Affirmative: Quality of Life

By Zachary Beddingfield

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

Instead of being interpreted as a human right itself, the right to know can instead be treated strictly as a limitation on the privacy rights of candidates for elected office. On those grounds, this case takes a court-informed approach of arguing the public's right to know ought to be valued above the candidate's right to privacy in the same way government-imposed limitations on human rights are justified when necessary for the maintenance of the nation's integrity and society's quality of life.

With quality of life as a value, this argument for the right to know fits within the LD framework. If the public's right to know held above the candidate's right to privacy best achieves quality of life, the restriction on privacy is considered justified for government to fulfill its national duties. Quality of life here is defined in objective terms, helping you to defend the value within the round and allowing you to use evidence to show quality of life is either being enhanced or degraded by various applications including policy measures and cases of democratic corruption. Hopefully, this case will give you a solid position in your rounds and open your mind to more approaches and perspectives on the resolution. Good luck!

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Affirmative: Quality of Life

"Information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society"

* Toby Mendel, Executive Director of the human rights agency Centre for Law and Democracy

Mendel, Toby. “The Public's Right to Know: Information on Freedom of Information Legislation.” Article 19: Global Campaign for Free Expression, June 1999, Accessed 11 July 2020. <https://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>

Privacy is an important and fundamental right, but it is also a qualified one. Governments and human rights agencies are in agreement that the right to privacy can be limited for justified purposes, which should include the need to know otherwise private information about the men and women who seek authority in the population to make decisions which impact the public as a whole. It is for this reason I stand resolved: **In democratic elections, the public's right to know ought to be valued above the candidate's right to privacy.**

DEFINITIONS

Privacy

Sharp, Tim. “Right to Privacy: Constitutional Rights & Privacy Laws.” LiveScience, 12 June 2013. Accessed 8 June 2020. Sharp has a bachelor’s in science and Journalism. He's an editor for NYT and a freelance journalist for Space.com and LiveScience.com. Louis Brandeis was a Supreme Court Justice from 1916 to 1939. [www.livescience.com/37398-right-to-privacy.html#:~:text=The%20right%20to%20privacy%20refers,some%20amendments%20provide%20some%20protections](http://www.livescience.com/37398-right-to-privacy.html#:~:text=The%20right%20to%20privacy%20refers,some%20amendments%20provide%20some%20protections)

The right to privacy refers to the concept that one’s personal information is protected from public scrutiny. U.S. Justice Louis Brandeis called it “the right to be left alone.”

Right to Know

Dictionary.com “Right-to-know” <https://www.dictionary.com/browse/right-to-know>

“Of or relating to laws or policies that make certain government or company data and records available to any individual who has a right or need to know their contents.”

RESOLUTION ANALYSIS: Right to know as a policy to protect democracy

Traditionally, rights have referred to the characteristics that we as beings innately have, and which should be treated with respect. John Locke presented the natural rights life, liberty, and property as among these. Recently, we've begun applying the wording of rights to social policies beyond these innate human virtues. NCFCA itself has chosen this more open view when presenting the importance of being aware of your elected officials and democratic candidates as under the tagline of the right to know. Just as how we say there is a right to high-school education, giving it freely to all citizens, the right to know in practice should be perceived as government legislature. When we affirm a right to know, we are affirming not that we as humans have an innate right to pry into each other's lives, but that it is necessary and justified for the nation to limit the privacy of those that run for office. In this way, the resolution is asking us a simple question: in the interest of protecting democracy, are democratic governments justified in limiting the privacy rights of candidates? If the answer is yes, we have affirmed the resolution and valued the public's right to know above the candidate's right to privacy.

VALUE: Quality of Life

Definition

Boelhouwer, Jeroen, and Heinz-Herbert Noll. “Objective Quality of Life.” Encyclopedia of Quality of Life and Well-Being Research, 2014, pp. 4436–4438., Accessed 11 July 2020. <https://doi.org/10.1007/978-94-007-0753-5_1987>.

“Quality of life” is a normative conceptualization of the good life and society which – depending on its different notions – covers objective and/or subjective components. The objective quality of life is restricted to the objective components or dimensions and measured by objective indicators, which are statistics on social or societal reality unfiltered by perceptions and independent from personal evaluations.

