# 1NC

## 1

### OFF

#### Interpretation – topical affirmatives defend the resolution as a general principle. To clarify, a general principle necessitates that you defend that the plan is a good idea in the abstract and don’t defend implementation and PICs don’t negate.

#### Violation – they read enforcement

#### Negate –

#### (1) Jurisdiction – it’s NSDA rules

**NSDA 21** [2021-22 Lincoln-Douglas Ballot, https://www.speechanddebate.org/wp-content/uploads/Sample-Lincoln-Douglas-Debate-Ballot-Blank.pdf // JB]

Each **debater** has the burden to **prove** their **side** of the resolution **more valid** as a **general principle**. It is **unrealistic** to expect a debater to prove **complete validity or invalidity** of the resolution. The **better debater** is the one who, on the whole, proves their side of the resolution **more valid** as a general principle.

#### Outweighs – It’s literally on the LD ballot which means whenever a judge submits the ballot it’s what they contractually abide by – operating outside of the rules would forfeit the judge’s ability to submit a decision – that flips reasonability because rules are most predictable because they’re procedures to debating.

#### (2) Fairness – it prevents abusive PICs out of certain parts of the plan that are abusive because it steals aff ground by isolating a hyperspecific DA to the plan – solves topic education to read it as a DA and has the net benefit of critical thinking because you need to win the DA actually outweighs the plan

#### (3) Phil education – it encourages philosophical analysis and prevents messy enforcement and process debates where you just focus on the post-fiat implications – we’ll impact turn policy debate a) it’s nonunique through forums of CX and PF b) philosophical policy is better because you can find the best possible idea, not the most common c) phil education outweighs because it’s unique to LD and controls the internal link to other education through philosophical justification

#### Fairness is a voter because all arguments concede the validity of evaluation and you can’t tell who won if it’s unfairly evaluated

#### Education is a voter because it’s the only reason schools fund debate and it’s the most portable

#### Reject the team – (1) No argument to drop and (2) strongest internal link to better norms through deterrence

#### No RVI – (1) it’s illogical you don’t win for answering arguments (2) RVI don’t deter frivolous theory – there’s a reason people preempt RVI justifications which decks time anyways – frivolous theory is good because it establishes more critical thinking and we find better norms which impact turns substance education (3) People will bait out theory and be infinitely abusive just to win off of a prepped out counteirnterp

#### Competing interpretations – (1) Reasonability is arbitrary – impossible to know what is reasonable until you establish a brightline (2) Bites judge intervention – they have to gut check what they think is good (3) Collapses – you use offense/defense to evaluate offense under the brightline (4) Norms – you can sidestep norms by selectively choosing a different brightline you meet every round.

## 2

### OFF

#### Interpretation – if the aff reads a preemptive 1AC theory shell, they must specify what a violation would look like in the 1AC.

#### Violation – you read AFC but didn’t say what a violation looks like. Meeting the shell could look like saying “any role of the ballot or framework violates”

#### Vote neg

#### [1] Absent specification you can shift a violation into the 1NC ie. I could read truth testing or a fairness voter and concede the shell thinking the shell only applies to ethical frameworks but the 1AR can shift into the violation which kills fairness.

#### [2] Contestation – the warrants for the counterinterp to AFC change based on what violates. If truth testing violates it would have a different abuse story than if only contesting the ethical framework violates. Absent spec that kills norming – norming is an independent voter because it’s the terminal impact of theory. This is also a reason why you should err negative and give new 2NR responses on the counterinterp because they skewed my counterinterp

## 3

### OFF

#### Interpretation – the affirmative must specify the metaethic of their ethical theory/framework in the delineated text of the 1AC when reading an ethical framework

#### Violation – they don’t

#### [1] Metaethics is a key question when debating moral obligation – it explores questions that a simple “the standard is” can’t solve for – makes phil debate irresolvable

Sayre-Mccord 12 Sayre-Mccord, Geoff, 1-23-2007 substantive revision Thu Jan 26, 2012, "Metaethics (Stanford Encyclopedia of Philosophy)," No Publication, [https://plato.stanford.edu/entries/metaethics //](https://plato.stanford.edu/entries/metaethics%20//) LEX JB

