No Conflict  
—  
Negative Case by Travis Herche



*The Andrew Carnegie Mansion*

This case argues that the resolution cannot be true because property rights are a public need, meaning there is no conflict between them. It uses a special kind of case structure called a “Resolutional Objection.”

The No Conflict objection is obvious this year, and it may become more popular later in the year as more standard cases dry out. This one is particularly hard to refute because it “spikes” — or explicitly pre-refutes — the most common line of affirmative attack against a No Conflict objection.

The problem with this kind of case is that if there is even one exception, and the two subjects in the resolution might possibly — even hypothetically — conflict, then the resolution can be meaningful, and the affirmative wins by default. A smart affirmative will leverage this by pointing to ways that public needs and property rights conflict. The contention applications should already have plenty of ammunition.

It is tough to argue that property rights are so essential. They outweigh other things and are therefore a more basic public need. At that point, you’re basically running a standard negative case with a funky format. Instead, this case is protected by the alternative, which says that property rights can conflict with other kinds of public needs — and, thus, that showing a conflict doesn’t actually prove anything.

This makes the case very slippery. Read it carefully and research as needed. Read the rhetoric aloud to make sure it fits you, and change whatever doesn’t.

Your key weapon is discipline. Do not engage with the affirmative case; it’s trying to prove a conclusion that must be false. Instead, just run a group response to the entire thing cross-applying your alternative. You shouldn’t spend more than 20 seconds on the affirmative side.

No Conflict

I’m going to do something a little different in this debate. Instead of going the traditional route and arguing that property rights are more important than public needs, I’ll argue that the resolution is false because it cannot possibly be true.

Since the resolution cannot be true, it cannot be measured. Thus, I reject my opponent’s value.

I’ll expose the basic flaw in the resolution using a series of four points, starting with my:

# Thesis: Property Rights Are a Public Need

Humanity has had a tenuous relationship with property, divided into a few phases.

## Subpoint A) Autocracy

For most of recorded history, everything in a country belonged to the king or pharaoh or czar or emperor or whatever they chose to call him. Of course, the ruler wasn’t actually entitled to anything – he just had a fancy hat and a powerful dad. But he would use a pyramid of brute force to rob the people and keep them down. For thousands of years, humanity struggled under these systems, fighting in wars to bring the rulers glory, and starving or freezing in the winters. The people needed a change.

## Subpoint B) Liberalism

Liberalism rests on the twin pillars of liberty and equality. It was the driving force behind the Magna Carta, the rise of democracy, freedom of speech, civil rights, free trade, due process, and, of course, true private property. Liberalism said that everyone was equal under God, and therefore the kings weren’t entitled to anything. Private property was a bedrock of the new liberal societies. It ushered in a new era of human civilization called the industrial revolution; a time of explosive scientific development and economic growth and social progress. Slavery was abolished and voting rights were extended to all. Towns turned into thriving cities, with towers shooting up into the sky and factories churning out everything imaginable. The land was crisscrossed with roads and train tracks and telephone wires and internet cables. The night sky was lit up with lights and filled with planes.

Two-hundred years ago, the life expectancy in America was just 37 years.[[1]](#footnote-1) Today, it’s just short of 80.[[2]](#footnote-2) That’s the power of human society when it rests on the solid foundation of private property.

## Subpoint C) Communism

Our world tried a brief stint with communism: the total abolition of property rights. This left society with nothing to work with. Everything ground to a halt and then collapsed. Devastating famines took the lives of tens of millions of people. The whole experiment was a disaster.

So history has taught us pretty clearly that we need property.

We have private property to thank for jazz music and washing machines and debit cards and light bulbs and Tylenol and indoor toilets and antibiotics and Target and Uber and freight trains and cement and bleach and sheet paper and Apple and Toyota and skyscrapers and heart surgery and Facebook and CVS and Verizon and email and linoleum and pizza delivery and peanut butter and eBay and movies and x-rays and chemotherapy and yeah, I could go on for hours. My point is: the public needs private property.

Ludwig von Mises, one of the greatest economists who has ever lived, wrote:

“If history could teach us anything, it would be that private property is inextricably linked with civilization.”[[3]](#footnote-3)

Here’s my next point.

