Justice   
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Negative Case by Mark Csoros



The crux of this case is determining the proper circumstances for a restriction of rights. You have a pretty easy burden to bear on Negative. All you have to do is say that there is only one set of circumstances under which private property can be taken: conviction of a crime for which the penalty is a loss of property. You can even concede that sometimes property must be taken, but that public needs are not the appropriate reason.

To do that, you view every citizen/government interaction through the lens of justice. Justice is usually a pretty easy value to win, because it’s both inherently valuable and has a purpose. You simply need to show the results of losing justice, and strengthen the link between taking private property and a violation of justice.

Before you get to the contentions, you need to set the stage by showing the judge that inherent rights can’t be taken *just because*. Your background point uses section 39 of the Magna Carta (a great document, by the way) to prove how Western democracies only violate inherent rights in the context of punishment. Every right that section 39 lists (including property) is an inherent right, and it gives the only reason why those rights can be taken: a conviction of law-breaking.

As to your contentions, they follow a pretty logical progression. C1 agrees with the Magna Carta that private property is an inherent right of men, and gives the reason why. C2 shows how unjust it is to violate property rights for a reason other than punishment, and C3 gives the logical conclusion: voting affirmative is unjust.

Overall, keep stressing that private property can be taken, but not for public needs. For the purposes of punishment, life, liberty, voting rights, private property, and any other inherent right can be taken. For the purposes of public need, none can be taken. This case lets you take a hardline stance, while being reasonable. Of course private property rights aren’t absolute. But they are more valuable than public needs, and that’s why you should win.

Justice

Award winning country artist Toby Keith once sang:

“Justice is the one thing you should always find, you’ve got to saddle up your boys, you’ve gotta draw a hard line.”[[1]](#footnote-1)

It’s because I agree with Toby Keith that justice must be maintained that I oppose today’s resolution, and stand for Private Property rights.

# Definitions

Before we get into why I believe that, we need to define one key term, which is that of an Inherent Right. According to Black’s Law Dictionary, an inherent right is

“the [fundamental](http://thelawdictionary.org/fundamental/) right a person has. See [inalienable](http://thelawdictionary.org/inalienable/) right.”[[2]](#footnote-2)

Inherent Rights are rights that people have just by being people, and that cannot be taken away except in extreme circumstances.

Now that we’ve defined our key term, we need something a way to objectively determine which side of the resolution is correct. To do that, I present the…

# Value: Justice

Merriam Webster defines Justice as

“the administration of law; especially the establishment or determination of rights according to the rules of law or equity”[[3]](#footnote-3)

So why is Justice a better value than the one my opponent presented? Aristotle once wrote:

“At his best, man is the noblest of all animals; separated from law and justice he is the worst.”[[4]](#footnote-4)

One of the things that makes us human is our dedication to justice. Even social animals like wolves have no concept of just behavior. Their law is that the weak die, and the strong live. Fortunately, we’re human, and a fundamental part of humanity is the resolve to act justly toward all men.

Now that we understand what we’re striving to uphold, let’s go over one key point that will set the stage for our contentions:

## Background: Only criminals justly lose inherent rights

Ever since we started protecting rights with constitutions or charters, we have only allowed inherent rights to be taken as punishment for a crime. The Magna Carta was one of the documents that inspired the constitution of America, and it still serves as a basis for England’s common law. In Section 39, the Magna Carta says:

“No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.”[[5]](#footnote-5)

The only way free people should lose inherent rights like freedom, sanctity of person, or property is if convicted of a crime. Any other reason for taking property is unjust. Keeping that in mind, let’s move to…

# Contention 1: Property is an inherent right

The great political philosopher John Locke once wrote about why property rights were so important. He wrote:

“that though the things of Nature are given in common, yet Man (by being Master of himself, and Proprietor of his own Person, and the actions or Labour of it) had still in himself the great Foundation of Property; and that which made up the great part of what he applied to the Support or Comfort of his being, when Invention and Arts had improved the conveniencies of Life, was perfectly his own, and did not belong in common to others.”[[6]](#footnote-6)

In other words, our property rights are inherent rights. They’re ours not because of what we do, or how we act, or because the government gave them to us, they’re ours because we are humans. And as such, the only way our inherent rights can be taken is if commit a crime that removes the protection of those rights from us. Unfortunately, affirming the resolution ignores this fact.

