Philosophies of the Resolution

By Mark Csoros

Resolved: In democratic elections, the public’s right to know ought to be valued above a candidate’s right to privacy.

If you’re the type of debater that really enjoys philosophy, then this year’s resolution was tailor-made just for you. I count myself as one of those debaters (or former debaters, if you want to be specific and highlight that I’m getting old and decrepit), and so I’ve been having lots of fun exploring this resolution. This article focuses on the key philosophical concepts that underpin this resolution, and is designed to help you identify and classify the concepts behind common arguments for and against this resolution. Understanding these philosophies can help you orient yourself to the resolution, can help you drill down to the root of argument instead of just attacking the rhetoric, and can help you identify concepts to structure a case around. Additionally, these philosophies pop up over and over again in the real world, impress professors when you use them in a paper, and (at least in my mind) are absolutely fascinating to learn about.

Now, bear in mind that this article is an introduction, not a comprehensive, end-all-be-all guide to these philosophies. I highly recommend that you research these concepts further, especially the ones that you’re curious about or plan to implement into a case. I also recommend that you start your deeper research by following the links in my citations and reading the articles that I quote excerpts from. Those articles have already been vetted for credibility, and they contain far more information than I could possibly include in this piece, so they’re a great place for you to start researching and learning. With that, let’s dive into some philosophy.

## Deontology, Consequentialism, and Utilitarianism

These three philosophical concepts are very closely related, and I want to introduce them first because they underlie every argument and value in this resolution. Each of these three concepts is primarily concerned with duty, in that they each seek to provide a framework that will tell you what actions you should and shouldn’t do, but they go about defining those frameworks in different ways. I’ll show you why that’s important in a few moments, but let’s first examine each philosophy individually.

### Deontology

Deontology literally means “the study of duty”, from the Greek “deon” (duty) and “logos” (which has a few meanings, but in this context means “study”).[[1]](#footnote-1) Because of its root words, deontology is often referred to as “duty ethics,” but remember that the consequentialism and utilitarianism are also concerned with duty, even though they don’t have “duty” in their name. The Stanford Encyclopedia of Philosophy writes:

“In contemporary moral philosophy, deontology is one of those kinds of normative theories regarding which choices are morally required, forbidden, or permitted. In other words, deontology falls within the domain of moral theories that guide and assess our choices of what we ought to do (deontic theories), in contrast to those that guide and assess what kind of person we are and should be (aretaic [virtue] theories). And within the domain of moral theories that assess our choices, deontologists—those who subscribe to deontological theories of morality—stand in opposition to consequentialists.”[[2]](#footnote-2)

That’s a little hard to digest, so let’s turn to the Encyclopedia Britannica, which tells us that:

“In deontological ethics an action is considered morally good because of some characteristic of the action itself, not because the product of the action is good. Deontological ethics holds that at least some acts are morally obligatory regardless of their consequences for human welfare. Descriptive of such ethics are such expressions as “Duty for duty’s sake,” “Virtue is its own reward,” and “Let justice be done though the heavens fall.”[[3]](#footnote-3)

### Consequentialism

 While deontological reasoning says that an action is right or wrong in and of itself, regardless of the consequences, consequentialism says that we should determine the morality of an action based only on its consequences. The Stanford Encyclopedia of Philosophy writes:

“Consequentialism, as its name suggests, is simply the view that normative properties depend only on consequences. This historically important and still popular theory embodies the basic intuition that what is best or right is whatever makes the world best in the future, because we cannot change the past, so worrying about the past is no more useful than crying over spilled milk.”[[4]](#footnote-4)

The Encyclopedia Britannica once again comes in handy here, because it simplifies some things and gives us a nice segue into utilitarianism. The Encyclopedia defines consequentialism as:

“In ethics, the doctrine that actions should be judged right or wrong on the basis of their consequences. The simplest form of consequentialism is classical (or hedonistic) utilitarianism, which asserts that an action is right or wrong according to whether it maximizes the net balance of pleasure over pain in the universe.”[[5]](#footnote-5)

Consequentialism is a broad philosophy that includes lots of other sub-philosophies, so it’s very simple when viewed broadly and quite complex when you get into the details. For now, just remember that it’s all in the name: consequentialism cares about consequences.

### Utilitarianism

 Since we’ve already gotten a short introduction to utilitarianism, and we know that it’s classified under the conceptual umbrella of consequentialism, I think that we can get by with a single source’s definition of this philosophy. Oxford Dictionary defines utilitarianism as:

“1. The doctrine that actions are right if they are useful or for the benefit of a majority.

