

SELECTED PHILOSOPHY TOPICS THAT ARISE FREQUENTLY IN LINCOLN-DOUGLAS DEBATE

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The Social Contract

The Social Contract in general

As citizens of a particular society (a nation, a high school, a speech and debate team, etc.) we receive benefits and have obligations. Because I am a citizen of the United States, I have various obligations: For example, I'm obligated not to break the law. I also receive benefits by virtue of my citizenship: I have my constitutional rights protected, I can apply for government scholarships, and so on. The same holds for your membership on a speech and debate team: you are obligated to come to practices and show up at tournaments, and you receive benefits in the form of becoming a better speaker, developing confidence, meeting new people, and perhaps visiting another state for the national tournament. In short, membership in a society entails receiving benefits from and owing obligations to that society.

The Social Contract is a theory which seeks to explain this system of benefits and obligations in a society. The theory assumes that, long ago, individuals existed in an asocial context (they did not live in a society). Exponents of the Social Contract called this presocial condition the State of Nature. Because individuals did not belong to societies in the state of nature, they did not have obligations to societies and could more or less do whatever they wanted. But living without a society also meant that individuals received no benefits from a society. These individuals, as rational beings, gradually came to realize that the state of nature did not allow them to live up to their full potential because they remained divided and incapable of working together.

It is at this point that individuals begin to contemplate forming a society. They realize the anarchic state of nature insures constant disorder, so they find a way out of it: they enter a society. What will this society be like? What benefits will its citizens receive? What obligations will they owe? Everyone who is going to be a part of the society must agree to the terms of the society: they must agree with the ways in which the society answers these questions. (This does not mean that individuals in a society must conform absolutely to the ways in which the society answers these questions. The values and assumptions upon which a soci-

ety is based may be open to constant reevaluation by its citizens. However, without some basic agreement about the laws and principles which will govern a society, disorder will prevail and the state of nature will return.) A contract is one way of insuring an agreement in which an individual receives benefits and owes obligations. For example, I may sign a contract with you under which I agree to wash your car if you pay me five dollars. I have an obligation to you (washing your car) and I receive a benefit from you (five dollars). A Social Contract is the same concept applied to an individual and a society: It is a system of benefits and obligations to which the individual agrees. The individual acquires obligations such as abiding by the law and receives benefits such as having his rights protected.

In a society, benefits often take the form of protected liberty and obligations take the form of limitations on liberty. The dilemma is that liberty must be limited in order to protect liberty. If there were no limitations on my liberty, I could go around killing people. But if I'm going around killing people, your right to life--a fundamental liberty--is in serious jeopardy. Therefore, in order to protect your liberty (the right to life), my liberty (the freedom to go around killing people) must be limited. If there were no limitations on liberty in a society, one would have no obligations to the society and could do whatever one wanted. That would bring back all of the problems that plagued the state of nature. In short, liberty must sometimes be sacrificed for order because liberty cannot be protected in a state of disorder.

What would happen if liberty were *always* sacrificed for order? This would create the opposite of the state of nature: there would be plenty of order and no liberty. For example, I would not have the liberty to own a TV because I might use it to violate your liberty (in this case your right to free speech) by throwing it at you during one of your rebuttals. The complete opposite of the state of nature, which may be called authoritarianism, is just as bad as the state of nature.

Clearly, the Social Contract must strike a reasonable balance between order and liberty. Another way of saying this is that under the Social Contract, individuals

should be granted as much liberty as possible without sacrificing the order that is necessary for liberty to be protected. Finding the proper balance between order and liberty is one of the most difficult challenges in political philosophy.

Variations on the Social Contract

The Social Contract was first formulated by Thomas Hobbes. According to Hobbes, individuals in the state of nature went around killing each other left and right because human nature is fundamentally evil. The only purpose of society, according to Hobbes, was to insure the safety which was lacking in the state of nature. Therefore, an absolute monarchy (one form of authoritarianism) was justified because it protected safety. To Hobbes, the liberty that would have to be sacrificed for safety under an authoritarian government was of little importance.

John Locke refined Hobbes' Social Contract. When people speak of "The Social Contract", they generally mean Locke's version of it. Locke took a more positive view of human nature than Hobbes: People were fundamentally good, and therefore that state of nature was relatively peaceful. Nonetheless, the disorder of the state of nature meant that individuals could not unite and channel their energies toward common goals, hence the need for a society. Because Locke had more faith in human nature than did Hobbes, he saw no need to control people absolutely. Locke's Social Contract granted people more freedom than Hobbes's, and sought to strike a balance between order and liberty.

