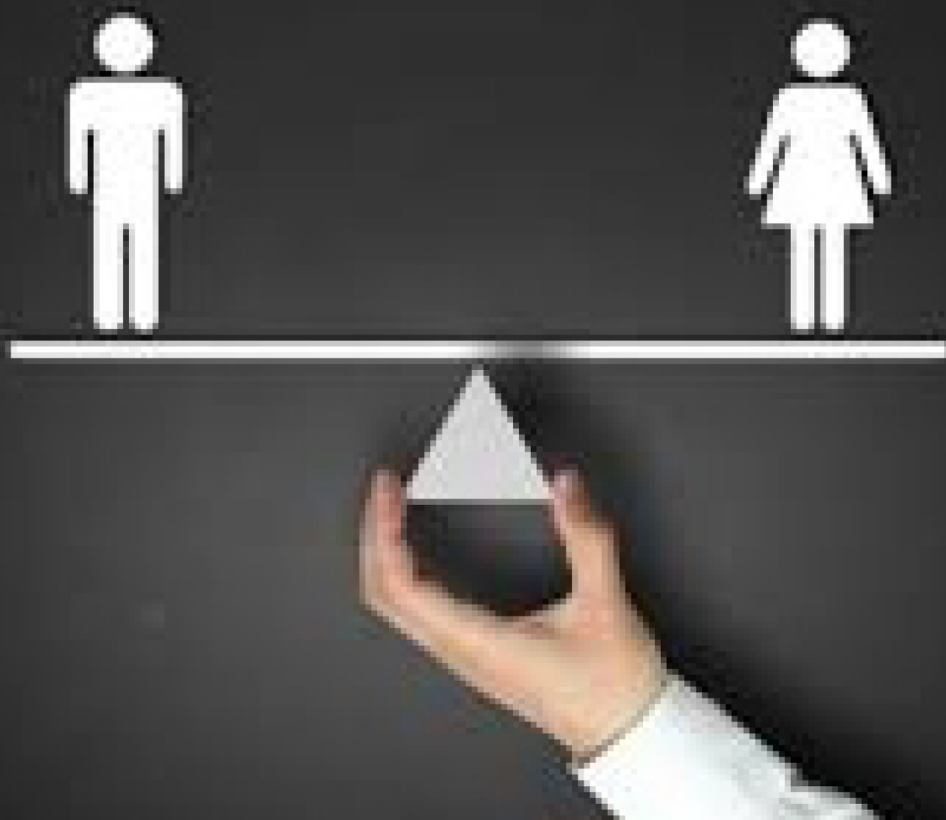


# Significance of Equality

Sean McIntosh





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by Sean McIntosh

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Ebook ISBN: 9781984662248



Published by:

Bibliotex

Canada

Website: [www.bibliotex.com](http://www.bibliotex.com)

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## Chapter 1

# Introduction

## Political Egalitarianism

Equality and democracy are closely linked with each other. **Political equality** is the quality of a society whose members are of equal standing in terms of political power or influence. A founding principle of various forms of democracy, political egalitarianism was an idea which was supported by Thomas Jefferson and it is a concept similar to moral reciprocity and legal equality. The idea suggests all citizens of a certain country must be treated equally solely depending on their citizenship status, not on their race, religion and how clever or how rich they are. Equal citizenship constitutes the core of political egalitarianism. This is expressed in such principles as one-person/one-vote, equality before the law, and equal rights of free speech.

Equality before law means that the law applies to all peoples without exceptions, therefore the law must be designed beforehand in a way that discrimination by the state become unthinkable. Fairness and justice concept should be followed and enforced by the state. Political Gender Gap and Social

## **Dominance Orientation**

The increase of participation of women in politics has revealed that women and men are political actors with distinct political preferences. In the last 30 years, there was a rise in the political gender gap. The Center for the American Woman and Politics data show that a more substantial proportion of women than men vote for the Democratic Party. The last presidential elections (2016) revealed a sizable 11 percentage-point gender gap, 42 percent of women voted for Trump versus 53 percent of men. This is not a new phenomenon according to the data of CAWP in the last two decades, since in the 1996 presidential election, women voters tend to prefer more a democratic candidate than men (the gender gap variance has varied in these years from a minimum of 7 points to a maximum of 11 points). The 2016 gender gap was one of the largest ones. Also, in Europe, most countries show either no gender gap or that women are more left-wing than men. Recent research based on the analysis of the European Values Study/World Values Survey that combines data spanning from 1989 to 2014 reveals that there is a gender-generation gap. In the younger cohorts, women are more left-wing oriented than men. Researches on the gender difference in political issues point out that there is a wide difference in programs and issues that women and men support. Women, in general, are in favor of government spending on social welfare, education, and health. They are more likely to favor programs for medical care, schooling, and gun control.

On the contrary, they tend to oppose more military spending or the use of force to solve conflicts and are against capital

punishment. They support less discriminatory policies and have more positive attitudes toward homosexuals than men. Women have lower levels of prejudice, authoritarianism, and anti-egalitarianism, are more worried about potential international conflicts, and, in general, hold less punitive attitudes. Social dominance orientation (SDO) has been theorized to account for political gender differences.

The social dominance theory (STD) aims to understand how group-based social hierarchy is formed and preserved. According to Sidanius and Pratto, postindustrial societies tend to develop group-oriented social hierarchies that support long-term human survival. In these hierarchical societies, intergroup conflicts and oppressions contribute to maintaining the status quo of the social system. SDT suggests that an individual orientation called social dominance orientation is a potential explanatory factor of sociopolitical sex differences. The SDO has been defined as a personal desire for group-based dominance, mirroring an individual's support for group-based hierarchies. People higher in SDO tend to support hierarchy-enhancing legitimizing myths such as prejudice, racism, sexism, militarism, support for the death penalty, and coercive social power across societies and contexts. Men tend to score higher than women in SDO. Such differences may be, to a certain extent, determined by the desire of males to justify their dominant position in society. As Sidanius and Pratto point out, our contemporary hierarchical system is mostly "andrarchical" since men tend still occupy most of the highest positions of political and economic power. Therefore, men should support social systems that maintain hierarchies since they tend to hold privileges due to occupying higher positions in

society. In our societies, women and men usually have different roles in the group-based hierarchy. Men tend to be more numerous in the police, military, lawyers, judges, and business executives areas, whereas women are in a more significant number in the teachers, social workers, and charity volunteer areas. Overall, men are inclined to participate in institutions or hold roles that enhance hierarchy and females on the contrary to institutions that diminish hierarchy. The SDT maintains that those that occupy positions in society that reinforce the existing group inequality or strengthen in-group status are more likely to be social dominance-oriented than out-groups are.

SDT claims that men and women should exhibit differences in SDO due to strategies that follow from evolutionary theory. Sidanius et al. maintain that different psychological and behavioral predispositions between males and females in terms of sexual and reproductive behavior are the core of gender difference in society. From this perspective, sex differences in orientation toward group-based social inequality (SDO) are the effects of human reproductive strategies. Sidanius and Pratto put forward that reproductive inequality implies economic inequality and economic inequality implies political inequality. Sidanius, Pratto, and Bobo formulate the gender invariance hypothesis from a perspective of theoretical biocultural interaction: "Not only should men have a higher average level of SDO, but this higher average level of male SDO should also be found after cultural, situational and environmental factors are considered".

Two invariance hypotheses have been proposed. The "strong" version and the "soft" one. The strong version claims that SDO

differences between men and women should not vary across cultural factors, situational factors, or both. There should, therefore, be no significant interaction between sex gender and cultural-situational factors. In other words, the strong version of the invariance hypothesis predicts that the difference in SDO between men and women should be essentially invariant across all major cultural, environmental, and situational factors such as country of national origin, ethnicity, education, income, age, political ideology, racism, religious beliefs, and gender role attitudes. However, since the claim of the biological roots of gender differences is less relevant in SDT today, a contextual variation is, to some extent, allowed in the soft version hypothesis. The soft version of the invariance hypothesis asserts that men will always show higher levels of SDO than women, everything else being equal. It claims that although gender might interact with several cultural-situational factors, this interaction will always be ordinal and never disordinal. Whereas the male-female differences in SDO might show some significant variations across cultural factors, situational factors, or both, females should never have significantly higher SDO than males within the same sociocultural context. Both socialization experiences and belonging to hierarchy-attenuating or hierarchy-enhancing settings can increase or diminish SDO; however, women should never have a significantly higher SDO than men. For instance, different professional groups may vary in their levels of SDO; however, within a specific professional group, men should report higher levels of SDO than women.

Quite a lot of studies have attempted to investigate, if and under which, circumstances the invariance hypothesis holds. Several

studies conducted mainly by Sidanius and colleagues supported the validity of the invariance hypothesis, both with samples of students and adult residents of the United States and in many foreign countries.

For example, in their cross-cultural study on male-female difference in SDO that involved 10 countries (Australia, Canada, Israel, Mexico, Palestine, Republic of China, New Zealand, the former USSR, Sweden, and the United States), Sidanius and Pratto showed that males are significantly more social dominance-oriented than females in 39 of the 45 samples.

Also, Wilson and White in their study based on students and adults revealed that males were more social dominant and politically conservative than women. Social dominance mediated the relationship between gender and conservatism.

Furthermore, studies confirm that even in countries that traditionally promote gender equality, the gender gap in social dominance orientation prevails.

Contrary evidence emerged, however, in other studies. Research based on student and adult samples from Australia, the United States, Ireland, and Sweden did not confirm the main gender effect.

In Taiwan, females scored higher than males, but the difference was not significant, and in two samples in Israel and Australia, men did not score significantly higher than females. In Küpper and Zick's first study, women unexpectedly showed higher levels of SDO than men.

Some studies on the gender invariance hypothesis investigated whether group differences in SDO can be explained by group identification.

Wilson and Liu, following the social identity theory (SIT) perspective, predicted that males who identify strongly with gender group should exhibit higher SDO scores than low-identifying males and that females who identify strongly with their gender group should score lower than low-identifying females. Their findings showed that the gender-SDO relationship was moderated by the strength of gender in-group identification: increasing group identification was associated with decreasing SDO scores for males and increasing SDO scores for females. Sidanius and Pratto, however, criticized this study for not meeting the criteria, "all else being equal in principle." They underlined that they should have compared men and women with similar levels of gender identification.

Also, Huang and Liu analyzed the controversy in the literature concerning whether group differences in SDO can be explained by group identification. They hypothesized that if SDO acts as a stable individual difference, it should maintain its relative relationship with gender (i.e., men should have higher SDO than women) even when the demographic group is saliently primed. Alternatively, from a situational priming perspective, one might expect gender differences in SDO to be significant only when gender is salient. Their first research involved 1605 adults in Taiwan, and they found that contrary to SDT's invariance hypothesis, men were higher on SDO than women only when gender was salient.

Foels and Pappas tested the invariance hypothesis by measuring the relationship between sex and SDO while controlling for the effects of gender socialization. They demonstrated that the sex difference in SDO is mediated by gender socialization.

Lee et al. addressed the dispute between SDT and social identity theory (SIT) in a meta-analysis. Their research showed that in what has been predicted by SDO, gender differences on SDO were more substantial and more stable than differences between ethnic and racial groups in the United States and worldwide.

Other studies on the gender invariance hypothesis explored the influence of various kinds of presumed hierarchy-enhancing or hierarchy-attenuating settings. Several studies have shown that university majors and career choices are associated with either hierarchy-enhancing (HE, e.g., racism) or hierarchy-attenuating (HA, e.g., human rights) legitimizing myths. Dambrun et al. examined the impact of HE vs. HA academic major on stereotyping. They found that students in psychology were less social dominance-oriented than students in law. Moreover, while males were more social dominance-oriented than females in law, no sex difference was found for psychology majors. Authors conclude that their results “can be taken to suggest that social-cultural variables may affect scores on SDO and modify gender differences on SDO” (p. 130). They also notice that female law students had higher SDO scores than male psychology students; this finding is in opposition to the strong version of the invariance hypothesis that men should always score higher than females in SDO. Sidanius et al. showed conflicting results. In their longitudinal study, they measured the SDO of men and



women once a year for the 4- and half-year period. Their findings show that even after controlling for the characteristics of students' academic majors (hierarchy-enhancing or hierarchy-attenuating), males showed significantly higher SDO scores than females did, across the entire college career.

Research, based in Sweden, on gender differences in SDO in social structures varying in equality enhancement and gender composition revealed a main effect of gender on SDO despite the degree of political equality or gender composition. There was an interaction effect only in associations where women were the majority of members.

Bathalka et al., investigated the gender invariance hypothesis in similar cultural, ideological, and status contexts. Their findings revealed either no effect for gender or an interaction between gender and the relevant social context and only a small effect size of gender. Overall the authors underline that their results disconfirm the gender invariance assumption of SDT. In their second study, students were categorized according to disciplines HA or HE (literature, languages, psychology, social studies, and anthropology majors were grouped as HA and economics, law, and business as HE majors). Their research showed that whereas HE/HA predicted SDO, gender did not.

Reviewing the literature, we find that most, but not all, studies have found significant differences in favor of males in SDO. However, some studies we discussed showed that males' SDO scores changed according to environmental and socialization variables such as being embedded in hierarchy-attenuating

environments, not identifying strongly with their gender, or living in societies whose cultural values are more egalitarian and less competitive.