 1.1 The doctrine that an action is right insofar as it promotes happiness, and that the greatest happiness of the greatest number should be the guiding principle of conduct.”[[6]](#footnote-6)

In other words, utilitarianism is a particular type of consequentialism, and it states that an action is morally right if that action creates the most good possible, for the highest number of people possible. Utilitarians may disagree over what constitutes the most good for the most people, but they agree that an action’s morality should be judged based on its overall effect.

### The Takeaway: Intrinsic vs. Extrinsic

 These three philosophies are so important to this resolution because they help classify values, arguments, cases, and overarching systems of reasoning into two groups: those concerned with intrinsic values, and those focused on extrinsic values. Intrinsic values are related to deontology and are important in and of themselves. For example, human rights like privacy and free speech are intrinsic values, because they don’t need to create any positive consequences to be important; they have stand-alone value. Extrinsic values are more closely related to consequentialism or utilitarianism, and are important because they lead to other good things. For example, voters with more information might make better decisions, which leads to more effective governance, which creates more overall happiness. Understanding these distinctions can help you choose what kind of case you want to run, and can help you analyze and respond to opposing arguments and reasoning.

## The Social Contract and the Consent of the Governed

### The Definitions

Social contract theory (sometimes called “social compact theory”) is a political philosophy, which in some ways is exactly what it sounds like. The Encyclopedia Britannica defines a social contract as:

“in political philosophy, an actual or hypothetical compact, or agreement, between the ruled and their rulers, defining the rights and duties of each. In primeval times, according to the theory, individuals were born into an anarchic state of nature, which was happy or unhappy according to the particular version. They then, by exercising natural reason, formed a society (and a government) by means of a contract among themselves.”[[7]](#footnote-7)

In the broadest sense, social contract theory states that governments exist because people voluntarily give up certain freedoms in exchange for certain benefits (like protection from invasion) that can only be provided by the government. In a slightly more technical sense, social contract theory states that both governments and citizens have obligations to each other, and that each must fulfill those obligations to make the system work. In case you’re curious, social contract theory is usually said to stem from three philosophical works: John Locke’s *First* and *Second Treatise on Government*, Thomas Hobbes’s *Leviathan*, and Jean-Jacques Rousseau’s aptly titled *The Social Contract*.

 The principle of “consent of the governed” is an offshoot of social contract theory, and it deserves some attention because it’s specifically oriented towards the democratic societies that this resolution is centered around. Social contract theory holds that all citizens consent to be governed, whether explicitly or implicitly, by virtue of the fact that citizens continue to live under and pay taxes to the government of wherever they reside. Consent of the governed technically means the exact same thing, but it’s taken to mean that a government’s authority must be given to it by the people, in the form of a constitutional document and democratic elections. The history of the consent of the governed starts with the U.S. Declaration of Independence, which says that “Governments are instituted among Men, deriving their just powers from the consent of the governed.”[[8]](#footnote-8) Because of that context, the consent of the governed is used as a term that refers to the democratic application of the social contract, where the rules of the contract can be changed by the people, as opposed to the kind of authoritarian social contract that exists between the Chinese people and the Chinese government.

### The Takeaway

Social contract theory and the consent of the governed are fairly easy concepts to explain, and can be applied to both sides of the resolution, so I expect to see these philosophies of government pop up frequently throughout this year of competition. Affirmative debaters can argue that, under the social contract, candidates are compelled to give up some privacy rights in exchange for their positions of power, just like citizens are compelled to give up some tax money in exchange for protection against foreign invasion. Additionally, many Aff debaters will argue that candidates are morally bound to give up some privacy, since citizens can only consent to be governed if they have enough information to give informed consent. A research article in the Journal of Medicine and Philosophy exemplifies this type of argument thusly:

“We argue that while presidential candidates have the right to medical privacy, the public nature and importance of the presidency generates a moral requirement that candidates waive those rights in certain circumstances. Specifically, candidates are required to disclose information about medical conditions that are likely to seriously undermine their ability to fulfill what we call the "core functions" of the office of the presidency. This requirement exists because (1) people have the right to be governed only with their consent, (2) people's consent is meaningful only when they have access to information necessary for making informed voting decisions, (3) such information is necessary for making informed voting decisions, and (4) there are no countervailing reasons sufficiently strong to override this right.”[[9]](#footnote-9)

