# Neg

**I negate the resolution resolved: A just government ought to recognize an unconditional right of workers to strike.**

### First: Fwk

#### I value morality because ought implies a moral obligation.

#### The criterion is maximizing well-being. Prefer this framework for a couple reasons.

**Goodin 95’** Robert E. Goodin 95 professor of government at the University of Essex, and professor of philosophy and social and political theory at Australian National University, “Utilitarianism as a Public Philosophy”, Cambridge Studies in Philosophy and Public Policy, May 1995 HSLA//SC

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus – assuming they want to use it at all – to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure that the payoff will do to any given individual or on any particular occasion. Their knowledge of generalities, aggregates and averages is just not sufficiently fine-grained for that.

**Woller 97’** Gary, Brigham Young University, “A Forum On The Role of Environmental Ethics in Restructuring Environmental Policy and Law for the Next Century”, Policy Currents, 1997 HSLA//SC

Moreover, virtually all public policies entail some redistribution of economic or political resources, such that one group's gains must come at another group's ex- pense. Consequently, public policies in a democracy must be justified to the public, and especially to those who pay the costs of those policies. Such justification cannot simply be assumed a priori by invoking some higher-order moral principle. Appeals to a priori moral principles, such as environmental preservation, also often fail to acknowledge that public policies inevitably entail trade-offs among competing values. Thus since policymakers cannot justify inherent value conflicts to the public in any philosophical sense, and since public policies inherently imply winners and losers, the policymakers' duty to the public interest requires them to demonstrate that the redistributive effects and value trade-offs implied by their polices aresomehow to the overall advantage of society. At the same time, deontologically based ethical systems have severe practical limitations as a basis for public policy. At best, apriorimoral principles provide only general guidance to ethical dilemmas in public affairs and do not themselves suggest appropriate public policies, and at worst, they create a regimen of regulatory unreasonableness while failing to adequately address the problem or actually making it worse. For example, a moral obligation to preserve the environment by no means implies the best way, or any way for that matter, to do so, just as there is no a priori reason to believe that any policy that claims to preserve the environment will actually do so. Any number of policies might work, and others, although seemingly consistent with the moral principle, will fail utterly. That deontological principles are an inadequate basis for environmental policy is evident in the rather significant irony that most forms of deontologically based environmental laws and regulations tend to be implemented in a very utilitarian manner by street-level enforcement officials. Moreover, ignoring the relevant costs and benefits of environmental policy and their attendant incentive structures can, as alluded to above, actually work at cross purposes to environmental preservation. (There exists an extensive literature on this aspect of regulatory enforcement and the often perverse outcomes of regulatory policy. See, for example, Ackerman, 1981; Bartrip and Fenn, 1983; Hawkins, 1983, 1984; Hawkins and Thomas, 1984.) Even the most die-hard preservationist/deontologist would, I believe, be troubled by this outcome. The above points are perhaps best expressed by Richard Flathman, The number of values typically involved in public policy decisions, the broad categories which must be employed and above all, the scope and complexity of the consequences to be anticipated militate against reasoning so conclusively that they generate an imperative to institute a specific policy. It is seldom the case that only one policy will meet the criteria of the public interest (1958, p. 12). It therefore follows that in a democracy, policymakers have an ethical duty to establish a plausible link between policy alternatives and the problems they address, and the public must be reasonably assured that a policy will actually do something about an existing problem; this requires the means-end language and methodology of utilitarian ethics. Good intentions, lofty rhetoric, and moral piety are an insufficient though perhaps at times a

# Anarchy

Kim **Kelly, 20,** 6-4-2020, "Perspective," Washington Post, https://www.washingtonpost.com/outlook/2020/06/04/stop-blaming-everything-bad-anarchists/

