Negative Case: General Welfare

By Benjamin McKay

*Resolved: The individual right to property ought to be valued above the economic interest of the community.*

This negative case relies on three basic premises (1) that the government is the actor (the entity that is actually making the choice to affirm or negate the resolution), (2) the government has an obligation to first and foremost uphold the wellbeing of its people, (3) upholding the economic interest of the community fulfills this obligation.

This case ultimately takes the stance that the moral weight of government responsibility to care for the people outweighs the moral weight of applying limits to the rights of individuals. It is important that the negative stress that this is not an advocation for the elimination of the right to property, but only the limiting and/or overruling of it in particular circumstances when a key economic interest of the larger society demands it.

This case uses some basic examples but much more research can be added to this type of a case. Hypotheticals based on the evidence as well would be helpful, especially for rebuttal speeches to help drive home the concept.

In essence, this case advocates for the government applying appropriate limits in the right circumstances to maintain overall societal wellbeing.

***Thomas Jefferson*** (“Thomas Jefferson Quotes.” *BrainyQuote*, Xplore, <https://www.brainyquote.com/quotes/thomas_jefferson_135370>. Accessed September 27 2022).

The care of human life and happiness, and not their destruction, is the first and only object of good government

These words ring just as true today as they did when they were first spoken. The primary responsibility of government should be to uphold the wellbeing of its people. It is because I believe that governments should first and foremost uphold this obligation that I oppose the resolution, and stand *Resolved: the individual right to property* ***ought not*** *to be valued above the economic interest of the community.*

Before we address my primary arguments, we need to define some key terms.

Definitions

**“Property Right”** Merriam Webster Dictionary

<https://www.merriam-webster.com/dictionary/property%20right>. Accessed September 27, 2022.

a legal right or interest in or against specific property.

***“Economic”*** *Merriam Webster Dictionary*

<https://www.merriam-webster.com/dictionary/economic>, *Accessed September 27, 2022.*

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

With my definitions established, let us address some points of resolutional analysis.

**Resolution Analysis:**

**A. Government Actor:**

We must define the *actor* in today’s resolution. The *actor* is the person or entity that will actually *act* on the resolution, choosing to value one side over the other. This resolution is prompting a choice. To reasonably make this choice, both options must be available, both affirming and negating the resolution. It stands to reason, therefore, that whoever the actor is must be an entity with authority and ability to overrule or limit an individual's right to property for the sake of the larger community if the resolution were to be negated. The only entity with this level of authority is the government, and therefore they are the actor.

**B. Resolutional Interpretation**

With the definitions and actor established, we are left with a key question: when circumstances arise in which the property rights of the individual are in opposition to the economic concerns of the community, which should be upheld? More accurately, should the government ignore such situations and simply allow the right to property to stand to the detriment of the larger society, or should the government utilize its power in such circumstances and limit the right to property to ensure the economic concerns of the community are satisfied?

**Value: General Welfare**

***West’s Encyclopedia of American Law*** ("General Welfare." West's Encyclopedia of American Law, edition 2. 2008. The Gale Group, 12 Sep. 2022 <https://legal-dictionary.thefreedictionary.com/General+Welfare>).

The concern of the government for the health, peace, morality, and safety of its citizens

Legitimate governments must first and foremost uphold the wellbeing of their own people. As government is the actor in today’s resolution, we must recognize that its decision to either affirm or negate the resolution must hinge on what best upholds this primary obligation. Thus, this is the most important end-goal and should be considered our value today.

With our definitions, actor and value established, let’s move on to my contentions.

**Contention 1: To uphold the General Welfare, governments must put limits on property**

The resolution prompts us to make a value judgement between the individual right to property and the community’s economic interest. This implies situations where due to particular circumstances, a key community economic concern (such as maintaining stability or avoiding economic harm) can only be realized if an individual’s right to property is either limited or overruled in that particular instance. Ultimately, with situations like this, it would do us well to ask the question: ‘should the right to property be limitless at all times in all circumstances?’ The clear answer to this question is no.

There are two primary examples that demonstrate this principle.

**Application 1: Eminent Domain**

***The Legal Information Institute*** (“Eminent Domain.” *Legal Information Institute*, Legal Information Institute, <https://www.law.cornell.edu/wex/eminent_domain#:~:text=Overview%3A,compensation%20to%20the%20property%20owners>, Accessed September 27, 2022).

Eminent domain refers to the power of the government to take private property and convert it into public use. The Fifth Amendment provides that the government may only exercise this power if they provide just compensation to the property owners

Eminent domain is currently practiced and recognized. This allows the government in essence to require a landowner to sell their land if the government deems it needed for the good of society. Thus, we see that property rights are not without limits, and we also see that those limits are applied when the larger wellbeing of the community is at stake. Consider the government using eminent domain to acquire land and then building an industrial plant to bring infrastructure and hundreds of new jobs to a small town. This would directly be the government limiting the right to property for the sake of the economic interest of the community, and while it may be inconvenient to the landowner, it would uphold the general welfare and in the long run benefit everyone.

**Application 2: Anti-Trust Laws**

While businesses normally possess the freedom to determine prices, make business deals, and compete for profit, these freedoms are not limitless. There do exist particular restrictions even on companies that compete in the free market.

***Federal Trade Commission*** (Staff, the Premerger Notification Office, and DPIP and CTO Staff. “Monopolization Defined.” *Federal Trade Commission*, Federal Trade Commission , 4 Mar. 2022, <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/single-firm-conduct/monopolization-defined>).

\*bracket statement below is a summary of the above cited\*

[anti-trust laws enforce particular restrictions on firms to ensure they do not utilize their freedoms in a way that unethically harms competition or gives them a dominant advantage].

This is yet another example in which the government appropriately applies reasonable limits on property rights that uphold the economic interest of the community and make everyone better off in the long run, or in other words, uphold the general welfare.

**Conclusion:**

We have seen today that governments are purposed to uphold the general welfare and that to fulfill this end, the individual right to property must sometimes be limited. When we are faced with a situation where the wellbeing of the people is concerned, governments must realize that their first obligation is to act in their people’s best interest. Governments cannot allow property rights to remain absolute always in all circumstances, but must realize that in particular cases imposing appropriate limitations to ensure the wellbeing of the people is their duty. Thus, we must negate the resolution, and say that *The Individual Right to Property Ought* ***Not to*** *be Valued Above The Economic Interest of the Community.*