On Neg, I expect to see at least some debaters using the social contract to justify the protection of candidates’ privacy. After all, candidates are citizens too, and the social contract requires some level of protection for citizens’ human rights. Negative debaters can also make use of the consent of the governed by applying the “informed consent” argument. In some instances, knowing more information about a candidate could harm a voter’s ability to make a rational, informed choice. For example, if an accomplished, upstanding, 65 year old politician is running for president, and a tabloid news source discovers that he was once convicted of shoplifting when he was sixteen years old, it seems likely that at least a few people who would otherwise vote for that candidate will now choose not to. Does that information about the candidate’s past really help voters make a more informed choice? Or, does the information make it more likely that more relevant information, like the candidate’s voting record throughout his years of public service, will be obscured by a more “buzzworthy” scandal? It’s well worth noting that people are very vulnerable to biased thinking, and can often let those biases override their more logical tendencies. Having more information doesn’t necessarily increase (and can actually sometimes decrease) a person’s ability to reason logically and give informed consent.

## Libertarianism

### The Definition

Libertarianism is a political philosophy that’s primarily concerned with protecting individual rights and liberties. It’s pretty closely related to the philosophy of the social contract, and it frames that contract in pretty minimal terms: people don’t give up very many rights at all, the government doesn’t gain very much power, and an individual has very little responsibility towards the collective group. The Stanford Encyclopedia of Philosophy gives us an official definition by writing that:

“Libertarianism is a family of views in political philosophy. Libertarians strongly value individual freedom and see this as justifying strong protections for individual freedom. Thus, libertarians insist that justice poses stringent limits to coercion. While people can be justifiably forced to do certain things (most obviously, to refrain from violating the rights of others) they cannot be coerced to serve the overall good of society, or even their own personal good. As a result, libertarians endorse strong rights to individual liberty and private property.”[[10]](#footnote-10)

Ph.D. of Philosophy Matt Zwolinsky, who specializes in political philosophy and has written extensively on libertarianism, adds on to that definition by writing the following, which introduces the reason that most libertarians are so protective of individual rights and liberties:

“Probably the most well-known and influential version of libertarianism, at least among academic philosophers, is that based upon a theory of natural rights. Natural rights theories vary, but are united by a common belief that individuals have certain moral rights simply by virtue of their status as human beings, that these rights exist prior to and logically independent of the existence of government, and that these rights constrain the ways in which it is morally permissible for both other individuals and governments to treat individuals.”[[11]](#footnote-11)

### The Takeaway

The extent to which libertarianism can be applied to either side of this resolution is directly proportional to how closely each side can be linked to the natural rights (also called inherent rights) of individuals. The Negative has the upper hand here, for three reasons. First, because privacy is an inherent human right that everyone is entitled to enjoy, albeit with some limitations. Second, because most libertarians are fiercely opposed to invasions of personal privacy, even for purposes of national security. Opposition to wide-scale surveillance legislation like the Patriot Act, and surveillance programs like PRISM are perfect examples of just how much libertarianism is committed to the protection of individual rights. Third, because to most common observers, the public’s right to know does not count as an inherent human right. If we restate the Affirmative side of the resolution in its simplest terms, it’s the right of a group of individuals (the public) to access private information about another individual, who just so happens to be a candidate. People don’t have an inherent right to know things about other people, so those who subscribe to a strict interpretation of what counts as a human right would argue that the public’s “right to know” is an oxymoron, a self-contradiction, because no such right actually exists.

That third reason notwithstanding, it is possible to affirm this resolution using a libertarian political philosophy. You just have to find a way to include the public’s right to know in the list of inherent human rights. One way to do that is by defining the right to know as a part of freedom of expression, which is already accepted as a natural human right. Yale University law professor Thomas L. Emerson writes:

“It is clear at the outset that the right to know fits readily into the first amendment and the whole system of freedom of expression. Reduced to its simplest terms the concept includes two closely related features: First, the right to read, to listen, to see, and to otherwise receive communications; and second, the right to obtain information as a basis for transmitting ideas or facts to others. Together these constitute the reverse side of the coin from the right to communicate. But the coin is one piece, namely the system of freedom of expression. Moreover, the right to know serves much the same function in our society as the right to communicate. It is essential to personal self-fulfillment.”[[12]](#footnote-12)

