

Honesty is typically the best policy: rethinking the legitimacy of political deceit in democracy

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Abstract

Occasional deceit by politicians is typically considered to be an inherent feature of politics. Nevertheless, political deceit in democracies is at odds with politician's duty for transparency, and hence considered to be harmful to the health of democracy. However, there are instances where political deceit is required to protect the rights of citizens and prosperity of the community, which is a duty of politicians as well. This paper will address the question when political deceit is permissible in democracies. First, I will explore explores the main ethical theories on the permissibility of political deceit, and argue that that the deontological and consequentialist theories fail to account properly for the fiduciary nature of political office and the corresponding high moral standards for political representatives. Subsequently, I will defend an alternative account on the permissibility of deceit in politics that succeeds where the previous accounts fail. Political deceit is permissible based on three conditions: when one can reasonably claim the deceitful act not to lead to a decline in the level of political trust, the end to be realized directly concerns the realization or protection of citizens' fundamental rights, and when there are no other political means available to achieve the desired end.

Keywords: political deceit, liberal democracy, politicians as fiduciaries, political duties, political trust, public reasons, fundamental rights

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Introduction

During his single term in office, President Trump managed to tell a staggering number of 30,573 lies (Kessler et al., 2021). With the siege of the Capitol in January 2022, which was executed by those believing Trump's false claims that the 2020 election was 'stolen' by the Democrats, it has become especially apparent what the consequences of deceit by those in political office can be. It is hence not surprising that the excessive lies of President Trump has caused many to worry about the long-term damage to democracy in the United States (Cassidy, 2020).

Political deceit is not contained to President Trump or the United States. It is an unfortunate fact that deceit occurs in every democracy. For example, during the Brexit-referendum in the UK, the Leave campaign knowingly and successfully used misleading and false information to persuade voters (Gabor & Fisher, 2022 p.471). Whether it takes the form of an outright lie or the form of a potentially misleading statement, deceit is a common political strategy across all democracies (Janezic & Gallego, 2020). Some politicians are deceptive so often that teams of journalists have dedicated themselves to fact checking their every statement, for example for the Australian Prime Minister Scott Morrison or President Trump (Fray & Beecher, 2021; Kessler et al., 2021).

Political deceit can have damaging consequences, as is painfully clear in the case of Trump's election-fraud lies and the success of manipulation of the Leave-campaign for the Brexit referendum, because it is at odds with democratic principles and norms. The ideal of democracy entails that citizens are able to make informed decisions about competing political ideals and candidates, and can hold politicians accountable for their performance in office (Barro, 1973; Edyvane, 2015; Friedrich, 1972; Ramsay, 2000a, 2000b). Deceit reduces the ability of citizens to make informed decisions and hold politicians accountable. Therefore, democracy can only flourish when the truth prevails, and falsehoods are minimized, because the fundamental principles of democracy are adhered to. As a result, the frequency of political deceit is often related to the health of a democracy, as illustrated by the worries about the lies of President Trump and Prime Minister Morrison (Fray & Beecher, 2021; Kessler et al., 2021).

The persistent occurrence of deceit in democracy is can be seen as one of the causes of the failure of the democratic system, if one takes the 'crisis of democracy' view (Crozier et al., 1975; Hetherington, 2018; Smith, 2004, p.10). This view entails the belief that current democracies are at risk of failure because they no longer function as they should. As a result, citizens no longer believe politicians are accurately resolving the challenges society is facing and hence no longer believe politicians and political institutions to represent citizens in the democratic decision-making process. Because citizens no longer have confidence in political institutions, they stop participating in the democratic process. However, without the trust and participation of citizens, democracy is bound to fail because it is no longer realizing the ideal of collective self-government (Miller, 1974, p. 951).

In this view, deceit is one of the causes of the loss of trust of citizens. When politicians deceive, they circumvent the democratic principles of transparency, accountability, and representation. Deceit violates the principle of transparency, which reduces the ability of citizens to inform themselves about their political preferences and interests. In turn, citizens are unable to elect political representatives based on fully formed preferences and interest (Barro, 1973; Edyvane, 2015; Friedrich, 1972; Ramsay, 2000a; Ramsay, 2000b). Moreover, the ability of citizens to hold politicians accountable based on full information is reduced, which violates the principle of accountability. The principle of representation is violated as well, because when politicians deceive, they fail to explain and justify their actions in office to those they represent (Ramsay, 2000b, p.37). Finally, deceit threatens the validity of the consent given by citizens to political representatives to govern in their name, as the consent was not given based on full information (Ramsay, 2000b, p.35).

As a result, when citizens know that politicians are deceptive, it can be a reason for them to lose trust in democratic institutions. When citizens believe democratic institutions no longer function as they ought, it presents a reason for citizens to stop participating in the democratic process. This paves the way for the failure of democracy.

Nonetheless, it is common knowledge that politicians are sometimes deceptive, as the existing stereotype of the conniving and manipulative politician demonstrates (Janezic & Gallego, 2020; Olteanu, 2012). Although it is common knowledge that politicians deceive, political scientists have found no convincing evidence that the level of trust citizens have in politics has declined structurally since the emergence of the 'crisis of democracy' view (Van

der Meer, 2017, p.10). Political trust does tend to fluctuate in response to scandals and economic performance, but has always recovered from these fluctuations in the past (Van der Meer, 2017, p.9). This casts some doubt on the view that deceit is as harmful to the level of political trust of citizens as theorized on the basis of the 'crisis of democracy' view. It rather suggests that because citizens know that politicians deceive, deceit itself is not necessarily a reason for citizens to lose trust in politics, as it is seen as a feature of politics.

Nevertheless, this conclusion is not completely warranted. The little evidence that political trust has declined structurally in the past due to deceit does not mean that deceit cannot cause political trust to decline in the future. Political trust does respond to scandals, and political scandals often include deceit. Although political trust has recovered from those scandals in the past, this is no guarantee that political trust will continue to recover from the continued and aggravated uses of political deceit that seem to characterize democratic politics in recent years (Fray & Beecher, 2021; Gabor & Fisher, 2022; Kessler et al., 2021; Van der Meer, 2017;). The 'crisis of democracy' view does not present an implausible or impossible scenario because deceit does conflict with democratic principles. In the long run, especially when it occurs frequently, it can affect the level of political trust (Van der Meer, 2017; Zmerli & Van der Meer, 2017). Thus, it is clear that political deceit in democracies is undesirable.

Conversely, the idea that deceit can be a virtuous and sometimes permissible course of political action has held by various philosophers. For example, the idea of the 'noble lie' can already be found in Plato's (1968) *The Republic*, where Plato advocated for mass-deception of the public to maintain a stable and well-functioning state. The noble lie in *The Republic* is the founding myth and civic identity of the state and functions as insurance that the people will care for each other and for the state (Schofield, 2007). This lie is justified because it ensures the survival of the state, and maintains stability and public order.

In *The Prince* (2009), Machiavelli too defended the idea that deceit is sometimes what is required of politicians due to the extraordinary responsibilities they have as leaders. As leaders, politicians have a duty to protect public order and safety, provide welfare for citizens, and most importantly, ensure the survival of the state. However, because our world is flawed and politicians are forced to deal with the bleak reality of the world, deceit may be necessary to protect the state and its citizens. Precisely because politicians operate in an

imperfect world, lying is sometimes required by politicians to ensure order and safety, general prosperity, and ensure the survival of the state. When the protection of these ends requires the use of immoral means, like deceit, it is their duty to do so because it is what is expected of politicians as leaders. This leads Machiavelli to conclude that morally good actions in politics can lead to evil outcomes and vice versa: morally bad actions can produce good outcomes. Well-intentioned commitments to moral absolutes, such as truthfulness, may lead to detrimental outcomes in politics. Therefore, deceit is sometimes required in politics to prevent harm and is hence permissible in these cases.

Nevertheless, the perspective on the permissibility of deceit may change when one is considering this question in a democratic context because democratic principles should be adhered to if democracy is to flourish. Even though it is true that politicians are forced to deal with extremely difficult situations and have a duty to ensure the survival of the state, as well as guarantee the rights of citizens and welfare, it is clear they have a democratic duty to be transparent and open in the execution of their political office. These conflicting duties of politicians raise the question under what circumstances political deceit is permissible in democracy. How should one balance, on the one hand, politicians' duty to adhere to democratic principles and norms, and on the other hand, their duties to secure and protect the safety and prosperity of citizens?

In what follows, I will attempt to rethink the permissibility of deceit in democracy and defend an alternative account than the ones currently dominant in the philosophical discussion of this question. The current moral theories on the permissibility of deceit are unable to properly account for the fiduciary nature of political office and the resulting high moral standards for politicians. The deontological account of Korsgaard (2007) cannot account for politicians' duty to provide prosperity for the community, and the consequentialist account cannot fully account for the duty for transparency and the duty for impartiality. Therefore, this paper will set out an account on the permissibility of political deceit that accounts for the fiduciary nature of political office and the subsequent duties of politicians.

This paper will first start with an examination of the nature of political office to determine the duties of political office that an account on the permissibility of political deceit must account for. Next, I will argue that both the deontological and consequentialist

account are not able to account for all the duties of political office, and hence do not respect the fideuciary nature of political office.