Reason to Prefer: Test of the Quality of the Nation

A value is meant to be a test we can use to check which side of the resolution is better. If the right to know held above candidate's privacy rights can best achieve the value, then we say the resolution has been affirmed and the affirmative wins. Because the value is a test, it needs to be a meaningful aspect of the nation and a way to judge policy decisions that might grant a right to know. Quality of life is this meaningful aspect, encompassing the metrics we consider when judging our government and officials, ranging from growth in the economy and unemployment rate to measures of satisfaction and trust in government.

CONTENTION 1: Can limit rights when necessary to protecting quality of life

Human rights agencies acknowledge the need to restrict rights

“Issues of Freedom : Restrictions on Individual Liberties.” Accessed 11 July 2020. Bracketed information is provided for context by Monument staff to be read in introducing the citation. <https://www.humanium.org/en/fundamental-rights/freedom/restrictions/>.

[when writing on the importance and significance of rights, Humanium, a children's human rights agency, notes this about the limits of rights:]

These liberties, recognized as belonging to both adults and children, are commonly known as fundamental rights—that is to say, rights which the population is entitled to fully enjoy without government intrusion. Nevertheless, the proper exercise of these liberties, taken in conjunction with the need for public order, national security, the preservation of moral values, as well as respect for the rights of one’s fellowman—all of this necessarily entails that some restrictions be placed upon these liberties.

Only the freedom of thought, conscience and opinion are subject to no real restriction. Each and every person is free to think what he or she likes without fear of government interference so long as his or her opinions remain private.

Europe has agreed that privacy can be limited to protect the wider public interest

“Convention Rights and Principles.” Equality &amp; Human Rights Impact Assessment, Equality and Human Rights Commission, Accessed 11 July 2020. <http://eqhria.scottishhumanrights.com/eqhriatrainingconrightsheader.html>.

The human rights set out in the European Convention on Human Rights are incorporated into the law of Scotland through the Human Rights Act and the Scotland Act.

It is important to understand that there are different types of rights in the Convention. In particular, there are **absolute rights** and **qualified rights**, and some rights are limited.

…

Some human rights are qualified, which means they can be restricted in some circumstances and within limits. These rights are written so that the first part of the Article sets out the right that is to be protected, while the second part establishes whether a public authority can legitimately restrict that right in order to protect the wider public interest.

Qualified rights include: The right to respect for private and family life, home and correspondence.

The United States has a process for restricting rights

Artimez, John. “Can Constitutional Rights Be Restricted?” Bordas &amp; Bordas, 27 Mar. 2018, Accessed 11 July 2020 <https://bordaslaw.com/blog/can-constitutional-rights-be-restricted>.

For purposes of this article, I’m going to limit my discussion to rights conveyed by the various amendments to the United States Constitution. Those rights, such as freedom of speech, freedom of religion, the right to a trial by jury, and the right to keep and bear arms are familiar to pretty much everyone. What people don’t seem to understand, however, is that our Supreme Court has consistently held that even the most basic of our constitutional rights can be subject to regulation or restriction. “Pardon me”, you say? “You’re telling me that constitutional rights can be restricted?” The answer is a very clear yes, although the standards that apply in such situations are difficult to meet.

Over the years, the U.S. Supreme Court has identified certain constitutional rights as “fundamental”. I won’t give you an exhaustive list of the rights that are within that group, but I can tell you that freedom of speech, the right of privacy, and the right to keep and bear arms all have been found to fit the definition of a fundamental right. In order to restrict such a right, the government has to demonstrate that it has a “compelling state interest” which the proposed restriction seeks to protect.

UN International Covenant on Economic, Social, and Cultural Rights: Article 4 on limiting rights

“International Covenant on Economic, Social and Cultural Rights.” Office of the High Commissioner, United Nations Human Rights, 16 Dec. 1966, Accessed 11 July 2020 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

CONTENTION 2: Democracy is vital to protecting quality of life

Democracy is the best system to secure human rights

Ersson, Svante, and Jan-Erik Lane. Democracy : A Comparative Approach, Taylor & Francis Group, 2003. ProQuest Ebook Central, Accessed 11 July 2020. <http://ebookcentral.proquest.com/lib/gmcollege/detail.action?docID=1433540>.

