Affirmative Case: Justice and Limited Rights

By Ben McKay

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

This case utilizes two essential premises: (1) justice requires we give each their due, (2) in order to give their due, justice demands that we respect the right to property.

This case is not based upon the above two arguments alone. It is distinct from a basic argument regarding justice in that its framework for defining the resolution and key terms reframes the debate in a way that diverges from most other cases.

In essence, this case frames the individual right to property as (A) God-given and (B) only applicable to ethical (non-harmful) uses of property. In essence, this case frames the right to property as only the right to use property ethically, meaning that laws that appropriately regulate harmful uses of property do not conflict with the individual right to property, but rather conflict only with extraneous uses of property that are not included in the "right" to property as granted by God.

This frames the negative position such that the negative must either challenge the affirmative's framework, or argue the ends justify the means (that wrongfully overturning the proper use of property rights is justified if the benefits are significant enough). If the negative were to take such a position, they would have to offer cases where the threat to the economic interest was so extreme that what would normally be considered an unjust violation of the right to property was necessary to avert a particular economic disaster (a scenario the affirmative would likely argue is unrealistic).

In today’s round, we must grapple with what it means to have a right and ask ourselves what kind of legacy we want our generation to leave behind. Today’s debate is not merely about economics or personal possessions but is rather about moral principles and the defense of justice. It is because I believe that the individual right to property as given by God must be protected in order for justice to be upheld, 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 address my main arguments, allow me to define some key terms.

Definitions:

A. The 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 bracketed text below summarizes and paraphrases the above source as cited. The underlined text quotes the above page 107\**

[In his Second Treatise of Government, the renown political philosopher John Locke argued that all human beings equivalently possess entitlement claims to life, liberty, and property, entitlements which are granted by God. John Locke thus says that in their natural state,] “being all equal and independent, no one ought to harm another in his life, health, liberty or possessions”

Life, liberty, and property as posed by John Locke form the basis for individual rights. Based on this understanding, I will operationally define the individual right to property as...

*The Individual Right to Property*

The entitlement to own and use a particular thing as granted by God. - *\*custom definition based upon the previously cited material – John Locke*

**B. The 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

With this understanding of economic, the economic interest of the community can be operationally defined as...

***The Economic Interest of the Community***

The good of a social group as pertaining to “the production, distribution, and consumption of goods and services” - *\* underlined portion of custom definition quotes the previously cited definition of Economic – Merriam Webster*

**Resolutional Analysis:**

**A. Government Actor**

This resolution indicates that we are siding with side over the other, either the individual right to property or the economic interest of the community. The entity (or ‘actor’) that I propose is most reasonable to consider in today’s resolution is the government, as they are the only entity that could reasonably make such a decision, both by virtue of their interest in both elements and their specific authority.

**B. Conflict Standard**

Today’s resolution asks us to value one side above the other, meaning that in our resolution, these two elements are at odds in some significant way that prompts us to limited the one and uphold the other.

Now that we properly understand the resolution, let us move on to my value...

**Value: Justice**

My value, or the thing that I believe should be considered the most important end-goal in our round today is that of Justice.

***Santa Clara University*** (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 12, 2022).

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

Justice should be our value in today’s round because we are morally obligated to uphold it above all else. Regardless of what good ends we may desire, we can never legitimately violate justice in order to get what we want. Furthermore, any society that does not hold justice highest will inevitably open itself to taking any action, no matter how heinous, as long as the benefit is desirable enough.

When choosing between the individual right to property and the economic interest of the community, the government must make its decision based on what aligns with and upholds justice.

With that said, let me address my contentions.

**Contention 1:**

**Justice requires we give each their due**

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As has already been stated, justice requires us to grant to “each person what he or she deserves” (see above). This means that the innocent should be protected, the guilty punished, debts paid, and entitlements granted. Any time we intentionally decide to violate justice by denying people what they are due, when we punish the innocent and reward the guilty, when we wrongly cancel debts and deny entitlements, we not only rob our society of the good but become willful participants in perpetuating the harm.

We must give each their due.

**Contention 2:**

**Giving each their due requires protecting the individual right to property**

We must realize that in order to fulfill our obligation to justice, we must respect individual rights. This is because rights are God-given entitlements, and therefore, to violate these claims is to take away from a human being what they are meant to have.

We intuitively know this to be true. It is because of a human being’s individual right to life that it is unjust to commit murder. Likewise, it is because of the individual right to liberty that it is unjust to kidnap someone and make them a slave. Furthermore, the individual right to property is why it is unjust to steal.

Thus, in order to uphold justice, we must protect the individual right to property, even when it conflicts with the economic interest of the community. While economic interests are good, when they come into conflict with God-given rights, we must realize that justice demands we sacrifice our well-intentioned economic goals in order to fufill our primary moral obligations.

Thus, the individual right to property ought to be valued above the economic interest of the community.

… [Time permitting, utilize the below content]

Now, the negative team may raise an objection to my position, that being that rights can be appropriately limited without violating justice. Laws limit the use of liberty and property in several instances to ensure order and to prevent harm. The negative may argue that because the resolution indicates that a person’s individual right to property is in conflict with the economic interest of the community, the resolution suggests a situation in which the right to property is being used in some way that is economically harmful to the larger society, and so voting negative allows us to justly and appropriately limit the right to property in such cases, achieving both justice and economic flourishing.

My response to this objection is that it misunderstands the meaning of individual rights. God-given rights are, by their very nature, bound by moral obligation. To put it another way, while we have a God-given right to liberty, no one has the God-given right or entitlement to use their liberty to stab a steak knife into the heart of their neighbor. Individual rights only pertain to the just use of the proper faculties that human beings are meant to possess.

Thus, the individual right to property is only the entitlement to own and use property in ethical and non-harmful ways, meaning that implementing restrictions to prevent harmful uses of property are not in any way infringing or limiting on the God-given individual right to property.

This matters because when applying this proper understanding of the individual right to property to the resolution, we are looking at situations where someone’s ownership and use of their property is both ethical and non-harmful. In such a situation, we are being asked whether or not we ought to overturn their right to property if we can demonstrate that doing so furthers a significant economic interest of our community.

In cases where the use of property is harmful, there is no debate; it is clear that a person’s use of property should be limited in that case. We are debating this resolution today because we are ultimately being forced to ask: are there situations in which the benefits are so great that we should overturn a person’s individual rights.

Again, if we value justice the highest, we must realize that even if a person’s individual right to property presents an obstacle to our economic goals, we cannot overturn it.

In conclusion, justice demands we protect the God-given individual right to property, affirming a person’s ability to ethically use their possessions for their own flourishing and enjoyment without interference from others. Thus, the individual right to property ought to be valued above the economic interest of the community.