Concord  
—  
Affirmative Case by Kendall Jarboe



When we think of limits of private property rights, our mind immediately goes to the extreme. We assume eminent domain is the only form of public needs being valued above private property rights.

Quite the contrary. There are so many forms of private property rights restrictions that are completely ignored and overlooked.

This case sheds light on the vast amount of instances where public needs restricted private property rights. The result displays agreements and peace, also known as “concord,” among the differing property owners and the public.

Concord

Former President of the United States, Franklin D. Roosevelt once said, “Competition has been shown to be useful up to a certain point and no further, but cooperation, which is the thing we must strive for today, begins where competition leaves off.”[[1]](#footnote-1)

Competition fuels many, but it is cooperation—or concord—that can bring two opposing ideas to harmony. Concord is the ultimate goal when discussing personal and public rights. This is why I believe that the needs of the public ought to be valued above private property rights.

To avoid confusion, let’s begin with a couple of definitions of the resolution.

1. **Definition 1: Needs of the Public**: Merriam-Webster’s definition of needs and public combined read, “A necessity relating to or affecting all or most of the people of a country, state, etc.”[[2]](#footnote-2), [[3]](#footnote-3)
2. **Definition 2: Private Property Rights:** “The basic rights of individuals to the peaceful possession, control and enjoyment of the things they own.”[[4]](#footnote-4)

In order to give meaning to this round, I will offer a value that you can use to measure the importance of the arguments and applications presented.

# Value: Concord

Merriam-Webster dictionary defines concord as, “a state in which people or things agree with each other and exist together in a peaceful way.”[[5]](#footnote-5) The presence of concord isn’t always appreciated, but its absence leaves people in desperation. Concord connects to the resolution through the value link.

## Value Link: Crisis Management

Discussion about the needs of the public and their relation to private property rights occurs because it usually cultivates disagreement. The crisis homeowners and their neighbors find themselves in when they disagree demands the dispute be resolved. Concord is necessary to mend present frustrations and move forward to a better future.

# Contention 1: Regulation Is Required

Freedoms are a wonderful thing, but unrestrained freedom can be dangerous. The fact of the matter is that regulations and restrictions on private property rights are required to maintain a well-functioning society.

## Application: Zoning Regulations

Utilized by almost every urban area in the United States and beyond, zoning laws are placed on areas and restrict what can be built on property and how it is used. This technically diminishes private property rights but it is for the better. For example, zoning regulations keep your neighbors from building factories or turning their land into a dump-site. Without these zoning regulations, private property owners could legally use their land for whatever purpose they wish—despite harm to the environment or surrounding population.[[6]](#footnote-6)

# Contention 2: Public Needs Regulate Property Rights

You may be wondering how restrictions on private property rights are determined. The answer lies in the needs of the public. If an area is considered to be unsafe or disturbing, public needs determine changes made to increase safety measures and general enjoyment of the area.

## Application 1: Gun Restrictions

No matter where you stand on the gun debate, it is hard to argue against the fact that there is a proper place to shoot guns. The public has recognized this and local governments have enacted legislation that limit the use of guns on private property. Shooting a gun is often limited to outside city limits. This is because the needs of the public have determined that it is unsafe to recreationally shoot a gun in the backyard of a densely populated area.[[7]](#footnote-7)

## Application 2: Noise Restrictions

Laws have been enacted all around the world to limit private property rights in favor of the needs of the public. In regards to the disturbances, the City of Sacramento’s website specifically says, “A noisy neighbor may create a disturbance by playing loud music, having an out-of-control party or using loud equipment too late or too early in the day.”[[8]](#footnote-8) Specific times are placed on when loud music usually can be played—not to benefit the property owner, but because the needs of the public can benefit. The public needs determined that they deserve the right to peace and quiet. While private property rights are defined as being able to do as you wish on your property, public needs limit that freedom.

# Contention 3: Valuing Public Needs Promote Concord

When the decision is made to value the needs of the public over private property rights, concord is promoted because both the landowner and the public benefit in a peaceful state. Since the public is made up of individuals, when the public’s needs are valued, it positively affects the individual.

## Application: Finland

In Finland, they have in place Everyman’s Rights. These rights allow anyone in the public, citizens of Finland or not, to camp, hike, ski, etc. on private property as long as it does not encroach on the owner’s privacy. [[9]](#footnote-9) What many believed would be a violation of property rights has come to benefit both the public and the private. The public is benefitted by increased enjoyment of nature, and the property owner is benefitted by being able to take part in that same right should they choose to do so.

# Conclusion

In the end, we can see that concord—or things existing together in a peaceful way—is the ultimate goal. Private property rights must be limited in some way and concord is promoted when the needs of the public are the needs that limit those rights because everyone ultimately benefits.