Jean-Jacques Rousseau was a crackpot who messed up the Social Contract. He claimed to have resolved the order versus liberty dilemma by saying that there was no conflict between order and liberty. Under his Social Contract, people in a society had to assent to the General Will (what everyone else thinks) in order to be free. Freedom meant making the General Will *your* will, so that in following the General Will you followed your will. For example, if your society decided to burn you as a witch, you would have to say "Yes, I'm a witch! Please burn me!" in order to be free.

Was there really a state of nature?

No. Longer than there have been people (i.e.: *homo sapiens*), there have been societies. People have always existed in a social context. The principles of the Social Contract remain useful, however, because people often form new societies: new businesses, nations, or clubs.

Moreover, the Social Contract provides a paradigm with which to analyze our *current* societies. We cannot say that our society is constituted rationally or justly if we would not enter into it from the *hypothetical* state of nature. The Social Contract is essential to evaluating our societies and exploring how they should be changed.

John Rawls and the Original Position

John Rawls is a preeminent contemporary political philosopher, whose theory of the Original Position, which is a variation on the Social Contract, often arises in Lincoln-Douglas. Essentially, Rawls redefines the hypothetical condition from which people enter societies and calls it the Original Position. When people are forming societies and choosing the principles by which they will be governed, they wear a veil of ignorance. This means that they do not know what position they will occupy in the society, whether they will be bankers or beggars. Rational individuals wearing a veil of ignorance would design a society which is fair to both rich and poor, Black and White, male and female because they could wind up in any of these roles. Let's consider the income distributions of two societies from the standpoint of people in the Original Position:

	Society A	Society B
% of population making more than \$100,000 per year	10	2
% of population making \$50,000-\$100,000 per year	10	28
% of population making \$25,000-\$50,000 per year	0	50
% of population making below \$25,000 per year	80	20

Individuals in the Original Position would know these income distributions because they would know what the economic roles in a society would be and how these roles would be distributed. They would not know which role they would fill, but they

would know the probability of finding themselves in each role.

Examined from the standpoint of individuals in the Original Position, Society B seems more rationally organized in terms of income distribution than Society A. Individuals in Society A have a ten percent chance of striking it rich, of finding that they have high paying jobs when the veil of ignorance is lifted. But they also have an eighty percent chance of finding themselves fairly poor. Although individuals in Society B have less of a chance of receiving an enormous salary, eighty percent of them are assured of a reasonable income. Rational individuals in the Original Position would be more likely to join Society B than Society A.

The Original Position, like the State of Nature, is a hypothetical condition which can be used as a tool for assessing a society. Broadly speaking, a law or principle is just if people in the Original Position would agree to it. For example, a law which mandates the incarceration of murderous psychopaths is just according to Original Position analysis. There is a low probability that one will wind up as a murderous psychopath and a higher probability that one would fall victim to a murderous psychopath if such individuals ran rampant. In the Original Position, individuals under a veil of ignorance would support laws restraining murderous psychopaths.

The Social Contract applied to Lincoln-Douglas Debate

Social Contract analysis can be applied to many Lincoln-Douglas Debate resolutions because they often deal with a conflict between order and liberty. For example:

Resolved: Limiting Constitutional liberties is a just response to terrorism in the United States.

This resolution involves the conflict between order and liberty. Striking the balance in favor of liberty would mean that Constitutional liberties not be limited in order to preserve order through the prevention of terrorism. Striking the balance in favor of order would entail limiting Constitutional liberties, and thus limiting individual rights, to maintain safety. The Social Contract can be used on the affirmative side to highlight the limitations on liberty that must exist in a society in order to further order and on the negative side to underscore the rights of citizens which governments are obligated to protect. The Social Contract may be applied to many other resolutions:

Resolved: When in conflict, the protection of the innocent is of greater value than the prosecution of the guilty.

Under the Social Contract, a society has duties both to maintain order through the prosecution of the guilty and to protect the liberties by guaranteeing the rights of the accused. How should conflicts between these duties be approached?

Resolved: The safety of others is of greater value than the right to privacy of those with infectious diseases.

Rights such as privacy must be limited to preserve safety--but to what extent? You might be able to use the Original Position on the affirmative side by arguing that there is a relatively slim chance that one will contract an infectious disease and that limitations of the right to privacy of those with infectious disease could protect many others from being infected.

