Negative Case: Resolutional Critique

By Benjamin McKay

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

This case relies upon two basic arguments (1) in order for the resolution to be true, it must be a sensical statement, (2) the resolution as stated is incoherent, and therefore cannot be true (and is therefore negated).

This case is unique in that it primarily makes the debate about the logical consistency of the resolution based on the definitions and resolutional analysis. This puts the affirmative in a defensive position if done correctly, defending their ability to validate their burden of proof.

This case is difficult to argue and some judges may not appreciate the method of argumentation despite the logical flow. It is likely that this case will need to be used with materials from other negative cases and briefs in order to be fully effective. However, this case is able to stand alone and overturn the affirmative position if argued well.

This case is generally not recommended to beginner debaters due to its greater degree of difficulty.

We are gathered here today to discuss a question of property rights and societal interests. In today’s round, I will examine the resolution and demonstrate to you, the judge, why the resolution cannot be true, and thus refute the resolution that is stated: *Resolved: The Individual Right to Property Ought to be Valued Above the Economic Interest of the Community.*

Let us address the key terms in today’s debate.

Definitions

1. 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 portion quotes the above page 107\**

[In his Second Treatise of government, the political philosopher John Locke argues that men are created by God, and that God grants mankind natural possession of the capacities for life, liberty, and property, and that in their natural state,] “being all equal and independent, no one ought to harm another in his life, health, liberty or possessions”

I argue that this concept of life, liberty, and property being foundational possessions of mankind as proposed by John Locke is the foundation for individual rights.

Therefore, we can understand *the individual right to property* as follows:

*The Individual Right to Property*

The God-given right of individuals to the ownership and use of something - *\*custom definition derived from the most recent previous cited materials – John Locke.*

There are two critical aspects of the individual right to property we must clarify:

Aspect (1): Morally Limited – Rights granted by God are limited by moral boundaries, meaning that one is only entitled by right to exercise their rights in ways that align with what is morally correct. To clarify, this means that the God-given right to property does not include the right to use one’s property in a way that is harmful to others or in a way that contradicts one’s other moral obligations. The God-given right to property only pertains to property owned and used within proper moral boundaries.

Aspect (2): Capacity for Consent – Part of the concept of a right is the fact that the one who possesses it has the ability to willfully give up their claim in a particular instance. This is why individuals are permitted to give their life to save someone else, as this is in essence them consenting to lay down their right to life. This means their right has not been violated. Similarly, if someone consents to a particular behavioral standard or rule, even if they are not morally obligated to do so, they are still nevertheless able to consent to obey it, and their liberty being restrained by it does not constitute a violation of their liberty. In the same way, individuals may consent to limitations and restrictions on their property rights and consenting to these restrictions is itself part of their right to property, meaning these restrictions are not violations of property rights.

1. The Economic Interest of the Community

Let us first define economics...

***Investopedia*** (Hayes, Adam. “Economics Defined with Types, Indicators, and Systems.” *Investopedia*, Investopedia, 4 Nov. 2022, <https://www.investopedia.com/terms/e/economics.asp>, Accessed November 15, 2022).

***“Economics”***

Economics is a social science that focuses on the production, distribution, and consumption of goods and services, and analyzes the choices that individuals, businesses, governments, and nations make to allocate resources

With this understanding of economics, we can define the economic interest of the community as follows:

*The Economic Interest of the Community*

A Community’s interests as pertaining to economic concerns

With our main terms defined, let us move on to analyze the resolution...

**Resolution Analysis:**

1. **Conflict Standard**

The resolution uses the language of *ought to be valued above.* It says *The Individual Right to Property Ought to be Valued Above the Economic Interest of the Community.* This indicates a situation in which the individual right to property is in conflict with the economic interest of the community, and a choice must be made between the two.

 **B. Government Actor**

The resolution indicates with this choice to be made that someone or something will have to act in favor of one side or the other. This entity is most reasonably the government, as they are the only entity that could reasonably make this choice. If the individual whose rights are in question or the community whose interests are in question are making this decision, there would be no debate because they would side with their respective claims. Only the government can act as an authoritative third party.