Most of the studies that found an invariant gender gap involved students or adolescents. To investigate further the possible causes of the increasing political gender gap, we need to conduct studies with members with strong salient group identities, where the influence of adult socialization egalitarian myths may have the opportunity to influence SDO. On this line, studies on the ideological divide may be done involving militants and politicians. With dispositional features such as personality traits and value differences between conservatives and liberals, right-wing and left-wing voters may be present among ordinary citizens or college students but are more pronounced in groups of party activists, extremists, and politicians. Already in the 1960s, McClosky et al. showed the ideological conflicts were much higher between democratic and republican activists and party leaders than among party voters.

To further explore the gender identity hypothesis and the political gender gap, we need to compare people who not only identify with specific hierarchy-enhancing or hierarchy-attenuating ideologies but who participate actively and continuously to political parties or groups which uphold and promote those ideas. Activism in political parties is a matter of choice in modern society. As Huddy underlines, people who choose to be activists in particular political groups already may hold some hierarchy-enhancing or hierarchy-attenuating ideals. However, their SDO may be heightened or lessened by their

prolonged exposure and their internalization of legitimizing myths (i.e., according to “soft” gender invariance hypothesis).

SDO would suggest that being committed activists in a hierarchy-attenuating political groups could make individuals identify with the ideals of the groups. Therefore, male members in these groups could have lower SDO scores than males adhering and participating in hierarchy-enhancing political groups. So, we should find the highest scores of SDO in males belonging to right-wing political groups and the lowest in males active in extreme left-wing groups. However, according to SDT, even while absolute levels of SDO may vary across situations, men should still have relatively higher SDO than women within each political group. The predisposition of males to be temperamentally inclined to dominate, even when exposed to substantial and long-term environmental attenuating pressures, will produce nonetheless residual gender differences even among males and females belonging to groups who uphold egalitarian group values.

To understand if the gender gap in politics could be systematically observed within and across the left-wing and right-wing split, we aimed to compare the accuracy in predicting SDO by gender in four well-defined samples of male and female activists belonging to hierarchy-enhancing political groups – center right and extreme right wing oriented groups - vs. belonging to hierarchy attenuating political groups - center left and extreme left wing oriented groups.

As predicted by SDT, we should find higher mean SDO scores among male activists of extreme right-wing, hierarchy-promoting

political groups and lower mean SDO scores in males members of extreme left wing, hierarchy-attenuating political groups. However, according to the invariant gender hypothesis of SDT, the difference between males and females within each group should be invariant across groups: the gender divide should be stronger than the political divide.

On the other hand, as more sustainable within a SIT perspective and gender similarities hypothesis, we should find no gender differences both in the hierarchy-attenuating extreme left-wing political groups and hierarchy-enhancing extreme right-wing political groups. Both settings should reinforce both in male and female members the dominant legitimizing myths of the political group they have chosen, and the political divide should be stronger than the gender divide.

There is a general consensus in literature that SDO is a stable individual difference although can relatively vary across some conditions. According to person-environment fit theory, authors posited that people select hierarchy-enhancing environments according to their SDO levels, as well as environments attract and socialize people according to how much in such places hierarchy-enhancing myths are supported. As a result, high-SDO people tend to fit better in hierarchy-enhancing environments and low-SDO people tend to fit better in hierarchy-attenuating environments. In the present chapter, we opted to study the gender invariance hypothesis in people belonging to political groups with a different support of hierarchy-enhancing legitimizing myths accordingly to the literature that outlines that the SDO level among participants (of both sex) of political groups

mirrors the different extents to which parties support group dominance. We included 626 subjects, 350 males and 276 females, who had been for at least 2 years activists in political parties or associations belonging to two well-differentiated groups of (1) extreme left-wing and (2) extreme right-wing and having also two additional groups of (3) center left-wing and (4) center right-wing parties. We decided to invest considerable effort to secure a relatively large sample of political activists of different political parties. We sent emails to the address of local political parties asking to give the questionnaire to the activists. The questionnaire was accompanied by a letter of the Sapienza University of Rome stationery presenting the aims of the scientific research and guaranteeing anonymity and privacy. After mailing questionnaires and letters, we tried to recontact the political parties to ascertain that they received the questionnaires and to solicit their responses. However, since the response rate was low, after the first contacts had been established, snowball sampling was used to recruit other political activists:

Extreme left activists were 126, 70 males and 56 females (mean age 26.21, SD 4.83; range 16–34). About 9% have a low level of education, 61% a high school diploma, and 30% a college degree. These extreme left-wing organizations define themselves as supporting socialist, feminist, and ecologist issues and fighting against all social inequalities based on race, ethnicity, gender, or other discriminating features. Activists spend considerable time in these groups in weekly meetings and organizing protest marches, boycotts, and sit-in in favor of oppressed groups. Extreme Right activists were 181, 123 males and 58 females

### *Significance of Equality*

(mean age 24.01, SD 5.07; range 14–34). About 23% had a college degree, 57% had a high school diploma, and about 20% did not finish high school. These groups promote attitudes and belief systems such as nationalism, racism, classism, sexism, ethnocentrism, and political-economic conservatism. Extreme right activists also meet weekly and often engage in nontraditional political activities bordering on illegality such as unauthorized protest marches that sometimes end in violence (fights with police officers or leftwing extremists).

Center left-wing activists were 111, 50 males and 61 females (mean age 26.71, SD 4.86; range 16–35). They are members of the center left-wing moderate parties. About 7% have a junior high diploma, 67% a high school diploma, and 26% a college degree. They engage in more traditional legal-political activities such as signing petitions, political campaigns, raising funds, and getting people to the voting polls.

Center right-wing activists were 208, 107 males and 101 females (mean age 27.20, SD 4.76; range 14–35). They belong to center right-wing parties. About 68% have a high school diploma, 24% a college degree, and 8% a junior high education. They also engage in more traditional party activities, like organizing fundraising events, helping party candidates, distributing documents, and getting voters to the poll.

All subjects filled a questionnaire which contained:

- A section in which subjects recorded age, sex, and educational level. Furthermore, to confirm and control

the distinctive SS belonging to the selected groups, we measured their political orientation by means of a single item (a 10-point scale), where point 1 meant extreme right-wing orientation and point 10 meant extreme left-wing orientation.

- The President said that no system of government can or should be imposed upon one nation by any other, but that America is committed to advancing governments that reflect the will of the people. He committed the U.S. to support human rights everywhere: the ability of people to speak their mind and to have a say in how they are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn't steal from the people; and the freedom to live as people choose. Governments that protect these rights, the President said, are ultimately more stable, successful and secure.
- The U.S. works to advance democracy and human rights by living these values at home, standing up for human rights in public and in multilateral institutions, speaking frankly and consistently about these issues with governments and civil society, and supporting democracy advocates and civic groups working bravely to expand freedom in difficult environments.

**Bolstering Democracy Assistance:** The U.S. increased funding for democracy support by USAID and the Middle East Partnership Initiative (MEPI) across the Middle East and North Africa, in addition to the major investments in governance made in Iraq, Afghanistan and Pakistan. Funding for MEPI increased by 30

percent in FY2010, and an additional 32 percent increase is requested for FY2011.

**Strengthening Civil Society:** The U.S. supports local civil society groups working for political, economic, and social empowerment in their home countries through a variety of programs, and local grants now represent more than half of MEPI's projects across the Middle East and North Africa. A few examples of programs to strengthen civil society, freedom of expression, and independent media include:

In the West Bank, MEPI supported a year-long anti-corruption project by creating a Model Youth Parliament to analyze public projects, monitor legislation, and advocate against corruption.

The Network of Democratic Journalists in the Arab World (NDJAW), supported by MEPI, links writers across the region to exchange information and support freedom of expression.

In December 2009, the Citizen Radio Journalist Program launched a new youth program on Ammanet/Radio Al Balad in Jordan that discusses youth news and views and is broadcast four times a week, enabling Jordanian youth to develop and broadcast content on social, economic, political, and cultural issues from their own perspectives.

For the second year in a row, the U.S. Embassy in Indonesia supported the Pesta Blogger conference which is Indonesia's only national-level bloggers' gathering, and sponsored a series of



blogging workshops in 10 cities across Indonesia in the three months leading up to Pesta Blogger 2009.

**Equality Under the Law:** Through judicial training and exchange programs, human-rights training for police officers, technical assistance to governments, and including labor rights and other standards in our trade agreements, the U.S. works to promote and enshrine the rule of law abroad.

## **Democracy And Human Rights: A Complex Relationship**

The importance of democracy in international law is increasing rapidly. Democracy is for instance used as a membership requirement by various organizations and as a prerequisite for obtaining international financial support or humanitarian aid. The promotion, consolidation, defense or maintenance of democracy is also listed as a goal or fundamental principle of several regional and international organizations . Even wars are currently being fought allegedly in the name of “the promotion and the spread of democracy.”

However, in international law there does not exist a universally accepted definition of democracy. Regardless, there does appear to exist an international consensus on the existence of an indissoluble link between human rights and democracy. However, the exact nature of that link is unclear. It is the purpose of this

chapter to explore the nature of the nexus between human rights and democracy.

### **Democracy a recent phenomenon**

Contrary to other political theories such as communism, democracy does not have a(ny) founding father(s). Consequently democracy's scope and meaning has not been developed by a limited number of people during a limited period of time. Conversely, democracy is a very old concept that can be traced back to ancient Greece. Regardless of this long and rich history, democracy in international law is a recent phenomenon. It was only after the Cold War that international law dared to address the issue of democracy which previously was considered to be a "domestic" issue and thus one not subject to international scrutiny. In the literature this "shift" is explained by the events of 1989-1991 which led to the embrace of democracy in many countries, primarily in Eastern Europe. The "Third Wave of Democratization", to use Samuel Huntington's term, led many scholars, states and international organizations to think about the idea of democracy as a legal principle. Despite the increased attention for the issue there does not exist a universally accepted definition of democracy.

### **Methods used in international law to define democracy**

Defining democracy in international law is extremely difficult. Amongst legal scholars, disagreement even exist on whether the concept of democracy can überhaupt be defined in a way that is

universally acceptable. Some authors claim that democracy is "the archetype of an essentially contested concept." "As it means different things to different people" they argue that "any attempts to define the concept would be meaningless at best and imperialistic at worst."

In international law the feasibility of defining democracy appears to be accepted. In the practice of states as exercised within a significant number of regional and international organizations and in the literature various definitions and circumscriptions of democracy can be found. However, disagreement exists on the exact content and/or phrasing of the definition.

From a theoretical standpoint, several methods can be used to define democracy, however none of them appears to be flawless. One possible approach would be to look at nations generally referred to as democracies and define the concept according to certain features of those systems. Such an approach would not be useful as it is considered to be illogical to define democracy by induction from the practice of one political system. It would be no longer possible to praise that country for being democratic as a society cannot be praised for qualities which belong to it by definition rather than by political contrivance.

A second method would be to define democracy based on an historical and or etymological analysis. Given that the two words from which democracy has been derived are so ambiguous and broad and given the recent nature of the legal debate on democracy this is not considered to be an appropriate method.

A third possible method would be to define democracy negatively i.e. stating what democracy is not. Such an approach has been used before in international law for instance the concept "civilians" in international humanitarian law is defined negatively. This is a useful method as in human rights law it has been argued that examining the limits of a certain concept does provide a better insight into its meaning. However, defining democracy negatively would lead to an open-ended definition giving leeway to more discussion. In international law an international consensus does appear to exist on certain non-democratic regimes such Apartheid and a Nazi regime. One can hardly define democracy as a form of governance that does not constitute a regime of Apartheid and/or Nazi regime. Such a definition would not provide any further guidance to legal research aimed at establishing a legal framework to determine whether a nation is democratic.

A fourth method would be to define democracy according to certain basic principles. The downside of this approach is that it is unclear which basic principles are withheld as core principles. The latter method is used in international law and will therefore be withheld in this chapter.

In international law, a multitude of circumscriptions of democracy can be found. The majority of them appear in policy documents and are phrased in a very general manner. Democracy is described in function of its constituent elements. It should however be noted that the list of constituent elements tends to differ in most descriptions. In an effort to identify democracy's core principles generally two approaches may be discerned: a

minimalistic and a comprehensive one. Supporters of the “minimalistic approach” consider democracy to be the sum of various composing elements and tend to limit the definition to one or several of them, generally the representative and participatory element. Advocators of the “comprehensive approach” conversely consider democracy to more than just the sum of various elements. They believe the nexus between the various elements to be essential to the concept.

The two approaches cannot be fully separated from each other. Some authors subscribe to both of them as they utilize a minimalistic approach out of practical concerns –however acknowledging the shortcomings and possible controversial character of such an approach- while ideologically favoring the comprehensive approach.

Within the minimalistic approach an additional distinction is made in the literature, namely between formal and substance democracy. Proponents of the former describe democracy as a method to producing governments, whereas believers in the latter define democracy as a form of governance acting in the people’s best interest i.e. they tend to stress the representative character of a democracy. Both approaches are closely connected and cannot be strictly separated from each other.

Research shows that the majority of legal scholars –for whatever reason- tends to favor a minimalistic approach. Conversely, within the practice of international organizations a holistic approach seems to be preferred. This may be explained by the fact that scholars are looking for specific criteria to determine

whether a nation is democratic or are examining whether a right to democracy can or does exist in international law. Such research requires a detailed and specific definition of democracy. States, however, merely want to express their commitment to democracy in general. The documents in which they do so are generally political in nature the goal of which is not to create on any concrete obligations. It has been correctly argued in the literature that these texts could only have been adopted by consensus due to the fact that they are written in such a general manner and that the consensus would break down once one moves beyond the general discussions to the difficult issues of how democracy and human rights are to be interpreted and how they should be implemented or promoted.

