# Trad N/D

**I strongly negate that a just government ought to recognize an unconditional right of workers to strike.**

**Observation**

Before I begin, I have one observation:

Being as the resolution uses the word “unconditional,” the affirmative must defend a world where all strikes should be unconditional. Therefore, if the negative can prove that if there is even one situation in which strikes shouldn’t be allowed or should be limited, then the negative wins the round.

**Framework**

Now onto framework

The value is **morality** due to the use of the word ought in the resolution implying a moral obligation

and the value criterion is **minimizing suffering**. Prefer this framework for 3 reasons:

**1. Minimizing suffering is a prerequisite to other frameworks**

You can’t evaluate other frameworks if you're dead or suffering, we must minimize suffering before we consider other framings.

**2. Pleasure is intrinsically good and pain is intrinsically bad,**

**As Philosopher Martin Moen states in 2015 ,**

(Ole Martin Moen: Post-Doctoral Fellow in Philosophy at Centre for the Study of Mind in Nature, University of Oslo. “An Argument for Hedonism” [[http://www.olemartinmoen.com/wp-content/uploads/AnArgumentForHedonism.pdf](https://slack-redir.net/link?url=http%253A%252F%252Fwww.olemartinmoen.com%252Fwp-content%252Fuploads%252FAnArgumentForHedonism.pdf)] )

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that **pleasure is** intrinsically **valuable** and **pain is** intrinsically **disvaluable**. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. **This inclusion makes intuitive sense,** moreover, for there is **something undeniably [is] good about** the way **pleasure** feels and something **[and] undeniably [is] bad about** the way **pain** feels, and **neither** the goodness of pleasure nor the badness of pain seems to be **[are]exhausted by the further effects** that these experiences might have. ‘‘Pleasure’’ and ‘‘pain’’ are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: ‘‘What for?’’ This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: ‘‘To buy soda.’’ This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: ‘‘What is buying the soda good for?’’ This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: ‘‘Well, I want it for the pleasure of drinking it.’’ If I then proceed by asking ‘‘But what is the pleasure of drinking the soda good for?’’ the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: ‘‘We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.’’4 Presumably, a similar story can be told in the case of pains, for if someone says ‘‘This is painful!’’ we never respond by asking: ‘‘And why is that a problem?’’ We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.He continues

**3. All questions of value depend upon consequences.**

**Harris 2010**

Sam Harris (CEO Project Reason; PHD UCLA Neuroscience; BA Stanford Philosophy). “The Moral Landscape: How Science Can Determine Human Values.” 2010.

Here is my (consequentialist) starting point: **all questions of value** (right and wrong, good and evil, etc.) **depend[s] upon the possibility of experiencing [it] such value. Without potential consequences at the level of experience**—happiness, suffering, joy, despair, etc.—**all talk of value is empty.** Therefore, to say that an act is morally necessary, or evil, or blameless, is to make (tacit) claims about its consequences in the lives of conscious creatures (whether actual or potential). I am unaware of any interesting exception to this rule. Needless to say, [For example,] if one is worried about pleasing God or His angels, this assumes that such invisible entities are conscious (in some sense) and cognizant of human behavior. It also generally assumes [and] that it is possible to suffer their [his] wrath or enjoy their approval, either in this world or the world to come. Even within religion, therefore, consequences and conscious states remain the foundation of all value

**With that, let’s move to the case.**

**Contention 1- Innovation**

**My first contention will prove that allowing for an unconditional right to strike will harm innovation.**

**Allowing an unconditional right to strike, specifically in the tech sector, slows innovation.**

**Hanasoge 16**

 [Chaithra; Senior Research Analyst, Market Researcher, Consumer Insights, Strategy Consulting; “The Union Strikes: The Good, the Bad and the Ugly,” Supply Wisdom; April/June 2016 (Doesn’t specifically say but this is the most recent event is cites); https://www.supplywisdom.com/resources/the-union-strikes-the-good-the-bad-and-the-ugly/] //SJWen, Cut by Chaminade AS