In the following chapters, I will set out and defend an alternative account on the permissibility of political deceit, one that is able to account for the fideuciary nature of political office. Political deceit is permissible when the following conditions are met:

- (a) One can reasonably claim the deceitful act not to lead to a decline in the level of political trust;
- (b) The end to be realized directly concerns the realization or protection of citizens' fundamental rights;
- (c) There are no other available means of achieving the end in question.

The second chapter will explain and defend condition (a), and the third chapter will do the same for condition (b). In the fourth and final chapter, I will defend condition (c), rebut one important counterarguments against the account defended in this paper, and revisit the deontological and consequentialist account.

Before I can proceed, some clarifications are needed. Most importantly, what is political deceit precisely? Political or democratic deceit is the practice where one intentionally aims mislead others by being untruthful (Ramsay, 2004a, p.4). In this definition, intent is the defining feature of deceit, not the veracity of a statement (Bok, 1978, p.6). For instance, in politics, unintentional deceit might occur because a political actor might misremember certain facts or figures in a debate. But this is not the type of political deceit that is typically considered morally problematic in politics, as there is no intention on part of the politician to circumvent democratic principles and procedures. Therefore, we typically do not consider accidental untruthfulness to classify as deceit. The term *deception* is typically used to indicate accidental untruthfulness, while *deceit* is used to indicate intentional untruthfulness (Galeotti, 2015).

Although intent is the defining feature of deceit, the degree of untruthfulness does play a role in determining the variant of deceit. There are partial truths, which entails either (1) not telling the whole truth, which entails a statement that is accurate but leaves out some details or takes things out of context, or (2) a distortion of the truth, where a

statement contains an element of truth but twists critical facts that would give a different impression. These two forms of deceit are often labelled as 'frames' or 'spins' (Edyvane, 2015). There are falsehoods as well, where one can distinguish between (3) lies, statements that are simply not accurate, and (4) outright lies, inaccurate statements that make an absurd claim as well.

In determining when political deceit is permissible, it is useful to be aware of the differences between the types of deceit. However, to maintain clarity the term deceit will be used as an encompassing term, since all types of deceit are a violation of the democratic principles of transparency, accountability, representation, and consent. Thus, whether it is a political spin or an outright lie, all forms of deceit undermine democracy.

Finally, it should be clarified that this account on permissibility of deceit is adopting a forward-looking notion of responsibility. Forward-looking responsibility refers to future activities and obliges an actor to act in a way that promotes a certain outcome (Smiley, 2014). By contrast, backward-looking responsibility refers to an agent's past activities and is concerned with assigning accountability, blameworthiness, and liability (Van de Poel, 2011).

One may be surprised at the use of a forward-looking notion of responsibility in this account, given that democracy is based on a backwards-looking notion of responsibility because of the way citizens can hold their political representatives accountable through elections. While it is true that democracy is based on the principle of accountability, this principle is not sufficient for politicians to assess whether deceit is permissible. If politicians are only concerned with the electoral consequences of certain actions, they do not take the earnest nature of their responsibilities seriously. There are more considerations at play in determining whether political deceit is permissible than solely the electoral consequences for the actor. Therefore, criteria with which political actors can assess whether deceit is permissible in a particular instance are needed.

1. Requirements for a moral account of political deceit

To understand why it is necessary to rethink the permissibility of political deceit, one must understand the nature of democratic politics, as it will set out the requirements for an account of political deceit. Hence, this chapter will explore the nature of political office and formulate the requirements for an account on the permissibility of political deceit. As a result, it will become clear why the deontological and consequentialist account are unable to properly account for the fideuciary nature of political office and the resulting high moral standards.

1.1. The nature and duties of political office

As previously stated, deceit occurs frequently in democratic politics. However, this does not warrant the conclusion that politicians are subject to lower moral standards than in ordinary morality. If anything, politicians are subject to higher moral standards *because* of the political office they hold (Nagel, 1979; Ramsay, 2000a, p.22).

In democracies, when political representatives are elected, they are entrusted by citizens with the power to govern in their name (Rave, 2013). They are given a position of power where they can propose, support, change, or reject the laws and policies of the state as representative of all citizens. Because the execution of political power by politicians has a significant impact on the lives of citizens, the political power that political representatives are entrusted with is in need of justification. Citizens need to be given good reason to accept the coercive power of the state (Rawls, 2005, p.12). Political representatives, as those wielding the power of the state, thus need to justify their power by providing citizens with good reasons to accept this power.

The reason why citizens accept the political authority of state is that the state can realize public goods that individuals likely cannot obtain individually. The state as the collective authority entrusted by citizens with power can ensure safety and security, guarantee and protect their individual rights, and provide collective prosperity so that individual life can flourish (Locke & Laslett, 1988). By extension, democratic political representatives that are entrusted with political power have a duty to realize these ends to justify their political power. In turn, citizens are able to hold politicians accountable for how

they execute the political power they are entrusted with, and for how well they perform their duties to guarantee safety, prosperity, and the rights of citizens.

Hence, one can classify the relationship between politician and citizens as fiduciary: political representatives have a duty to act in the public interest because of the political power that they are entrusted with by citizens (Rave, 2013, p.707). It is the fiduciary nature of political office that gives rise to the high moral standards and duties for those that occupy it, as these standards justify the power the representatives are entrusted with (Nagel, 1979; Ramsay, 2000a). What are then the duties of politicians to justify political power in democracies? I will not attempt to set out a complete account of all political duties, but simply address the most fundamental duties that arise from this fiduciary relation.

First, politicians have a duty to ensure a safe environment where individuals can flourish. The reason why citizens accept the authority of the state is because the state, and by extension its political representatives, ensure public safety and ensure that the rights of citizens are protected (Locke & Laslett, 1988). But the duty of the state to protect citizens is not just limited to the ensurance of negative rights. Positive rights are necessary as well, given that a certain level of welfare is needed for individuals to be able to flourish (Spector, 2007). One can be free from arbitrary interference from the state, but still live in poor conditions. These poor conditions do not provide citizens with good reasons to accept the coercive authority of the state. Thus, to justify their political power, politicians do not only have a duty to provide safety and security, but the duty to ensure a prosperous environment where the rights of citizens are respected as well.

Secondly, politicians have a duty to be transparent about their dealings in office (Ramsay, 2000b, p.36). They should explain and justify their choices and policies publicly as it ensures that the democratic principles of representation, accountability, and consent are adhered to. Firstly, when politicians are transparent about their actions in office and the reasoning behind their actions, they adhere to the principle of representation. Politicians are elected by citizens and hence given a mandate to represent them. They respect this mandate by being transparent about their actions in office, so that citizens trust them to be acting in the interest of the citizenry (Ramsay, 2000b, p.37). Secondly, transparency enables citizens to form judgements about their political preferences and interests, and translate these politically through electoral choices. As a result, citizens are able to hold political representatives accountable for their actions while in office, as politicians who performed

badly in office can be voted out. Thirdly, political representatives are given political power based on the consent of citizens, which is given through the electoral process. However, because deceit hinders citizens' ability to discover and formulate their political beliefs and personal interests, they cannot accurately translate needs and interests in an electoral choice when full information is unavailable. As a result, deceit threatens the validity of the consent given by citizens (Ramsay, 2000b, p.35).

Finally, politicians have a duty for impartiality (Nagel, 1979; Ramsay, 2004a, p.24). The responsibilities of political office do not just extend to the specific part of the electorate that voted the actor in question in office, but to all citizens. Although politicians are elected by their voters based on a particular political vision, the actions within public office affect all citizens regardless of their political convictions. As a result, politicians have an obligation to act impartially in the execution of their office and must leave no room for personal attachments or inclinations to justify the power they are entrusted with to all citizens. This rules out nepotism, patronage, and use of official means for personal gains, but it too ensures that politicians act in the public interest and not only in the interest of their electorate. Thus, politicians have a duty to be impartial and to act in the public interest while in political office.

One might argue against the duty for impartiality on the ground that, in the current political landscape, one can easily identify political parties or actors on both the left side and right side of the political spectrum that only represent the interests of their constituents. This can lead to the conclusion that politicians are not elected to represent all citizens and the public interest, but the interests of their electorate.

However, this is not an argument against the duty for impartiality. Rather, this demonstrates how populism is at odds with liberal democracy. Populism as a political ideology and style entails the view that society can be separated into two homogenous, antagonistic groups. For example, the pure people versus the corrupt elites, or the natives versus the invading foreigners. Populist parties only advocate for the rights and interests of the 'right' group within society and demonize the other, instead of serving the public interest from an attitude of impartiality and neutrality (Mudde, 2007 p.23). Although populism is in its core not at odds with the idea of democracy, it certainly is at odds with

liberal democracy due to their dismissal of the idea of political pluralism and representation of the interest of all (Mudde, 2007, p.155).

In sum, the examination of the special nature of political office, gives rise to three duties for politicians. Firstly, the duty to guarantee safety, prosperity, and the rights of citizens. Secondly, politicians have a duty to be transparent about the execution of their office, and thirdly, a duty to be impartial. A theory of democratic deceit must be able to account for these duties, given that they arise from the fideuciary nature of political office. In the following sections, it will be examined whether the deontological and consequentialist accounts of deceit in politics are able to account for the duties outlined in this section.

