

# Eminent domain

[Philosophy](#)



Philosophy, Essay Topic: Eminent Domain The right of a government to acquire private property for public use is known as eminent domain. The owner is compensated for parting with the property. Dennis J. Coyle, in his book “ Property Rights and the Constitution: Shaping Society through Land Use Regulation,” argues, “ Regulation is sometimes benign, sometimes oppressive, absurd at times, and at least occasionally sensible.”(6) When political powers join hands with vested interests, eminent domain abuse goes wild. Constitutional provisions in the U. S. (in the 5th Amendment to the Constitution) have made it mandatory the payment of appropriate compensation to the owner. The right of the government to seize private property, is for public utility projects like hospitals, schools, government office buildings, parks etc.

To have just laws is fine. What is important is the interpretation of the law needs to be just and the end use of the acquired land needs to be for just purposes. The wise saying goes, that eternal vigilance is the price of liberty. The implementing authorities may try to abuse eminent domain, but it is for the community to resist such ill-boding moves. When the State Government delegates the power to their political subdivisions, such as cities and counties, the chances of misuse of eminent domain is real. The saving grace for the American citizen is, as the author points out, “ Constitutional rights carry a moral and symbolic power not shared by statutory protections.”(7) According to the 5th Amendment, “ No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”(16) Thus the American citizen is protected by the abuse of eminent domain as he gets the fair market value of the property.

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The federal and state governments often delegate the power of eminent domain to private corporation that are engaged in quasi-government functions, such as railroad and utility companies and they can acquire property through the process of condemnation. But without the power of eminent domain, no government can initiate large-scale welfare measures and public utility projects. Even before the American Revolution, colonies used the powers of eminent domain for construction of roads and bridges.

#### Works Cited

Coyle, Dennis J. Property Rights and the Constitution: Shaping Society through Land Use Regulation. Albany: State University of New York, 1993.