Negative Brief: Concord

In relation to the **definitions**, it shouldn’t hurt your case to accept them. What you should point out is that many of the applications might not actually be a public *need* and instead be a public *want*. Merriam-Webster defined *want* as, “to desire or wish for something.”[[10]](#footnote-10) Quiet neighborhoods and unlimited hiking in Finland could be classified as a *want* and not a *need*.

For the **value**, you could argue that there are so many more noble, achievable values than concord. Support the idea that good things can actually come as a result of conflict. Aristotle once said, “The ultimate value of life depends upon awareness and the power of contemplation rather than upon mere survival.”[[11]](#footnote-11) Living in harmony and peace with one another should not be valued over the pursuit of justice, freedom, or even life.

Challenge the **contentions** in the fact that people aren’t always exactly happy and peaceful when their private property rights are taken away. In fact, several major wars actually stemmed from the undervaluing of private property rights. The American Revolution was incentivized by the colonists being told what to do with their property. The Civil War was also largely an issue of federal vs. states’ rights in regards to private property.[[12]](#footnote-12) Don’t fall into the idea that everyone is content with sacrificing their private property rights for the sake of the public.

The **applications** discussed are actually rather controversial topics that don’t unanimously agree with this affirmative’s case. Zoning laws and gun restrictions are still today a source of heated debates within the local government. Not everyone has concord as a result of these laws.

1. "Roosevelt Means Business." *Roosevelt University*. N.p., 5 Nov. 2005. Web. 30 Sept. 2016. <https://www.roosevelt.edu/Business/AboutUs.aspx> [↑](#footnote-ref-1)
2. "Public." *Merriam-Webster*. Merriam-Webster, n.d. Web. 30 Sept. 2016. <http://www.merriam-webster.com/dictionary/public> [↑](#footnote-ref-2)
3. "Needs." *Merriam-Webster*. Merriam-Webster, n.d. Web. 30 Sept. 2016. <http://www.merriam-webster.com/dictionary/needs> [↑](#footnote-ref-3)
4. Johnson, Dr. Paul M. "Private Property Rights." *A Glossary of Political Economy Terms*. N.p., 1 Feb. 2001. Web. 30 Sept. 2016. <http://www.auburn.edu/~johnspm/gloss/private_property_rights> [↑](#footnote-ref-4)
5. "Concord." *Merriam-Webster*. Merriam-Webster, n.d. Web. 30 Sept. 2016. <http://www.merriam-webster.com/dictionary/concord> [↑](#footnote-ref-5)
6. Carl Vinson Institute of Government. "Restrictions on the Way Real Property Can Be Used." *GeorgiaLegalAid.org*. N.p., 30 July 2004. Web. 30 Sept. 2016. http://www.georgialegalaid.org/resource/restrictions-on-the-way-real-property-can-be?ref=7thhU [↑](#footnote-ref-6)
7. Palmer, Brian. "Where Can You Legally Fire a Gun?" *Slate Magazine*. N.p., 18 Dec. 2012. Web. 30 Sept. 2016. <http://www.slate.com/articles/news_and_politics/explainer/2012/12/sound_of_gunfire_was_routine_in_newtown_where_is_it_legal_to_fire_a_gun.html> [↑](#footnote-ref-7)
8. "Neighborhood Nuisances." *City of Sacramento*. N.p., 15 July 2015. Web. 30 Sept. 2016. <http://www.cityofsacramento.org/Police/How-Do-I/Report-Neighborhood-Nuisances> [↑](#footnote-ref-8)
9. Rushton, Steve. "How Nordic Europe Is Guarding the Commons." Occupy.com. October 02, 2013. Accessed August 08, 2016. <http://www.occupy.com/article/how-nordic-europe-guarding-commons#sthash.KzdiLupc.dpbs> [↑](#footnote-ref-9)
10. "Want." *Merriam-Webster*. Merriam-Webster, n.d. Web. 30 Sept. 2016. <http://www.merriam-webster.com/dictionary/want> [↑](#footnote-ref-10)
11. "Aristotle Quotes." *BrainyQuote*. Xplore, n.d. Web. 30 Sept. 2016. <http://www.brainyquote.com/quotes/quotes/a/aristotle132267.html> [↑](#footnote-ref-11)
12. Schweitzer, Jeff. "Slavery and the Civil War: Not What You Think." *The Huffington Post*. TheHuffingtonPost.com, 14 Apr. 2011. Web. 30 Sept. 2016. <http://www.huffingtonpost.com/jeff-schweitzer/slavery-and-the-civil-war_b_849066.html> [↑](#footnote-ref-12)