The next day, Post opinions contributor Helaine Olen wrote that Trump is “the real anarchist.” Her only basis for making this claim appeared to be the common use of “anarchy” as a flawed synonym for “chaos.” This reflexive tic to associate anarchism with thoughtless discord betrays a profound ignorance of leftist ideology. The problem is that no one seems to understand what anarchism is or what its adherents are seeking to accomplish — and that lack of understanding is going to end up endangering a lot of people. We’re rapidly approaching a point in which dissent is further criminalized, the justified rage and pain fueling these protests is further delegitimized, and anyone who engages in any form of protest outside the preapproved liberal template becomes a target for surveillance, or worse. On June 3, with zero evidence backing its claim, the White House Twitter account trumpeted: “Antifa and professional anarchists are invading our communities, staging bricks and weapons to instigate violence. These are acts of domestic terror.” At least one of the supposed weapons caches appears to have been part of a security barricade in front of a Jewish community center. Are there anarchists out there in the streets standing in solidarity with Black Lives Matter and against the brutality of the police? Absolutely. Is every single one of them conducting themselves in a manner that all would consider “peaceful?” Perhaps not. But there is no nefarious anarchist plot to intentionally place black protesters or other vulnerable people in harm’s way. In fact, to do so would be anathema to anarchism itself. The black anarchists and anarchists of color who have been erased by this narrative have also been clear about their own views on the situation. As William C. Anderson, co-author of “As Black as Resistance: Finding the Conditions for Liberation,” noted on Twitter, “Focus anger and frustration on the people in power doing the killing and the oppressing. Don’t believe all this nonsense about anarchists, especially if you don’t even know what anarchism actually is.” So what is anarchism? As I’ve explained before, it is a radical, revolutionary leftist political ideology that advocates for the abolition of government and all other unequal systems of power in favor of a society organized around direct democracy and voluntary association. Though it encompasses many schools of thought, most anarchists are committed to a basic set of beliefs. Key anarchist principles include mutual aid (a reciprocal approach to community care in which people share resources), direct action (the use of political protest to achieve a goal) and horizontalism (a nonhierarchical organizational system in which decisions are made by consensus). Anarchists advocate for abolishing institutions such as prisons, police and the military, which they hold to be inherently oppressive. Anarchists are by definition anti-capitalist, anti-racist, and directly opposed to all other forms of bigotry and oppression. They are antifascist (though not all anti-fascists are anarchists!), which opens up another potential avenue for repression now that the president has fixated on antifascists, or “antifa,” and law enforcement has continued to surveil and target leftist activists. In practice, to be an anarchist is to dream of a kinder, more equitable society, and to do one’s best to get us closer to making that dream a reality. For every minute of protest footage showing anarchists out in the streets, there are untold hours spent attending endless meetings (anarchists love meetings), cooking and delivering food and supplies to those who need it, researching far-right groups, planning demonstrations, providing child care and other support to comrades, and taking part in other communally minded projects. It may sound hokey, but anarchism is about love as much as it is rage; there is a certain utopian romance to it. Anarchism is also well suited to dealing with disasters like the coronavirus pandemic and offers a path forward for those fed up with government malfeasance, liberal inaction and the cruel machinations of a reality show king. As we’ve seen during the aftermath of Hurricane Katrina and Superstorm Sandy, in autonomous zones like Chiapas and Rojava, and other, similar contexts, beautiful, necessary, life-sustaining worlds can spring up around the voluntary work of those striving to improve things together. We’ve already seen countless mutual aid projects spring up to help people cope with the coronavirus, and the idea itself — which dates to 20th century anarchist philosopher Peter Kropotkin — has gone mainstream.

John **Oswald**, **18**, 10/30/18, management today, <https://www.managementtoday.co.uk/why-embrace-anarchy-workplace/leadership-lessons/article/1497575>

‘Anarchy’ typically connotes violence and lawlessness. But its real definition is free cooperation of free individuals to constantly challenge the status quo and search for ways to make them better. At its heart, true anarchy is a mindset where people are free to question, dismantle and reconstruct from below any institution which cannot prove its legitimacy. Fast forward to 2019 where entrenched elites at highly inflated pay grades continue to dominate. Despite the rise of ‘flat’ structured companies, the masses have limited scope to challenge in an environment of zero hours contracts and computer-aided micromanagement. Such excesses of modern capitalism may put in context the fact that more than half of employees in the UK say they are unhappy in the workplace. It’s time we took a fresh look at anarchism and ask how it could help us improve engagement at work. Here are three steps that businesses could take: 1. Reframe perceptions of the workplace To embrace true anarchy and experience the benefits, we need to shift our perception on the workplace. As we get further into automation, augmented intelligence and other technologies there is a real risk that workplaces will be viewed as a collection of resources, functions and tools. How about seeing it as a community of empowered individuals able to self organise, solve problems and carry out work which fulfils the mission of the enterprise? Instead of top-down management, why not allow people much lower down to remodel the structures of control? 2. Look for functional anarchy How could this work? The continued popularity of cooperatives, which prioritise members over short-term profits, is one possible template. Take Spanish worker cooperative, Mondragon, the tenth largest company in Spain with assets of almost €25 billion. The group’s business model is based on inter-company cooperation, with workers supported and encouraged to play a leading role in developing the group’s environment. Research has found that by giving workers more autonomy and a direct stake in managing a business, cooperatives actually operate more effectively than regular companies. They are also better able to cope during downturns. Holacracy - a method of decentralised management and organisational governance - is another example of applied anarchy. Authority and decision-making are allowed to filter down to teams rather than being vested in a management hierarchy. Online shoe and clothing retailer, Zappos, has famously adopted this approach to eliminate bureaucracy and boost productivity. 3. Take small steps Maybe adopting the co-operative and holacracy models is a stretch too far for many businesses. But could companies make smaller moves towards embracing anarchy? Take customer centricity. What if we allowed self-forming teams of people from legal, product, marketing, development to come together and figure out the best ways to make specific products or services more ‘customer centric’- with the authority to axe existing processes and approaches which they believe don’t work? I’d argue that this approach replicates the essence of anarchism - dismantling and rebuilding from below. Alternatively, why not experiment with abolishing fixed ‘jobs’ and hire for particular characteristics and alignment with the company’s mission? After that, people can pick and choose the tasks that they feel they can perform best in the interests of the project or customer. And form coalitions with others they want to work with to achieve it. It’s not crazy - the software company Valve has famously experimented with this.