In conclusion, currently, there does not exist a universal consensus on one particular definition of democracy. However when looking at the vast array of definitions it becomes clear that one element appears to be present in all definitions, namely the respect for human rights. Minimalistic approaches tend to focus on specific elements or rights whereas holistic approaches stress the indissoluble link between democracy and human rights. The existence of some sort of link does not appear to be controversial or questioned, however the exact nature of the link is unclear. The following section will take a closer look at the nature of the connection between democracy and human rights.

# **The Nexus Between Democracy And Human Rights**

## **International consensus on the existence of a link between human rights and democracy**

Without clarifying the concepts of democracy and human rights their interdependence has been recognized by many international and regional organizations inter alia the African Union, the Organization of American States, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, the Organisation Internationale de la Francophonie, the Commonwealth, the United Nations, the Inter-Parliamentary Union, the Community of Democracies and by various Arab and Asian states.

As practically all nations are represented in one of these institutions, it may be concluded that there is an international consensus on the existence of a link between human rights and democracy. The significance and scope of the universal recognition of a link between democracy and human rights should be put into perspective. Firstly, the meaning and scope of both terms is and remains controversial. One may not derive from the above that an international consensus is emerging on the content or scope of these two terms. Secondly, the existence of the link is recognized mainly in policy documents generally conceived not to be legally binding upon the participating states. However, it has convincingly been argued that the qualification of

a policy document does not necessarily mean that it does not contain any legally binding norms as such documents may contain clauses stemming from international law, referring to international law or can be traced to international agreements by which the participating states are legally bound. Rules contained in such documents can under certain conditions evolve to rules of customary international law. The qualification as policy document does however influence the enforcement possibilities.

It is noteworthy that the few documents which are legally binding are regional in nature. This can be explained by the fact that a regional consensus exists or can easier be achieved on the content of human rights.

Thirdly, a universal consensus exists on the existence of a "link" between the two. The nature of that link is not specified and thus skeptics could rightfully argue that as the wording used is general in nature one could question whether a true consensus does exist on the nature of that link.

### **The nexus between human rights and democracy**

The references to the existence of a link between democracy and human rights can be divided into two groups. Some texts consider respect for human rights to be a prerequisite for democracy, or the other way around. Other texts list that democracy and human rights are interdependent and mutually reinforcing. The following section will examine the difference between these two approaches and its consequences and possible significance?



Respect for human rights is often perceived to be a prerequisite for democracy or vice versa namely that democracy constitutes a prerequisite for the respect of human rights. Sometimes respecting human rights is perceived to be one of a set of various elements, including amongst others -apart from respect for human rights- respect for the principles of the rule of law and separation of powers. Other texts seem to consider respect for human rights as the only requirement that needs to be fulfilled in order to be considered to be a democracy. For instance the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights for instance state "the expression "in a democratic society" shall be interpreted as imposing a further restriction on the limitation clauses it qualifies. The burden is upon a state imposing limitations so qualified to demonstrate that the limitations do not impair the democratic functioning of the society. While there is no single model of a democratic society, a society which recognizes and respects the human rights set forth in the United Nations Charter and the Universal Declaration of Human Rights may be viewed as meeting this definition".

Other texts reverse the order and consider democracy to be a prerequisite for respecting human rights insinuating that in a democracy respect for human rights is best assured.

Defining democracy in function of human rights is incorrect and problematic as it suggests the existence of a causal connection between the two. If a nation respects human rights it automatically may be considered to be a democracy and a democracy automatically respects human rights.

Respecting human rights does not automatically turn a nation into a democracy. Certain human rights can adequately be protected in non-democracies. Conversely, the above made insinuation that in a democracy respect for human rights is best assured is false. Empirical studies have illustrated that a democracy does not necessarily entail better protection of human rights. Democracy may even exacerbate ethnic conflict and lead to greater violations of human rights especially in the period immediately following transition to a democratic system. Respect for human rights is only said to increase at the end of the democratization process i.e. when a democracy is well installed.

In addition, longstanding democracies do not automatically provide the highest and best protection of human rights. For instance, in many democracies (e.g. Belgium and the United States) economic and social rights are not justiciable or only partly justiciable. Governments might provide a variety of welfare benefits including food and shelter, medical care and access to education. But citizens generally do not have the right to sue the government for such benefits in court.

Often the term democracy is misused by nations claiming to be a democracy but massively violating human rights for instance the Democratic Republic of the Congo or the Democratic People's Republic of Korea. Thus "official" or "formal" democracies do not always adequately protect human rights. However, they perfectly can adequately protect certain human rights (while violating others). The second and in my view more correct manner to identify the link between democracy and human rights is to describe both concepts as interdependent and mutually

reinforcing. Stressing the interdependence and mutual reinforcing character eliminates the causal connection between two concepts. "Interdependent" means that one cannot exist without the other. "Mutually reinforcing" means that both concepts directly or indirectly influence each other.

It is evident that a democracy cannot exist without human rights. It is also true that there is a greater likelihood that human rights are "better" respected. Democracy is often defined as a "value". Democracy comes from the people, it requires a political and cultural commitment. As such a democracy cannot be imposed from the outside as its consolidation requires a generation in time.

Proponents of the existence of a democratic entitlement in international law argue that the emergence of a democratic entitlement in international law has shed a new light on all existing rules and legislation including human rights. More specifically, these authors argue that a state can only be recognized if it is democratic; that the internal aspect of the right to self-determination only entails the rights to choose for a democratic form of governance and/or that the use of military violence is allowed to promote and or defend/restore democracy when it is threatened.

Both approaches do not resolve the following underlying issue. The phrase "respect for human rights" is a very vague as it is unclear what human rights are envisioned? Theoretically, all human rights are universal, indivisible and interdependent. Thus, in order to be "democratic" all civil, political, economic, social and cultural rights would have to be

respected. This would be problematic for the following reasons. First human rights appear to be an open-ended category of rights. Secondly, all human rights treaties and texts contain a different set of rights. Moreover, not all nations accept all rights to be legally binding upon them and different geographical regions tend to emphasize different human rights. The interpretation and implementation may also vary according to the region.

Secondly, the phrase does also not provide any clarity on the extent to which human rights must be respected or to what extent they may they be limited. In most human rights treaties certain human rights may be limited when "necessary in a democratic society". This is a circular reasoning as on the one hand these texts recognize that a nation respecting human rights can be labeled democratic; on the other hand it is acknowledged that human rights may be limited in the event that they are democratic.

Conceptually democracy is linked to human rights. As many issues remain unsolved with regard to human rights, these issues reflect on the discussion of democracy. As such no true progress can ever be made with regard to democracy if no progress is made with regard to these outstanding human rights issues.

## **Chapter 2**

# **Human Rights, Development and Democracy**

## **Equality and equal human rights**

The way in which issues of human rights, economic development and democratic institutions are treated in both the theory and practice of international relations have witnessed a sea change in the past two decades. Human rights have emerged from the periphery of the international arena to a position of primacy in the foreign policies of many states. The international economic development agenda, long a marginal issue in the West when the competition of Cold War ideologies led to a dominant emphasis on security issues, has re-asserted itself as an issue commanding the concerted attention of key international institutions, with a clear focus on the free-market model. The promotion of democratic institutions has moved from empty rhetoric in both East and West to a core concern of both developing and developed countries alike. A major challenge facing the post-Cold War world is searching for relevant, new paradigms of development which can integrate economic practice and popular demands for respect for human rights and adherence to democratic forms of government. Among states of Eastern and Central Europe and the former Soviet Union, the policies of most governments emphatically favour rapid transition to liberal democracies and free-market economies. Within the West, a central foreign policy

issue is finding the right mix of international policies that promote long-term, sustainable democracies, with a commitment to both economic development and adherence to human rights. In virtually all regions of the world, and with remarkably few exceptions, there is broad acceptance of the triad of human rights, free markets and democracy as desirable, attainable policy objectives.

Among scholars and foreign policy practitioners, however, the emergence to prominence of these issues has presented problems of analysis and policy formulation. Some have argued about hierarchies of human rights, cultural relativism vs. universal rights and types of human rights. Our attempt here is to address the relationship between human rights, development and democracy from **both** a practical and theoretical perspective. From the practical perspective we ask a series of questions relating to the pressing problems in the areas of human rights, democracy and development. How does one explain the resurgence of democracy, renewed commitment to human rights and the seeming triumph of the free-market model? To what extent are international causal factors at play, or to what extent are the fundamental underlying causes to be found in indigenous, deeply-rooted domestic conditions or changes? Assuming the desirability of these objectives, the key questions for scholars and practitioners alike are deceptively simple: how can these changes be sustained over time? The answers are both complex and unsatisfying, particularly from the foreign policy perspective, which seeks to analyze these questions for the purpose of adducing policy prescription.

Our attempt in this chapter is to look at these issues and address some of the problems and dilemmas inherent in linking the theoretical approaches of many scholars and the practice of governments in supporting democratic institutions, human rights and free-market economic development. Its focus is on international action in support of these objectives, based on the assumption that these issues are becoming of more central concern to the international community and multilateral organizations, because of their desirability in their own right and the number of states needing or requesting international assistance in solidifying their current directions. It is also based upon the belief that finding some rough consensus on the role of the international community in approaching these issues might also be useful in ongoing international efforts to help the processes of transition. In essence, the paper argues, first, that after following separate paths to prominence over the past several decades, these three issues - human rights, development and democracy - have become intrinsically linked; second, that while focusing on international action in these areas has had some beneficial remedial results, there are natural limits to what international action can accomplish; and third, that seeking to effect fundamental change in these directions leads naturally in somewhat different directions, namely, a focus on domestic issues and at various processes and procedures commonly associated with "conflict management." This latter area is perhaps the most significant factor behind the sustainability of human rights, development and democracy over the long run.

Today in the South the search is on for relevant new paradigms of development and democracy. The new age of the democratic

revolution of the past two decades has altered the fundamental relationships among states, created a new agenda in the United Nations, and triggered substantial re-assessments in the foreign policies of many countries. In parallel, the scholarly debate about human rights, development and democracy has blossomed in a variety of useful directions. It is difficult to draw hard conclusions about where we are in both theory and practice. At the theoretical level, some debates are virtually over. It is now unfashionable to believe that Eurocentric models of democratic government are applicable in the developing world and that models of representative institutions developed among Western, industrialized states are necessarily transferable to developing countries. Similarly, these ideas are so rooted in the cultures and histories of each society that it is now virtually unthinkable to allow the assumption that there is any "right" way to address the problems of human rights, development and democracy. In an important sense, we are also past the point of arguing about "cultural relativism," hierarchies of rights, and defining new rights, as these debates run inevitably into dead ends. We are similarly long past the point of questioning the propriety of human rights and democracy as central tenets of a foreign policy agenda. In a sense, these and a few other questions are now sufficiently "settled" on both the theoretical and practical levels that other themes can now command attention.

In the past several years, out of both academic reassessment and governmental re-positioning, there has also been a new emphasis placed, not only upon each of these issues, but also upon the mutual inter-relationships among human rights, economic development and democracy, as well as upon the practical



problems of promoting "sustainability" in all three of these areas. The questions now on both the theoretical and practical agendas seem decidedly basic. What are the developmental avenues to democracy? Can there be effective international dialogues to promote the process of democratization? How deep are the cultural roots of respect for human rights and adherence to democratic institutions, and how can one ensure that shallow roots are implanted more deeply over time? Are there linkages which should be established between developmental institutions and human rights/democratic development organizations? To what extent can international influence and leverage be used to force the pace of progress towards internationally accepted human rights norms? From the practical perspective, that of governments and aid organizations confronting donor fatigue on the one hand and recipient frustrations on the other, the questions on the current policy agenda become relatively succinct: what works, and how do we help it work?

It would be helpful if there were an emerging consensus in the academic community about some or all of these issues. However, despite a vast and growing literature, sustained by increased governmental and private interest, the academic literature is largely fragmented and diffuse. Within the human rights community, traditional reluctance to looking at the relationship between respect for human rights and its social and economic underpinnings has been strong, conditioned in part by a belief that to go beyond questions of compliance is to embark upon the slippery slope of justifying failure to meet expectations. Economic development specialists, caught in the constraints of economic models which are highly mathematical, are still

notoriously resistant to examining cultural and normative factors in promoting or sustaining development and especially explaining differences in economic performance among countries with a variety of social and political structures. Indeed, it has often been argued that the political exclusion of the masses, through the denial of civil and political rights, is necessary for development. Proponents of democratic development, a controversial area where much of the high ground has been captured by ideologues, have been too prone to believing uncritically that institutional foundations alone are the keys to unlocking all of the potential of international society. In each of these areas, the closed belief structures of ideology and theory have prevented broader examination of these issues and a critical look at how they develop and how they inter-relate.