**Metaethics** is the attempt to **understand** the **metaphysical**, epistemological, semantic, and psychological, **presuppositions** and commitments **of moral thought**, talk, and practice. As such, **it** **counts within** its domain **a** broad **range of questions** and puzzles, **including: Is morality more a matter of taste than truth? Are moral standards culturally relative? Are there moral facts? If there are moral facts, what is their origin? How is it that they set an appropriate standard for our behavior? How might moral facts be related to other facts (about psychology, happiness, human conventions…)? And how do we learn about the moral facts, if there are any?** These questions lead naturally to puzzles about the meaning of moral claims as well as about moral truth and the justification of our moral commitments. **Metaethics explores** as well the **connection between values, reasons for action, and human motivation, asking how it is that moral standards might provide us with reasons to do or refrain from doing as it demands, and it addresses many of the issues commonly bound up with the nature of freedom and its significance (or not) for moral responsibility**.[[1](https://plato.stanford.edu/entries/metaethics/notes.html" \l "1)] The range of issues, puzzles and **questions** that fall **within metaethics’** purview **are consistently abstract. They** reflect the fact that metaethics **involve**s an attempt to step back from **particular substantive debates within morality to ask about the views, assumptions, and commitments that are shared by those who engage in the debate**. By and large, the **metaethical issues that emerge as a result of this** process of stepping back **can be addressed without taking a** particular **stand** on **substantive moral issues** that started the process. In fact, **metaethics** has seemed to many to **offer a crucial neutral background against** which **competing moral views need to be seen if they are to be assessed properly**. Some metaethicists early in the twentieth century went so far as to hold that their own work made no substantive moral assumptions at all and had no practical implications.[[2](https://plato.stanford.edu/entries/metaethics/notes.html" \l "2)] Whether any view that is recognizably still a view about the nature and status of ethics could manage this is dubious. **But there is no doubt that, whatever metaethics's substantive assumptions and practical implications might be, it involves reflecting on the presuppositions and commitments of those engaging in moral thought, talk, and practice and so abstracting away from particular moral judgments.**

#### [2] Extinction – the question and discussion of metaethics is key to solve collapse and extinction of the galaxy, discussion is key – we have at best 40 more years and it won’t wait for us to have sloppy phil debates

**Muehlhauser 11** [Muehlhauser, Luke (Executive director at the Singularity Institute). “The Urgent Meta-Ethics of Friendly Artificial Intelligence.” LessWrong. 01 February 2011. [http://lesswrong.com/lw/43v/the\_urgent\_metaethics\_of\_friendly\_artificial //](http://lesswrong.com/lw/43v/the_urgent_metaethics_of_friendly_artificial%20//) LEX JB]

**Barring a major collapse of human civilization** (due to nuclear war, asteroid impact, etc.), **many experts expect the intelligence explosion Singularity to occur within 50-200 years. That** fact **means** that many **philosophical problems, about which philosophers have argued for millennia, are suddenly very urgent**. Those concerned with **the fate of the galaxy must say to the philosophers: "Too slow! Stop screwing around with transcendental ethics and qualitative epistemologies! Start thinking with the precision of an AI researcher and solve these problems!" If** a near-future **AI will determine the fate of the galaxy, we need to figure out what values we ought to give it. Should it ensure animal welfare? Is growing the human population a good thing? But those are questions of applied ethics. More fundamental are the questions about which normative ethics to give the AI: How would the AI decide if animal welfare or large human populations were good? What rulebook should it use to answer novel moral questions that arise in the future? But even more fundamental are the questions of meta-ethics. What do moral terms mean? Do moral facts exist? What justifies one normative rulebook over the other? The answers to these meta-ethical questions will determine the answers to the questions of normative ethics, which, if we are successful in planning the intelligence explosion, will determine the fate of the galaxy**. Eliezer Yudkowsky has put forward one meta-ethical theory, which informs his plan for Friendly AI: Coherent Extrapolated Volition. But **what if that meta-ethical theory is wrong? The galaxy is at stake**. Princeton **philosopher** Richard **Chappell worries** about how Eliezer's **meta-ethical theory depends on rigid designation**, which in this context may amount to something like a semantic "trick." Previously and independently, an Oxford philosopher expressed the same worry to me in private. Eliezer's theory also employs something like the method of reflective equilibrium, about which there are many grave concerns from Eliezer's fellow naturalists, including Richard Brandt, Richard Hare, Robert Cummins, Stephen Stich, and others. My point is not to beat up on Eliezer's meta-ethical views. I don't even know if they're wrong. Eliezer is wickedly smart. He is highly trained in the skills of overcoming biases and properly proportioning beliefs to the evidence. He thinks with the precision of an AI researcher. In my opinion, that gives him large advantages over most philosophers. **When Eliezer states and defends a particular view, I take that as significant Bayesian evidence for reforming my beliefs**. Rather, my point is that **we need lots of smart people working on these meta-ethical questions. We need to solve these problems, and quickly. The universe will not wait for the pace of traditional philosophy to catch up.**