Emerson’s argument requires just little bit of stretching to make it work, though the underlying logic is fairly sound. Alternatively, the public’s right to know can be classified as an inherent right based on the principle of the consent of the governed. The State of Oklahoma, for example, enshrined the inherent right to know in the following section of law:

“As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government. The Oklahoma Open Records Act shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy; nor shall the Oklahoma Open Records Act, except as specifically set forth in the Oklahoma Open Records Act, establish any procedures for protecting any person from release of information contained in public records. The purpose of this act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power.”[[13]](#footnote-13)

## In Conclusion

As I said at the start of this piece, if you like philosophy, this is a great resolution for you. If you don’t like philosophy all that much, I hope that this article has spurred your interest (at least a little bit), and given you enough of an introduction to help you access the deeper concepts behind this resolution. Since I do enjoy philosophy, I’ve had a lot of fun writing this article, and I hope that it’s of use to you in the upcoming months.

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2. Stanford Encyclopedia of Philosophy. "Deontological Ethics" ; First published Nov 21, 2007, substantive revision Oct 17, 2016. <https://plato.stanford.edu/entries/ethics-deontological/> [↑](#footnote-ref-2)
3. The Editors of the Encyclopedia Britannica, last updated May 21, 2020. "Deontological Ethics"; The Encyclopedia Britannica. <https://www.britannica.com/topic/deontological-ethics> [↑](#footnote-ref-3)
4. Stanford Encyclopedia of Philosophy. "Consequentialism"; First published May 30, 2003, substantive revision Jun 3, 2019. <https://plato.stanford.edu/entries/consequentialism/?PHPSESSID=8dc1e2034270479cb9628f90ba39e95a> [↑](#footnote-ref-4)
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6. Oxford Dictionary "Utilitarianism" <https://www.lexico.com/en/definition/utilitarianism> [↑](#footnote-ref-6)
7. The Editors of the Encyclopedia Britannica. "Social contract"; Updated Aug 6, 2019. <https://www.britannica.com/topic/social-contract> [↑](#footnote-ref-7)
8. "The Declaration of Independence" ; The National Archives. <https://www.archives.gov/founding-docs/declaration-transcript> [↑](#footnote-ref-8)
9. Ph.D. Robert Streiffer, Ph.D. and J.D. Alan P. Rubel, and M.D. Julie R. Fagan, Sept 2006.

(Streiffer: Ph.D. in Ethics, tenured professor at the University of Wisconsin-Madison. Rubel: Ph.D. in Philosophy and a J.D., associate professor at U.W.-Madison. Fagan: M.D. from Tufts University, graduate degree in bioethics from Georgetown University’s Kennedy Institute of Ethics, Clinical Associate Professor of Medicine at the University of Wisconsin.) “Medical Privacy and the Public's Right to Vote: What Presidential Candidates Should Disclose”; The Journal of Medicine and Philosophy. [https://www.researchgate.net/publication/6866922\_Medical\_Privacy\_and\_the\_Public's\_Right\_to\_Vote\_What\_Presidential\_Candidates\_Should\_Disclose](https://www.researchgate.net/publication/6866922_Medical_Privacy_and_the_Public%27s_Right_to_Vote_What_Presidential_Candidates_Should_Disclose) [↑](#footnote-ref-9)
10. Stanford Encyclopedia of Philosophy. "Libertarianism"; First published Sept 5, 2002, substantive revision Jan 28, 2019. <https://plato.stanford.edu/entries/libertarianism/> [↑](#footnote-ref-10)
11. Ph.D. of Philosophy Matt Zwolinsky. (Zwolinsky earned his Ph.D. from the University of Arizona. He is the director of the Center for Ethics, Economics, and Public Policy, and the co-director of the Institute for Law and Philosophy, at the University of San Diego). "Libertarianism"; The Internet Encyclopedia of Philosophy. [https://iep.utm.edu/libertar/#SH2ci](https://iep.utm.edu/libertar/%22%20%5Cl%20%22SH2ci) [↑](#footnote-ref-11)
12. Yale University Law Professor Thomas I. Emerson, March 1976. “Legal Foundations of the Right to Know”; Published by Washington University Law Review. <https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=2625&context=law_lawreview> [↑](#footnote-ref-12)
13. 2014 Oklahoma Statutes Title 51, §51-24A.2. Accessed via Justia. <https://law.justia.com/codes/oklahoma/2014/title-51/section-51-24a.2/> [↑](#footnote-ref-13)