Now that we have our definitions and the resolution clarified, let me present my argument for why the resolution cannot be true.

Contention 1: In order for a statement to be true, it must be coherent

This main argument is simple. The idea is that if a statement doesn’t make any sense, then it cannot be true.

**Example 1: Square-Circle**

For example, consider if I were to say *my favorite shape is a square circle.* This statement is incoherent, because it proposes that my favorite shape is both square and a circle. By definition a shape cannot satisfy the criteria necessary to be square while simultaneously satisfying the criteria to be a circle; squares and circles have incompatible definitions. Because of this, the statement, *my favorite shape is a square circle,* is incoherent, it suggests something that definitionally makes no sense, and so the statement cannot be true. There is no such thing as a square circle, and therefore it cannot possibly be my favorite shape.

**Example 2: Married Bachelor**

Consider another example. Say I made the statement *I am a married bachelor (or bachelorette).* This statement is incoherent because it proposes something nonsensical. By definition, a bachelor (or bachelorette) is unmarried, and so it is definitionally impossible to be one and simultaneously be married. Due to this, the statement *I am a married bachelor (or bachelorette).* Makes is incoherent and therefore cannot be true.

Let us then move on to my second contention...

Contention 2: The resolution is incoherent, and therefore it cannot be true

Today’s resolution cannot be true, because it is a statement about a choice we ought to make in a particular instance that could not possibly occur. Allow me to explain.

As previously stated, the resolution states *The Individual Right to Property Ought to be Valued Above the Economic Interest of the Community.* Again, the phrase *ought to be valued above* indicates some significant sense in which the individual right to property is in conflict with the economic interest of the community. The resolution as stated claims that in such a situation, the individual right to property ought to be prioritized and the economic interest of the community sacrificed, and this is the position of the affirmative team.

However, the resolution as a statement is incoherent, because the individual right to property and the economic interest of the community by definition cannot come in conflict, and therefore, the resolution is a nonsensical statement and cannot be true.

Allow me to demonstrate this by reviewing the meaning of these main terms:

**The Right to Property**

1. **Morally Limited**

The individual right to property, as stated before, only pertains to the ability to own and use property within moral boundaries. This means a person’s right to property does not apply in cases where property is used to wrongfully harm others or violate other moral obligations.

To put it another way, while we have a God-given right to own and use property, no one has a God-given right to harm others or do evil with their property. Restrictions that prohibit a person from using their property wrongfully do not conflict whatsoever with the individual right to property.

1. **Capacity for Consent**

The individual right to property, as stated before, includes the capacity for someone to willfully consent to man-made restrictions that go beyond the moral law, and therefore restrictions that have been willfully accepted to not conflict whatsoever with a person’s individual right to property.

**Resolutional Application**

When we consider the resolution then, we realize that a person’s right to property by definition cannot conflict with the economic interest of the community. This is because uses of property that presents significant economic harm to the larger community are not protected under a person’s individual right to property. In these cases, the harmful use of property can be appropriately restricted and the economic interest of the community achieved without conflicting in any capacity with a person’s individual right to property as given by God.

Furthermore, instances of routine law where the ownership and use of property are restricted in some capacity (such as taxes) are not instances of conflict either, because the right to property is not violated when individuals consent to being restricted. Individual citizens have legally consented to be bound by the law of the land in which they reside, and as such their consensual paying of taxes as part of their citizenship does not conflict with their right to property.

In order for the right to property to conflict with the economic interest of the community, there would have to be a scenario in which a person’s ownership and use of property was perfectly ethical, in proper conformity to regulatory laws, and presented no significant harm, while simultaneously impeding the community’s economic interest. This scenario logically could never occur, as ethical, legal, and non-harmful uses of the right to property do not present any obstacle to the economic wellbeing of a community whatsoever.

Because the individual right to property and the economic interest of the community can never logically conflict, one cannot be valued above the other as is stated by the resolution. Therefore, the resolution as stated *The Individual Right to Property Ought to be Valued Above the Economic Interest of the Community*, is an incoherent statement and therefore cannot be true.