#### [3] Ethical functionality – frameworks fail to provide an ought statement if they don’t explore the natural state of agents or the actor in the resolution – independent voter because we can’t correctly discuss the moral worth of an action

#### [4] Strat skew – two internal links a) I can’t create a strategy contesting a metaethic to contest the framework if you don’t specify one b) even if I specify my own metaethic in the 1NC, I can’t contest yours until you specify yours in the 1AR which means you moot 7 minutes of the 1NC, and the metaethic debate is skewed 7-6 favoring aff

## Case

### UV

#### 1] Spikes that aren’t on top are a voting issue- it means I have to wait for the 1ac to finish to formulate a strategy since I don’t know what your going to read which moots 6 min of prep

#### 2] Spikes that weren’t disclosed are a voting issue- prevents us from rigorously testing your norm and incentivizes surprise tactics

#### 3] Under views are a voting issue—one small theory analytic can take out huge chunks of the 1nc which kills substantive clash

#### 4] New 2NR Responses- A] none of the spikes have a clear implication in the 1ac B] It’s key to robustly contest their norm

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier. Norming outweighs A] Constutivism- It’s the constitutive purpose of theory debating B] Sequencing- it’s a pre-requisite to actualizing any other voter like fairness or education 3] It was introduced first so it comes lexically prior 4] All the reasons why 1AR theory is skewed towards the aff should be evaluated as a reason why 1NC theory comes first

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiability

### Contention

The LBL

OFF Gourevitch

1] They didn't read inherency that workplaces are coercive or cause domination - burden of proof is on them for reading the argument

2] Right to quit answers - it's a form of promise breaking because they enter a contract when they get the job, they're never coerced to work

3] Quitting solves - any reason why they need a job is consequentialist because it's about how wealth can consequently impact them

4] No such thing as right to job - nothing intrinsic to the agent requires a job which means either a) it isn't offense under the framework or b) they do defend it's consequences and they have to defend the violent consequences

OFF Andelson 71

1] Not working for a job solves - work for youself which checks back "right to work"

2] The card doesn't say that a strike is private property, it says right to labor but no reason why labor is intrinsic to the agent

3] Even if it's a card you still need to warrant arguments - it doesnt justify uncondo strike, maybe a condo one but doesn't affirm

4] No unique obligation of the institution to recognize, illegal strikes solve

#### Strikes require strike funds which are paid with union dues

Refresh Financial No Date "What Happens To Your Pay When Your Workplace Goes On Strike" <https://refreshfinancial.ca/blog/financial-news-and-advice/happens-pay-workplace-goes-on-strike/> JG

Before you lose any sleep over that, it’s important to note that most union members on strike will not go without having their basic financial needs met. Many unions have “**strike funds**” or “war funds” into which union members pay their dues. Depending on which union you belong to, you may get a specific strike pay amount per day or per week, or you could simply be allotted emergency funds based on need. Strike pay can be quite low compared to your regular pay with some unions paying between $200-$300 per week. For those at home counting, that’s just $800 - $1200 per month.

#### Those are taken without choice

Hunter 99 Robert P. Hunter 8-24-1999 "Disadvantages of Union Representation" <https://www.mackinac.org/2313> (Robert P. Hunter served as the regional director of the Federal Labor Relations Authority in Washington, D.C., and was a senior fellow in labor policy for the Mackinac Center for Public Policy. Hunter was director of labor policy for the Mackinac Center from 1996 to 2003.) JG

