The Greater Need  
—  
Affirmative Case by Kylie McIntosh

**Summary**

This case focuses on the definition of “needs,” particularly the distinction between how it is defined and how the Negative may portray it to be. Do not let the Negative twist “need” to mean something that is not a basic human right. The public may *want* a new park, but that is no reason to destroy someone’s home via eminent domain so you can build one in its place. You can agree with that and still fulfill your burden under this definition.

Private property rights include the ability to do harm. Just as I can use my right to speech to throw around slurs and vulgarities, some can and will use their right to private property to disguise criminal activity. It is imperative you prove this for the given applications to apply. If neither side could do harm, there would be no debate. It is fair to say if no one can use their private property rights to aid their ability to harm, then no one can use the excuse of public need to do harm. In other words, if there’s “never a (private) right to harm” then there’s also “never a (public) need to harm” and we can all pack up our binders and go to lunch.

Public needs (basic rights) supersede private property rights (property rights *not* being basic rights). These all contribute back to the value of Human Rights. It may do some good to remind the judge in the rebuttals you can’t own property if you are enslaved or deceased. Basic rights are fundamental - no other rights can exist without them. Our goal as a society should be to give everyone those basic rights to life, liberty, and pursuit of happiness — not just give a privileged few their right to property and let the public suffer for it. A good example of this is the slave owners in pre-Civil War America.[[1]](#footnote-1)

Closing note: Don’t run away with the second subpoint, especially if you are a former TPer. I know its tempting. Don’t let your opponent it, either. It is a way to show public needs do not automatically have to equal government control and *not a policy plan.* It is not imperative to the case’s logical syllogism and can be cut for time/preference. Keep they focus on “why,” not “how.”

The Greater Need

In the month of June 2014, three children were found inside a condemned home in Albuquerque living with their grandmother. Nine malnourished dogs were found inside without food or water. There were flies and feces around the house. The house had no running water, no electricity, and some floors were nothing but concrete.[[2]](#footnote-2) For the safety and prosperity of both the public and the children taken from the home, the house was taken by the government and the grandmother was put under arrest.

In Minnesota in 2012, a report was released by the Minnesota Office of Justice Program reported they were having difficulty rescuing victims of human trafficking because they could not enter private property easily.[[3]](#footnote-3)

Currently, schools are fighting for the ability to search student’s lockers, persons, and possessions for potential drugs because of the student’s right to private property. The vagueness of the term “reasonable suspicion” leaves school with less power to combat the accessibility of illegal, destructive, and potentially lethal substances to young children.[[4]](#footnote-4)

There is a common theme in all of these examples: exceptions must be made to private property rights in order to keep people safe, happy, and alive.

# Definitions

**Needs**: Basic human rights, including but not exclusive to life, ownership and autonomy of self, food, and water.

**Public: “**Ordinary people in general; the community.”[[5]](#footnote-5)

**Private property rights:** An individual’s right to own and control possessions and who has access to them.

# Resolution Analysis

Most of the time, it is in the interest of the public for all the individuals within that community to have the right to property. This is not an all-or-nothing question; private property rights and a prosperous community can and should coexist. When they do coexist, there is no reason for debate, everything is fine and no decision needs to be made. It is when they come into conflict we begin to question what perspective on values and rights should we change. It is my job to prove when these two do conflict, and people’s basic needs should supersede property rights.

# Value: Human Rights

Human Rights are defined as anything in the Universal Declaration of Human Rights. This is a fair goal for both sides of the debate to try to achieve, since it contains both property rights and public needs.[[6]](#footnote-6)

# Contention: The Needs of the Public Are the Greater Right

## Sub-point One: Necessary Transaction of Rights

Everyone has rights; however, some rights supersede others. In class, when a teacher takes away a student’s cell phone they do breach that student’s right to their property at the expense of the rest of the class’s right to education. Phones disrupt and distract in a classroom.

This removal of personal property is okay because although maybe the student is inconvenienced or agitated due to the temporary loss of their possession, what is gained in the transaction of rights is far greater than the loss.

This is a very basic, although applicable, example of private property rights being sacrificed for a greater right.

We call this an example of the Social Contract.[[7]](#footnote-7) We give up some rights to be a part of the community. If we harm the community, we forfeit even more rights because we have betrayed our contract. This contract is the foundation of all communities. I have given up some freedom to be here today. I am adhering to the rules and dress code of Stoa. We have an agreement that when my opponent is speaking, I will not stand up in the middle of their speech and start shouting at them, even though I have the right to freedom of speech. If I break that contract, I am penalized, and I lose the right to compete.

Earlier, I told you about three separate issues in our society. In each one a person’s private property rights are valued less or should be valued less than something the public needs.

In the first, those children needed water, food, safety, and good health. The public needed a safe neighborhood.

In the second, we see how private property rights put victims of human trafficking in further danger. These people had been stripped of their dignity, deprived health and safety, and had no freedom or autonomy of their own bodies. The amount of time it took for police to get permits meant criminals had ample time to move or hide their victims.

Thirdly, students’ right to private property is severely harming the public’s ability to keep students safe, healthy, and away from potentially lethal substances. Why should a student’s right to keep a teacher from looking in their backpack be greater than the public’s need to have a drug-free environment?

The resolution is not asking us to give up private property for the *wants* of the public or the *convenience* of the public. Not even the *benefit* of the public. Even if private property rights slightly harm the public without violating basic rights than it is permissible under the affirmative burden and you can still cast an affirmative ballot. What we are talking about is *need*, implying something that people literally cannot live their lives without.

