers who included; the Red Cross, medical and nursing students and their lecturers.

The strike at the Queen Elizabeth Hospital was severely detrimental, an entire hospital dedicated to helping protect lives was virtually shut down, and could no longer accept new patients. Because of this, many patients were forced to drive long distances to other hospitals for medical care. The impact is obvious, as people lost their lives, and it could have been prevented by not allowing health care professionals the right to strike.

Thus the counterplan: Resolved, “Governments ought to recognize the conditional right for workers to strike”

Conditional right to strike for workers is critical in order to maintain national security and economic stability.

The right to strike .*The Right to Strike* | National Labor Relations Board. (n.d.). Retrieved October 25, 2021, from <https://www.nlr.gov/strikes>

“the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right. See for example, restrictions on strikes in health care institutions”

We can access the same social benefits with conditional strikes

Bernard Gernigon. (2000, July). *ILO principles concerning the right to strike*. ILO principles Concerning the right to Strike. Retrieved October 25, 2021, from https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_087987.pdf

From its very earliest days, during its second meeting,

in 1952, the Committee on Freedom of Association declared strike action to be a right and laid down the basic principle underlying this right, from which all others to some extent derive, and which recognizes the right to strike to be one of the principal means by which workers and their associations may legitimately promote and defend their economic and social interests (ILO, 1996d, paras. 473- 475). Over the years, in line with this principle, the Committee on Freedom of Association has recognized that strike action is a right and not simply a social act, and has also: 1. made it clear it is a right which workers and their organizations (trade unions, federations and confederations) are entitled to enjoy; 2. reduced the number of categories of workers who may be deprived of this right, as well as the legal restrictions on its exercise, which should not be excessive; 3. linked the exercise of the right to strike to the objective of

promoting and defending the economic and social interests of workers (which criterion excludes strikes of a purely political nature from the scope of international protection provided by the ILO, although the Committee makes no direct statement or indication regarding sympathy strikes other than that they cannot be banned outright; this matter will be examined subsequently); 4. stated that the legitimate exercise of the right to strike should not entail prejudicial penalties of any sort, which would imply acts of anti-union discrimination.

Such conditions keep health and personal safety in check

Bernard Gernigon. (2000, July). *ILO principles concerning the right to strike*. ILO principles Concerning the right to Strike. Retrieved October 25, 2021, from https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_087987.pdf

The requisitioning of workers of a company or institution in which a strike is taking place, that is, a back-to-work order, have 45 been alleged on different occasions before the Committee on the Freedom of Association, which has laid down the following principles: Whenever a total and prolonged strike in a vital sector of the economy might cause a situation in which the life, health or personal safety of the population might be endangered, a back-to-work order might be lawful, if applied to a specific category of staff in the event of a strike whose scope and duration could cause such a situation. The use of the military and requisitioning orders to break a strike over occupational claims, unless these actions aim at maintaining essential services in circumstances of the utmost gravity, constitute a serious violation of freedom of association. Although it is recognized that a stoppage in services or undertakings such as transport companies and railways might disturb the normal life of the community, it can hardly be admitted that the stoppage of such services could cause a state of acute national emergency. The Committee has therefore considered that measures taken to mobilize workers at the time of disputes in services of this kind are such as to restrict the workers' right to strike as a means of defending their occupational and economic interests. The requisitioning of railway workers in the case of strikes, the threat of dismissal of strike pickets, the recruitment of underpaid workers and a ban on the joining of a trade union in order to break up lawful and peaceful strikes in services which are not essential in the strict sense of the term are not in accordance with freedom of association.

Let's move on to answering the affirmative.

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Judge, this debate has come down to three crucial points, and the negative solves for all.

1. **Lives.** Judge, we've made it clear that the negative wins on lives because we argue for conditional rights of workers, which prevents repercussions such as the Queen Elizabeth Hospital Strike.
2. **Justice.** The negative is the only true advocate for Justice, because we believe all people deserve the rights they need to succeed. Allowing for unconditional strikes removes the ability to succeed from others, and only allows for monetary gain.
3. **Lack of affirmative moral ground.** The affirmative has no ground to stand on because they are denying the basic principles of Contractarianism. Judge, contractarianism states that we sacrifice freedoms in order to protect our lives. This is applied to jobs as well, as you sacrifice your freedom to strike when you enter a job that prohibits you from striking.

Let's move on to the flow.