Conflict Clarifies Superiority  
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Affirmative Case by Joel Erickson



The word “value” in “Lincoln-Douglas Value Debate” does not refer to any kind of mandate that debaters must run a value in their cases, but rather that debate rounds focus on the clash between values—in this instance, the competing concepts of private property rights and public needs.

Therefore, is it necessary to use a value in your case?

“Conflict Clarifies Superiority” eschews the idea of an external weighing mechanism such as a value, and constructs an alternate framework for assessing the relative worth of either side of the resolution through the internal conflict between the two concepts. Convey the impression that instead of using a measuring stick alien to the resolution and slanted in one debater’s favor, that you’re looking strictly at the facts and educing a conclusion from how public needs and private property rights interact in conflict scenarios. The enduring trend is obvious—all rights, whether due to external limitations or internal constrains, bend to accommodate the needs and security of the public.

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# Definitions

To dispel any misunderstanding, let’s define the two key concepts in the resolution.

**Public Needs**: I’ll break this composite phrase into its constituents. The New Oxford American Dictionary defines “public” as “of or concerning the people as a whole”[[1]](#footnote-1) and “need” as “necessity; a thing that is wanted or required.”[[2]](#footnote-2)

Therefore, public needs are the necessities for the entire populace of a nation.

**Private Property Rights:** According to Auburn University’s Glossary of Political Economy Terms, “private property rights” are

“The basic rights of individuals (and organizations or associations of people functioning as a single conglomerate “legal person” such as corporations, partnerships, churches, non-profit foundations, etc.) to the peaceful possession, control and enjoyment of the things they own as well as their rights to make contracts to rent, sell or give away all or part of their various ownership rights over these possessions (or these possessions' services) to any other people willing to accept the owners' terms. The possessions over which a person has property rights may be tangible (like real estate, factory machinery, livestock, automobiles or a jack-knife) or intangible (like contractual obligations to provide goods or services at some time in the future, shares of common stock in a corporation, bonds, insurance policies, the right to broadcast over a designated radio frequency, patents, trademarks and copyrights). In highly specialized societies, property rights over particular resources may be “unbundled” and parcelled out among many individuals according to quite complex rules of division of authority over particular aspects or uses of the resource specified in written contracts — for example, separating mineral rights from surface rights to a parcel of land, utility easements over the same land, restrictive deed covenants and so on.”[[3]](#footnote-3)

# Resolutional Analysis: Conflict Clarifies Superiority

Instead of adopting the conventional route of proposing a value and assessing the varying degrees to which public needs and private property rights uphold such a value, I suggest that we evaluate the round through the lens of conflict, which the New Oxford American Dictionary defines as “a[n] serious incompatibility between two or more opinions, principles, and interests.”[[4]](#footnote-4)

## Reason to Prefer 1: Internal

Offering a value requires imposing an external standard on the resolution—in other words, it means importing a foreign concept into the resolution and using it to evaluate the opposing concepts. On the other hand, the conflict between public needs and private property already exists internally, and the way the two ideas interact testifies to the superiority of public needs.

## Reason to Prefer 2: Intuitive

Another reason why external values are problematic is that they are frequently counterintuitive. Nothing about the resolution suggests that we need to measure the round through a particular standard proffered by the debaters. Conversely, there is something intuitive about observing how the two concepts behave when subjected to conflict situations, and how public needs typically take precedence when we analyze the boundary lines.

Now that we’ve established that conflict clarifies superiority, I’ll demonstrate that public needs supersede private property rights when in conflict in two contentions.

# Contention 1: All Rights Are Limited for Public Needs

Rights are not absolute. Whether their parameters are externally instituted by governing authorities or internally constrained by other rights, all rights are limited. For what purpose? The preservation of the needs of the public.

## Application 1: Right to Liberty

Even the sacrosanct right to liberty—the principle we Americans prioritize highest, the principle that justified our severance from Britain, the principle that undergirds our Constitution and that makes our hearts beat faster with pride as we hear our national anthem—even the right to liberty is limited for public needs. Every time you drive on the highway, you forfeit your right to liberty by abiding by the speed limits. Why? Because it’s necessary to ensure the public wellbeing for you to relinquish your freedom, your right to drive as fast as you want. The fact that we live in a society comprised of other people means that your rights are limited, and the constant conflict attests to the superiority of public needs over your rights.

## Application 2: Freedom of Speech

Situated in the First Amendment to our Constitution, the freedom of speech is recognized to be one of our most fundamental freedoms. And yet, our Founding Fathers prescribed that the freedom of speech, *in conflict*, must be limited for public needs. You are barred from exercising your freedom of speech to yell “Fire!” in a crowded theater because even the freedom of speech is restricted to accommodate public needs.