# Contention 2: Public need takings are not punishment

When the government denies private property rights under the justification of public needs, they aren’t taking those rights as a punishment. They’re usually taking those rights for some economic or political reason, such as economic revitalization, a new building project, or sometimes, plain old greed. Let’s look at an example in our…

## Application: Horne v. USDA

In a nutshell, this was a 2015 Supreme Court case about how it’s unjust for the government to go around seizing goods that they take a fancy to. In this instance, the Horne family were farmers who complained about a specific U.S. Department of Agriculture policy. Since 1937, the Raisin Administrative Commission of the U.S.D.A had been requiring raisin farmers to give the government a certain percentage of their raisins each year. Why anyone would want that many raisins, or why the government has an entire commission dedicated to them is beyond me, but up until 2015 they did. In 2015, the Supreme Court restored some sanity to American politics by writing:

“When it comes to physical appropriations, people do not expect their property, real or personal, to be actually occupied or taken away. The reserve requirement imposed by the Raisin Committee is a clear physical taking.”[[7]](#footnote-7)

They’re right. No one expects their property to be taken away, because that’s unjust. Your car or your home or your raisins can only be forfeited if you are guilty of a crime.

# C3: Public needs create injustice

Taking away property as punishment is a legitimate use of government power. Taking away property simply because the government thinks that society needs that property is an unjust abuse of government power. If we are going to be people who value justice, if we’re going to be better than animals, we have to value private property rights. Justice demands that we uphold our inherent rights.

Justice Affirmative Brief

If you’re running aff against this case, you need to stop and ask yourself a question about the fundamental purpose of government. Here’s the question: “*Why does the government bother to make laws?*” A little bit of introspection will likely lead you to the same conclusion that Thomas Jefferson came to, which is that “The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.” That’s where your refutation begins.

The mindset that the negative is presenting is that the ideal of justice outweighs the real needs of people. Fair enough. But what happens when that ideal of justice is damaging the very people it’s designed to protect? What happens when the owner of the only water source in town drastically raises his prices? What happens when the factory owner decides he has a right to keep making a dangerous product to the general population? What happens when the property rights of the strong enable them to prey upon the weak? That kind of “justice” isn’t the kind that I want to live under.

Keep returning to the purpose of the government. Under the negative’s ideal of justice, the government is a cold, impartial arbitrator that exists to punish wrongdoers and protect all rights the same, regardless of real world considerations. Under your ideal of the needs of the people, the government is a warm, involved entity that does it’s best to serve the people. It realizes that one size doesn’t fit all. It realizes that sometimes, the needs of the people are more important than justice. It realizes that to make an omelet you have to break a few eggs, and that to do the right thing for the people, you sometimes have to violate some rights. That’s not a reflection on your character, and it doesn’t make you a monster. It makes you a realist who understands that in an imperfect world we have to go with the best option available. That best option is an affirmative ballot.

1. Toby Keith, “*Beer for my Horses”:* [*http://www.azlyrics.com/lyrics/tobykeith/beerformyhorses.html*](http://www.azlyrics.com/lyrics/tobykeith/beerformyhorses.html) [↑](#footnote-ref-1)
2. Black’s Law Dictionary definition of Inherent Right: [*http://thelawdictionary.org/inherent-right/*](http://thelawdictionary.org/inherent-right/) [↑](#footnote-ref-2)
3. Merriam Webster definition of Justice: [*http://www.merriam-webster.com/dictionary/justice*](http://www.merriam-webster.com/dictionary/justice) [↑](#footnote-ref-3)
4. Aristotle on Justice: [*http://www.brainyquote.com/quotes/quotes/a/aristotle148472.html?src=t\_justice*](http://www.brainyquote.com/quotes/quotes/a/aristotle148472.html?src=t_justice) [↑](#footnote-ref-4)
5. The Magna Carta, Section 39: [*http://www.ushistory.org/documents/magnacarta.htm*](http://www.ushistory.org/documents/magnacarta.htm) [↑](#footnote-ref-5)
6. John Locke “Second Treatise of Government”, Chapter V. “Of Property” section 44: [*http://press-pubs.uchicago.edu/founders/documents/v1ch16s3.html*](http://press-pubs.uchicago.edu/founders/documents/v1ch16s3.html) [↑](#footnote-ref-6)
7. Supreme Court of the United States "*HORNE ET AL v. DEPARTMENT OF AGRICULTURE*": [*http://www.supremecourt.gov/opinions/14pdf/14-275\_c0n2.pdf*](http://www.supremecourt.gov/opinions/14pdf/14-275_c0n2.pdf) [↑](#footnote-ref-7)