Similarly, despite many studies seeking to establish the necessary linkages between economic development and human rights/democracy, much of what passes for informed debate about each of these themes and their inter-relationships is grounded essentially in faith rather than in evidence, often suffering from an undue injection of subjective advocacy in place of sound scholarship. The empirical studies seem to lead in logical directions. Human rights cannot be fully respected without democratic institutions, and the free-market economic model cannot function adequately in the absence of the freedom inherent in democracies. However, the studies are necessarily tentative. Are the free-market model and respect for human rights always compatible? If there are relationships among the three issue areas, how does each emerge, and how does one influence the emergence of others? Are there mutual

incompatibilities that have to be accommodated as the short run gives way to the long term? The best studies of these issues, occupying the field of international political economy, arrive at no sweeping conclusions with respect to linkages among the triad of issues, instead emphasizing specific factors, such as international economic pressures, the interests of indigenous political elites and varieties of domestic institutions, as critical to explaining development. Valid as this line of scholarship undoubtedly is, it offers little scope for constructive international policy prescription in any of the three issue areas.

To add to the difficulties inherent in approaching human rights, development and democracy as an integrated subject are fundamental problems of observation and assessment. We know, for example, that the 1980s were a period of fundamental transformation in Latin America, and that the trend line in almost all of South America was in favour of democratic institutions, free-market economies and a renewed commitment to human rights. When one examines the cases of individual countries, the broader international causal factors seem problematic. Not all of the three issues went hand in hand, at the same pace or in the same direction. Indigenous factors, such as the exhaustion of military governments or the demonstrable inefficiencies of import-substitution regimes, seem far more plausible and inherently country-specific as causal factors than broader theories which endeavour to tie developments in one country into a general pattern. Similarly, to the extent that international influence was relevant, the end of the Cold War undeniably allowed Western countries to re-emphasize the values of human rights and democratic institutions in their foreign

policies, while de-emphasizing the security issue which once allowed the Third World to play the West and East off against each other. But how much the reduced leverage of the South, the increased pressure of multilateral funding agencies, and the heightened international demands of donor states have contributed to long-term, sustainable democratic institutions in the developing world remains to be seen.

In spite of the volume of scholarship over the past decade, we are left with a number of dilemmas. The situation of each country is necessarily different, informed by its own indigenous traditions and capacity to evolve; but the "sui generis" approach to change is inherently unsatisfactory, as it allows for too little scope for common policy ground. How each state entrenches respect for human rights, sound development policies and democratic institutions depends upon unique domestic factors; but international influence and leverage must play some role, even though that role is difficult to assess and impossible to quantify. There appear to be common factors which promote respect for human rights, economic development and democratic institutions in a range of countries with different experiences; but how the international community can promote the successful evolution of these factors seems remote from a practical policy ground. The movement in favour of human rights, development and democracy appears to be both irresistible and irreversible, widely lauded in theory and supported in practice; but past experience suggests that these trends are fragile, and that there is ample scope for regression, with or without international assistance in sustaining current trends. These issues are now strongly entrenched on the international agenda. Their evolution over the past fifty years has

been uneven, however, and the institutional vehicles through which they are treated by the international community vary enormously in influence and capacity. Human rights has the longest and most established track record, particularly in the United Nations. Economic development emphasizing the free-market model only came of age in the multilateral developmental and financial institutions in the 1980s and 1990s. Democratization has largely been a theme of bilateral aid programs, with the beginnings of multilateral action in the Organization of the American States and elsewhere only in the past decade. Although the mutual relationships of these three themes are now beginning to be explored, this work is mainly the preserve of the academic and "think tank" communities in Western, industrialized states. Because of the uneven development of all three areas, compounded by biases of theory and ideology, it is difficult to assess to what extent international influence plays a role in the crucial periods of transition which have marked much of Central and Eastern Europe and which continue to dominate much of the former Soviet Union and many parts of the Third World.

Human rights began to come of age as an international issue in the 1940s, with the adoption by the U.N. of the Universal Declaration of Human Rights and the initiation of a program intended to set international "standards" in the field of human rights. After some twenty years of standard-setting, in which the U.N. adopted a range of conventions and covenants defining state obligations in this area, the emphasis of U.N. work shifted towards "surveillance and monitoring," attempting to reconcile international standards with state practice through various

means of enforcement. The strategy of exposing states to the weight of international public opinion underpinned much of the work of the U.N., despite the limited evidence that the "mobilization of shame" had much impact on particularly recalcitrant regimes whose systematic abuses of human rights were all too evidently documented in the work of a growing number of international human rights non-governmental organizations. The U.N. has largely overcome the first dilemma of international law and practice, namely, the doctrine of non-intervention, and eventually, through low-level and under-publicized missionary work, it has established both the validity of human rights as a subject of international debate and the propriety of intercession on the part of the international community.

Although the work of the U.N. in establishing international standards and norms in the human rights area has been the indispensable foundation of further progress, its record as a vehicle for the positive transformation of international society has been more problematic. Much of the "implementation machinery" of the U.N. in this area (particularly the committee systems established in various covenants and conventions) is considered ineffective, and the U.N. Commission on Human Rights has long been criticized for institutional grid-lock. An attempt in 1987 to establish a voluntarily-funded program to support states endeavouring to strengthen domestic institutions supportive of human rights has largely been stymied by the failure of the U.N. Centre for Human Rights to develop an imaginative, meaningful program attractive to donors. In the meantime, cooperation between the U.N. Centre for Human

Rights and the key development and financial institutions, particularly U.N.D.P. and the World Bank, has been negligible or minimally productive. Although U.N. human rights bodies and agencies have sometimes been active in international hot-spots such as the former Yugoslavia and Somalia, they are often seen more as hindrances than as part of the solutions to human rights problems. The 1993 World Conference on Human rights attempted to address these and other difficulties by recommending the appointment of a U.N. High Commissioner for Human Rights, an idea which was eventually adopted by the General Assembly later in the year. In the short run, the role of the new High Commissioner may be less in the area of advancing the cause of international respect for human rights than in the essential task of seeking the inter-agency cooperation from among rival U.N. fiefdoms essential to making the U.N. effective in this area.

International action in support of economic development has a long record, in the U.N., the Commonwealth and elsewhere. But the explicit policy focus on free-market models is a much more recent vintage. Since the 1950s, and particularly since the 1960s with the wave of membership in the U.N. on the part of Third World states, a succession of institutional vehicles have been created in support of economic development - UNCTAD, UNDP, WFP and others. Successive "international development decades" have also been negotiated between the developed and developing world in the U.N. General Assembly, and there have been successive reorganizations of the U.N. Secretariat largely in response to demands by developing countries for much greater attention to economic issues within the U.N. system and much

more substantial flows of real assistance from the developed world. In structural terms, the U.N. system became impressive, with U.N.D.P. offices in virtually every developing country, accompanied by offices of other agencies with relevant programs, from the I.L.O., F.A.O., W.H.O., to UNICEF. But in policy terms, as could be expected from programs negotiated between two different blocs of varied backgrounds, the international economic system was systemically bankrupt, with no single guiding philosophy to shape and guide developmental efforts. Moreover, the economic program of the U.N. and its agencies was virtually a closed shop, with no room for human rights or democracy in the lexicon of development.

The end of the Cold War, however, triggered major changes in the nature of the international economic debate. The first change was the ultimate triumph of the international financial institutions, particularly the World Bank and the International Monetary Fund, over the U.N.'s economic agencies, especially U.N.D.P., after decades of rivalries. Simply put, the donors chose Washington over New York, where they enjoyed the clout that accompanied economic power and where their own economic philosophies were largely unrivalled. The second change was the beginnings of consensus on the importance of the free-market as the foundation of economic development. As the command economy faded as a model, the tenor of debate in international economic agencies shifted to issues of balance within a free-market framework, namely, on the degree of governmental intervention, or the nature of governmental regulation. The World Bank in particular began to take a leading role, in conjunction with the European Bank for Reconstruction and Development, for



the transition to free-market economies of the states of Central and Eastern Europe. The third, possibly most dramatic change, was the initiation of more open debate about the relationships between respect for human rights and democratic institutions and successful economic development models. The OECD addressed this issue in 1989, in debating the question of development cooperation in the 1990s. Noting the importance of respect for human rights and democratic institutions, an OECD report argued that "a quiet revolution may be in process which can have profound implications for development. While economic and political monopolies of power will resist this revolution, and while there is bound to be both backward and forward movements, we seem to be at the crest of a period when democratic processes are advancing. This phenomenon is reflected in donor thinking about development cooperation in the 1990s." The U.N.D.P. attracted global attention in 1990 with the publication of its now annual "Human Development Report," which contained an analytical tool called the "human development index" establishing a close correlation between levels of development and the enjoyment of basic freedoms and democratic institutions. While these and other developments fuelled a revival of rhetorical battles between adherents of free-market developmental strategies and some of the more strident spokespersons of the Third World, the image of confrontation could not hide a deeper reality, namely, that the free-market model had largely triumphed in multilateral economic and financial institutions in the 1990s, and that rival philosophies had lost their adherents. The third theme, an emphasis on democratic institutions, has had a long and difficult history. In the U.N., efforts to promote democracy have generally foundered

on the rock of the "non-intervention principle", which has in the past largely limited the work of the organization to rather benign election monitoring. The O.S.C.E. has moved beyond the U.N. since the end of the Cold War, locking participating states not only into a framework of high standards in the area of representative institutions, but also into an increasingly intrusive and effective system of surveillance. The O.A.S., perhaps surprisingly, has gone furthest in building international trigger mechanisms to protect democracy. In 1990, as a result of a Canadian initiative, it created the Unit for the Promotion of Democracy within the O.A.S. secretariat, and at the Santiago General Assembly a year later member states adopted a resolution which in effect calls the Permanent Council into session in the case of an interruption of democratic processes in any member country, and invites a meeting of foreign ministers within ten days to take appropriate action. In December of 1992, the O.A.S. went even further, resolving to suspend from participation in the Organization those states in which there has been an interruption of democratic processes.

Two factors have largely hindered multilateral action in support of more robust regimes in the field of democratic institutions: first, a long-entrenched, conservative view of international law and practice, dominant particularly among Latin American states, which has at its core the doctrine of the sovereign equality of states; and, second, a persistent suspicion that moving beyond mere declarations of support for democracy opens up possibilities or more overt interventionism harmful to national sovereignty. As the Cold War ended and as ideological competition waned, the three themes of human rights, economic

development and democratization gradually came together. Donor governments and multilateral funding agencies began to explore both the theory and practice of all three areas more fully and to frame programs supportive of all three areas, on the assumption that they constituted an integrated package. When the EBRD was created in 1991 to help in the transition of Central and Eastern Europe to free-market economies, it became the only one of the international financial institutions with a commitment to human rights as one of the elements of its articles of agreement. In the Conference on Security and Cooperation in Europe, which had once pitted East against West in empty ideological confrontation, there was a new consensus, especially in the Charter of Paris in 1990 and the Helsinki meeting of 1992, on the significance of democratic institutions and a full commitment of respect for human rights.

While these three issues have come together in the 1990s, only case studies can effectively determine how they inter-relate and whether they sustain each other in mutually-supportive directions. In this type of evaluation, theory may be less helpful than normative or even impressionistic observations on "what works". A recent research project of the North-South Institute in Ottawa, Canada, for example, which is seeking to review development programmes in many of Canada's development partners, with a view to gauging the perceived effectiveness of small programmes, may yield some interesting insights into how partner countries mount projects designed to sustain democracy, human rights and economic development over the long run and whether these perceptions are sustained over the longer run. In the meantime, the relationships among these issue areas remain

tentative, in need of much more substantive and critical examination.

We might well ask ourselves that by focussing on the broad picture, namely, on high principles of human rights, or the larger structures of democratic institutions such as parliamentary or presidential systems, or on broad economic models, we have hindered the search for sustainability at the "micro" level. Nonetheless, fruitful research might be undertaken by examining individual domestic structures of states, including the organizational apparatus of political and societal institutions, their routines, the decision-making rules and procedures as incorporated in law and custom, as well as the values and norms prescribing appropriate behavior embedded in the political culture. Indeed, it may be that by examining the aspects of political culture concerning such things as communicative action, duties, social obligations, and norms we might find some explanations of sustainability. This shift of analysis within the examination of domestic structures is suggested quite forcefully by Wignaraja. He suggests that by redefining the methodology of praxis (practice or custom) we might be able to partially reverse the negative aspects of past development processes while initiating the transition to a new complementary strategy of democracy and development beginning at the micro level.

If we examine states which have sustainable, long-term democracies we discover that what they have in common is more than respect for human rights, democratic institutions and liberal economic systems. We would contend that these are almost always states in which there is little or no ideological

extremism, and in which political and economic discourse is dominated by the "middle road". In an essay on repression and development, Donnelly has suggested that the sacrificing of equality (and therefore democracy) "rests on political decisions arising from historically conditioned distributions of power and resources; they are linked not so much to the pursuit of the long-term goal of development...but rather to the more proximate and contingent, choices of means (development strategies and policies)." Mamdani et.al. make a similar point in their examination of social movements and democracy in Africa. They contend that, "(e)mphasis on ideology tended to preclude any serious investigation of the demands (content) of these movements..."

This is hardly an accident. Built into the fabric of every democratic society are 'conflict resolution devices'. It is these, we contend, that bind societies together, facilitate the decision-making processes at every social level, and give governments the legitimacy which make them sustainable by publics, even under the most adverse conditions. Finding ways of strengthening these devices and/or identifying the transferability of these devices to other political systems is a challenge which has yet to be successfully accomplished.