1.2. Korsgaard and respect for rational agents

First, a deontological account on deceit will be considered. According to Christine Korsgaard (2007), deceit is immoral because it violates the autonomy of the person being deceived. Each person has a right to autonomy, a right to decide for himself or herself what is good for them, and act in accordance with it (p.11). This claim is not empirical but moral. A person has a right to decide how to run their life *because it is their life*. It does not matter whether someone is doing this well or badly. Because of our ability for rational decision-making, individuals have a moral right to be autonomous, and this right should be respected by others. However, when we deceive someone, we do not respect their ability to decide for themselves what is good for them based on full information and act in accordance with that view. True self-government requires an agent to be fully informed about the situation so that they can decide for themselves what to do. Therefore, deceiving someone reduces their ability to self-govern because they cannot act based on accurate or full information. The deceiver is not treating the other as an end but as a mean (p.15). In turn, the deceived is not respected as a rational agent, and this is what makes deceit immoral (p.17).

Nevertheless, deceit is not always impermissible. Korsgaard recognizes that there may be instances where a lie is justified. But the circumstances that justify a lie are strict. In her own words:

“The answer is that telling paternalistic lies (...) is justified only when we are dealing with people who are incapable of exercising their own reason, or severely crippled in the use of it by some condition like insanity or drunkenness. And the best justification for telling paternalistic lies, apart from protecting the incompetent person from physical harm, is developing or restoring his autonomy. (...) Using paternalistic force on adult human beings is justified only in cases involving immediate threats to life and limb or severe mental illness. So the same should be true of paternalistic lies.” (p.20)

Korsgaard gives the example of lying to children to illustrate her point. Parents sometimes justifiably lie to their children about the quality of their drawings. Even though children’s drawings are often atrocious, we tell children otherwise to encourage the self-confidence and the development of skills that are needed in adult life. Because children are still developing their autonomy and rational decision-making skills, it is justified to lie in these instances.

For Korsgaard, deontological ethics is deeply connected with democracy (2007, p.17). If people are rational and autonomous agents and have the right to be treated as such, they have a right to have a say on matters that affect them as well. Because political decisions have a significant impact on the lives of citizens, it follows that citizens have the right to have their say in political decisions based on accurate and complete information about the current state of affairs. Nonetheless, Korsgaard does not make clear whether her account on the morality of deceit applies to deceit in politics as well. But she also does not give reasons to believe that democratic deceit is different from interpersonal deceit. If deontology necessitates democracy, and deceit is almost always impermissible, the conclusion that political deceit is almost always impermissible in her deontological account follows as well.

Therefore, it is almost always wrong to deceive the electorate because it interferes with their ability to vote and decide which political candidate best represents their interests. Politicians that deceive the electorate disrespect citizens as rational agents that can decide for themselves how the state should be governed. Given that most of the electorate is not impaired in their autonomy, or in need of restoration or development of their autonomy, the only remaining instance where it may be justified to deceive is to protect the population

from immediate threats to life, such as nuclear war, or an epidemic with a highly deadly pathogen.

If political deceit is only permissible to protect the population against immediate threats to life, Korsgaard's account is too strict. Earlier, I have argued that an account on the permissibility of deceit must properly account for politicians' duty to guarantee the rights of citizens and provide prosperity for the community. If deceit is only permissible to protect citizens from immediate threats to life, then it is impermissible to use deceit to protect the prosperity of the community. Although I agree with Korsgaard that, within democratic politics, politicians have a duty to respect citizens as rational agents and thus be truthful, politicians have a duty to guarantee the rights of citizens and ensure prosperity for the community as well.

This example demonstrates how Korsgaard's constraints on deceit are too strict. In 1973, the United States was faced with spiraling inflation. President Nixon, tasked with fighting the rise in inflation, decided to implement an emergency order to freeze prices and wages. The evening before the emergency order was supposed to go into effect, a reporter asked him if he intended to impose such restraints. If he would have answered truthfully and said 'yes', the result would have provoked a frenzy of price rises and another significant rise in inflation, which presented a serious threat to the livelihoods of many Americans. If he would have answered 'no comment', his response would have signaled to the public that he had something to hide, and the result would most likely be the same as when he would have answered truthfully. Thus, the only right choice at that moment was to lie and to prevent the economic damage that the other answers would have committed (Pasquerella & Killilea, 2005). Because rising inflation does not classify as an immediate threat to life, according to Korsgaard's account, Nixon's lie was impermissible. He should have answered truthfully, regardless of the economic effects and threat to the livelihoods of American citizens. However, the lie Nixon told in this case does seem permissible because it was in accordance with the duty to protect the rights of citizens and ensure prosperity for the community.

In short, the deontological account provided by Korsgaard is too strict because it does not account for the duty to guarantee the rights of citizens and prosperity, which is one of the requirements for an account on the permissibility of political deceit.

1.3. Consequentialism in politics

The consequentialist view is a different view on the permissibility of political deceit. In the previously discussed Nixon-case, consequentialism seems to provide a good explanation why the lie was permissible, as the harms of a deep economic crisis was prevented with the lie. However, I will argue that the consequentialist account suffers from another problem, as it cannot account for the duty of impartiality and for the duty of transparency.

Although different consequentialist accounts on the permissibility of political deceit exist, the underlying idea to all versions is the belief that it is irresponsible to act on absolute moral principles in politics if doing so would lead to consequences that are contrary to the general welfare of society, the national interest or the common good (Ramsay, 2000a, p.13). This idea is derived from Machiavelli's (2009) political writings in *The Prince*. Acting on absolute moral principles, like complete transparency, can bring about worse consequences in politics than acting on moral principles. Therefore, a consequentialist ethic is more appropriate in the political realm. It is from this idea that Walzer (1974; 2004) conceived the problem of dirty hands in the political arena: politicians are sometimes required by the duties of their office to act immorally to protect the greater good. Consequentialism is necessary in the political realm because absolutist moral principles are untenable and would do preventable and unnecessary harm if pursued. Politicians are sometimes required by the duties of political office to dirty their hands because of the great responsibilities that come with political office. This too applies to deceit: we generally do not want politicians to be deceptive, but it is sometimes required to prevent harm. In Walzer's account, dirty hands such as deceit are permissible in face of a supreme emergency: when the survival of the community is at stake (2004, p.35). As a result, one can debate whether Walzer's account can truly be classified as a consequentialist account, given that it seems to be much closer to Korsgaard's account.

Nevertheless, other consequentialists recognize that if political deceit prevents certain harms, and if the benefit of the prevention of those harms outweighs the harms of deceit, it is permissible to deceive (Nagel, 1978; Newey, 1997). Brennan (2017), for example, has argued that it is permissible for politicians to lie to the electorate to stop them from voting for harmful and unjust laws and policies. The electorate is demonstrably ignorant, misinformed, and irrational. Deceiving the electorate prevents the harm of the policies that

the public would vote for, which makes deceit permissible. Thus, this account permits the use of deceit to ensure prosperity for society and to protect the rights of citizens, as deceit is permissible to avoid the harms of removing the rights of citizens or neglecting the community's prosperity.

Although this account does account for politicians' duty to provide security and prosperity for the community and protect the rights of citizens, it does not do justice to the duty for transparency because of the lack of definition of harms and benefits.

When a politician is considering whether a deceptive act is permissible, they must determine whether the benefits of deceit outweigh its harms. However, the consequentialist accounts do not give indication of what constitutes harm or benefit, and leaves this up for individual actors to decide. However, politicians will likely have different ideas on what constitutes harm and benefit, and thus will likely arrive at different conclusions on the permissibility of a deceptive act.

For example, a pro-life politician views abortion as harmful, while a pro-choice politician does not. For the pro-choice politician, deceit is justified to push through legislation that outlaws abortion because of the harm to life that would be prevented. This would not be the case for a pro-life politician, as he does not view abortion to be harmful. There are no benefits to deceit in this instance, and thus the damage to democracy is not outweighed. Therefore, the consequentialist account leads to different conclusions for different politicians, as it leaves the door open for subjective interpretations of harms and benefits.

This shows that the consequentialist account does not take into account politicians' duty for impartiality. As argued previously, politicians have an obligation to act impartially in the execution of their office and must leave no room for personal attachments or inclinations to justify the power they are entrusted with to all. They must take an impartial stance in making political decisions (Nagel, 1979; Ramsay, 2004a, p.24). Politicians, in the execution of their office, must act in the public interest and not in the interest of their electorate or their personal interest. An account on the permissibility of political deceit must take the duty for impartiality into account if it is to do justice to the nature of political office.

Because the consequentialist account does not offer clarification on the definition of harms and benefits, the consequentialist account is not impartial. If the consequentialist account had taken the duty for impartiality into account, the account would have given additional conditions to determine what precisely can be seen as harms and benefits to ensure that the outcome of the account is constant across all political actors and thus impartial. However, because this definition is missing, the account is not impartial. The outcome on whether deceit is permissible differs per politician.

As a result, the consequentialist account does not do justice to the duty of transparency as well. Deceit is permissible when its benefits outweighs its harms. However, if one considers that the outcome of whether deceit is permissible differs per politician, it seems as if deceit will be permissible too often. Politicians can frame their intended end as beneficial to justify being deceptive in the realization of their own political ends, as there is no definition of what harm and benefit is. As a result, the duty for transparency is easily suspended, as politicians can justify deceit by framing their intended ends as beneficial and thus outweighing the harms of deceit. However, it is doubtful whether deceit should be permissible as often as this, as democracy can only flourish when the principle of transparency is respected as much as possible. Therefore, the consequentialist account does not properly account for politicians' duty of transparency as well as the duty for impartiality.