Conclusion

Democracy secures human rights better than other kinds of regime. It is also conductive to equality. Thus, it is concluded that it is the best political regime mankind has invented. However, democracy has an internal problem referred to either as a paradox of participation or as a principal-agent difficulty. It is not quite clear that the population is really in the driving seat, as participation tends to be low and politicians/political parties play a dominating role in deciding policies.

Democracy is strongly correlated to life quality

Frey, R. Scott, and Ali Al-Roumi. “Political Democracy and the Physical Quality of Life: The Cross-National Evidence.” Social Indicators Research, vol. 47, no. 1, 1999, pp. 73–97. JSTOR, Accessed 11 July 2020. Bellow excerpt is the complete abstract. <https://www.jstor.org/stable/27522382?seq=1>.

Why do some countries have a high quality of life? One important explanation is that political democracy fosters life quality. Proponents of this perspective argue that political democracy acts to center the public agenda on state actions that enhance life quality. The cross-national effects of democracy (and several alternative variables) on the physical quality of life were examined for 87 countries at three points in time: 1970, 1980, and 1990. Results indicate the existence of a strong positive relationship between democracy and life quality for all three time periods.

Democracy creates better quality of life

Ortiz-Ospina, Esteban. “Does Democracy Lead to Better Health?” Our World in Data, 24 June 2019, Accessed 11 July 2020. <https://ourworldindata.org/democracy-health>.

Considering the evidence as a whole, the conclusion is that (i) there is a strong raw cross-country correlation between population health outcomes and the strength of democratic institutions; (ii) there is evidence that these correlations also hold if you control for other variables, but there are some studies that suggest conditional correlations are less robust; (iii) going beyond correlations, there is good evidence suggesting the observed cross-country correlations are likely causal, hence suggesting that democratization leads to better health; and (iv) the causal mechanism is likely driven by a mix of both higher expenditure on public services, and better public service delivery.

CONTENTION 3: Limiting privacy of candidates is justified to protect democracy

Nelson Mandela on the importance of access to government information

Neuman, Laura. “A Key to Democracy: Access to Information Critical for Citizens, Governments.” The Carter Center, 11 Apr. 2005, Accessed 11 July 2020. <https://www.gov.za/documents/constitution/chapter-2-bill-rights#32>.

**Q: Why should ordinary citizens care about access to information?**
I am often asked why people who sometimes don't have even pennies to their name should care about a right that to them seems very distant, such as the right to information, and my response is simple: citizens should care because information allows them to participate in priority setting and decision-making, to hold their government accountable, and to assure equal treatment and equal justice. Information belongs to the people; governments simply hold information in their name. Public documents include anything from a birth certificate to a contract for road construction to studies that underpin public policy. The right to information was considered so important that when former South African President Nelson Mandela was drafting their new democratic constitution, he made certain that this was one of the first rights included. Mandela understood that it is a lack of information and a lack of knowledge that allows systems such as apartheid to thrive. With information, citizens can better secure their democratic rights.

“Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights.” South African Government, Accessed 11 July 2020. <https://www.gov.za/documents/constitution/chapter-2-bill-rights#32>.

32. Access to information

1. Everyone has the right of access to

a. any information held by the state; and

b. any information that is held by another person and that is required for the exercise or protection of any rights.

2. National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

Democracy thrives when the citizenry has access to a broad range of information

Neuman, Laura. “Access to Information: A Key to Democracy.” The Carter Center, Nov. 2002, Accessed 11 July 2020. <https://www.cartercenter.org/documents/1272.pdf>.

Knowledge is power, and transparency is the remedy to the darkness under which corruption and abuse thrives. Democracy depends on a knowledgeable citizenry whose access to a broad range of information enables them to participate fully in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable.

…

Access to information is a cornerstone of democracy.

Negative Counter-Brief: Quality of Life

There are different ways to respond to this case; I'll focus on my favorite. Affirmative's argument here is that limitations on qualified (restrictable) rights such as the right to privacy can be justified for the benefit of society, represented by the value quality of life. The resolution is not nation-specific, so the affirmative needs to prove that this applies (on a philosophical, not legal level) to all democracies. However, it is not universally agreed that governments can justify limiting rights for the common good, and more importantly that governments should do any limiting of rights or pursuing of common good at all. Rather, some governments, including our own at founding, believe the whole purpose of government is to protect the rights people already had, those natural rights of life, liberty, and property, from which privacy could but doesn't need to be inferred. The citations below are a mix of general citations to aide in the approach you choose in responding to this case as well as those that will help you show specifically that the affirmative cannot universally prove the resolution through the contentions presented because of the assumption that limiting rights for the common good is accepted precedent.