# Contention 2: Private Property Rights Are Limited for Public Needs

Private property rights are no exception to the rule. Like all other rights, they too are abridged, internally and externally, for public needs. The continual conflict confirms again and again the superiority of public needs over private property rights.

## Application 1: Law of Public Nuisance

*Akron v. Chapman. Fleming v. Lockwood. Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc. Baum v. Coronado Condo. Ass’n. Reaver v. Martin Theatres of Florida, Inc.* The list goes on.[[5]](#footnote-5) Supreme Court precedent, time and time again, upholds that public needs ought to be valued above private property rights in the conflict situation of public nuisance. USLegal, a site designed to distill the minutiae of the American legal system, explains this court precedent.

“Anything which annoys or disturbs one in the free use, possession, or enjoyment of his/her property or which renders its ordinary use or occupation physically uncomfortable will become a nuisance.  It is the duty of the state to restrain such acts. The law of private nuisance is founded on the fundamental rule that every person should so use his/ her own property as not to injure that of another.  When the possessor of real property creates a nuisance by the use of the land, s/he is subject to liability.”[[6]](#footnote-6)

## Application 2: Restricted from Harm

At the most elementary level, private property rights are restricted, like the right to liberty, so that people cannot violate the rights of others. USLegal explains further,

“A land owner exercises an indefinite right to use, control, and dispose of his/her property.  However, every one must use his/her property as not to injure that of his/her neighbor.  This principle of law finds expression in the maxim ‘sic utere tuo ut alienum non laedas’, means ‘one must so use his own rights as not to infringe upon the rights of another'.  When a landowner in the use of one’s own property causes injury to another by willful misconduct or negligence, ‘sic utere tuo ut alienum non laedas’ is the fundamental principle on which liability of a landowner can be predicated. However, the maxim does not mean that one must never use his own property in such a way as to do any injury to his neighbor.  It means only that one must use his/her property so as not to injure the lawful rights of another. Additionally, an owner or occupant of property must use the premise in a way that will not be a nuisance to other owners and occupants in the same community.”

# Conclusion

Look no further than to the perpetual conflict to witness the routine prioritization of public needs. When the boundaries of public needs and any rights brush up against each other, it is always the rights that withdraw in order to promote the needs of the public. *Sic utere tuo ut alienum non laedas* – “*one must so use his own rights as not to infringe upon the rights of another.”* Thank you.

Negative Brief: Conflict Clarifies Superiority

No matter how well they are explained, valueless cases will incur flak from judges simply for being atypical. But instead of combating this case through appealing to a judges’ sensibilities through vapid kritiks of case (e.g. “my opponent didn’t run a value, so she should lose the round!”), develop a more nuanced strategy for approaching the case, probably through shoring up your knowledge of value theory, specifically through why debates run values.

1. All decisions are based on values. It’s impossible to say “look to the conflict to decide” because things do not merely align as the affirmative case suggests they do. Governments that impose limitations on rights do so for a reason, and they make the trade-off between public needs and private property rights based on their framework of values and principles. To point to how public needs are prioritized in conflict could be intellectual copout because it fails to take into account for *why* public needs are more important. Suffice it to say, you could portray the case as one massive *observation* rather than a *prescription,* which is what Lincoln-Douglas debate is supposed to be about.
2. Simply because something *is* a certain way doesn’t mean we *ought to* *value* it. In other words, the status quo does not dictate how things ought to be. Note that the case is based primarily (though not exclusively) on government decisions and court precedent, and rebut the case by demonstrating that these are not the most reliable reasons for adhering to a position.

Circularity. If in the status quo governments are picking public needs over private property rights for the sake of public needs, the argument is circular because no deeper principle has been established. Press the affirmative for justifications in cross-ex… if he can’t tell you the deeper *why* for his case, then that’s an insufficient reason for voting affirmative.

1. “Public,” New Oxford American Dictionary, 2017. <https://en.oxforddictionaries.com/definition/public> [↑](#footnote-ref-1)
2. “Need,” New Oxford American Dictionary, 2017. <https://en.oxforddictionaries.com/definition/need> [↑](#footnote-ref-2)
3. “Private Property Rights,” Glossary of Political Economy Terms, Auburn University, 2005. <http://www.auburn.edu/~johnspm/gloss/private_property_rights> [↑](#footnote-ref-3)
4. “Conflict,” New Oxford American Dictionary, 2017. [↑](#footnote-ref-4)
5. “Limitations on Property Rights,” USLegal, 2017. <https://premisesliability.uslegal.com/limitation-on-property-rights/> [↑](#footnote-ref-5)
6. “Limitations on Property Rights,” USLegal, 2017. <https://premisesliability.uslegal.com/limitation-on-property-rights/> [↑](#footnote-ref-6)