2. Preserving political trust

In the following chapters, I will defend a different account on the permissibility of democratic deceit. This account avoids the problems of the deontological and consequentialists account and is able to account for the special, fiduciary nature of political office. In this chapter, I will argue that it is necessary to adopt an account where the notion of political trust is used as a measure for determining whether democratic deceit is permissible, as preserving political trust is the overarching duty of political office. An account that adopts political trust as a measure can take the politicians' duty for impartiality into account. Therefore, political deceit is only permissible when the actor can beforehand reasonably expect the act not to lead to a decline in political trust.

2.1. Understanding political trust

What is political trust precisely? Although political scientists use various conceptualizations of the concept, it indicates the extent to which citizens are confident in the functioning of political institutions like parliament and the government (Levi & Stoker, 2000; Van der Meer 2017; Van der Meer & Zmerli, 2017). For an extensive discussion on these different conceptions of political trust and related concepts, see van der Meer (2017). However, for the purposes of this paper a general introduction of the concept will suffice.

Trust is always a relational concept (Levi & Stoker, 2000, p.476; Zmerli & Van der Meer, 2017, p.4). Trust involves a subject, someone who trusts someone or something else to perform certain actions. Therefore, political trust can be understood in the following way: A trusts B to do X (Hardin, 2000, p. 26). The subject of political trust are citizens, and the object of political trust are the political institutions that create, enforce, and apply laws, such as parliament and the government, but also political parties and the individual politicians that operate within these institutions (Van der Meer, 2017, p.5). In the case of political trust, citizens give power to political institutions to govern in their name, but this power is given and justified under specific conditions such as accountability, representation, and transparency, as argued in the previous chapter. This classifies the relation between political institutions as a fiduciary one: the power the institutions are entrusted with is justified under these conditions (Rave, 2013, p.707)

The performance of political institutions in relation to trust is evaluated across four dimensions (Kasperson et al, 1992; Van der Meer, 2017). Firstly, someone who trusts political institutions believe them to be competent. Political institutions are judged to be competent when their actions and policies are successful socially, economically, or politically (Van der Meer et al., 2011, p.3). Secondly, political trust entails the belief that the object is committed intrinsically. Political institutions are intrinsically committed when they have a need to act in line with the subject's interest, for instance because they share the same goals or care for each other. Thirdly, the subject needs to believe the object is extrinsically committed as well, which occurs when the subject can hold the object accountable and punish untrustworthy behavior by denying future support (Van der Meer et al., 2011, p.3). Fourth and finally, reliability, the extent to which the subject believes the behavior of the object to be predictable and stable, is an aspect of trust. For example, there should be no emotion politics, nor should difficult and complex problems be dealt with in a rush (Van der Meer et al., 2011, p.4).

What is the impact of political deceit on the trust citizens have in political institutions? If one approaches political deceit from the 'crisis of democracy' view, as argued previously, deceit is harmful for the level of political trust because it hinders the functioning of democracy (Crozier et al., 1975; Hetherington, 2018; Smith, 2004, p.10). The principles of transparency, representation, and accountability are violated, which causes citizens to lose trust in political institutions and withdraw their support. In the long run, this will cause democracy to fail because it is no longer realizing the ideal of collective self-government, as citizens no longer have a reason to participate in it (Miller, 1974, p. 951).

However, despite the widespread knowledge that political deceit occurs frequently (Buccioli & Zarri, 2013; Janezic & Gallego, 2020; Olteanu, 2012), political scientists have found no convincing evidence that citizens' trust in politics has declined structurally (Van der Meer, 2017, p.10). Political trust does fluctuate in response to scandals and economic performance, but it has always recovered in the past (Rose & Wessels, 2019; Van der Meer, 2017, p.9). This casts some doubt on the view that deceit is as harmful to the political trust of citizens as supposed in the 'crisis of democracy' view.

Nonetheless, the empirical evidence that political trust has not structurally declined is no reason to suppose that political deceit cannot cause a decline in political trust, as

political trust does respond to political scandals (Van der Meer, 2017, p.9). The fact that political trust has recovered from previous scandals is no guarantee that political trust will continue to recover from scandals involving deceit. Especially when the seemingly increased and aggravated uses of political deceit by political leaders is taken into consideration, and the resulting worries about the democratic and societal consequences, the potential of political deceit to permanently undermine political trust is clear (Fray & Beecher, 2021; Hendrickx, 2021; Kessler et al., 2021).

2.2. Preserving political trust

With a definition of political trust given, and the relation between this concept and deceit clarified, it is necessary to explain why political trust ought to be taken as a measure for determining the permissibility of political deceit. I will argue that preserving political trust is an overarching duty that comes with political office. Because an account on the permissibility of political deceit should account for the duties of political office, an account that uses political trust as a measure is accordance with the nature of political office.

Political trust is commonly seen as a necessary precondition for democracy (Van der Meer, 2017, p.1) To maintain the stability, legitimacy, and viability of a democratic regime, it is necessary that citizens trust its political institutions (Zmerli & Van der Meer, 2017). If citizens do not believe that political institutions are governing in the name of the people and representing the public interest, there is no reason for citizens to comply with the institutions or the laws and policies they implement. Nor would they have a good reason to participate in democracy if they do not have confidence that political institutions will act in accordance with the public interest (Miller & Stokes, 1963). Without democratic participation and compliance with laws and regulation of the state, democracy is not a functioning political system. The ideal of democracy as collective self-government hence cannot be realized without citizens' confidence that political institutions are governing well, which makes political trust a necessary condition for democracy.

Because political trust is necessary for a well-functioning democracy, politicians have a duty to preserve citizens' political trust. An analogy with the medical profession illustrates this relation. In medicine, physicians would not be able to exercise their profession without the trust of their patients (Rhodes, 2001). Patients often must make themselves vulnerable

and give power to physicians to be treated for their illnesses. For example, they must undergo invading medical procedures or divulge highly private information for diagnosis or treatment. Patients must put themselves in a vulnerable position and put physicians in a position of power. For patients to do this, they must trust their physicians not to abuse their power. Hence, without the trust of their patients, physicians would not be able to practice their profession. Because of the necessity of trust for the medical profession, physicians have a professional duty to preserve the trust of patients to justify their power. It is from this duty to preserve trust that further professional duties arise. For example, the duties for confidentiality, the duty to respect patient autonomy, and the duty to seek informed consent where appropriate derive from the overarching duty to seek and preserve patient-physician trust.

The fiduciary relationship between political institutions and citizens can be understood in the same way as the fiduciary patient-physician relationship. Democratic political institutions would not be able to exist without the trust of citizens, just like the medical profession. The power that these institutions have over citizens must be justified, which is done by acting in a way that preserves political trust. Therefore, political actors have an overarching duty to preserve political trust because of their fiduciary relationship with citizens.

As argued in the previous chapter, the duties of political office derive from the fiduciary relationship between political representative and citizen (Rave, 2013, p.707). In other words, these further duties hence derive from the overarching duty to preserve political trust. Because political trust is evaluated across four dimensions, namely competence, intrinsic commitment, extrinsic commitment, and reliability, the further duties of political office derive from the duty to adhere to these four dimensions (Kasperson et al, 1992; van der Meer, 2011; van der Meer, 2017). For example, to ensure that political institutions are extrinsically committed, meaning they can be held accountable, those political institutions have a duty for transparency so that citizens can hold politicians accountable through the electoral process based on full information about their performance while in office.

Consequently, the impact of deceit on political trust is an appropriate measure for determining its permissible precisely because it is the primary duty of politicians and the further duties of political office derive from it. As such, using political trust as a measure for

determining the permissibility of deceit ensures that the account is in accordance with the nature of political office.

2.3. Public reasons

A second reason why political trust should be used for determining the permissibility of democratic deceit is because an account based on political trust is able to accommodate the duty of impartiality.

Politicians have a duty for impartiality (Nagel, 1979; Ramsay, 2004a, p.24). This duty arises from the need to justify the authority of political office to all citizens as it touches the lives of all citizens. As a result, politicians do not just have a duty to represent their electorate in making political decisions, but have a duty to represent all citizens and thus act impartially in the execution of the of their office. In other words, politicians must act on what is in the public interest, and not in the interest of their voters, their party, or themselves.

To ensure that the account of political deceit respects the duty for impartiality, it is necessary that the conditions for determining whether deceit is permissible forces political actors to abandon partial perspectives and instead adopt an impartial perspective in which all citizens and the plurality of their perspectives are represented. This can be achieved by adopting political trust as a measure for determining the permissibility of deceit. It forces political actors to abandon their subjective perspective and instead adopt an impartial stance. In considering whether deceit is justified, politicians must assess whether the deceptive act will lead to a decline in the level of political trust. But because political trust as an aggregated concept encompasses the whole citizenry, political actors must take all the different perspectives, convictions, and interests that exist in society into consideration. For a deceitful act to not lead to a decline in political trust, it must be because of it can be justified with reasons that can be reasonably accepted by all.