Still another disadvantage of union representation is the cost to employees. Most collective bargaining agreements require all employees to support the union financially as a condition of their continued employment. Federal law provides that employees may, regardless of the language in the agreement, opt not to formally join the union; however, they may still be required to pay certain dues and initiation fees. Additionally, the union can demand the discharge of any employee who fails to pay required dues and fees, unless a right-to-work law has been enacted in the state where the business operates. Michigan does not have a right-to-work law. The costs of union membership vary widely from union to union, but regardless of the amount, dues represent an expense to employees **that they would not otherwise have.** The typical Michigan union worker **pays hundreds of dollars per year** as a result of dues requirements. Nonunion employees may well ask why they should pay more for employee benefits that they already enjoy as a part of the employer's wage and fringe benefit program. (Nonunion members are, however, entitled to pay less than full dues if they assert their rights under the U. S. Supreme Court's Beck44 decision.) Still another disadvantage of union representation is the cost to employees. Most collective bargaining agreements require all employees to support the union financially as a condition of their continued employment. Federal law provides that employees may, regardless of the language in the agreement, opt not to formally join the union; however, they may still be required to pay certain dues and initiation fees. Additionally, the union can demand the discharge of any employee who fails to pay required dues and fees, unless a right-to-work law has been enacted in the state where the business operates. Michigan does not have a right-to-work law. The costs of union membership vary widely from union to union, but regardless of the amount, dues represent an expense to employees that they would not otherwise have. The typical Michigan union worker pays hundreds of dollars per year as a result of dues requirements. Nonunion employees may well ask why they should pay more for employee benefits that they already enjoy as a part of the employer's wage and fringe benefit program. (Nonunion members are, however, entitled to pay less than full dues if they assert their rights under the U. S. Supreme Court's Beck44 decision.) The power of exclusive employee representation can also be a disadvantage to workers. This power carries with it a duty of fair representation that requires the union to negotiate fairly on behalf of all employees in the "bargaining unit," whether they are union members or not. A labor union, however, is granted by law tremendous discretion in fulfilling its responsibilities as bargaining representatives, and it can be difficult to force it to side with any particular employee on an issue that it feels is unmeritorious. In other words, the power of exclusivity gives unions the right to advance the interests of the group over those of the individual.45

#### [1] The process of strike uses patients or beneficiaries of work as a means to an end

**Howard 20** [Danielle Howard,, Mar 2020, "What Should Physicians Consider Prior to Unionizing?," Journal of Ethics | American Medical Association, [https://journalofethics.ama-assn.org/article/what-should-physicians-consider-prior-unionizing/2020-03 //](https://journalofethics.ama-assn.org/article/what-should-physicians-consider-prior-unionizing/2020-03%20//) LEX JB]

* Written in the context of doctors, warrant can be used for all jobs

**The** possible **disadvantage to** patients highlights the crux **of** the moral issue of physician **strikes. In** Immanuel **Kant’s** *Groundwork for the Metaphysics of Morals*, one formulation of **the categorical imperative is to “Act in such a way as to treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means**.”24 **When patient care is leveraged** by physicians during strikes, **patients serve as a means to the union’s ends**. Unless physicians act to improve *everyone’s*care, union action—if **it jeopardizes** the **care of some hospitalized patients**, for example—cannot be ethical. It is for this reason that, in the case of **physicians looking to form a new union**, the argument can be made that unionization should be used only as a last resort. Physician union **members must be prepared to utilize collective action and accept its risks to patient care, but every effort should be made to avoid actions that risk harm to patients.**

#### [3] No aff offense – no unique obligation of the state to give ability to strike – if a workplace is coercive you can use legal means or just find another job

#### 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**](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

#### 2] Strikes violate fundamental rights.

**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) //D.Ying**

Yet there is more. The standard strike potentially threatens the fundamental freedoms of three specific groups. • Freedom of contract. It conflicts with the freedom of contract of those replacement workers who would be willing to take the job on terms that strikers will not. Note that this is not a possible conflict but a necessary one. Strikers claim the job is theirs, which means replacements have no right to it. But replacements claim everyone should have the equal freedom to contract with an employer for a job. • Property rights. A strike seriously interferes with the employer’s property rights. The point of a strike is to stop production. But the point of a property right is that, at least in the owner’s core area of activity, nobody else has the right to interfere with his use of that property. The strikers, by claiming that the employer has no right to hire replacements and thus no way of employing his property profitably, effectively render the employer unfree to use his property as he sees fit. To be clear, strikers claim the right not just to block replacement workers, but to prevent the employer from putting his property to work without their permission. For instance, New Deal “sit-down” strikes made it impossible to operate factories, which was one reason why the courts claimed it violated employer property rights. 24 Similarly, during the Seattle general strike in 1919, the General Strike Committee forced owners to ask permission to engage in certain productive activities—permission it often denied. 25 • Freedom of association. Though the conceptual issues here are complicated, a strike can seriously constrain a worker’s freedom of association. It does so most seriously when the strike is a group right, in which only authorized representatives of the union may call a strike. In this case, the right to strike is not the individual’s right in the same way that, say, the freedom to join a church or volunteer organization is. Moreover, the strike can be coercively imposed even on dissenting members, especially when the dissenters work in closed or union shops. That is because refusal to follow the strike leads to dismissal from the union, which would mean loss of the job in union or closed shops. The threat of losing a job is usually considered a coercive threat. So not only might workers be forced to join unions—depending on the law—but also they might be forced to go along with one of the union’s riskiest collective actions. Note that each one of these concerns follows directly from the nature of the right to strike itself. Interference with freedom of contract, property rights, and the freedom of association are all part and parcel of defending the right that striking workers claim to “their” jobs. These are difficult forms of coercive interference to justify on their own terms and they appear to rest on a claim without foundation. Just what right do workers have to jobs that they refuse to perform?