In the human rights area, the rights enunciated by the United Nations are entitlements which give disadvantaged individuals and groups access to power. The mere claim to have these rights is not particularly meaningful. Their importance, however, is that they implicitly allow marginalized members of society access to ways to resolve their own difficulties, through redress by way of

the courts, to human rights commissions, or through other avenues whose legitimacy has been established by international precedent. Similarly, almost all of the institutions of any democratic society can be viewed as conflict resolution mechanisms, from the brokerage functions of political parties, which reduce conflict and promote consensus, to the judicial system, in which conflicts not amenable to other forms of resolution are finally resolved in a way perceived as legitimate by the rest of society. Even in the economic realm, the free-market economic model can be viewed as a framework for alleviating conflict, by allowing competition and cooperation to work within a framework of legitimacy established by governments.

Virtually every society has conflict resolution models, but many have been destroyed or their equilibria upset through processes extraneous to those societies, either through legacies of colonialism, outside interventions, periods of dictatorship, etc. In some cases, civil war destroys an old structure without redressing the balance. The challenge of the international community is not to try to impose upon those societies new types of conflict resolution systems, like parliamentary structures, but to rediscover what has worked in the past and to remove the obstacles to their effective performance in the future. In this respect, many of the international mechanisms of the past decade, from the OSCE High Commissioner on National Minorities to the United Nations High Commissioner on Human Rights, may be less significant in resolving conflict than helping countries to put their own systems back into functioning order. The danger, however, is that "[t]he socio-economic crises and deadlocks of the recent past,..., have now triggered off some

increasingly radical reactions." The consequence may well be the promotion of the idea of non-universality of human rights. The downplaying of civil and political rights is obvious in the case of human rights in Libya. "The natural law of any society is... either tradition (customs) or religion." Even a secular Muslim country like Turkey suffers from the problem of the aspiration of some of its citizens to the rights and freedoms enjoyed in the West, while other citizens desire a distinctive religious, ethnic, or political identity, thus imposing severe strains on human rights at various times.

International pressure for promoting human rights understandably has some impact. But contrary to popular notions which emphasize the concepts of leverage and pressure, it is probably best used, to long-term effect, if it is deployed not in redress of particular cases but in order to establish those conflict resolution mechanisms which will become self-regulating and self-sustaining over the long run. As Jack Donnelly suggests, "We should not expect - either hopefully or fearfully - the imminent emergence of an international practice of humanitarian intervention." A fruitful avenue for future research is finding what types of conflict resolution machinery and systems at the national levels have worked in the past, and reviewing whether they can be successfully supported or rejuvenated through international efforts.

In the past the foreign policy perspective was: first, that respect for human rights, promotion of economic development and adherence to democratic institutions are laudable and intrinsically worthwhile policy goals over the long term; second,

that contributing to the attainment of these policy goals, although possibly contentious and difficult as an international issue in the short run, will eventually produce a more stable, equitable international system in which all countries are likely to prosper; and, third, because of the value of these policy goals as domestic objectives in virtually all countries and as an international objective serving the wider community of states, there is merit in trying to develop an international framework for their promotion and attainment on a sustainable basis; and, fourth, despite growing interest in the phenomenon of democracy in particular, however, the keys to unlocking the genetic building blocks for long-term, functioning, sustainable democratic institutions remains an elusive mystery.

There has been a tendency towards tautology in explaining the resurgence or development of democracy in many states: democratic government works when there is a cultural disposition towards democracy; or democratic institutions function best when there are democratic societal norms and practices. Sweeping overviews attesting to the existence of "cycles" of democracies have offered superficial and seemingly credible comparative data arguing that the international community is in the midst of a new generation of democratization. But detailed case studies suggest little in the way of hard evidence to support cyclical theories. What works in one country may or may not work to sustain democratic institutions in another country. How international pressure or the involvement of the international community helps in the democratization processes of states is equally uncertain, leaving



us with the "case by case" approach, which amounts to little more than the absence of a true analytical framework.

The best long-term contribution of the international community is not to duplicate at the international level monitoring and protective machinery to ensure that these three issue areas progress satisfactorily. Development assistance can be used both as a penalty and a reward. Ensuring, through the careful deployment of pressure, encouragement, support and financial assistance, that local systems work to address local problems is the key issue to sustainability over the long run.

There are some things academics and governments alike have learned, however. The Vienna 1993 World Conference on Human Rights recognized that the standards contained in the International Bill Rights are universally applicable to all nations. The challenge facing all of us is to recognize the need to take account of cultural diversity within the context of universality if we are going to promote and protect human rights and democratic development in a meaningful way.

## **Chapter 3**

# **The Democracy Advantage and its Place in Defining National Interests**

## **Democracy, Human Rights and the Emerging worldwide Order**

In the modern era, peace generally reigns amongst democracies. Democracies also perform better than non-democracies at economic development, and democracy, economic development, and regional integration work hand-in-hand to promote peace and stability. Non-democracies are more likely to be failed states spawning internal or external conflict. It would be expected, therefore, that democracies would identify the spread of democracy as in their national interests and would partner on certain issues, such as support for democratic transitions, human rights and rule of law. A state's designation as a democracy or non-democracy, however, is not necessarily a good predictor of foreign policy alignment. While there is strong convergence on the fundamental principles of human rights, emerging and established democracies favor very different methodologies for addressing threats to such core values, resulting in divergence of policy, politicization and stalemate, as in the case of Syria.

There was consensus that democracy cannot be imposed by external actors, but rather must be pursued organically by a population. It is a path, not a destination. Similarly, countries formulate and express democracy differently based on their unique histories; there is no single model of democracy. Aspiring democratic countries seeking advice from other democracies are increasingly turning to states that have undertaken their own transitions more recently, and they, in turn, are responding positively if and when asked to assist. In fact, the “twinning” model of pairing newer democracies with transitioning states is being prototyped by the Community of Democracies through its project pairing Poland with Moldova, and Slovakia with Tunisia. The G8 has arranged similar pairings through the Deauville Partnership with Arab Countries in Transition, which links leaders in aspiring democracies with G8 partners to build institutional capacity, promote knowledge sharing, and strengthen accountability and good-governance practices. In addition, rising democracies like Indonesia and South Africa have been key players in establishing and utilizing multilateral fora like the Bali Democracy Forum and the African Peer Review mechanism to share experiences and best practices in this domain.

Although participants agreed that democracy must be demand driven, disagreement emerged regarding the universality of democracy promotion. Some felt strongly that countries on the path of democracy have a responsibility to assist those who seek the same path. Others noted the negative connotations associated with democracy promotion and its perceived application as a post-hoc, faux justification for military intervention aimed at

regime change, as with U.S. involvement in Iraq. Some also pointed to its selective application, especially when energy security interests take precedence over influencing, punishing, or removing repressive regimes, as with U.S. passivity in Bahrain and Saudi Arabia.

Some in the global South interpret democracy promotion as a U.S. agenda rather than a universal aspiration and wish to construct a unique brand of support for democracy in contrast to the U.S. and E.U. model. Rising democracies seek their own identity (also referred to as strategic autonomy) in an effort to avoid being seen as tools of more established powers. In one respect, this attitude has prompted emerging powers to act timidly with regards to democracy promotion, hiding behind the fig leaves of sovereignty and non-intervention when asked by the international community to act outside their neighborhoods.

Nonetheless, such powers have actively promoted democracy in their regions through both bilateral and multilateral mechanisms. Indonesia, for example, was a key player in leveraging ASEAN to encourage Myanmar to undertake political change and in drafting the first ever ASEAN Declaration of Human Rights. However, emerging powers have been as complacent as established powers in indirectly suppressing democracy when other national interests take precedence, as with India's less than decisive response to the political crisis in the Maldives, or Brazil's uncritical support for Cuba. In response to the Arab Spring, rising democracies are for the first time being expected to grapple with the notion of democracy promotion beyond their own regions, an expectation many find difficult to

fulfill. The prevalence of extremist ideologies and xenophobia, the increased threat of the tyranny of the majority, and the free and fair election of leaders the international community may dislike all posed significant red flags for emerging (and established) democracies and reinforced their reticence regarding democracy promotion. Other national interests like trade relations, energy dependence, migration and diaspora population concerns present roadblocks to greater international engagement on this issue.

The emergence of other domestic political and economic actors with their own interests and values plays an important role in shaping national interests, especially in emerging democratic powers. Some disagreement concerned which actors had the most influence over the definition of national interests. In Brazil, for example, the private sector may be notably more influential than other domestic players, which complicates a truly national definition of priorities. Parliament plays an uneven and unpredictable role in formulating foreign policy, although legislators in emerging powers have begun taking greater interest. For example, Brazilian congressmen and senators recently joined a coalition with NGOs to hold the foreign minister accountable on human rights issues. While recognizing the important role legislators can play in inserting human rights into foreign policy, some acknowledged that their contribution could also be a mixed blessing due to nationalist, religious or ethnic political motivations.

Much conversation also involved the balancing of interests that sometimes conflict with human rights, such as national security and the economy. Some argued that human rights and democracy

support must be managed in a way that does not jeopardize other national interests or relations with key trading partners like China. In this respect, constant calibration between interests and values is vital. Rising democracies will continue to define their own pace of democratization at home and support for democracy and human rights abroad, leading many observers to predict a continued period of inertia and inaction in responding to or preventing democratic breakdowns or mass human rights violations. The international community is thus tasked to advance a mutually respectful collaborative approach that appeals to both emerging and established powers and that achieves results. To successfully reach such a compromise, it must identify approaches the global South feels comfortable employing and develop strategies to bring those tools to bear in new and challenging contexts. Although the Responsibility to Protect (R2P) is embraced as within democratic principles, its primary purpose is not democracy promotion. R2P's mission is atrocity prevention, though it is difficult to operationalize the concept. The application of R2P in Libya through military intervention authorized by the UN Security Council and the subsequent failure to exercise it in Syria as of yet has revealed many challenges inherent in current understandings of R2P. It also provided an important venue for conversation between established and emerging powers about humanitarian intervention. It is clear that a fundamental shift has taken place regarding humanitarian intervention and that more and more states embrace the broad values expressed by R2P. For example, most of the 118 states that mentioned Syria at the UN General Assembly in 2012 expressed concern about the population, up from less than a third who invoked Kosovo and East Timor in

1999. In addition, the IBSA Dialogue Forum sent a delegation to Syria, as did Turkey, a new rallying of emerging powers to address threats to human rights both inside and outside their own neighborhoods. This level of attention and the unprecedented advocacy of a policy of intervention by rising powers can be attributed at least in part to the improved quality of democracy in the rising democracies.

With the support of emerging powers like South Africa, UN Security Council Resolution 1973 authorized the use of force in Libya, but elicited rancor from some parties when it resulted in the overthrow of Moammar Gaddafi. Suspicions were voiced that Resolution 1973 had acted as cover for regime change, and because it was couched in the language of R2P, states began questioning the concept. In response to this breakdown in consensus, Brazil proposed the Responsibility While Protecting (RWP) principle, which emphasized the sequencing of measures to ensure all options were exhausted before using force, and called for greater accountability and reporting to the Security Council. Participants disagreed as to whether RWP served as a useful basis for conversation between the North and South, or if it represented a counterproductive Brazilian political move that merely inflamed rhetoric. Some of the good will engendered by RWP has begun to disintegrate as the situation in Syria continues to fester with no coordinated international response.

Admittedly, Libya and Syria are very different countries, especially in terms of the roles they play in the strategic interests of key actors. Nevertheless, the application of R2P in Libya but not in Syria highlights the phenomenon of selectivity, a topic of

debate throughout the workshop. Participants agreed that crisis situations should be examined on a case-by-case basis, but at the same time many reinforced the global responsibility to support all states that are unable to adequately prevent mass atrocities. Some suggested that selectivity is the principled application of R2P but called for transparency in decision making to better understand a state's motivations for supporting or denouncing intervention as an option. Others argued that universalizing the concept to make responsibility an obligation at all times in all cases is a fundamental challenge that the international community should pursue. At the very least, discourse must recognize that all states engage in some form of selectivity in order to advance the conversation.

It was pointed out that international responses to the Arab uprisings have been uneven not only in atrocity prevention but also democracy support. Emerging powers hesitate to lend support to the application of R2P in Syria lest it be used as a mask for regime change, as some perceive to have been in the case in Libya. However, established and emerging powers alike have not exercised leadership in universally supporting calls for democracy in countries of the Middle East because of overarching security concerns like energy and relations with Israel. And although emerging and established powers share an interest in energy security, they still differ on methodologies; a country may have leverage in a situation short of intervening militarily which might result in strategies that are most cost effective in money and lives. For example, South Africa resisted intervening militarily in Zimbabwe in response to democracy and human rights crises, despite international calls to do so, but was able, in



their view, to improve elections there through alternative means. Likewise, it refused to intervene militarily in Sudan, instead employing a triangulation strategy that led to secession. Similarly, Turkey initially prioritized dialogue and consultation with the Assad regime, relying on the relationship it had cultivated with Syria over the last ten years to exhaust all potential peaceful solutions. IBSA also sent a high-level diplomatic mission to Syria to try to negotiate a peaceful solution to the conflict and thereby ward off military intervention.

The Arab uprisings have fundamentally challenged the Western idea of the separation of church and state, and Arab democracy demands a redefinition of secularism that allows religious values, but not rules and regulations, to take root in society. Discussants will continue to have to confront this new reality as the conversation continues regarding democratization in the Arab world.