These types of reasons are called public reasons, an idea that first appeared in Rawls' *A Theory of Justice* (1971). In Rawls' version of the social contract, the thought experiment of the veil of ignorance is used to answer the question of how the just society should look. Behind the veil, participants are in what is called the original position, where the

participants do not possess any knowledge about their individual situation in the imagined society. Because the participants in the original positions cannot take their individual situations into consideration in designing the just society, they will design society in such a way that the least advantaged enjoy equal opportunities as the well off, and that there is maximum freedom for all without intruding upon the freedom for others. These principles can therefore be reasonably be accepted by all because they are fair to all: they ensure that each person is given his or her due.

The idea of public reasons in Rawls is deeply democratic. Public reasons are reasons that can reasonably be accepted by all sharing equal citizenship regardless of religious, moral, or political convictions (Rawls, 1997; 2005). According to Rawls, the coercion that is imposed on individuals through governmental laws and policies must be reasonably acceptable to all, which is achieved when they are based on public reasons. Public reasons are in turn based on public values and standards. Public values are those values required for free and equal citizens, and the values required for fair and sustainable systems of cooperation. Examples include freedom of religion, political equality between groups, and an efficient economy. Public values are contrasted with non-public values, for example, the value in some religions that women cannot hold public offices. By contrast, public standards are those principles of reasoning that can reasonably be endorsed by all citizens, such as the scientific method, logic, and sound argumentation. One must not use appeals to divination or disputed economic or psychological theories as a justifying reason for political decisions. As a result, the advantage of public reasons is the desolation of non-public reasons such as particular religious, moral, or individual political convictions.

Using political trust as a measure for determining the permissibility of democratic deceit forces the adoption of public reasons, as the impact of deceit on the entire pluralistic citizenry must be considered. Instead of determining the permissibility of deceit based on individual or private convictions, the ideals of the political party, or their constituents, the politician must consider whether political trust will decline based on arguments and reasons that can reasonably be accepted by all. As a result, the politicians' duty for impartiality is taken into account: politicians are forced to reason about whether a deceptive act is permissible not based on their own religious or moral convictions, but upon public reasons that can be accepted by all reasonable persons.

2.4. The epistemological challenge

One might argue that it is very difficult or even impossible for politicians to know beforehand whether a deceitful act will lead to a decline in the level of political trust. One can conceive of public reasons that justify the deceptive act, but one will never be able to know whether these public reasons would be accepted by the public and hence not lead to a decline. After all, political reality is highly complex and multivariate: its circumstances and subject matter are in constant flux. As a result, the proposed condition is unrealistic and unworkable in determining whether deceit in politics is permissible, as politicians cannot know how their deceit will affect political trust.

However, it is part of the job for political representatives to know the electorate and be able to reasonably predict how they will respond to certain actions. Moreover, political scientists have researched the determinants of political trust, which gives us some insight into what causes declines in political trust. For example, corruption is one of the major causes of decline in political trust (DellaPorta, 2000). But there are other determinants as well: incompetence, such as bad economic performances and unfair or unjust policies, carelessness, unreliability, and political polarization will lead political trust to decline (Kasperson et al, 1992; Uslaner, 2017; van der Meer et al., 2011, p.4). This knowledge, combined with politicians' knowledge of the electorate, political context, and political climate, enables politician to form a reasonably accurate predication how a deceptive act will affect political trust.

Nevertheless, some epistemic uncertainty will remain to exist. Political reality is not completely predictable. It may be the case that a politician can reasonably predict a deceptive act not to lead to a decline in political trust, but that reality will turn out different due to unknowable or changed circumstances. However, this issue is not solely reserved for the account defended in this paper. The consequentialist account is subject to epistemic issues as well. In weighing the benefits and costs of the outcomes of certain acts or achieving certain ends, one is always dependent on predictions about the effects of certain acts, and those predications possess the same degree of epistemic uncertainty as the predications about the level of political trust. In other words, predictions will remain predictions. All moral accounts on deceit are subject to a degree of epistemic uncertainty. Therefore, it is not reasonable to demand that a prediction on the effect of deceit on political trust to always be completely accurate. It is sufficient when a politician beforehand

can make a reasonable prediction that the deceptive act will not lead to a decline in political trust. Thus, a deceit in politics only permissible if the following condition is met:

- (a) One can reasonably claim the deceitful act not to lead to a decline in the level of political trust

2.5. Interpreting condition (a)

One final issue to address is how this condition is to be interpreted precisely. This will be illustrated with an example that does not pass this condition.

The example relates to the memory-issues of Mark Rutte, Prime Minister of the Netherlands. During various political scandals where his own conduct was up for debate in parliament, and his political career was in the balance, Rutte's favorite defense against the accusations of malpractice was to claim that he could not remember his own involvement in the affair (Rijlaarsdam, 2019; Hendrickx, 2021). In April 2021, during the first months of the cabinet formation after the elections, history repeated itself. When a confidential note from the political formation was leaked, Rutte, as leader of the largest party, was called in for a debate by parliament. In this confidential note, it was discovered that during the negotiations, the parties had spoken about attempts to get rid of a member of parliament that had been highly critical of Rutte's governments. The question became which politicians had negotiated this matter, as it was under no circumstance a matter under the purview of the political negotiations. It was considered scandalous that the government would attempt to get rid of a politician who was simply doing his job as parliamentarian responsible for checking the government.

After the memorandum was leaked, Rutte denied his involvement by claiming that he did not raise the issue, but the opposite soon turned out to be the case (Hendrickx, 2021). In the debate, he again defended himself with the excuse that he could not remember speaking about the parliamentarian in question, even though the notes that were under discussion had been made a few days before. It was therefore highly unlikely that Rutte no longer had an active memory of this. However, he still opted for this deceptive defense even though he had been criticized for this strategy in the past (Rijlaarsdam, 2019).

If Rutte, before the debate in April 2021, had assessed whether this instance of deceit as a defense strategy was permissible, he would have had to conclude that it was not. It does not meet the first condition of this account because the use of this strategy was already heavily criticized in the past. By claiming he does not remember whether he was involved in a scandal or aware of it, parliament is unable to prove whether he actually does remember (Rijlaarsdam, 2019). At most, they can claim that it is unbelievable that he does not remember, but unable to prove whether Rutte was actively involved or not. As such, parliament is unable to fully carry out their tasks of checking the government and its ministers, which impairs the functioning of democracy. Therefore, Rutte could beforehand have expected this deceptive act to lead to a decline in political trust, which disqualified the act from being permissible.

3. Fundamental rights

In the previous chapter, I have argued that deceit is permissible when a political actor can beforehand reasonably expect the deceptive act not to lead to a decline in political trust. In this chapter, I will argue that this condition alone is not sufficient to provide an accurate account of the permissibility of political deceit. Another condition is necessary: deceit is only permissible when it directly concerns the realization or protection of the fundamental rights of citizens.

3.1. Necessary but insufficient

Condition (a), as argued in previous chapter, is necessary for determining the permissibility of deceit in politics, but insufficient for an accurate account of the permissibility of deceit. This condition alone makes deceptive act done for unimportant political ends or strategic political ends permissible.

Consider the following example. In 2002, the city council of Amsterdam was debating on whether to approve the plans to build a new metro line: the Noord/Zuidlijn. During this debate, Geert Dales was the city's alderman for finances and had to defend the financial plan for the construction of the metro line during the debate. The opposition heavily criticized him for the estimated costs of the project, which were estimated to be around 1.4 billion euros. However, the opposition seriously doubted that this sum was sufficient for building the metro line. They expected the costs to rise significantly during construction—costs that eventually did double. In defending his financial plan, Dales claimed multiple times that this sum would be sufficient, even though the written documents made by his department about the new line warned for the risk of rising costs during construction (Soetenhorst, 2018). Eventually, the city council approved the plans to build the Noord/Zuidlijn. In this example, alderman Dales misinformed the council about the expected costs of the project by claiming that the current budget would be sufficient for building the line, as he was aware that there was a large chance the budget would be exceeded. Dales was deceptive in this case, as he left out relevant facts during the debate that could have changed the decision of the council.

According to the first condition, Dales could have beforehand have expected his deceit not to lead to a decline in political trust. His deceptive act caused a crucial infrastructural project that drastically improved the accessibility of the city center and the Northern part of Amsterdam to be built. Accessibility of the city center is important for the well-being of the inhabitants of the city. For instance, easy access to the city center is especially important for inhabitants with a lower socio-economic status. Middle and lower income households typically live in cheaper neighborhoods further away from the city center and possess no car or other fast modes of transport. Because most education and income opportunities are located in the city center, it is important for these households to have easy access to these services and opportunities, which are essential for their well-being. Moreover, local businesses and public services like the police and health care that are located at the city center can profit of the improved accessibility of the city. For example, they have access to a bigger pool of possible personnel and can attract more visitors. Thus, because of the increased accessibility of the city and the opportunities for the residents and businesses that come from this, and hence the resulting benefits for all residents, Dales could have expected the deceptive act not to lead to a decline in political trust.

