The Real Goal
Negative Case by Mark Csoros



This case is built around a pretty simple premise: if you must choose between an inherently valuable principle and a means of attaining an inherently valuable principle, choose the principle itself. Don’t sacrifice the real goal for a way to attain the real goal.

The definitions and value of this case are pretty straightforward, but things get interesting with the resolutional analysis. In fact, the entire case rests on your ability to sell your paradigm to the judge. At least for the first part of this season, most judges are buying into the affirmative mindset, primarily because it’s hard to see the downside of truth-seeking. Everyone wants to feel safe, everyone wants to see justice done, and truth-seeking provides a way for governments to protect people and punish wrongdoers.

Your job on negative is to demonstrate the flaws of that mindset. That requires you to sell the judge on the importance of human rights and the implications of inherent values. This is explained in the case, but briefly, inherent values are important in and of themselves, while non-inherent values are important because they provide something else. Truth-seeking, by definition, is a non-inherent value. It’s literally “seeking truth,” meaning that it is a means to an end, not an end itself. Privacy, on the other hand, is important because of its status as a human right, making it valuable in its own right.

This case requires you to convince the judge that these (admittedly somewhat esoteric) principles are important. Affirmative will try to make things blindingly simple, and play on the fears and desires of the judge. Don’t let that happen. The way to win against fearmongering is to stick to principles, and to resist the urge to bend the rules in the name of safety or justice. A good analogy, which incidentally has to do with criminal procedure, is the exclusionary rule. As you probably know, the exclusionary rule states that illegally obtained evidence is inadmissible in court, and there have been criminals who have walked free because of the rule. However, our justice system refuses to use an unjust process to pursue justice. American courts believe that justice through injustice is not just, and so we hold the purity of the process more valuable than the convictions of individual criminals. In the same way, violating privacy in the name of human rights is self-defeating. If you can convince the judge of that logic, you can beat any scare tactic the affirmative throws at you. Best of luck.

The Real Goal

Bob Jones Sr., the founder of Bob Jones University, once said “It is never right to do wrong in order to get a chance to do right.” That principle, the principle of staying true to what’s right, needs to be the focus point of today’s round. It’s often tempting to stray from our purpose “temporarily,” so that we can better fulfill our purpose, and it’s often hard to remember that this is self-defeating. Today, let’s make sure we do what’s right by rejecting the resolution. Let’s start by defining some key terms.

# Definitions

## Criminal procedure

Cornell University’s Legal Information Institute says that “Criminal procedure deals with the set of rules governing the series of proceedings through which the government enforces substantive [criminal law](http://law.cornell.edu/wex/criminal_law).”[[1]](#footnote-1)

## Truth-seeking

Truth-seeking is operationally defined as simply “Actions or processes that intend to determine what is true.”

## Privacy

According to Merriam Webster, privacy means: “freedom from unauthorized intrusion”[[2]](#footnote-2)

With our definitions in place, we need to understand two key points about the resolution.

# Resolutional Analysis

# Rez A 1: Government Actor

All this means is that when we argue this resolution, we’re arguing from the perspective of the government. We know this because of the definition of criminal procedure, which specifies that the government (not individual citizens) is responsible for decisions in this area. That means that when we discuss whether to value privacy or truth-seeking, we do so understanding that we’re walking in the government’s shoes for the length of this debate round.

**Rez A 2: Inherent Values Outweigh Intermediate Values**

All this means is that things that are valuable for their own sakes are more important than things that are valuable because they give us other things. A good way to think about the relationship between inherent and intermediate values is the relationship between water and a hose. The hose is merely the means to get water where you want it, the water is the real value. The hose is the means, the water is the end. Even though the hose helps provide the water, the hose is just the intermediate value, and should never be valued above the water. We’ll see why this example is important in a moment, but first we need a way to guide and focus this round, which is provided in our Value.