# Conflict: Subset vs Separate

If, at the end of the round, you’re convinced that property rights are necessary for the public, you should vote negative. If you’re instead convinced that property rights are just a fun option, then the affirmative has already proven a pretty obvious idea: that we should choose what is necessary over what is optional. So in that case, vote affirmative.

Instead of voting for the resolution, I want you to vote for this next point.

# Alternative: One of Many Needs

The term “needs of the public” is a very big term, including many different ideas that can sometimes conflict with each other. For example, we need a thriving private sector, but we also need to levy taxes to support critical government functions. These two needs conflict. Does that mean that one of them isn’t actually a public need? Of course not. Public needs sometimes conflict with each other.

In the next speech, expect my opponent to point to some other public need that conflicts with property rights, and then conclude that property rights aren’t a need. This might get confusing, which is why I want to spell it out clearly now. And I think an analogy will help.

Think of Public Needs as a big mansion, full of bedrooms. Everything that is necessary for society lives in one of the rooms. There’s a room for a strong military; there’s a room for due process; there’s a room for contract enforcement; there’s a room for free speech; and so on. Of course, there’s a room for property rights, too.

Sometimes, Free Market goes down to the kitchen and gets into an argument with Labor Laws. They’re in conflict, but they’re both inside the house. They’re both still *public needs*.

Sometimes, National Security goes down to the living room and gets into an argument with Privacy. They’re in conflict, but they’re both inside the house. They’re both still *public needs*.

Sometimes, Property Rights goes down to the laundry room and gets into an argument with another public need. They’re in conflict, but they’re both inside the house. They’re both still *public needs*.

I hope you’re getting the picture here. For my opponent to refute my case, they’ll need to do a lot more than prove that property rights conflict with other public needs. They need to prove to you that property rights aren’t even in the mansion.

# Impact: Resolution is Impossible

The resolution asks you to do something impossible: choose between a thing, and a subset of that thing. It’s like choosing between fruit and bananas. It’s like choosing between colors and purple. It’s an incoherent statement, and incoherent statements cannot be true. Thus, I’ll ask you not to vote for it.

The great Andrew Carnegie said:

“Upon the sacredness of property civilization itself depends - the right of the laborer to his hundred dollars in the savings bank, and equally the legal right of the millionaire to his millions.”[[4]](#footnote-4)

Property is not optional. It is not a bonus to society. It is society. Without it, we lose blood transfusion and texting and television and Amazon and Costco and insulin treatments and, well, everything. Thank you.

Affirmative Notes

Unfortunately, the alternative makes this case difficult to refute. The good news: this case is still a No Conflict objection, which means it is still brittle. Prove one exception to the thesis, and you win by default.

Here are my two favorite lines of attack against the thesis. Try either one, or make up your own.

1. **Not Always Necessary.** Property rights have their place, but they aren’t always a public need. Sometimes, they *are* a luxury. And when they are, and they conflict with something else that’s a public need, then the resolution becomes meaningful.

This approach is strategically potent because it allows you to accept most of the negative advocacy. Hopefully, you can shift the focus back onto your own case where it belongs.

1. **Property Rights are not good.** You can only run this if you already have an affirmative case set up to do that. Maybe you’re advocating communism, or objecting to property on moral grounds. A less extreme version argues that property rights are always a luxury, meaning you have to offer alternate causes for all the cool industrial revolution toys the negative brought up. Possible explanations: fossil fuels, rise in literacy, discovery of scientific method, invention of manufacturing.

Whatever you do with this case, remember that you will only win by killing the thesis. Accept the conflict and impact, and cross-apply your thesis response to the alternative. You want to push through the negative case quickly and dismissively. Ideally, the judge will view it as a cheap and confusing attempt to get out of the “real” debate.

1. <http://www.legacy.com/life-and-death/the-antebellum-era.html> [↑](#footnote-ref-1)
2. 78.94

   <http://countryeconomy.com/demography/life-expectancy/usa> [↑](#footnote-ref-2)
3. Ludwig von Mises, “Omnipotent Government: The Rise of the Total State & Total War” 1985 edition. Libertarian Press, Incorporated. ISBN: 9780910884150 <http://izquotes.com/quote/128364> [↑](#footnote-ref-3)
4. Andrew Carnegie, Wealth, from the North American Review, Accessed November 6, 2016. <http://izquotes.com/quote/216936> [↑](#footnote-ref-4)