In this example, Dales' deceptive act seems to be permissible. But this intuition changes if the political end to be achieved changes. For example, imagine that Dales' convinced the local council that building a new sports complex was financially viable. However, further research has pointed out that the new complex would be unable to support itself once built because of an expected decline in the population in the neighborhood. The current sports complex in the neighborhood already has trouble supporting itself financially, so it is unlikely that a new sports complex will be able to do so. Building the new complex is an irresponsible use of public funds, but Dales' party made the promise during the electoral campaign to build a new complex, and Dales is set on making good on that promise. He deceives the council, but he could beforehand reasonably have expected for this deceit not to cause a decline in political trust because he is keeping the promises made during the elections (Rose & Wessels, 2019)

Therefore, depending on the ends where deceit is used for, the permissibility seems to change. Further restrictions on when deceit is permissible are needed. As a result,

Condition (a) is necessary, but insufficient for a complete account of the permissibility of political deceit that respects the duties of political office.

3.2. Free and equal citizenship

What ends justify the use of political deceit? I believe the realization and protecting the fundamental rights of citizens are ends that are significant enough to warrant the suspension of the duty of transparency. To understand why, it is necessary that the definition of fundamental rights is explained first.

In this paper, I take fundamental rights to refer to the rights of the individual that are needed for free and equal citizenship in liberal democracies. Free and equal citizenship is a necessary condition for democratic systems because it is what is required by the very idea of democracy: collective self-government.

Firstly, equality between citizens is a necessary condition for democracy. The democratic system is an expression of the ideal of collective decision-making. For collective decision-making, each citizen should possess the ability to have a say in the political decision-making procedure (Christiano, 2008; Cunningham, 2002, p.30). All citizens should possess the ability to choose which politicians will represent them in political decision-making procedures and who is granted the political power to decide in which direction the state should proceed. Without equality between citizens, democracy cannot exist because political power would be unfairly distributed and thus the ideal of collective decision-making unrealized.

Secondly, collective self-government requires free citizens as well. To be able to act express preferences politically, one needs the freedom to inform themselves about their political convictions and interests, as well as the freedom to act on these (Cunningham, 2002, p.31). To realize this, it is not only necessary that citizens simply possess a formal right to vote and are free from physical interference, but that they find themselves in the right circumstances to determine what is in their actual interest and translate this into a political vote. This is the difference between negative and positive freedom, where negative freedom is typically described as being *free from* external restraints, and positive liberty as being *free to* act in accordance with one's free will (Berlin, 1958). Citizens should not only possess negative freedom for the ability of political self-determination, but positive freedom

as well: citizens need circumstances that enable accurate judgement formation so that they can make the right political choices.

In sum, free and equal citizenship is a necessary component of a well-functioning democracy, just as political trust is. But what are the actual fundamental rights that are needed for free and equal citizenship in democracies? It is unfortunately not within the scope of this paper to give a complete list of all fundamental rights, but some examples will be given to explain the rights that are necessary for a well-functioning liberal democracy.

First, certain political rights are needed in democracies to realize political freedom and equality between citizens. For example, active and passive suffrage, freedom of expression, the right to freedom of assembly, and the right to privacy. Secondly, legal rights are required for free and equal citizenship as well, such as the right to a fair trial, the presumption of innocence until proven guilty, the right to due process, and the right to redress. These rights are necessary for the protecting people's negative freedoms because otherwise citizen's freedom can be restricted arbitrarily. Thirdly, social rights are necessary to ensure individuals' positive freedoms and ensure equality between citizens. For example, individuals have a right to live in a safe environment, the right to free education, and right to access to healthcare. Finally, economic rights are also necessary for positive freedom and equality. Examples include the right to economic security, right to fair wages and compensation, the right to safe working conditions, and the right to join trade unions.

3.3. Justifying fundamental rights as permissible ends for deceit

With the definition and examples of fundamental rights in place, why is deceit only permissible when it concerns the realization or protection of fundamental rights? Because the protection of fundamental rights is what is required by politicians' professional duties.

In previous chapters, I have argued that the fiduciary relationship between political actors and citizens, and therefore the power that political officials have, is in part justified through the realization and protection of the rights of citizens, and the provision of safety and prosperity for the community. Because the state can centrally ensure and protect the rights of citizens, citizens have a good reason to accept the authority of the state (Locke & Laslett, 1988). This authority is in turn justified by the politicians' execution of the duties that come with political office. In short, politicians have a duty to grant and protect the

fundamental rights of citizens. It is in the pursuit of political ends that fulfill this duty that deceit is justified, but not in the pursuit of self-motivated political ends.

The question then becomes why fundamental rights are the only rights that can justify deceit. The exclusion of self-motivated political ends, such as retaining one's electorate, from deceit is justified. However, there might be other political ends that do not concern fundamental rights, but are important to enough to warrant the use of deceit. Politicians do not just have a duty to protect the fundamental rights of citizens, but to govern in the name of citizens as well. In governing, it may be necessary to pursue political ends that do not touch upon the protection of fundamental rights of citizens, but are ends that are important enough to necessitate the use of political deceit. Why is the protection of fundamental rights the right place to draw the line for justifying political deceit?

The answer to this question is that the protection of fundamental rights outweighs the duty for transparency. On the one hand, as argued previously, fundamental rights are the rights on which the liberal democratic system is built, as that system cannot be realized without free and equal citizenship. On the other hand, the democratic system itself necessitates transparency about political business so that voters can inform themselves, pick a political representative, and hold this politician accountable for their actions within office. However, because the existence of the democratic system depends upon the existence of these rights, the protection of these rights can outweigh the duty for transparency. Other political ends cannot outweigh the duty for transparency, as the existence of democracy does not depend on the realization of these ends in the same way as it depends upon fundamental rights. As a result, if other ends than the protection of fundamental rights would be included in the account of deceit, the duty of transparency would not be respected.

Moreover, restricting the permissibility of political deceit to fundamental rights ensures that the duty for impartiality is accounted for, as fundamental rights are the rights that can reasonable be justified to all through public reasons (Rawls, 1971; 1997; 2005). Precisely because fundamental rights are grounded in the public values of freedom and equality, which are the rights that rational persons would agree to in the original position behind the veil of ignorance, it is permissible to use deceit to realize or protect these rights. All reasonable persons can agree on the importance of these rights. Thus, the neutrality of

these rights causes the realization and protection of fundamental rights to be justified ends for democratic deceit.

Nevertheless, Ramsay has objected to justifications of deceit in politics based on concepts like fundamental rights (2000b, p.31). In theory, fundamental rights seem agreeable ends to justify deceit with. However, the scope of fundamental rights is in practice so broad that almost any deceptive act in politics can be said to serve them. The looseness of this concept gives political actors the opportunity to justify deceit as they please because all ends can be said to relate to the protection or realization of fundamental rights in some way. Therefore, the idea of fundamental rights is an unsuitable concept for determining the permissibility of deceit as the concept is too lenient.

This objection is right in its claim that it is easy to relate other political ends back to fundamental rights. Fundamental rights conceptualized as the rights that are necessary for free and equal citizenship, and hence encompass various legal, political, economic, and social rights. For many political issues, one can make the argument that they in some indirect way or form relate to a fundamental right. As a result, the point of the condition that deceit should only be used in to realize and protect fundamental rights is defeated if almost all political issues can be somehow framed to meet this condition. However, this does not warrant the conclusion that the realization or protection of fundamental rights is unsuitable as a determinant of political deceit. This issue is resolved if the condition is modified: the political end that a political actor aims to realize with deceit must be *directly* related to fundamental rights. Otherwise, it would be too easy for political actors to claim that the end they want to realize with deceit is in some way related to fundamental rights and thus justified.

Therefore, the following condition is necessary in determining the permissibility of deceit in politics as well.

- b) The end to be realized directly concerns the realization or protection of citizens' fundamental rights

3.4. Interpreting condition (b)

How should this condition be applied precisely? I will demonstrate this the following example.

In September 2021, the Netherlands was held in the grip of a long political formation period. After a whole summer of negotiations between the previous coalition parties, the parties found themselves at an impasse. Because it was not possible to form a majority coalition, Johan Remkes was installed as the new *informateur* with the task of attempting to form a minority coalition. However, after several negotiation sessions, this attempt was unsuccessful as well. The negotiating political parties were criticized heavily for the ongoing failure of the political formation. To prevent the failure of a new round of negotiations from hitting back on their negotiating position, one of the parties, D66, came up with a surprising lie about the failure of the negotiations to shift the blame to others (De Witt Wijnen, 2021). They accused *informateur* Remkes of being intoxicated during the meetings, which supposedly prevented him from leading the negotiations properly. However, soon after this spin was put forward, the lie was proved to be a lie by the other negotiating parties.

Can the deceit of D66 be classified as permissible based on condition (a) and (b)? One can argue that the political representatives at D66 beforehand could have expected the deceit to not have led to a decline in political trust because political framing, spinning, and deceit are a natural part of the political negotiation process during the formation. It is commonplace in political negotiations and deal making that parties and politicians use deceptive political strategies to improve their strategic positions and improve the chances of implementing their political plans. As a result, because citizens can expect this to be a part of the formation process, one can expect this spin not to lead to a decline in political trust. Nevertheless, this deceptive act does not satisfy condition (b) because it does not directly relate to protection or realization of fundamental rights. Although one might argue that the spin was somehow related to the protection or realization of fundamental rights because it was done to with the aim of better implementing the political agenda of D66, which might have entailed the protection of fundamental rights, this does not satisfy the criterion of directness that has been established in this chapter. D66 could have known, based on these two conditions, that the lie was impermissible in this instance.

