### CP

#### CP Text – we defend a statutory protection of workers to strike passed through legislature enforced by the Department of Labor

#### Legal rights work through the courts and statutory protections work through legislature

Suzanne Fitzpatrick, School of the Built Environment, Heriot-Watt University, Edinburgh, Scotland, and Beth Watts, Centre for Housing Policy, University of York, England, HOMELESSNESS RESEARCH IN EUROPE, “The 'Right to Housing' for Homeless People,” pp. 105-122, Brussels: FEANTSA, 2010, accessed 2-5-2017: Google Scholar.

A key distinction must be drawn between legal or positive rights to housing on the one hand, and programmatic rights on the other. Legal rights are enforceable via domestic court systems at the behest of individual citizens, whereas a programmatic approach ‘binds the State and public authorities only to the development and implementation of social policies, rather than to the legal protection of individuals’ (Kenna and Uhry, 2006, p.1). Programmatic rights are thus important in so far as they ‘express goals which political actors… agree to pursue’ (Mabbett, 2005, p.98). In this vein, Bengtsson (2001, p.255) describes the right to housing as a ‘political marker of concern’, arguing that rights to housing can only be understood within specific national contexts, with legalistic rights implied by selective welfare regimes, and programmatic rights (which he terms a more social concept of rights) associated with more universalistic regimes. Interestingly, Bengtsson highlights that this interpretation of the right to housing reflects Marshall’s (1949) original (but often misunderstood) conception of social rights as obligations of the state to society as a whole, rather than as claims that must be met by the state in each individual case. It is important to note that programmatic rights to housing, although unenforceable by the individual citizen, can find legal expression, very often in constitutional provisions (Fitzpatrick and Stephens, 2007). For example, in a number of European countries, including Belgium, Finland, Portugal, Spain and Sweden, there is a ‘right’ to housing contained in the national constitution, although there are seldom legal mechanisms provided to enable homeless individuals to enforce that right. The Swedish constitution ‘includes the word “right” but this was never interpreted to mean that there was an enforceable right to housing for the individual citizen’ (Sahlin, 2005, p.15).

#### It competes – net benefits which will be read on case and different agent – the aff uses the court system, the neg uses legislature