As long as the concept of labor exists and employees feel that they are not receiving their fair share of dues, unions will exist and thrive. Union protests in most cases cause work stoppages, and in certain cases, disruption of law and order. Like in March 2016, public servants at Federal Government **departments across Australia** went on a series of **strikes** over failed pay negotiations, **disrupting operations** of many **government departments** for a few days.  Besides such direct effects, **there are many** **indirect effects [of strikes]**  as well **such as strained employee relations**, **slower work processes, lesser productivity and unnecessary legal hassles**. Also, union strikes can **never be taken too lightly** as they have prompted major overturn of decisions, on a few occasions. Besides the **Verizon incident** that **was a crucial example** of this, nationwide strikes were witnessed in India in March and April this year when the national government introduced reforms related to the withdrawal regulations and interest rate of employee provident fund, terming it as ‘anti-working class’. This compelled the government to withhold the reform for further review. In France, strike against labor law reforms in May turned violent, resulting in riots and significant damage to property. The incident prompted the government to consider modifications to the proposed reforms. However, aside from employee concerns, such incidents are also determined by a number of other factors such as the country’s political scenario, economy, size of the overall workforce and the unions, history of unionization, labor laws, and culture. For example, it is a popular saying that the French are always on strike as per tradition (although recent statistics indicate a decline in frequency). In a communist government like China, strikes have steadily risen in number. In 2015, China Labor Bulletin (CLB), a Hong Kong-based workers’ rights group recorded 2,700 incidents of strikes and protests, compared to 1,300 incidents in 2014. Most of them have stemmed out of failure by the government to respect the basic rights of employees and address labor concerns.

**Further, Innovation is key for longer life expectancy.** [**Lichtenberg 12**](https://docs.google.com/document/d/1QnI929hDg9s9VqGKwhh1IlJWJxaHErkLmDPGGco_Q7M/edit#heading=h.exv6vqlxfoca) **finds that innovation empirically leads to longer life expectancy around the world. This is obviously because new innovations lead humanity to be better prepared to cure disease, respond to threats, and maintain or improve living conditions around the world.**

**Thus this contention links into minimizing suffering because harnessing innovation will lead us to be better prepared for threats that we may face in the future.**

**Contention 2 - Essential Workers**

**My second contention will prove that an unconditional right to strike will harm innocent people, especially in the context of essential workers.**

**Being the affirmative advocates for an unconditional right to strike, essential workers would be able to strike.**

**But, The right to strike can be limited to ensure essential services**

**Malebye 14**

Cynthia Dithato Malebye (Department of Mercantile Law, University of Preto‐ ria). “The Right to Strike in Respect of Employment Relationships and Col‐ lective Bargaining.” Dissertation. University of Pretoria, April 2014. JDN. https://repository.up.ac.za/bitstream/handle/2263/43163/Malebye\_Right\_2014.pdf? sequence=1

Although **the right to strike** is enshrined in section 23(2)(c) of the Constitution, that right **is not absolute and may be limited** in terms of a law of general application to the extent that such limitation may be reasonable and justifiable in an open and democratic society. **It is widely recognised,** both in this country and abroad, **that** in certain circumstances, **it will be reasonable and justifiable to limit the right to strike**, particularly in times of national emergency or **in services where a strike is likely to harm the public.**110 In some countries like Canada, France and Italy, limitations on strikes in essential services are confined to the public sector, based on the notion that it is only the government which provides services, whose **absence [of essential workers] will endanger the community’s safety.**111 The differentiation of workers should be made according to the functions they perform and not according to the nature of their employer’s legal status. This is so because a service provided by a worker in a private sector may be more harmful to the public compared to a service provided by a public sector worker.112 The developing nations, in particular, have tended to take a broad view of the concept of essential services. In the Philippines, the definition includes “companies engaged in the generation or distribution of energy, banks, hospitals and exportorientated indus‐ tries. In 1983, semiconductor electronics was added to the list. South Korea includes stock transaction and banking business. The list in Malaysia is extremely extensive covering maintenance and functioning of the Armed Forces and Royal Malaysian Po‐ lice Force, and business and industries which are connected with the defence and secu‐ rity of Malaysia.113 The inclusion of services which affect the economy is not confined to developing countries. In 1976 the New Zealand definition was extended to”export slaughterhouses”. Various countries, both industrialised and developing, have recently included in their list of essential services certain financial operations such as those car‐ ried out by banks and foreign exchange offices.114 Countries in Asia, Africa, Latin America and the Caribbean have tended to adopt the enumeration method. By contrast, Western countries generally allow special provisions to be invoked if industrial action is deemed by a particular person or body to threaten particular consequences. In France, the Government can requisition strikers employed in a service or an enterprise regarded as indispensable to provide for the needs of the nation.115 Countries will differ in what they consider essential services. Morris says the necessity for continuous provision of a service in any given country depends upon a variety of geographical, environmental and technological factors.

**If patients can’t get the essential care they need, they will likely be left untreated… leading to a major loss of life.**

This is even worse under the affirmative. In countries where some medical strikes are still legal, there are a number of necessary conditions on the right to strike. The most prevalent is the 10-day mandatory notice for a strike, which allows employers to prepare for a massive strike.

**My second contention then links into my framework because affirming will lead to more death and suffering in society.**