4. A means to an end

In this final chapter, I will address the final condition for determining whether political deceit is permissible. First, it will be explained why the previous two conditions together are still insufficient and why condition (c) is necessary. Secondly, I will explain and rebut one main counterargument against my account, namely the objection that only emergencies can justify deceit. Finally, it will be examined whether the deontological and consequentialist can be modified to absolve the critiques given earlier in this paper, and whether these modified accounts better explain the permissibility of political deceit.

4.1. Insufficiency

In recent years, a key development in political communication is the trend whereby political parties in the Netherlands post videos containing fragments of parliamentary debates on social media (Lievisse Adriaanse, 2019; RTL Nieuws, 2020). At issue with this practice is that these videos often do not portray the parliamentary debate accurately, but portray the own party positively and the political opponents negatively. This is achieved, for instance, by taking fragments of the debate out of context, or editing the fragments as to remove unfavorable parts, or even by editing together fragments from different debates. Therefore, many of these clips are deceptive because the whole truth is twisted, left out or distorted, resulting in the dissemination of an incomplete or inaccurate impression of the debate.

These fragments are for many parties a new form of political advertising and campaigning. Political advertising can have several goals, some of which will be discussed here (McNair, 2003, p.95). Firstly, political parties aim to profile themselves among voters on certain core topics, and by posting short clips where politicians are speaking on these topics in parliament, the party hopes to persuade voters that find these issues important and vote for them. Secondly, these fragments can help to sway public opinion in favor of one of the parties' political stances to sway public opinion and put pressure on policymakers to formulate policies more in line with public opinion (Manza et al., 2002, p.19). Thirdly, political parties hope to show their current electorate that the party is committed to fulfilling its election promises. For example, a political party may have promised during the electoral campaign to push for educational reforms, and now want to show the electorate

they are making good on promise to retain their electorate. Fourthly, these fragments also allow parties to undermine their political opponents as a form of negative campaigning. Posting fragments of the parliamentary debates online can draw attention to bad performances of opponents, give the impression that opponents are incorrect, or hold extreme or ridiculous viewpoints on certain issues. In sum, these videos are a new form of political advertisement, but parties do not always paint an accurate picture of the true proceedings in parliament to achieve this aim.

Although not all these fragments are deceptive, many of these clips do classify as deceit because of the way they take certain parliamentary remarks out of context, how they frame certain issues, or because of blatant edits (Lievise Adriaanse, 2019; RTL Nieuws, 2020). Yet the problem with this practice is that one can reasonably say beforehand that the practice does not undermine political trust. It might even improve political trust, given that this type of political communication closes the gap between politicians and citizens. Because of the exposure to such clips, citizens are exposed to political information, which is a first step into political participation for many because it improves the political knowledge of citizens (Cantijoch et al., 2016; Hussain & Moy, 2011). Political engagement in turn improves political trust, as political participation causes one to identify with the community, and this identification improves solidarity with the community and trust in its institutions (Dagger, 1997, p.115). As a result, a political actor can reasonably claim before posting a deceptive clip that it does not undermine political trust. One might object that if one analyzes this trend from an overarching perspective, one can claim that mass manipulation by political parties to achieved strategic political goals undermines political trust in the long run, but this is doubted by experts as the clips are mostly shown by social media platforms to people who already associate themselves with the views of the party in question, which confirms (RTL Nieuws, 2020).

Moreover, the fragments of the parliamentary debate that are posted on social media platforms cover a wide range of political topics. As a result, it is very likely that a part of these fragments might even be posted on issues with the intent of realizing or protecting the fundamental rights of citizens. For example, political actors might post a deceptive clip with a fragment of a parliamentary to push for educational reforms concerning civic education as to improve civic education, which will cause citizens to be better able to

participate in the democratic process. The posting of such a deceptive clip does not undermine political trust, and the clip is posted to protect or realize fundamental rights of citizens. Nevertheless, there seem to be further reasons to suppose that posting deceptive fragments on social media is impermissible, even though they do not undermine political trust or are an attempt to protect or realize fundamental rights.

4.2. Unnecessary violations

At issue with this example is the practice being unnecessarily at odds with democratic principles, as the intended ends can be realized without deceit as well. Even if the clips are posted with the intent to realize or protect the fundamental rights of citizens, and the clips do not lead to a decline of political trust, if other means are available then deceit, then deceit is in that case unnecessarily at odds with democratic principles of transparency, accountability, representation, and consent. If this is not remedied in the account of political deceit defended up until now, the account is not able to properly account for the principles of democracy and the duty of politicians to adhere to these principles.

As argued earlier, deceit is at odds with the basic principles in democracy (Barro, 1973; Edyvane, 2015; Ramsay, 2000b, p.37). The ideal of democracy is based on collective self-government where citizens have an equal amount of influence in the political decision-making process. With their votes, they elect political representatives and entrust them with the power to make govern in and their name, which entails that they are responsible for making political decisions. The power that is given to political representative needs justification, which is achieved through the ability of citizens to hold political representatives accountable for their actions while occupying political office (Friedrich, 1972, p.177). They can be held responsible by citizens for the execution of their office. However, for this mechanism of accountability to truly work, citizens need to possess full information about political representatives' actions while in office. Without this full information, citizens cannot form a proper judgement about the performance of political representatives. Secrecy and deceit thus reduce citizens' ability to hold political actors accountable because they lack information upon which to judge the performance of political representatives, which is against against the principle of accountability that democracy is built upon (Friedrich, 1972, p.177).

Moreover, in being deceitful, politicians fail to respect the principles of representation (Ramsay, 2000b, p.37). Representation entails the idea that politicians represent the interest of citizens in government. If they are deceitful towards the public, citizens are unable to accurately discover what their interests are and how to translate this into political preferences. Therefore, political representatives cannot represent the interests of citizens when they are being deceitful because their interests cannot be properly formulated by them. As a result, the consent based on which political representatives are given power is not fully valid if political representatives deceive citizens. This consent is given based on the idea that political representatives will govern in the name of the people and thus represent the interests of all citizens. But if deceit hinders citizens' ability to discover or formulate their interests, and political representatives thus cannot represent those interest accurately, then the consent given based on representation is not fully valid (Ramsay, 2000b, p.35). Therefore, deceit is always at odds with the democratic principles of transparency, accountability, representation, and consent, even when it does not reduce the level of political trust and when it is used to protect citizens' fundamental rights (Ramsay, 2000b; Friedrich, 1972).

However, as argued previously, politicians have a duty to adhere to the democratic principles and norms, as they are essential for the functioning of democracy itself. When politicians may violate this duty by being deceptive, even though there are other means available that are in accordance with democratic principles and norms, the account of deceit would not do justice to the high moral standards that politicians are subject to because of fideuciary nature of political office. The duty to adhere to democratic principles is not accounted for. Therefore, another condition is necessary to do justice to these standards. To prevent deceit being permissible too often, the principles and norms of democracy need not be violated unnecessary. As a result, there is a third condition that determines the permissibility of political deceit:

c) There are no other available means of achieving the end in question

It should be remarked that when a deceitful act is permissible following this account, the duty of transparency still requires the political actors that are deceptive to reveal their

deceit as soon as possible. Deceit is still against this norm, and this norm is justifiably suspended when the three conditions set out in this paper are met, but this does not entail the conclusion that a deceptive act remains justified forever. Deceit is sometimes necessary and permissible to achieve the protection of the fundamental rights of citizens. But as soon as the protection or realization of fundamental rights is realized and there are no other remaining threats to the fundamental rights of citizens, deceit is no longer necessary. The duty of transparency then obliges deceptive actors to reveal deceit as soon as possible, to allow citizens the possibility to hold the political actions of their representatives accountable.

However, this requirement should not be seen as the fourth condition of this account. As argued in the introduction, this account adopts a forward-looking responsibility for the account on the permissibility of deceit. In other words, with their current knowledge and in the current circumstances, under what conditions can political actors beforehand decide on the permissibility of a deceptive act? This extra responsibility of political actors arises after the decision is already made and is hence not a condition that determines whether the act is permissible beforehand, which the account in this paper sets out to determine.

4.3. Emergency situations

I believe the current conditions succeed in meeting the three requirements for an account of democratic deceit. As argued in chapter one, an account of the permissibility of deceit must be able to accommodate both the duties of political office and the extraordinary circumstances that politics is concerned with.

Nevertheless, one may argue that this account is unnecessary and overcomplicated because the only instances where democratic deceit is permissible in this account is in case of emergencies. Only in emergency situations where urgent political action is necessary to protect the fundamental rights of citizens can we truly speak of a situation where there are no other means available, precisely because the urgency rules out other political means, as these often move too slowly and disables political actors from responding to the emergency.

As a result, the account that is set up in this paper can be summarized much more easily: deceit is only permissible in response to an emergency to prevent harm. Only in these instances is the duty of politicians to be transparent and open justifiably circumvented by the duty to provide citizens with security and prosperity. Normal democratic norms and procedures, such as transparency are suspended to prevent the serious harms of the emergency. There is therefore no need for three different conditions to determine the permissibility of deceit. This summarized version captures the idea behind the extended variant just as well without overcomplicating the permissibility of deceit in democracy.