#### 3] Promise breaking – employees sign a contract with their employer and promise to work – striking is a unilateral violation of that.

#### Violates the commitment to not cause harm

Fourie 17 Johan Fourie 11-30-2017 "Ethicality of Labor-Strike Demonstrates by Social Workers" <https://www.otherpapers.com/essay/Ethicality-of-Labor-Strike-Demonstrates-by-Social-Workers/62694.html> (Johan Fourie is professor of Economics and History at Stellenbosch University.) JG

In addition to the above, engaging in a labor strike demonstration is a gross violation of the **prima facie duty of the social worker**, nonmaleficence: **to not cause harm**, and display a commitment to the well-being of the client, organization as well as society. As Social Workers withdraw their labor, services are ceased, and automatic disruption occurs which can inflict serious harm on clients, organizational functioning as well as society. According to Mehta and Swell (2014), examples of the harm caused to clients and organizational functioning include severe and fatal delays in executing or developing timeous interventions **for at-risk clients,** miscommunication, and no service delivery. Moreover, by withdrawing their labor in a strike demonstration, ethical principles such as beneficence and social justice are also not adhered to as no acts of kindness, empathy is shown, and the most vulnerable members of society **will be impacted the most**.

#### [4] Strikes in essential services hurt the patient but not the employer which reduces the patient to a mere means to an end.

Loewy 2K, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since.) JG

“Essential” Work and Strikes Healthcare professionals, garbage collectors, and other “essential” workers have a responsibility that is considered to be different from, say, the responsibilities of workers in a supermarket chain. There are almost certainly other supermarkets, but there is generally only one municipal garbage collection service**, one police force, and one fire department; and in general, only one healthcare system available to us. In the medical setting, furthermore, workers are much more apt to deal with identified lives**: they know their patients and often have known them for some time. Striking against their employer (even if it is done in part to benefit the patient) is **denying meaningful and often essential services to some of these identified lives**. We tend to relate differently with those lives we know and therefore call “identified” from those whom we consider “unidentified” or statistical lives, in part, because we have obligations as a result of relationships; in part because we fail to recognize that these so-called unidentified lives are not in fact unidentified but are merely not identified by us.4 When strikes are called by healthcare professionals, both types of lives are apt to be injured or, at least, severely inconvenienced. Except in the pocketbook, strikes in the healthcare setting generally do not directly hurt the employer. The employer **is hurt through the** **patient**. The patient thus becomes a **means toward the employees’ ends**, a football being kicked between two contending parties—**even if one of the employees’ goals is to serve the good of patients in general.** Theoretically, patients will then bring pressure on the employer (be it the government or a managed care organization), thus, quite frankly, using the patient as a means toward the ends of the health professionals.5 The dilemma, of course, is that without significantly inconveniencing or even endangering patients, no pressure is likely to be brought and, therefore, no amelioration of working conditions is effected. To be effective, a strike of healthcare professionals has to “hurt” patients and often patients known to the healthcare professionals.

