Affirmative Case: Justice

By Benjamin McKay

*Resolved: The Individual Right to Property Ought to be Valued Above the Economic Interest of the Community*

This affirmative case relies upon three basic premises: (1) justice (giving each their due) is the highest value, (2) justice (giving each their due) demands we uphold individual rights, and (3) the individual right to property is an individual right. Essentially, this syllogism attempts to make a tight logical connection between the protection of the right to property (the affirmative position) and upholding justice, posing the resolution such that the negative must either argue that practical concerns are more valuable than moral ones, or that violating an individual right is not inherently unjust, both of which are possible but somewhat difficult positions to defend.

This case is heavily philosophical, and utilizes theoretical illustrations to ground its claims rather than hard evidence. This is because the main point of the affirmative case concerns issues of right and wrong, not issues of practical consequences (although this case can certainly be adapted to incorporate more concrete data). These hypotheticals also aid in forcing the negative to address the philosophical claims made in the case.

The largest weakness in this case is the potential of the negative team to present concrete examples in which we appear to limit property rights in ways that are not inherently unjust. The negative team may attempt to present eminent domain, taxation, zoning laws, anti-trust laws, and other such examples. In this case, the affirmative must argue these examples are non-resolutional, as citizens have consented via their citizenship to be restrained by these laws and practices (due to the fact that voluntarily giving up property or control of property is part of the right to property and is not truly a violation of it).

***Aristotle*** (“Aristotle Quotes.” *Brainyquote*, Xplore, <https://www.brainyquote.com/quotes/aristotle_148472>, Accessed November 10, 2022).

At his best, man is the noblest of all animals; separated from law and justice he is the worst.

These words from the great philosopher Aristotle remind us that amidst all the various goods we may wish to achieve as a society, there is none higher than the fundamental need for justice. It is because I believe that justice is paramount and that justice demands that we defend individual rights, that I affirm the resolution, and stand ***Resolved: The Individual Right to Property Ought to be Valued Above the Economic Interest of the Community.***

Before we examine my primary arguments, let us establish some definitions:

Definitions

1. **Individual Right to Property**

***John Locke*** (Locke, John. *Two Treatises.* York University, 1823. pp. 106-107, 141, <https://www.yorku.ca/comninel/courses/3025pdf/Locke.pdf>. Accessed November 10, 2022).

\*The following bracketed text summarizes and paraphrases the above source as cited\*

[Political philosopher John Locke argues in his second treatise of government that all human beings are created inherently possessing God-given claims to life, liberty, and property.]

These entitlements (namely life, liberty, and property) form the basis for what we would today call individual rights. As such, the individual right to property refers to the last of these three entitlements. Merriam Webster Dictionary identifies the specifics of what property entails.

***Merriam Webster*** (“Property Definition & Meaning.” *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/property>. Accessed November 11, 2022).

***“Property”***

“the exclusive right to possess, enjoy, and dispose of a thing”

With this understanding of the individual right to property, we now must define the economic interest of the community.

**B. Economic Interest of the Community**

***Merriam Webster*** (“Economic Definition & Meaning.” *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/economic>. Accessed November 11, 2022).

***“Economic”***

“of, relating to, or based on the production, distribution, and consumption of goods and services”

Therefore, the Economic Interest of the Community refers to a society’s goals and values pertaining to these things (things economic in nature).

**Resolution Analysis: Government Actor:**

The resolution asks us a question of priority, whether to overrule the individual right to property in a particular instance to further the economic interests of the community, or to uphold the individual right to property to the detriment of the community’s economic interest. As this question asks us to make a choice involving the overruling of an individual right within a identified society, the actor, or the entity acting on the resolution must be the government.

With this established, let us define my value.

**Value: Justice**

***Justice*** (Santa Clara University. “Justice and Fairness.” *Markkula Center for Applied Ethics*, <https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/justice-and-fairness/#:~:text=Justice%20means%20giving%20each%20person,understandings%20of%20the%20two%20terms>. Published 2014, Accessed November 11, 2022).

Justice means giving each person what he or she deserves or, in more traditional terms, giving each person his or her due.

**Criterion: Individual Rights**

My criterion, or the means by which we can achieve the value of justice is individual rights. As already discussed, individual rights are God-given entitlements, meaning that to fulfill the requirements of justice, we must uphold their individual rights.

Contention 1: Justice is the Highest Value

Justice ought to be the highest value in today’s round because it is based in moral goodness and obligation. While there are many good things we rightly desire to have, such as comfort, wealth, happiness, and safety, none of these things ought to be pursued at the expense of justice. We know intuitively that it is unacceptable to harm innocent people to get what we want, even when those things we want are good things. Why do we feel this way? Because we intuitively know that justice, what is morally right is more important than practical benefit.

Before we consider any significant question of action, we must always stop and first ask what is the right thing? The most important question in this round then, is what best upholds our value of justice?

Contention 2: Justice demands we give everyone their due (individual rights).

To uphold justice, we must uphold individual rights. This is because justice demands that we give everyone their due, or in other words what they deserve or what they are entitled to. Human beings deserve (or are entitled to) their individual rights by virtue that they are human beings. Therefore, to uphold justice we must uphold their individual rights.

This is evident in the real world. When can we violate the rights of an innocent person and not also be treating them unjustly? Is it not true that when I commit an injustice against another, I must do so by violating one of his or her individual rights? Murder is unjust because it wrongfully violates the right to life, kidnapping and enslavement is unjust because it wrongfully violates another’s right to liberty, and stealing is unjust because it wrongfully violates the right to property. Nearly every crime and evil I can commit against another is directly connected to their individual rights. In order to uphold justice, we must uphold the rights of the people.

 Contention 3: To give everyone their due, we must uphold the right to property.

As justice is our value in today’s round, and justice requires we uphold individual rights, it therefore follows that we must uphold the individual right to property, even above and against the economic interests of our community. The community cannot, in the name of their economic goals, use their power to violate and overturn someone’s right property. This is unacceptable, evil, and violates justice.

If we instead ignore this clear connection, ignore individual rights and justice, we are saying that society (and the government) have no moral limitations in how they respect people’s rights as long as they can make the end result appealing enough. This gives the government far too much power, strips citizens of any kind of protection for their property, and ultimately denies justice.

We must stand for justice and individual rights. The economic interest of the community is good, but we cannot value it such that we unjustly overrule the individual right to property to further them.

In the end then, to uphold justice, we must affirm the resolution, and stand *Resolved: The Individual Right to Property, Ought to be Valued Above the Economic Interest of the Community.*