I do believe there is some truth to this objection. The only situations where all three conditions for justified deceit are met in the account defended in this paper are emergencies. However, the alternative account set out above where deceit is permissible if it is necessary to prevent the harm of an emergency is in need of further explanation, but this further explanation cannot be given without violating the duty of impartiality. What allows for the justified suspension of the democratic duty of transparency in this account is the prevention of harm caused by emergencies. But how should emergencies and harm be understood, and how much harm is sufficient to allow deceit? If these questions are answered and the alternative account built out further, it becomes clear that the duty of impartiality is not accounted for.

First, it is necessary to further explain what is meant with emergencies. The term is typically used to describe urgent threats like hurricanes, tornadoes, wildfires, or pandemics. However, non-urgent threats that have existed for months or years are sometimes classified as emergencies as well. For example, in March 2017 the state of California classified a small hepatitis A outbreak as an emergency, even though the situation had been ongoing since November 2016 (Sunshine et al., 2019). Moreover, some have classified global warming as an emergency regardless of the slow-moving nature of the threat. This demonstrates that one can debate what threats should be understood as an emergency. Therefore, an account on the permissibility of political deceit needs to give a definition of emergency that respects the duty of impartiality by ensuring an impartial stance in determining the permissibility of deceit.

Nevertheless, it is impossible to give a definition of an emergency that is able to meet this condition. A definition for an emergency that respects the duty of impartiality is

one that all reasonable persons could agree with. One might argue that the best definition of an emergency is an unexpected and dangerous situation where urgent action is required to prevent harm. However, this definition of emergency is not impartial as well. What is an unexpected situation? And what should be understood under danger? For example, following the 2015 terrorist attack in the Bataclan in Paris, the French government declared a state of national emergency that lasted nearly two years (Vauches, 2018). Even though one can argue that there was a dangerous situation because of the presence of a terrorist threat, one can question whether this is sufficient danger to classify this as an emergency. In addition, given the historical and political events preceding this event, the presence of the terrorist threat is not unexpected. Thus, the concept of emergency cannot be defined in a way that the requirement of impartiality is met, as all terms used to define an emergency can be interpreted subjectively.

The term sufficient harm is subject to the same issue as well. This point has already been argued for in this paper in response to the consequentialist account of political deceit. A definition of harm and benefit needs to be given that is impartial in order for the account to respect the duty of impartiality. However, terms like harm are inherently subjective. What someone perceives as harmful will differ between persons. Different politicians will have different beliefs on what constitutes harm, and how much harm is sufficient in justifying deceit. As a result, if the term sufficient harm is used in such an account, it cannot meet the requirement of impartiality.

Therefore, this alternative account will not be able to provide an impartial account on the permissibility of deceit. The terms emergency, crisis, and sufficient harm need to be avoided for an account of political deceit to meet the requirements of impartiality. This is where the account defended in this paper comes into view. This account is the better account for determining the permissibility of deceit because it can accommodate the duty of impartiality by avoiding subjective terminology like emergency and harm. Instead, it provides political trust as a measure and the protection of fundamental rights as legitimate ends for deceit. As a result, an impartial stance in determining the permissibility of deceit is attained.

4.4. Revisiting deontology and consequentialism

Over the course of this paper, I have set out and defended an alternative account for the permissibility of political deceit because the current moral theories on political deceit were unable to provide an account for the permissibility of political deceit that respected the nature of political office. Nevertheless, to argue that the account defended in this paper does grasp the nature of political office, it is necessary to see whether the deontological and consequentialist account can be modified in a way that my former critiques of the theories can be resolved. I will argue in the following section that both are unable to account for the duty of impartiality, even when modified, which thus demonstrates that the account in this paper better grasps the nature of political office.

The deontological account as set out by Korsgaard (2007) will be discussed first. At issue with this account was its inability to account for the duty of prosperity. Political deceit was only permissible if it came to immediate threats to life. However, if deceit is only permissible in case of immediate threats to life, it is impermissible to deceive to prevent, for example, harmful economic threats. Nevertheless, the deontological account can be modified in order that the duty for prosperity is respected. Deceit is in this case not only permissible when it comes to immediate threats to life, but to immediate threats to the prosperity of the community as well.

Although the modified deontological account can account for both politicians' duty for transparency as well as their duty to provide welfare for the community, it cannot account for the duty of impartiality. This account does not give a definition of what threats to prosperity are. To take into account politician's duty to impartiality, the account must ensure that an impartial perspective is taken on the permissibility of deceit, which is achieved by adopting an impartial method of determining the permissibility. But, as argued previously, what can be seen as a threat to prosperity is something that will differ from politician to politician. Therefore, the use of threats to prosperity as a determinant for the permissibility of deceit disables the account from accommodating the duty for impartiality because it uses subjective terminology.

Thus, even if the deontological account is modified to remove the most pressing issue, the account does not account for politician's duty for impartiality.

Can the consequentialist account avoid similar issues? At issue with the consequentialist account was its inability to account for politicians' duty for impartiality, which stemmed from its lack of definition of harm and benefit, and resulted in an inability to properly account for the duty of transparency. Therefore, the account should be modified to account for the duty of impartiality if it is to succeed in providing a workable account. One needs to define harm and benefit in such a way that it enables the account to take an impartial stance.

Can one give an impartial definition of harms and benefits? One way of clarifying the definition of harm in an impartial manner is with Feinberg's (1984) account of harm, where it is defined as a setback to interests. In the modified consequentialist account, harm is defined as a setback to the public interest, and benefit as an advancement of the public interest. Political deceit is permissible if the prevention of a setback to the public interest outweighs the democratic damage of deceit.

However, even though this new definition uses the public interest as a measure for determining the permissibility of political deceit, which does ensure a politically neutral perspective, subjectivity is still included in the account because of the use of the term setback. What constitutes a setback to the public interest can still be the subject of debate. For example, it is in the public interest to stop drugs crime, and some will view the legalization of drugs as an advancement of this end, while some will see it as a setback (Inciardi, J.A., 1999). As a result, the further clarification of harm does not solve the subjectivity present in the consequentialist account. The modified account is still unable to account for politicians' duty of impartiality.

Conclusion

In this paper, I have argued that it is necessary to rethink the permissibility of deceit in democratic politics, as none of the current moral accounts on political deceit can properly account for the fideuciary nature of political office. An account on the permissibility of political deceit respects the nature of political office when politicians' duties are all accounted for. The current deontological and consequentialist perspectives fail to respect one or multiple duties. The deontological account does not take into account the duty to protect the rights of citizens and the prosperity of the community. The consequentialist account does not respect the duty for transparency and the duty for impartiality.

The account defended in this paper does succeeded in respecting the fideuciary nature of political office. It achieves this by adopting the following three conditions for determining the permissibility of political deceit:

- (a) One can reasonably claim the deceitful act not to lead to a decline in the level of political trust;
- (b) The end to be realized directly concerns the realization or protection of citizens' fundamental rights;
- (c) There are no other available means of achieving the end in question.

Because political actors are forced to reason from an impartial perspective by considering the impact of the deceptive act on political trust, which encompasses the pluralistic citizenry, the duty of impartiality is respected. However, because political trust likely does not diminish in situations where deceit is used to realize unimportant or selfish political ends, condition (b) is necessary to ensure that politicians' duty for transparency is respected. Condition (c) ensures that further democratic principles are not violated unnecessarily. Because emergencies are the only situations where all conditions are satisfied, both the duty to guarantee the rights of citizens and prosperity for the community, and the duty for transparency are accounted for. As a result, this account on the permissibility of deceit in politics does justice to the high moral standards that politicians are subject to because of the fiduciary nature of their office.

In closing, some final remarks on the methodology of this paper should be made, all of which suggest further research avenues.

Most importantly, this paper has addressed deceit as a homogenous concept that covered both political 'spins' as blatant and outright lies. On the one hand, all types of deceit are a violation of the democratic principles as transparency, accountability, and representation. Whether it is a political spin or an outright lie, both types of deceit have the potential to undermine democracy, especially when used frequently. On the other hand, political spins are not as bad as transgression of democratic principles as an outright lie, and thus does considerably less damage to democracy. In further research, it is useful to research whether these two different types of deceit should be distinguished, and if so, how this impacts the account on deceit defended in this paper.

Secondly, the conditions that determine the permissibility of deceit in the account defended in this paper are based on the fiduciary relationship between citizen and political representatives. However, not all the deceptive acts in politics are put forward by political representatives themselves, but often by affiliated staff as well. Political staffers cannot be said to have a fiduciary relation with citizens in the same way as elected officials have, given that they are not entrusted with the power to make political decisions. Therefore, it is worth examining whether political staff are subject to different moral norms regarding political deceit, or whether they are subject to the same norms as political representatives because they operate under the authority of elected representatives.

Thirdly and finally, the theoretical framework of this paper is based on the idea of liberal democratic politics as set out in Rawls' (1971; 1997; 2005) political philosophy. The question then becomes whether the account set out in this paper can be adopted by other theories of democracy or in different political systems, such as deliberative or direct democracy. In these different theories, the nature and subsequent duties of political office may differ to an extent that the account defended in this paper is in need of alteration or supplementation. As such, it would be useful to consider whether the account defended in this paper are suitable for other theories of democracy as well.

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