Government should exist to protect rights, not create them

Snowball, Timothy. “Government Is Not the Source of Our Rights.” Pacific Legal Foundation, 10 Mar. 2018, Accessed 11 July 2020. <https://pacificlegal.org/government-is-not-the-source-of-our-rights/#:~:text=As%20Jefferson%20writes%2C%20the%20entire,before%20governments%20were%20ever%20created.>.

The source and operation of our natural rights thus have vast implications for what constitutes good and legitimate government. As Jefferson writes, the entire purpose of government is to protect the preexisting natural rights of individuals. Governments are not founded in order to create new rights and arbitrarily dispense benefits upon preferred groups, but to secure rights that existed before governments were ever created. It is the people, therefore, who give the government its power, without which it would be powerless, and without which it cannot legitimately act. Jefferson writes that when and if an established government fails to protect our natural rights, its only legitimate function, it is the right of the people to abolish it and establish new government to achieve these ends.

Human rights as a metric for quality of life

“Quality of Life Indicators - Governance and Basic Rights.” Quality of Life Indicators - Governance and Basic Rights - Statistics Explained, Accessed 11 July 2020. <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Quality_of_life_indicators_-_governance_and_basic_rights#Equal_rights>.

The focus of this article is the seventh dimension — governance and basic rights — of the nine quality of life indicators dimensions that form part of a framework endorsed by an expert group on quality of life indicators. Civil society, a respect for human rights and the rule of law, as well as accountable government are some of the hallmarks of modern democracies which impact on the quality of life led by European citizens; many would argue that simply paying lip service to such rights or embedding them in law is insufficient without their effective implementation.

Governments do not universally strive for the common good

“Government's Role of Securing Unalienable Rights Verses Promoting the Common Good.” EdWatch, Accessed 13 July 2020. <http://www.edwatch.org/updates/Diversity/govtsrole.htm>.

The Declaration of Independence says that government has one primary purpose; that of protecting the unalienable, God-given rights that all human beings possess. The Declaration [of Independence] states:

That, to secure these rights, governments are instituted among men. [The term "rights" had been defined earlier this way -- "they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."]

In this way the Declaration of Independence makes is crystal clear that government has one overarching purpose; that of protecting the inherent human rights of life, liberty and property (pursuit of happiness).

John Locke believed in a rights-oriented government

“Natural Rights.” Constitutional Rights Foundation, Accessed 13 July 2020. <https://www.crf-usa.org/foundations-of-our-constitution/natural-rights.html>.

Locke wrote that all individuals are equal in the sense that they are born with certain "inalienable" natural rights. That is, rights that are God-given and can never be taken or even given away. Among these fundamental natural rights, Locke said, are "life, liberty, and property."

…

The purpose of government, Locke wrote, is to secure and protect the God-given inalienable natural rights of the people. For their part, the people must obey the laws of their rulers. Thus, a sort of contract exists between the rulers and the ruled. But, Locke concluded, if a government persecutes its people with "a long train of abuses" over an extended period, the people have the right to resist that government, alter or abolish it, and create a new political system.

Britain rules anti-terrorism law unjustified and commits too great a violation on human rights

Alvarez, Lizette. “British Court Strikes Down Antiterror Act.” The New York Times, 17 Dec. 2004, vz Accessed 13 July 2020. <https://www.nytimes.com/2004/12/17/world/british-court-strikes-down-antiterror-act.html>.

Britain's highest court ruled Thursday [December 16, 2004] that the government could not continue to indefinitely detain foreigners suspected of terrorism without charging or trying them, saying the practice violated European human rights conventions.

…

The law lords deemed the detentions a clear violation of the European Convention on Human Rights, which applies to all European Union nations, in a ruling that removes one of the government's most significant antiterrorism tactics.

The ruling paralleled a June decision by the United States Supreme Court that those regarded as enemy combatants at Guantánamo Bay, Cuba, must be given the ability to challenge their detention before a judge or other neutral "decision maker." That ruling stated, "A state of war is not a blank check for the president."

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