Needs are necessary. If people harming our basic needs — if people who kill, steal, and assault were not forced to forfeit some of their rights for the public — no-one would go to jail and all criminals would have personal freedom.

## Subpoint 2: Fair Transaction

Violations of basic human needs require justice. It is the job of the government and law enforcement to provide that justice. However, since we live in a flawed world are laws and governments are also naturally flawed, it is understandable to have some questions about what the government’s limits are under the affirmative burden. In order to make sure justice is served fairly, these are some steps we can take as affirmers of this resolution to ease the minds of those apprehensive for fear of government control:

1. Compensation. If property is ever damaged or withheld during an investigation and no laws were found to be broken, the person should be fairly compensated by government the amount due to them. The government already does this.
2. Reworking laws. Laws can be changed and created to ensure private property rights are only forfeited when they have violated the true needs of the public.

This is not a plan, per say, but merely suggestions to show how the affirmative is flexible and ready to look at how the world should be or could be. This also illustrates that valuing public needs *first* is possible while still regulating the amount of government control.

# Conclusion

The great thing about this resolution is you can have your cake and eat it, too. With a change in how our society values public needs we could potentially change laws and cultural outlook to help empower people to basic human rights. In a world like that, we would have all public needs met and as much private property rights as possible. However, when we are forced to make choices about what is valued in our communities, the needs of the people should always be more important.

Negative Brief: The Greater Need

Private property rights are widely considered a Human Right. In fact, the original phrase in the preamble of the Constitution was “life, liberty and property.”[[8]](#footnote-8) Try using the Affirmative value against them. This case is more about the thesis statement than the value itself.

The Affirmative argues basic rights are foundational. However, necessity does not equal more value. Oxygen is necessary for human life but is not more valuable than human life. If they could exist outside of each other, and a choice needed to be made between the two, human life would be chosen every time. Addition is necessary to learn Calculus, with which can you earn a business degree? Basic rights are necessary for other rights, but doesn’t that make the other rights the ultimate goal? Don’t we want to eventually achieve *all* rights? Should not the ultimate goal be the value of the debate round? This affirmative assumes prioritizing and valuing are the same, but it can be easily argued they are not. Try asking for your opponent’s definition of “valued above” and then, if needed, propose these:

Value: “The regard that something is held to deserve; the importance, worth, or usefulness of something.”[[9]](#footnote-9)

as opposed to

Priority: “The right to take precedence or to proceed before others.”[[10]](#footnote-10)

One avenue could be to say that right to private property *includes* right to own oneself. Once you have asserted that, you have turned the Affirmative’s entire rhetoric against them. This is called Self-Ownership and can be used as a counter-value. It is a foundation of Libertarian philosophy[[11]](#footnote-11) and is a good counter argument if your opponent chooses to bring up the Civil War.

1. Huston, James L. Calculating the Value of the Union: Slavery, Property Rights, and the Economic Origins of the Civil War. (2003) ISBN 0-8078-2804-1 [↑](#footnote-ref-1)
2. Children Found in Condemned House. KOAT News, 24 June 2015. Web. 25 Aug. 2016. <https://www.yahoo.com/news/video/children-found-condemned-house-050733308.html?ref=gs>. [↑](#footnote-ref-2)
3. Minnesota Office of Justice Program, and Minnesota Statistical Analysis Center. "Human Trafficking in Minnesota." (n.d.): 6. Sept. 2012. Web. 25 Aug. 2016. <https://dps.mn.gov/divisions/ojp/forms-documents/Documents/Human%20Trafficking%20Final%20Report.pdf>. [↑](#footnote-ref-3)
4. Ehlenburger, Kate R. "The Right to Search Students." Educational Leadership: Understanding the Law:. ASCD, Dec.-Jan. 2001, 2002. Web. 26 Aug. 2016. <http://www.ascd.org/publications/educational-leadership/dec01/vol59/num04/The-Right-to-Search-Students.aspx>. [↑](#footnote-ref-4)
5. Community. "Definition of Public in English:." Public: Definition of Public in Oxford Dictionary (American English) (US). Oxford Dictionary, n.d. Web. 26 Aug. 2016. <http://www.oxforddictionaries.com/us/definition/american\_english/public>. [↑](#footnote-ref-5)
6. UN. "Universal Declaration of Human Rights." SpringerReference (n.d.): n. pag. United Nations. UN, 8 Dec. 1948. Web. 26 Aug. 2016. <http://www.ohchr.org/EN/UDHR/Documents/UDHR\_Translations/eng.pdf>. [↑](#footnote-ref-6)
7. <http://www.merriam-webster.com/dictionary/social%20contract> [↑](#footnote-ref-7)
8. Locke, John (1988) [1689]. Laslett, Peter, ed. Two Treatises of Government. Cambridge, NY: Cambridge University Press. Sec. 87, 123, 209, 222. ISBN 052135448X. [↑](#footnote-ref-8)
9. <http://www.oxforddictionaries.com/us/definition/american_english/value> [↑](#footnote-ref-9)
10. <http://www.oxforddictionaries.com/us/definition/american_english/priority> [↑](#footnote-ref-10)
11. Vallentyne, Peter. "Libertarianism." Stanford University. Stanford University, 05 Sept. 2002. Web. 26 Aug. 2016. <http://plato.stanford.edu/entries/libertarianism/>. [↑](#footnote-ref-11)