As you may have guessed from these examples, the Social Contract is often useful on both sides of a resolution, which means that your opponent can easily turn your Social Contract arguments against you. Two equally skilled debaters with equal understandings of the Social Contract will generally fight to a stalemate on Social Contract issues. Therefore, including Social Contract analysis in your constructive case may be risky, but being able to apply this analysis will often allow you to flip your opponent's arguments.

Read this

John Locke, *The Second Treatise of Government*.

John Rawls, *A Theory of Justice*.

Utilitarianism vs. the Categorical Imperative

General

Imagine the following scenario:

There are ten people in a well which is rapidly filling with water. A very fat person is stuck in the top of the well, preventing the people in the well from climbing to safety. They will soon drown, unless **you** shoot and kill the fat man in order to remove him. What do you choose--to shoot the fat man or to do nothing?

Some people say that they would shoot the fat man. They conclude that ten lives are of greater value than one and therefore that shooting one man to save ten lives is just. Essentially, this line of reasoning is an appeal to Utilitarianism, a philosophy articulated by Jeremy Bentham and refined by John Stuart Mill. Utilitarianism holds that we can assess the value of an action

based on the extent to which it furthers utility--the greatest good for the greatest number. In the case at hand, the life for ten human lives serves the greatest good for the greatest number, Utilitarianism dictates that the fat man should be shot.

Shooting the fat man also relies upon a concept known as consequentialism. Consequentialism simply means that actions are to be judged on their effects, their consequences. Utilitarianism is a form of consequentialism because it focuses upon whether the consequence of an action is the promotion of utility. Since the death of one man is less of a grave consequence than the death of ten, consequentialist reasoning leads to the conclusion that the fat man should be shot. Philosophers often call the consequence of an action the "end" and the action itself the "means". Since Utilitarian/consequentialist reasoning focuses on effects (ends), it may be called ends-based reasoning (I've never actually heard anyone call it that, but that's the term that makes intuitive sense to me). Some people like to call ends-based reasoning "teleological reasoning" or teleology".

But perhaps the fat man should not be killed even to save ten lives. Killing people (except in self-defense) is inherently wrong. Indeed, if we analyze the action itself--the act of killing--rather than the end of the action--the act of saving lives--we reach radically different conclusions. It is a moral principle that we should not kill others. Arguably, this principle stands even in the difficult scenario at hand. Perhaps some principles are so fundamental that they must be adhered to in all cases. What principle could be more fundamental than the prohibition against killing?

The argument just advanced is not consequentialist one. It focuses on the act of killing, rather than the consequences of killing. This type of argument, where the morality of an action is based upon the action itself rather than the effect of the action, is non-consequentialist. I call non-consequentialism "means-based reasoning" (although no one else does) because, when applying non-consequentialism, an analysis of the morality or immorality of an action is based upon the action itself (the means, rather than the end which it causes). Many people refer to non-consequentialist reasoning as "deontological reasoning", but I think they're confused.

The non-consequentialist conclusion that the fat man ought not be killed is based upon the principle that taking human life is

immoral, a principle which has been assumed throughout this discussion. But how do we arrive at this principle?

The philosopher Immanuel Kant held that people possess moral worth, or human dignity, because of their ability to make autonomous choices based upon rationality. In other words, people are not tools to be used for various purposes but instead are valuable in and of themselves. In fact when we treat people as mere tools, we violate their human dignity. Kant held that people should not be treated as means to ends. This requires that we should not use people as instruments to bring about effects which we desire. To shoot the fat man would be to use his life as a means to an end--the preservation of other lives.

Kant's principle that people should not be treated as means to ends may be called the Categorical Imperative. The prohibition against using people as means to ends applies in all cases--it is categorical. Even if using people as a means to an end furthers important principles, it cannot be justified because it is inherently immoral. More generally, the Categorical Imperative means that actions are moral or immoral in and of themselves and not because of the ends they bring about in specific cases. So how do we determine if an action is moral or immoral in and of itself?