#### [5] Freedom to strike cannot come at the expense of others AND they might not have ethical motivations.

Muñoz 14, Cristian Pérez. "Essential Services, Workers’ Freedom, and Distributive Justice." Social Theory and Practice 40.4 (2014): 649-672. (Assistant Professor of Political Science at the University of Florida) JG

The second objection suggests that the freedom to strike is a fundamental value for a liberal society. Restrictions or prohibitions on this par ticular freedom are equivalent to interfering with basic freedoms such as the freedom of speech and association. This objection presupposes, of course, that preserving individual freedom **possesses a value of high priority.** But it is difficult to defend this idea when the respect for this freedom **potentially causes harm to the recipient populations of essential services**. The only way to defend this position is to show that the benefits of protecting the freedom to strike (for the specific workers under question) are comparatively larger than the harm (for the recipient populations) it might potentially cause. For example, it should be shown that the objectives of a strike among physicians are in the best interest of the patients they service. The idea is that this bargaining instrument might aid physicians in obtaining the resources they require to improve the services they provide to their patients. However, **that is not always the case**. The motivation behind strikes may **not be directly associated** with the objective of improving the quality of the service that physicians provide.

#### [6] An unconditional right to strike is unethical since it treats all strikes as morally neutral which is incorrect.

Loewy 2K, Erich H. "Of healthcare professionals, ethics, and strikes." Cambridge Q. Healthcare Ethics 9 (2000): 513. (Erich H. Loewy M.D., F.A.C.P., was born in Vienna, Austria in 1927 and was able to escape first to England and then to the U.S. in late 1938. He was initially trained as a cardiologist. He taught at Case Western Reserve and practiced in Cleveland, Ohio. After 14 years he devoted himself fully to Bioethics and taught at the University of Illinois for 12 years. In 1996 he was selected as the first endowed Alumni Association Chair of Bioethics at the University of California Davis School of Medicine and has taught there since.) JG

#### It would seem then that the ethical considerations for workers striking in an industry such as a shoe factory or a chain grocery store are quite different from the ethical considerations for workers in sanitation, police, or fire departments, or for professionals such as teachers or those involved directly in healthcare. Even in the latter “professional” category, there are subtle but distinct differences of “rights” and obligations. However, one cannot conclude that for workers in essential industries strikes are simply ethically not permissible, whereas they are permissible for workers in less essential industries. Strikes, by necessity, injure another, and injuring another cannot be ethically neutral. Injuring others is prima facie ethically problematic—that is, unless a good and weighty argument for doing so can be made, injuring another is not ethically proper. Striking by a worker, in as much as doing so injures another or others, is only a conditional right. A compelling ethical argument in favor of striking is needed as well as an ethical argument in favor of striking at the time and in the way planned. It remains to delineate the conditions under which strikes, especially strikes by workers in essential industries and even more so by persons who consider themselves to be “professionals,” may legitimately proceed and yet fulfill their basic purpose.

#### [7] Violence is intrinsic to certain strikes and are uniquely unethical

Mlungisi 16, Ernest Tenza. The liability of trade unions for conduct of their members during industrial action. Diss. 2016. (lecturer in the field of Labour Law at the School of Law. He holds a LLM Degree) JG

When expressing themselves through one or more of these forms of expression, they are expected to be peaceful.20 However, over the past few years, workers attempted to heighten the impact of their industrial action by using various tactics during industrial action, tactics which have a negative impact on the **lives and property of other people**. These include the **trashing of cities, vandalising property**, forming picket lines **at supermarkets**, and preventing shoppers from doing business with their chosen businesses.21 There have been strike-related disruptions in almost every sector of the economy.22 There have been several incidents where industrial action resulted in violence and disruption of the public peace.23 Other examples include the torching of employers’ property, intimidation and even the killing **of non-striking workers**.24 During the truck drivers’ strike which took place in September 2012, a number of drivers were attacked and killed during violent demonstrations.25 During security workers’ strikes in 2006 and 2013, shops were looted and damage was caused to the property of innocent bystanders, street vendors, spaza-shop owners and employers.26 The Business Times reported that violent strikes in the country’s platinum sector resulted in the death of more than 50 people.27 In April 2016 SATAWU members on strike torched trains in Cape Town.28 These strikes are counter-productive and destructive not only because they are violent but the parties, namely the employer and employees take long to resolve their dispute(s) or reach settlement. This **create health hazards**. For example, a strike by municipal workers could lead to the non-collection of waste and this poses a serious health risk.29 The burning of tyres by demonstrators also leads to pollution and resultant health risks. The harmful conduct resulting from industrial action affects not only the strikers or picketers, but also innocent members of the public, non-striking employees, employers and the economy at large.30 In Garvis & Others v SATAWU & others, 31 it was held that the majority of the population was subjected to the tyranny of the state in the past and such practices should no longer be tolerated.