## Contention 1: unconditional strike harms public

**Maynard 12** (Maynard, Melissa. Senior Officer, Fiscal 50 at The Pew Charitable Trusts. “Public Strikes Explained: Why There Aren't More of Them.” Pew Research Center. 25 September 2012.<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2012/09/25/public-strikes-explained-why-there-arent-more-of-them>) [RP]

Public employees, including teachers, have the formal right to strike in only 11 states. In the other 39, strikes are against the law, although they occasionally break out. Concerns about strikes have long been used as a reason to discourage public sector employees from unionizing and obtaining collective bargaining rights. This is in large part because of a massive 1919 police strike that took place in Boston after the police commissioner prohibited members of the force from joining unions. “It led to anarchy in Boston,” says Martin Malin, director of the Institute for Law and the Workplace at the Kent College of Law in Chicago. “There was a massive crime wave. The specter of the Boston police strike has dominated public policy on labor relations ever since." President Ronald Reagan made reference to the Boston Police Strike when he famously fired 11,345 striking air traffic controllers in 1981. Concerns about public employee strikes thwarted the development of collective bargaining statutes until the 1960s and 1970s. When Wisconsin became the first state to allow collective bargaining for public employees in 1959, it included strong prohibitions on strikes. Other states followed suit, outlining alternative processes to strikes in cases of bargaining stalemate, including mediation, fact-finding and interest arbitration. Through these mechanisms, independent outsiders are drawn into the disagreement to hear the facts and weigh in, with varying degrees of authority. In the case of interest arbitration — which is particularly common for police and firefighter unions — the arbitrator is allowed to make the final decision unilaterally after hearing from both sides.

Hrk **News Bureau**, 10-5-20**20**, "Labour Code 2020: No strikes or lockout without notice," HR Katha, <https://www.hrkatha.com/news/ir-labour-laws/labour-code-2020-no-strikes-or-lockout-without-notice/>

Henceforth, as per the Industrial Relations Code, no employee or workers from an industrial establishment can go on strike without giving a 60-day notice of the strike to the employer. Nobody can go on strike within 14 days of giving such a notice or before the expiry of the date of strike specified in any such notice. A strike cannot be called if conciliation proceedings happen to be pending before a conciliation officer, nor can it be called within seven days of the conclusion of such proceedings, or if such proceedings are pending before a tribunal, or if aribitration proceedings are pending before an arbitrator, or 60 days after conclusion of such arbitration proceedings. Employers of industrial establishments, on their part, also have to follow similar rules. They cannot lock out their workers without giving them notice of 60 days or before the expiry of the date of lockout specified in such a notice. Employers cannot lock out their employees if conciliation proceedings or arbitration proceedings are pending before a conciliation officer or arbitrator, respectively. However, a strike or lockout declared in response to an illegal strike or a strike declared in response to an illegal lockout will not be considered illegal. If there are more than one trade union in a concerned industrial establishment, the power to negotiate will go to the union that has membership of 51 per cent of the workers. If there is no such single union with more than 51 per cent membership of employees, the industrial establishment will have to form a negotiating council, which will include representatives from all the unions, which have a minimum of 20 per cent of employees as their members.

**Israelstam 17,** (Ivan Israelstam, Chief Executive of Labour Law Management Consulting), “What is the impact of strikes for employers and employees?”, 22/11/17, https://www.skillsportal.co.za/content/what-impact-strikes-employers-and-employees

Strike season has been dragged out much longer this year than previously. It is already November and the miners’ strike is still to get going. The large corporates can survive most strikes but smaller businesses could go under as a result of industrial action. The loss of production and of customers is usually the first consequence of a strike. However, indirect strike costs incurred later can be just as serious. In the case of *NUM and others vs Chrober Slate (Pty) Ltd* (2008, 3 BLLR 287) the mine dismissed its quarry workers and factory staff due to an unprocedural strike by the quarry workers. The employer admitted that the factory staff were not to blame for the work stoppage as it had been the quarry workers who had refused to work. The dismissals of the factory staff were found to be unfair and the Labour Court ordered the mine to reinstate the 42 dismissed employees with back pay.In order to avoid the snowballing costs and loss of business that strikes can cause the employer needs to understand:What constitutes a strike in legal terms,The economic effects of a strike for both parties,The effects of a strike on the employment relationship,How to resolve constructively the conflict that causes industrial action,How to minimise the damage caused by a strike, and How to bring a strike to a speedy end.A strike is any concerted withholding of labour by a group of employees in support of a demand made by them to the employer. Examples of this are work stoppages, go-slows, overtime bans and work-to-rule. The employer is likely to lose money due to delayed service to clients or to lost production time. The employees will lose their pay due to the no work, no pay principle. If the strikers are dismissed they will lose their livelihoods altogether. Once the strike is over, even if the business has not been closed down by it, the feelings of hostility resulting from the strike can severely damage teamwork, productivity and profitability.