Current understandings of preventive diplomacy tools like R2P – especially how they relate to and affect emerging democracies – must be improved. The discussion prompted by the Brazilian proposal of RWP highlights the need for further conversation or clarification about R2P as a tool. There is still fear that R2P provides a blank check to pursue national interests rather than prevent atrocities. Therefore, a refocusing on R2P's purpose and intentions is needed, and may reduce objections to its proper application. In addition, a multilateral coalition must be built and maintained to address mass atrocities such as in Syria. This requires ongoing messaging with all partners and the public to maintain support and communicate expectations and mission

objectives. Recent events show a clear incapacity of international mechanisms to effectively address major threats to democracy and human rights. While established democracies are quicker to pursue coercive tactics and emerging democracies strongly prefer dialogue and reconciliation, a variety of tools are available and being tested on the world stage. Indonesia seeks to make democracy and human rights foundational concerns at existing institutions like ASEAN, its new Commission on Human Rights (AICHR), and the G20. Indonesia's leadership in the adoption of the ASEAN Declaration of Human Rights and the establishment of the Bali Democracy Forum underscore this commitment. The Community of Democracies creates issue-based working groups to involve government and civil society and maximizes technology through the LEND network, connecting key leaders in transitioning countries with those in transitioned countries.

Another key tool touted by many participants is reliance on regional bodies as antenna in noting potential problems and as early movers in response to crises. The AU and SADC both have provisions to suspend any country that experiences an unconstitutional interruption, ECOWAS recently suspended Mali's membership in response to a coup, and UNASUR recently exercised a similar provision against Paraguay. These and other multilateral mechanisms are critical because they reflect regional ownership without the presence of Northern powers and because such a coalition is less likely than a single nation to create further problems or receive pushback from local actors.

Participants discussed in depth the merits of democracy-inclusive forums and democracy-exclusive forums for discussion of

important transnational issues. For example, the Community of Democracies reformed its invitation and governing council selection process in 2010 to ensure leadership consists of staunchly committed democracies while expanding participation at ministerial meetings to include countries at incipient stages of democracy. The Bali Democracy Forum, however, invites a broader base of participants, including China and Vietnam, in an effort to establish a conversation with more parties. While it was agreed that both style of forums are necessary and beneficial, participants lacked consensus as to when democracies should and should not include others in policy conversations.

Most participants with a global South view asserted that for any country to retain credibility in international cooperation on human rights and democracy, a strong human rights record at home is a vital requisite. Otherwise, the rules-based system that governs behavior is weakened by the perception that great powers write the rules but are not necessarily committed to following them. In this respect, emerging powers emphasize the importance of addressing human rights challenges domestically. For example, Brazil recently established a truth commission to investigate human rights abuses under the military dictatorship and passed a freedom of information law to increase transparency. It has also engaged in international efforts to combat violence against women and encourage open government initiatives, key concerns within Brazil and essential to advancing its own democracy. No consensus was reached on the means by which accountability can be increased on the global level, although the need was clearly articulated. Emerging democratic powers are increasingly held to account by vibrant civil society organizations and media

that feature voices from victims of violations and question government's actions abroad. Decision makers have noted this democratization of foreign policy and it continues to shape their processes and actions.

Words of caution tend to outweigh prescriptive solutions in discussing tools for international cooperation. According to some participants, limiting discussions on transnational issues to an exclusive club of democracies is a false dichotomy that discourse must move past. Engaging with imperfect democracies (like Venezuela and Bolivia) is crucial to encourage their continued development on the path of democracy. The regional dimension of democracy and human rights support should also be strengthened so that neighbors hold each other accountable for advancing democratic practices. Trade and regional economic integration can also be considered as a potentially effective tool for promoting values. States should also leverage their private sectors, which engage in new and different ways with civil society when investigating potential investment opportunities abroad, to take advantage of new avenues for dialogue. In addition, they should encourage business leaders to prioritize their obligations to protect human rights and sustainable development. Finally, the international community must better coordinate its efforts to avoid overwhelming target populations, as has occurred with countries rushing to Tunisia's aid in its transition. It must also ensure that such aid is voluntary and in no way coercive.

# **The Politics of Foreign Policy in Democracies: The Human Rights Dimension**

In the last session, participants articulated the tactics that facilitate action at the global level and the factors preventing further progress, with suggestions for improvement. Agreements at the UN Human Rights Council and other similar international fora are often reached by isolating extremists and working effectively with the middle. Diplomats are also successful when they can effectively navigate their governments in capital to alter a country's position on an issue. Therefore, personalities of the diplomats at the UN, the Human Rights Council, and other relevant bodies can play important roles in shaping the course of negotiations. Similarly, personal priorities of government leaders can influence how much importance is placed on human rights. U.S. Secretary of State Clinton has prioritized women's human rights and LGBT human rights, but Dilma Rousseff, President of Brazil, is a technocrat who prioritizes economic growth and social protections. The foreign policies of the countries reflect these priorities.

Many factors, including the realpolitik interests of emerging powers, resource constraints, political dynamics, personalities and what is politically and procedurally possible at international bodies all combine to explain why more action is not taken on human rights issues at the global level. For example, to highlight

the importance of human rights in foreign policy, one European expert shared that the human rights section of the foreign ministry receives the highest number of parliamentary questions on foreign policy, while about half of the daily statements from the ministry spokesperson pertain to human rights. However, budget constraints and the current state of the economy prevent more robust action at this time. Another participant from an established democracy shared that internal bureaucratic politics limited the policy options available to diplomats which slowed action at the Human Rights Council and limited that country's opportunities to lead. Conversely, domestic politics forced India to change its vote at the Human Rights Council regarding a resolution calling on Sri Lanka to address human rights abuses. India had long resisted such resolutions, but thanks to overt pressure from a coalition partner, it became more active. This represents an unusual but important example of domestic politics prompting rather than impeding action on human rights at the international level.

Emerging democracies face major challenges in addressing their own human rights deficits at home. They largely lack a domestic constituency for a more human rights-oriented foreign policy, meaning the few NGOs advocating for these issues have a small pool of support on which to draw. As a result, economic growth and private interests are usually prioritized over accountability. In Brazil, much of civil society has not been actively engaged on these issues, and in Indonesia, the discussion has traditionally been dominated by think tanks. This has begun to shift and influence on foreign policy has begun to diversify, but in many of the emerging powers this change is still in the nascent phases. In

some cases, emerging democracies still struggle to maintain a high-quality representative system. The process of decentralization in Indonesia has led to a growing oligarchy which threatens the protection of minority rights – especially religious minorities but also women. Turkey has experienced serious backsliding regarding freedom of the press while continuing to wrestle with its own minority rights challenges. Overall, civil society engagement on foreign policy in emerging democracies has been limited but is improving. Attention should be paid to framing the discussion on a case-by-case basis to bring these issues into the public consciousness in the relevant countries.

Despite these challenges, most participants agreed that civil society and NGOs have an enormous role to play in shaping foreign policy regarding human rights. When governments refuse to act on important issues, civil society can apply pressure to prompt action. For example, when South Africa hesitated to broach LGBT rights at the Human Rights Council, South African civil society held the government accountable by bringing public attention to the prioritization of human rights codified in the 1994 constitution. This shamed South Africa into leading on this issue. However, many participants asserted that civil society and NGOs must be more creative in approaching governments. While the foreign ministry is often the lead on foreign policy regarding human rights, many other ministries have equity in these crosscutting issues and shape (or block) the debate. Civil society and NGOs should approach other ministries – ministries concerned with the economy, education, and security, for example – to apply pressure and enact change. In addition, they

can call upon leaders in the executive branch with a personal interest in democracy and human rights matters to apply pressure. For example, in Brazil, NGOs approached an attorney general who had previously worked in the human rights field to question the foreign ministry about an upcoming vote on North Korea. By invoking Article IV of the 1988 Brazilian Constitution, which codifies a commitment to human rights, the attorney general and NGOs were able to elicit a change in Brazil's vote.

While these recommendations may help civil society and NGOs bolster their impact, they must be prepared for pushback from governments. While governments in the global North revert to funding constraints and domestic pressure as motivations for their action or inaction, governments in the global South might rely on arguments that South-South cooperation should be emphasized over naming and shaming tactics and that the system operates under a double standard. Civil society and NGOs should accept and support South-South cooperation, but not complacency. They must demand leadership from their governments to ensure the safeguarding of the global democracy and human rights order.

## **Human Rights: Strengths and Weaknesses**

The international human rights regime has made several welcome advances—including increased responsiveness in the Muslim world, attention to prevention and accountability for atrocities,



and great powers less frequently standing in the way of action, notably at the **UN Security Council** (UNSC). Yet, despite responses to emergency cases demanding action, such as Sudan and Libya, global governance in ensuring human rights has faltered.

Many experts credit intergovernmental organizations (IGOs) for advances—particularly in civil and political rights. These scholars cite the creation of an assortment of secretariats, administrative support, and expert personnel to institutionalize and implement human rights norms. Overall, the **United Nations** (UN) remains the central global institution for developing international norms and legitimizing efforts to implement them, but the number of actors involved has grown exponentially.

The primary mechanisms include UNSC action, the **UN Human Rights Council** (UNHRC), committees of elected experts, various rapporteurs, special representatives, and working groups. War crimes tribunals—the **International Criminal Court** (ICC), tribunals for the **former Yugoslavia** and **Rwanda**, and hybrid courts in **Sierra Leone** and **Cambodia**—also contribute to the development and enforcement of standards. All seek to raise political will and public consciousness, assess human-rights-related conduct of states and warring parties, and offer technical advice to states on improving human rights.

However, these mechanisms are far from consistent. Generally, when they are effective, they change states' conduct by publicizing abuses rather than by providing technical advice or applying punitive measures. For example, no global body was

capable of forcing the United States to stop its **mistreatment of detainees** at the Guantanamo Bay Detention Facility, but mounting international **pressure** did encourage fundamental U.S. **reform** of its detention and interrogation policies in 2009. As a result, skeptics also counter that other grassroots movements or organizations hold greater responsibility for rights improvements than global institutions. Furthermore, although progress in condemning and responding to atrocities has been significant, it has been limited in advancing civil and political rights. Many in the international community are reassessing economic, social, and cultural rights as IGOs increasingly link human rights to business practices and public health. Elsewhere, attention to the rights of women, minorities, and persecuted ethnic groups has steadily increased.

Of all rights-centered UN bodies, the **UN Human Rights Council** receives the most attention. In its former incarnation as the **Commission on Human Rights**, it developed a reputation for allowing the participation—and even leadership—of notorious human rights abusers, undermining its legitimacy. Reconstituted as the UNHRC in 2006, the new forty-seven-member body has a higher threshold for membership as well as a universal periodic review (UPR) process, which evaluates the human rights records of states, including those on the council. Generally, the UPR has been welcomed as encouraging accountability and highlighting progress, and states have largely cooperated. However, Israel became the first state to withdraw from the review panel, breaking the established precedent of collaboration and cooperation. This follows a pattern of disproportionate focus on Israel—**more than half** of resolutions passed since 2006 have

focused on Israeli actions in the Palestinian territories—while ignoring major abuses in other states.

The UN Security Council (UNSC) has more power to take action against human rights abusers. It can impose sanctions, mandate peacekeeping operations, and authorize use of force in extreme cases. Furthermore, UNSC deliberations are higher profile than UNHRC meetings and thus substantially elevate international attention to and pressure on rights violators. The UNSC deliberates on countries' abuses when they threaten international peace and security—but only when UNSC politics permit it. The five permanent UNSC members can all veto resolutions. France, the United Kingdom, and the United States tend to be the most vocal advocates for promoting human rights, though they routinely subordinate such concerns to strategic interests. China and Russia, however, often **veto** human rights interventions. Recently, major powers elected to the UNSC have been ambivalent on human rights, and none of the three seeking permanent membership (Germany, Brazil, and India) **voted** to authorize the mission in Libya.

Increasingly, the locus of activity on human rights is moving to the regional level, but at markedly different paces from place to place. Regional organizations and powers contribute to advancing human rights protections in their neighborhoods by bolstering norms, providing mechanisms for peer review, and helping countries codify human rights stipulations within domestic institutions. Regional organizations are often considered the first lines of defense, and better able to address rights issues unique to a given area. This principle is explicitly mentioned in the **UN**

**Charter**, which calls on member states to "make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies" before approaching the UNSC.

Major regional organizations in the Western Hemisphere, Europe, and Africa—such as the **Organization of American States** (OAS), the **European Union** (EU), and the **African Union** (AU)—have integrated human rights into their mandate and established courts to which citizens can appeal if a nation violates their rights. This has led to important rulings on **slavery in Niger** and **spousal abuse in Brazil**, for example, but corruption continues to hamper implementation throughout Latin America and Africa, and a dearth of leadership in African nations has slowed institutionalization.

Meanwhile, organizations in the Middle East and Asia, such as the **Association of Southeast Asian Nations** (ASEAN) and the **South Asian Association for Regional Cooperation**, focus primarily on economic cooperation and have historically made scant progress on human rights. The **Arab League**, however, broke with its precedent of disengagement by **backing** UN action against Libya and **sanctioning** Syria, and may prove more committed to protecting human rights in the wake of the Arab Spring.

Civil society efforts have achieved the most striking success in human rights, though they often interact with international institutions and many national governments. Nongovernmental (NGOs) provide valuable data and supervision, which can assist

both states and international organizations. NGOs also largely rely on international organizations for funding, administrative support, and expert assistance. Indeed, **more than 3,000 NGOs** have been named as official consultants to the **UN Economic and Social Council** alone, and many more contribute in more abstract ways. Domestic NGOs understand needs on the ground far better than their international counterparts. That international NGOs are beginning to recognize this is clear in two recent developments. The first is financier-philanthropist George Soros's **\$100 million donation** to **Human Rights Watch** to develop field offices staffed by locals, which enabled the organization to increase its annual operating budget to \$80 million. Second, the number of capacity-building partnerships between Western-based NGOs and NGOs indigenous to a country is increasing. That said, NGOs have to date been more successful in advocacy—from achieving passage of the **Anti-Personnel Mine Ban Convention** to calling attention to governments' **atrocities** against their own citizens. Yet NGOs devoted to implementing human rights compliance have been catching up—on issues from democratic transitions to gender empowerment to protecting migrants.

