Individual Rights vs. Common Good

The priority of individual rights over the common good is evident to some extent in US law, most visibly in the Bill of Rights, where protections of individuals are often described in language that leaves room for exception. For example the First Amendment says “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government…”

However, US law also includes plenty of room for those who might use it to promote the common good. The Fourth Amendment, for example, uses less ‘absolute rights language’ and more language meant to protect everyone. By banning only unreasonaAble searches and seizures it recognizes that there are reasonable ones – those that are in the public interest and will make everyone better off.

Furthermore, US courts have historically recognized the importance of balancing individual rights with the common good. Court interpretations of the law often limit individual liberties in order to safeguard the public interest. For example, searches lacking individualized suspicion have repeatedly been upheld by the courts if there are good reasons for them, whether these reasons are said to fall under a “special needs exception” or a “public safety exception” to the Fourth Amendment. Sobriety checkpoints that stop all or randomly chosen drivers, rather than only those whose driving shows signs of being intoxicated, are legally permissible, as is the use of metal detectors in airports and public buildings to search the belongings and persons of millions of people each day. Even the First Amendment has been judged by the Supreme Court to allow for a number of restrictions on speech for the sake of the common good, including the barring of incitement, obscenity, threats, slander, and child pornography.

Although the US courts have done much to recognize the value of the common good as well as individual rights, striking the right balance between protecting the public interest and maintaining personal rights can prove difficult.

After reading and discussing, define what is meant by “individual rights” and “common good”.

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