**Value: Human Rights**

Human rights refers to the rights that we have simply by being human. They’re often referred to as “inherent rights”, and they are the best way of describing the goal of criminal procedure. These rights include things like life, liberty, property, privacy, habeas corpus, fair trials, and proportional punishment. The government uses criminal proceedings to punish those who violate human rights, and provide justice and compensation to those who have had their rights violated. By using human rights as our value, we’re saying that whichever side best upholds this value should win the round. If truth-seeking is the best way to achieve human rights, then affirmative should win, if privacy best upholds human rights then negative should get your ballot. Now, let’s move on to the contentions.

**Contention 1: Privacy is a Human Right**

It’s widely accepted that privacy is a human right. The Universal Declaration of Human Rights, the 4th Amendment to the U.S. Constitution, and most reasonable observers agree that privacy is something afforded to every human.

**Contention 2: Truth-seeking is a Means to an End**

The purpose of truth-seeking in criminal procedures is, of course, to find out the truth. With that truth, the government punishes those who have done wrong, and keeps the public safe by either disincentivizing criminal behavior, or by removing the criminal from society. Both these goals are worthy, as it is the government’s job to provide justice and protect the public. However, it’s important to remember that this debate isn’t between justice and privacy, or safety and privacy, this debate is between truth-seeking and privacy. While truth-seeking can help us achieve human rights, it is not a right, but rather a means of protecting rights.

**Contention 3: Rights outweigh Means**

As we know from resolutional analysis, intermediate goals should never trump inherent values. Truth-seeking is an important part of our criminal justice system, and it is an important means of protecting human rights. However, privacy is an inherent human right, and it therefore more valuable than truth-seeking. As Bob Jones said, “It is never right to do wrong in order to get a chance to do right.” In the same way, it is never right to prioritize a means of achieving rights over a right itself.

Opposing This Case

The best way to oppose this case is to remind the judge of the differing importance of human rights. While truth-seeking is an intermediate value that ultimately supports human rights, there is a case to be made that, because the rights it supports are so important, it’s acceptable to value truth-seeking over privacy. If life is more valuable than privacy (both are rights, but you can have life without privacy, while privacy without life is pretty pointless), and truth-seeking supports life, it would often make sense to value truth-seeking above privacy.

The above argument represents a paradigm that is fundamentally opposed to the paradigm in this case. This case is built on a foundation that, to an extent, ignores practical concerns in favor of absolutes. Think of being stranded in a desert with a million dollars, and you stumble across a vending machine selling bottles of water for exactly $1 million apiece. Water definitely shouldn’t cost that much, but you feed your million dollars into the machine because necessity forces you to trade something objectively more valuable for something objectively more useful. You make that trade because of your commitment to a value even higher than a million dollars or bottled water, and that value is your life. Water, while less valuable than a million dollars, is a means to preserve your life, so you trade high value for low value to achieve the highest value.

Applying this reasoning to criminal procedure, truth-seeking can in fact be more valuable than an inherent human right. In addition, there are lots of arguments explaining that it is often acceptable to violate rights like privacy (and property, habeas corpus, and even life in extreme instances), and the government possesses a limited prerogative to decide when those rights can be violated. Social contract theory, which details how citizens give up rights in exchange for protection, can be of help to you. I recommend the John Locke’s Two Treatises on Government, particularly the second, and parts of Thomas Hobbes’ Leviathan. Your affirmative case almost certainly includes aspects of social contract theory, and the above works will help you hone and validate your arguments.

Overall, remember that we don’t use criminal procedure in ideal situations. We use it when someone has broken or intends to break the law, and the safety of citizens is at stake. Desperate times can require desperate measures, and sometimes the protection of life necessitates a sacrifices of privacy.

1. “Criminal Procedure” *Legal Information Institute,* Cornell University, 12 July 2016 www.law.cornell.edu/wex/criminal\_procedure [↑](#footnote-ref-1)
2. Merriam Webster. *Privacy.* www.merriam-webster.com/dictionary/privacy [↑](#footnote-ref-2)