According to Kant, we make this determination by contemplating what would happen if everyone undertook the action in question. For example, one might say it is immoral to litter because if everyone littered, severe environmental problems would result. Generalizing the effects of an action in this fashion means that morality or immorality of an action is not specific to a particular situation, but true for all situations. When looking at the fat man in the well situation, the question we should ask, according to Kant is not "Is it just to kill someone stuck in a well in order to save ten people drowning in the well?" but "As a general principle, is killing people just?" Obviously, the answer to the second question is "no". According to Kant, because killing people is immoral generally, it is immoral in the specific case as well. If everyone accepted the principle that killing were just, the effects would be disastrous. Therefore, according to Kantian, Categorical Imperative analysis, the fat man should be spared based upon the principle that killing people is wrong *no matter what the context*. Because people cannot be used as means to ends in any context, the fat man cannot be used as a

means to an end in this context.

To summarize:

--Utilitarianism is a philosophy which assesses the morality of an action based upon whether its consequences serve the principal of utility, the greatest good for the greatest number.

--Utilitarianism is therefore a consequentialist philosophy.

--John Stuart Mill was the preeminent Utilitarian philosopher.

--Non-consequentialism assesses the morality of actions based upon the actions themselves, not upon their effects.

--Kant's Categorical Imperative is a non-consequentialist philosophy which states that actions are moral or immoral in and of themselves. To determine the morality of an action, we must consider what would happen if *everyone* were to act in that way. If an action is immoral in this general case, it is also immoral in *every* specific case.

--As a general principle, people's human dignity should be respected because grave consequences would result if the opposite were held as a general principle. Since violating human dignity is immoral in general it is also, according to Kant, immoral in specific situations where violating human dignity would serve important aims; that is, people must not be treated as means to ends.

Utilitarianism and the Categorical Imperative applied to Lincoln-Douglas Debate

In many Lincoln-Douglas resolutions, Utilitarian reasoning supports one side of the resolution and Categorical Imperative analysis supports the other. For example:

Resolved: When called upon by their government, individuals are morally obligated to risk their lives for their country.

A Utilitarian approach may suggest the affirmation of the resolution. In some cases, individuals risking their lives for their country may support the greatest good for the greatest number in that country; for example, individuals risking their lives for their country may save it from foreign attack.

On the other hand, the resolution may violate the Categorical Imperative by treating people as means to ends. Obligating a person to risk his life shows little respect for that his human dignity or his right to self-determination. Indeed, it treats him as a means to the possible end of serving the interests of others in that country.

Resolved: Limiting Constitutional Liberties is a just response to terrorism in the United States.

An affirmative debater may contend that preventing terrorism at the expense of Constitutional liberties serves the greatest good for the greatest number. An effective negative debater might respond that, in our society, Constitutional liberties are an important part of the greatest good for the greatest number. Moreover, he could argue that the resolution undermines human dignity because liberty is essential to human dignity and that depriving people of their liberties treats them as means to the end of preventing terrorism.

In general, using Utilitarianism as a value or a criterion in Lincoln-Douglas Debate is a bad idea. In many cases, it can be turned against you, as the discussion of the last resolution suggests. Even worse, an effective opponent will back you into a corner where you have to acknowledge that Utilitarianism allows people to be treated as means to ends and shows little respect for

human dignity. It's more defensible to argue that, in certain cases such as those under the resolution, the threat to society is so grave that liberty must be limited than to argue for a general Utilitarian approach.

By contrast, using the Categorical Imperative can be very effective because it allows you to be the champion of human dignity and respect for people.

Read this

Immanuel Kant, *Political Writings*.

John Stuart Mill, *Utilitarianism*.

The Social Contract, order, liberty, the Categorical Imperative, and Utilitarianism: A synthesis for Lincoln-Douglas Debate

How do all of these philosophical paradigms fit together? There is a strong correlation between Utilitarian philosophy and an approach to the Social Contract which emphasizes order over liberty. Often times, sacrificing some liberty for order upholds the greatest good for the greatest

number. For example, we are searched for narcotics and firearms at the airport, which arguably is a limitation of our Fourth Amendment right to be free from unreasonable search and seizure, because a well-ordered society has an interest in controlling drugs and terrorism. In short, emphasizing order over liberty often serves Utilitarian principles.

Contrariwise, there is a correlation between non-consequentialist philosophy and an approach to the Social Contract which emphasizes liberty over order. If one begins with the principle that people's fundamental rights are inalienable because they are based upon human dignity, one must conclude that these rights cannot be taken away even to serve the greatest good for the greatest number. Phrased another way, to take away people's liberties for the sake of order would be to use people as means to the end of serving the greatest good for the greatest number through social order.

For a broad understanding of Western political philosophy, read Leo Strauss, *History of Political Philosophy*.