### **Norm and treaty creation: prodigious but overemphasized**

The greatest strength of the global governance architecture has been creating norms. Myriad treaties, agreements, and statements have enshrined human rights on the international community's agenda, and some regional organizations have

followed suit. These agreements lack binding clauses to ensure that action matches rhetoric, however, and many important violators have not signed on. In addition, states often attach qualifiers to their signatures that dilute their commitments.

The array of treaties establishing standards for human rights commitments is broad—from **political and civil liberties** to **economic, social, and cultural rights** to **racial discrimination** to the rights of **women, children, migrant workers**, and more recently **the disabled**. Other global efforts have focused on areas such as **labor rights** and **human trafficking**. Regional organizations, most notably the **Council of Europe** and the **Organization of American States**, have also promulgated related instruments, although less uniformly. In addition, member states have articulated declarations and resolutions establishing human rights standards, and increasingly so in economic affairs. The **United Nations Human Rights Council**, in a departure from the premise that states are to be held accountable for human rights conduct, in 2011 even passed formal **guidelines for related business responsibilities**.

On the other hand, states are under no binding obligation to observe or implement rights resolutions unless passed—without a veto—through the **UN Security Council** or one of the few regional bodies with binding authority over member states. Similarly, although the proliferation of treaties, conventions, and protocols over the past fifty years implies significant advances in human rights norms, the true impact of these measures is questionable.

First, many of the conventions, such as the **Rome Statute** or the **Convention on the Rights of Migrant Workers and Their Families**, have not been ratified by central players, such as the United States. Second, although calls for enhanced human rights norms have increased, consensus over implementation and compliance has not kept pace. In particular, whereas the global North has largely focused on advancing civil and political rights, the global South has tended to defend economic, social, and cultural rights. Third, even if a rights document is ratified, states often use reservations, understandings, and declarations (RUDs) to evade obligations, especially those of legally binding documents. They do so to avoid negative press or the potential for imbroglios from even moderately intrusive monitoring mechanisms.

Saudi Arabia is an apt example. The country has ratified the **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW), but one RUD states that the convention is not applicable when it conflicts with sharia law, which allows Riyadh to continue denying basic rights to women. Similarly, many have argued that the United States has undermined its already limited commitments on human rights by invoking complex RUDs. For example, Washington ratified the **Convention on the Elimination of All Forms of Racial Discrimination**, but with the qualifier that it would not trump U.S. constitutional protection for freedom of speech, and therefore not require banning hate groups such as the Ku Klux Klan. The international community thus remains at serious risk of overemphasizing the creation of international norms. For these to be effectively implemented, the language in international

treaties must be transplanted directly into domestic legal structures, but this process is often quite slow. Furthermore, rather than pursuing broader protections, the international community should at times focus on securing transparency guarantees from governments and assurance that nongovernmental organizations and UN rapporteurs can freely monitor human rights within national borders. Implementation of existing rights treaties and agreements might have more concrete effect than expanded protection on chapter.

### **Rights monitoring: proliferating experts, increasing peer-based scrutiny**

Monitoring is imperative to matching rhetoric with action. Over the years, human rights monitoring has matured and developed considerably, though serious challenges remain, such as ensuring freedom from torture for suspected terrorists, and uniformly protecting and promoting human rights despite the biases of rights organizations or officials entrusted with doing so.

The original United Nations Commission on Human Rights and its successor **Human Rights Council** (UNHRC) both authorized a wide array of special procedures to monitor human rights protection in functional areas and particular countries. Since the UNHRC was established in 2006, country-specific mandates have decreased, and functional monitors addressing economic and social rather than political and civil liberties have increased.

In addition, each UN human rights treaty has an elected **body of experts** to which state parties must report at regular intervals on



implementation. For instance, the **Human Rights Committee** (not to be confused with the Council) is charged with receiving reports about the implementation of the **International Covenant on Civil and Political Rights**(ICCPR) and making nonbinding "concluding observations" about states' overall compliance. The **UN Convention Against Torture** monitoring mechanism, the **Committee Against Torture**, is similar but can also send representatives to inspect areas where evidence of "systematic torture" exists. Very few parties to the convention (e.g., China, Syria, and Israel) have exercised the "opt-out" provision to avoid being subject to these inspections. (The United States has not opted out). The committee has exercised the mechanism eight times since 1990. In its first five years, a **Subcommittee on Prevention of Torture** has exercised the power to make on-the-ground inquiries sixteen times under the convention's **First Optional Protocol**, applicable only to its sixty-one parties.

**Some observers** believe that this array of special procedures and treaty bodies, bolstered by the **Universal Periodic Review** (UPR) of all member states, indicates a robust capacity to monitor human rights globally. This could, in turn, empower nongovernmental organizations to raise information and engage governments in countries where they operate. Others question the strength of the system, noting that the quality and personal biases of experts vary dramatically and that as much time is spent **in the UPR** on liberal states as on systematic rights abusers, and that non-Western states "pull their punches" in questioning peers. Various regional bodies also monitor implementation of human rights. The **Organization for Security**

**and Cooperation in Europe** and **Council of Europe** mechanisms are robust. The inter-American system is highly institutionalized but disinclined to address suspension of constitutional provisions by democratically elected leaders. The **African Union** has a promising foundation in its peer review mechanism, but it is largely unrealized in the human rights area. Other regional organizations, such as the **Association of Southeast Asian Nations** and the **Gulf Cooperation Council**, have no monitoring to speak of, despite dramatic cases of abuses and public demand for better protections in their regions.

### **Capacity building: vital but underemphasized**

Capacity building—especially for human rights—is often expensive and daunting, viewed with suspicion, and the success of assistance is notoriously hard to measure. In many cases, national governments have signed international commitments to promote and protect human rights, and earnestly wish to implement them, but are incapable of doing so. For example, many experts have noted that Libya may require an entirely **new** judicial system, following the collapse of Muammar al-Qaddafi's regime. On the other hand, some states refuse assistance from nongovernmental organizations (NGOs) and international organizations (IGOs), suspecting that it might interfere with domestic affairs. On balance, it also remains far easier, and less costly, for the international community to condemn, expose, or shame human rights abusers rather than provide material aid for human rights capacity building. The international community has developed various ways to offer technical assistance. Most notable is the **Office of the High**

**Commissioner for Human Rights** (OHCHR), established in 1993. In addition to providing an institutionalized moral voice, OHCHR offers technical assistance to states through an array of field offices—for example, by providing training to civilian law enforcement and judicial officials through its country office in **Uganda**, strengthening the **Cambodian** legal and institutional framework for human rights, and assisting **Mexico** with development of a National Program on Human Rights. Such work is undercut, however, by member states' propensity to prefer unilateral support for capacity building, to favor naming and shaming over capacity building, or to oppose human rights capacity building as either a threat to sovereignty or tantamount to neocolonialism.

Regional organizations such as the **Organization for Security Cooperation in Europe** (OSCE), **Council of Europe**, **Organization of American States** (OAS), **European Union**, and to some extent the **African Union**, may be more effective than the United Nations in sharing best practices and providing capacity-building advice to states. Often capacity building entails training human rights protectors and defenders, but it may also include legal framework building or addressing countries' specific capacity deficits. The OSCE, for instance, collaborates with member states on election monitoring and **offers training and education** to human rights defenders through its **Office for Democratic Institutions and Human Rights**.

Human rights capacity building also occurs on a bilateral basis. Indeed, some developed states prefer providing bilateral

assistance to working with IGOs and multilateral institutions because resources can be better monitored and projects more carefully tailored to support donor state interests. For instance, the **U.S. Foreign Assistance Act of 1961**, which laid the basis for the creation of the **U.S. Agency for International Development** (USAID), calls for the use of development assistance to promote economic and civil rights. Since its inception, USAID has provided billions of dollars to support good governance, transparency building, and civil society projects worldwide. It recently gave hundreds of millions of dollars to Liberia to train judges, promote the rule of the law, and increase government transparency.

Meanwhile, other multilateral institutions like the **World Bank, International Monetary Fund**, and **World Trade Organization** also support human rights promotion, but tend to do so more indirectly, through poverty alleviation and community enhancement schemes. Together, though, these institutions face new constraints as the international community continues to grapple with the global financial crisis and unprecedented budget deficits.

NGOs, while indispensable actors in terms of implementing ground-level capacity building, mostly operate at the pleasure of national governments, and have little recourse if asked to cease operations or even leave a state entirely. Suspicious of NGO activity, some governments have attempted to pass laws limiting the activity of NGOs or requiring them to receive prior approval before engaging in capacity-building efforts. Ongoing **controversy** in Cambodia over proposed government

regulation of NGOs epitomizes this problem. Furthermore, the March 2009 decision of Sudan's president, Omar al-Bashir, to **order** thirteen international NGOs to leave Sudan—in the aftermath of his indictment by the **International Criminal Court**—demonstrates that NGOs may be perceived as easy targets by governments seeking to gain political or diplomatic leverage when pressed on their human rights records.

As a whole, successful capacity building forms the core of long-term efforts to improve human rights in countries. Regardless, human rights capacity building is often underemphasized both in states with the poorest of human rights as well as among countries or intergovernmental organizations that are most in a position to help. While NGOs are crucial contributors to capacity-building efforts, they cannot—and should not—shoulder the entire burden. Broad, crosscutting partnerships are essential for such efforts to enjoy success and produce sustainable human rights reform.

### **Response to atrocities: significant institutionalization, selective action**

Atrocities of all sorts—whether war crimes, genocide, crimes against humanity, or ethnic cleansing—have been a major focus in the international community over the last two decades. A number of regional and country-specific courts, as well as the **International Criminal Court** (ICC), provide potential models for ending impunity. However, these courts have unevenly prosecuted violators of human rights, and have been criticized for focusing on some abuses or regions while ignoring others.

In the aftermath of the Balkans and Rwanda in the 1990s, where UN peacekeepers on the ground failed to prevent mass killing and sexual violence, efforts to establish preventive and responsive norms to atrocities accelerated. To hold perpetrators accountable, the **Rome Statute** established the ICC as the standing tribunal for atrocities. The ICC was largely considered an alternative to ad hoc tribunals like those for the former Yugoslavia and Rwanda, which were **criticized** for proceeding too slowly and for requiring redundant and complex institution building. The ICC is the result of UN efforts to evaluate the prospects for an international court to address crimes like genocide as early as 1948.

The United States was at best ambivalent about the ICC, given concerns that its own military actions would be subject to accusations. President Clinton signed the **Rome Statute** but recommended against ratification. The George W. Bush administration informed the UN secretary-general that the United States no longer considered itself a signatory, and set about negotiating (after a congressional mandate threatening to cut aid to states that refused to sign such agreements) to avoid having its troops handed over to the court. Ultimately, however, that administration tacitly cooperated on an ICC case against Sudan for atrocities in Darfur. The Obama administration reengaged as an active observer at the **Conference of the Rome Statute Parties**, despite its **wariness** over ICC attempts to define the crime of aggression. The ICC's first prosecutor, Luis Moreno-Ocampo, vigorously pursued the first indictment of a sitting head of state, Sudan's Omar al-Bashir, but others have suggested that ICC proceedings have occurred no more quickly than those of ad

hoc tribunals and remain too focused on pursuing cases in Africa. As for preventive action, former UN secretary-general Kofi Annan championed stronger norms for intervention against ongoing atrocities. In the wake of the Kosovo crisis, Annan cited the need for clarifying when international intervention should legally be used to prevent atrocities in states. In response, the Canadian-sponsored **International Commission on Intervention and State Sovereignty** promoted the concept of the "responsibility to protect" (R2P) in 2000 and 2001. This principle sought to reframe the debate over humanitarian intervention in terms of state sovereignty. Specifically, it placed the primary responsibility on states to protect their own citizens. When states failed, responsibility would fall to the international community. Annan's *In Larger Freedom* report picked up on this concept, and R2P informed two paragraphs in the **Outcome Document of 2005 UN World Summit**. The latter also included an emphasis on the importance of capacity-building assistance to help states meet their R2P obligations. In the **UN Security Council**(UNSC), the R2P doctrine has been invoked repeatedly—first generically affirmed, then raised in semi-germane cases in 2008 (in Myanmar after a cyclone and in Kenya during post-election violence), and then conclusively in 2011 (**UNSC Resolution 1973** on Libya).

**Sudan** has also served as a bellwether for international for the international community's capacity to respond to instances of atrocities. In 2004, in response to the depredations of government-backed *janjaweed* forces against the inhabitants of Darfur, the United States **issued** a legal determination that genocide had been committed. Rape of women venturing outside camps for the internally displaced, however, continued long after

the UN became involved. A **combined** UN and African Union peacekeeping force was also established to help mitigate the violence. In 2009, the ICC indicted Bashir, but had neither the means to apprehend him nor the leverage to facilitate his capture.

