Negative Case: Justice as Moral Obligation

There’s an old saying that goes like this: 10% of people will always do the right thing, no matter what. Another 10% of people will do the wrong thing, no matter what. But 80% of people will do the wrong thing if they believe that no one will find out.

As our government chooses values, it should always choose those that accurately assume human nature. And it’s because privacy both captures and encourages the very worst in human beings that I oppose this resolution. *When in conflict, the right to individual privacy is more NOT important than national security.*

Let’s kick things off with a value.

# Value: Justice

My value, or the reason for you to reject the resolution, is Justice, defined operationally as “fair treatment and equal protection of the laws.”

## Reason to Prefer: Moral Obligation

At the heart of most ethical codes lies a single core presupposition: the rules of right and wrong apply to everyone. Justice epitomizes that idea by saying that not only do we need to be ethical, we need to be so with everyone. A government (the actor in the resolution) exists to provide a jurisprudential framework for protecting citizens. In fact, justice is so integral to government that it enshrines this on nearly every building with the phrase *Qui Pro Domina Justitia Sequitur*. “For the lady that pursues justice.” Any code that ignores justice also violates ethics.

Now that we know how we’re going to observe the resolution, let’s dive into two contentions.

# Contention One: National Security Is Just

Of course, no government is perfect. While valuing national security doesn’t mean creating a utopia, it does mean that we focus on protecting the state before specific individual freedoms. This isn’t anything new. All rights—like life, liberty, and property—have limitations that place them beneath security. If someone uses his or her liberty to create a bomb, or owns a nuclear weapon as property, our government encroaches on that right to individual privacy in order to protect everyone else. It’s the just thing to do, and government have the moral obligation to do it.

## Application: Anti-terrorism

Since the NSA started implementing comprehensive surveillance policies, they’ve stopped over 50 terrorist attacks.[1] It can be difficult to appreciate that. Like a car engine, we tend to only notice security when it’s not working. When it’s pursued, such as by violating American privacy, everyone seems to forget what the alternatives might’ve been.

Uncomfortable as such privacy violations are, they’re necessary. Allowing individuals to usurp everyone else’s security doesn’t benefit democracy, it re-creates anarchy. Governments were created for security, because they’re the only system humanity has found that can provide it both comprehensively and effectively.

# Contention Two: Privacy Rights Obstruct Justice

It does this in two primary ways:

First, by preventing oversight. This comes down to a basic assessment of human nature. People like to gain advantages over others in society, because of their natural instinct to better themselves. That instinct can be good and healthy—it’s what drives every economy ever. Here’s the catch: that natural instinct will run rampant without oversight. For example, people refrain from committing grand larceny because the social penalties of doing so are rather prohibitive.

But add privacy to the equation, and that all changes. Suddenly, people can be empowered to do whatever they want, whenever they want, to whomever they want, with no one the wiser. That brings me to the second way that privacy harms justice: it incentivizes wrongdoing by promising privacy. If people know that they’ll be given a guaranteed allowance of anonymity, they’ll know exactly how far to abuse it, and exactly where to stop to avoid social exposure. When these come together, injustice is inevitable.

To give you a taste of the consequences to this lethal combination, we’d need a perfect test of privacy’s nature. This reality exists exclusively through the following:

## Application: The Deep Web.

Even if you were to plumb the depths of everything on Google, you would only hit a minute fraction of the entire Internet. That’s because the rest of the Internet is contained in an encrypted network called the deep web.[2] The Deep Web is only accessible with special software through a network browser that doesn’t track your history. People search, and do so anonymously; your identity and your choices are effectively secret.[3]

This means that the deep web is a perfect test of privacy: People aren’t intruded upon, and they are left to make free decisions. It only follows to ask what that has done.

The deep web is home to the worst things humanity has to offer: child pornography, live streams of human torture, [4] there’s even something called the silk road—the amazon.com of illegal drugs and weapons. [5] Because of its anonymity, the deep web allows you to access hit men and hackers as easily as you would a cleaning maid or a car mechanic.

Once we realize the state of human nature, it’s hard to be surprised by the realities of the deep web. Human nature has a record of destroying others to promote itself, and by making an individual’s anonymity more important than a nation’s safety, we close our eyes to history.

Our government has a choice: either we do what we can to protect the most people possible, or allow wild anonymity to take the reigns.

Only one of these options is just. I hope that you’ll choose it and negate this resolution.

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*This case was written by Joseph Abell.*

# Works Cited

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