In short, the international community has taken its greatest step by redefining sovereignty as answerable to legal international intervention should a state fail to shield its citizens from atrocities, or worse yet, sponsor them. However, state practice has not matched these norms, and it remains to be seen whether consensus about Libya was *sui generis*. The escalating conflict in Syria, in which over sixty thousand have been killed since March 2011, underscores the fact that, in reality, political concerns of the P5 often trump the doctrine of R2P.

### **Political and civil rights: disproportionately institutionalized, backlash on free expression and association**

Treaties that define political and civil liberties are widely ratified, but many countries have not signed on to enforcement protocols, and many continue to violate the rights of their citizens regardless of treaties. In addition, the right of people to choose their leaders and freedom of the press, religion, and association has backslid in recent years. At the same time, however, people are increasingly demanding rights and attempting to bypass repression of illiberal regimes. New technology (such as cell phones, social media, and satellite television) is also providing



unprecedented opportunities to publicize abuse and organize protests, though repressive regimes are closely following with practices to censor new technology.

States resisting the spread of political and civil liberties have been challenged more by civil society than by other states or by intergovernmental organizations (IGOs). Using information and communications technology, and with the support of global nongovernmental organizations (NGOs) and occasionally the private sector, civil society has taken their demands to a new level. China's effort to control dissent, for example, has been greatly challenged by **Uighur dissenters** in Xinjiang, **Falun Gong** groups, and the decision by Google to **refuse** to implement comprehensive censorship in China. However, international pressure remains relevant. For example, the Obama administration's recent **statement** that censorship practices in China may violate **World Trade Organization** rules has increased pressure on China to reform.

In the United Nations, the number of member states, organs, and generic mandates related to freedom of expression and association have increased. For instance, the **UN General Assembly** adopted a **resolution** in 2007 calling for the end of capital punishment. In September 2010, the **UN Human Rights Council** (UNHRC) adopted another **resolution**, creating a **special rapporteur on rights to freedom of peaceful assembly and of association**. This occurred in the wake of a multiyear **backlash** against domestic NGOs and their international philanthropic and civil society backers in a series of autocracies.

Nonetheless, analysis has documented a **five-year backslide** in levels of democratic governance and other civil political liberties worldwide. Moreover, ratifications of the **First** and **Second** Protocols of the **International Covenant on Civil and Political Rights** remain low. The latter, which attempts to ban the death penalty, has only seventy-three parties. Another more recent accord, the **International Convention for the Protection of All Persons from Enforced Disappearances**, came into force in 2010, but has not been ratified by states most commonly charged with executing such disappearances, including Russia and China.

Attacks on journalists have also increased, especially as the **Arab Spring** swept through the Middle East and North Africa. And even as individuals and civic organizations have used social media and other online tools to exchange ideas and press their cause, authoritarian governments have taken advantage of the same technology to halt or reverse gains in freedom of expression.

In recent years, national debates about the relationship between terrorism and Islam have also increased the number of measures in IGO bodies like the **United Nations** and **UNHRC** on religious expression. Muslim-majority states have proposed resolutions to stem the "defamation" of religion. Such measures, though, were in many instances perceived by Western powers and rights groups as licenses to permit states to punish cases of so-called religious blasphemy, and had the potential to dramatically limit freedom of speech. During the spring of 2011, the UNHRC shifted from the annual tradition of passing the controversial defamation of religion resolutions to adopt a more authentically **robust**

**freedom of religion formula.** The new balance, focusing on **religious tolerance**, was largely due to a compromise the United States struck with the Organization of the Islamic Conference, since renamed the **Organization of Islamic Cooperation**.

As a whole, although a large number of states continue to disregard or even retard the protection of political and civil liberties, expanding efforts on the ground and in multilateral bodies may prove most significant in the long term.

**Economic rights and business responsibilities: increased corporate focus and engagement**

A long-standing debate between the global North and global South has been over whether to prioritize negative obligations of states to avoid restricting political and civil liberties or positive obligations to deliver economic and social benefits. Indicators, however, show a subtle yet important shift in the last ten of the forty-year debate.

Until the end of the twentieth century, international law frameworks placed human rights obligations on the shoulders of states. Not least through former UN secretary-general Kofi Annan's role as an ideas entrepreneur, notions of the obligation of businesses on human rights have blossomed. First, in 2000, Annan and his Harvard-based scholar-adviser John Ruggie crafted the **UN Global Compact**, which enumerates voluntary principles for business related to human rights and

environmental stewardship. The UN then created a mandate for a **special representative** of the secretary-general to assess state, business, and civil-society stakeholders on business conduct and human rights. In July 2011, the **UN Human Rights Council** (UNHRC) adopted **guidelines** that delineate state obligations to protect human rights, business obligations to respect them, and a joint role to provide remedies to people robbed of them. These successes do not come without challenges, however. Ruggie, who has been **at the forefront** of business and human rights, completed his term as special representative in mid-2011, raising the prospect that UN efforts may stall in his absence. Further, although the UN Security Council's adoption of the Global Compact guidelines is significant, implementation will be a difficult next step. Additionally, the **International Labor Organization** (ILO) and its counterpart, the **International Organization of Employers**, have jointly engaged businesses on best practices on human rights.

Nevertheless, businesses' decisions to uphold human rights standards remain largely voluntary and thus subject to market—rather than moral—forces. Even when businesses make commitments to corporate responsibility programs, no actor exists to enforce such commitments. Civil society can play a critical role in mitigating these challenges, however, by publicizing corporate human rights abuses and **working directly** with businesses on corporate responsibility. NGOs such as **Human Rights Watch**, the **Institute for Human Rights and Business**, the **International Federation for Human Rights**, **Global Witness**, and the **International League for Human Rights** exemplify these efforts. Additionally, even where

businesses act in violation of domestic laws or international conventions protecting human rights, limited domestic law enforcement capabilities undermine the force of accountability standards.

The international community's efforts to address economic and social rights have advanced. Some measures evidence a redefinition of human rights, such as the mandate from the UNHRC on **toxic waste**. Some entail setting ambitious norms, such as the **UN Convention on the Rights of Persons with Disabilities**, negotiated during the George W. Bush administration and signed by the Obama administration (although Congress failed to ratify the convention in December 2012). Most important have been efforts to address economic and social rights with tangible programming. The **Global Fund to Fight AIDS, Tuberculosis, and Malaria** is a landmark achievement for bridging health, economic, and discriminatory ills; for mobilizing significant resources beyond regular assessed budgets of the UN; and for involving an array of UN, private sector, philanthropic, and civil society actors in a concerted partnership. It is worth noting that the global North (and its greatest skeptic on economic and social rights, the United States) have championed this effort, supplementing it heavily through the U.S. **President's Emergency Plan for AIDS Relief** (PEPFAR).

Child labor, forced labor, human trafficking, and contemporary slavery have also become a focus of global governance efforts since the beginning of the twenty-first century. Such abridgments of freedom and autonomy signal a tragic combination of economic desperation, weak rule of law, and discrimination. The ILO's work

to address forced labor and the most acute forms of child labor through conventions and preventive programs has now been supplemented by other efforts. New energy has been directed to mitigating the most coercive of labor practices as a result of the near simultaneous enactment of the **Palermo Protocol** to the **UN Crime Convention on Trafficking in Persons (TIP)** and the **U.S. Victims of Trafficking and Violence Protection Act** in 2000.

The UNHRC has also authorized special rapporteurs on both human trafficking and contemporary slavery. States, intergovernmental organizations, and NGOs have developed partnerships to address child labor, forced labor, and human trafficking. Businesses are also joining global governance efforts, moving from sector-specific partnerships (such as the **travel and hospitality sector** on child sex trafficking and **chocolate companies** on child labor in West Africa) to cross-sectoral ones.

### **Women's and children's rights: institutional progress but holdouts on implementation**

The rights of women have advanced incrementally. The United Nations (UN) system has moved beyond creating norms, such as the **Convention on the Elimination of All Forms of Discrimination against Women** and the **Convention on the Rights of the Child** to more assertive leadership and calls for implementation efforts among national governments. However, despite marked success on various fronts, the UN **estimates** that women continue to make up less than 10 percent of world leaders

and less than one-fifth of parliamentarians. Moreover, it remains to be seen whether the **Arab Spring** will **help or hinder** the cause of gender equality. Efforts to enhance the economic and social wellbeing of women and children have also improved, but remain at risk as a result of tightened national and international aid budgets.

Arguably, the decision of the **UN Development Program** to commission **reports** by Arab experts to link gender inequality and reduced development in the Arab world, published in 2005, was an important step forward. The formation of the **UN Entity for Gender Equality and the Empowerment of Women** (UN Women), amalgamating four existing agencies, received an additional boost when Chile's Michelle Bachelet was appointed its first leader. The remaining question is whether the consolidation of women's rights functions will mainstream or silo them. Around the world, more women have become involved in political participation—from the first woman elected head of state in Africa to the franchise in Gulf States.

The essential role of women in peace and consensus building has moved from statements like **UN Security Council Resolution (UNSCR) 1325**, which recognized that women are not adequately consulted and integrated into peace processes, to reality. In December 2011, for example, the United States joined thirty-two other countries in publishing a **National Action Plan (NAP) on Women, Peace and Security** designed to **integrate** governmental efforts to implement **UNSCR 1325**. Ellen Johnson Sirleaf's leadership in post conflict Liberia and the July 2010 establishment of UN Women provide further evidence of the

international community's improving recognition of the indispensable role of women in post conflict situations.

Moreover, attention to the acute problem of violence against women has advanced, even if it has been significantly curtailed in practice. In 1998, **The International Criminal Tribunal for the former Yugoslavia** (ICTY), along with the **Rome Statute**, established the precedent that targeted rape is a crime against humanity, though the practice has continued largely unabated in Darfur, the Democratic Republic of the Congo, Burma, and Zimbabwe.

The degree to which prostitution of girls and sex trafficking of women is an act of violence is beginning to be better understood around the world. Despite **several conventions** addressing the issue of human trafficking, and **anti-trafficking laws** in many countries, it remains a nearly **\$32 billion** industry. While exact statistics are difficult to obtain, the UN estimates that **between seven hundred thousand and two million** women are trafficked annually. Over the past decade, the United States and the United Nations have devoted greater resources to monitoring and prosecuting trafficking, as with the UN Office of Drugs and Crime's **human trafficking case law database** and the U.S. Department of State's annual **Trafficking in Persons Report**. Additionally, in 2010, the UN established a **trust fund** to assist victims of human trafficking and the **UN General Assembly** adopted a global plan of action to combat trafficking.

Girls are substantially less likely to receive basic education, especially in South Asia and Sub-Saharan Africa. Moreover,



the **World Bank** reports that this situation is unlikely to change through economic development alone. While girl's education has received more attention in recent years, much work remains. Gender parity in primary and secondary education was among the **Millennium Development Goals** originally targeted for achievement by 2005. In support of this goal and its original 2005 deadline, the **UN Children's Fund** (UNICEF) launched the **25 by 2005** initiative, which brought greater awareness to girls' educational needs. However, the international community failed to reach the 2005 target—60 percent of countries still **lack** gender parity in education—and it remains on the list of Millennium Development Goals targeted for 2015. Nevertheless, NGOs like the public-private **Education for All-Fast Track Initiative** have successfully implemented country-specific approaches.

Awareness and official standards for the rights of children have also expanded, but implementation has lagged. The **Convention on the Rights of the Child** and its two optional protocols, on **child soldiers** and on the **sale and sexual exploitation of children**, have set crucial norms. Partnerships of states, intergovernmental organizations, nongovernmental organizations, and the private sector have begun to address the subjects of these two protocols in particular. International organizations have heightened focus on postconflict rehabilitation and reintegration of child soldiers in various regions, from the Democratic Republic of Congo to Sri Lanka. NGOs, media, and authors have raised international public awareness, and increasingly using child soldiers is seen as human trafficking. As for child prostitution, diverse groups such as the **United Nations**

**Children's Fund** (UNICEF), the **International Labor Organization**, the **UN Interagency Program on Human Trafficking**, the **International Center for Missing and Exploited Children**, the secular **End Child Prostitution and Trafficking**, the faith-based **World Vision**, and the **Body Shop Corporation** have forged partnerships to identify and assist victims. However, the problem of prostituted children being treated by local authorities as disposable or criminal, rather than as victims, **persists** globally, even in major democracies like the United States, Japan, and India.

In large segments of the developing world, children are seen as breadwinning assets, sometimes abandoned to **degrading exploitation** when they are too much of a burden to families. Among those capable of responding to this problem, UNICEF is arguably the best run, most respected, and most able to secure donations. It addresses acute protection needs of children in humanitarian crisis zones, as well as more general health, education, and other basic needs. In a related effort, the World Health Organization has encouraged linking immunizations to human rights as a part of its **Decade of Vaccines** program, which spans 2011 to 2020, though financial support will likely be constrained as the world continues in an economic downturn.

## **Improving Observance of Human Rights**

Internationally, our rich diversity of cultures and religions should help to strengthen fundamental human rights in all communities. Underlying this diversity are basic human principles that bind us all together as members of the same

### *Significance of Equality*

human family. The question of human rights is so fundamentally important that there should be no difference of views about it. We all have common human needs and concerns. We all seek happiness and try to avoid suffering regardless of our race, religion, sex or social status. However, mere maintenance of a diversity of traditions should never justify the violations of human rights. Thus, discrimination against persons of different races, against women, and against weaker sections of society may be traditional in some regions, but if they are inconsistent with universally recognized human rights, these forms of behaviour should change. The universal principle of the equality of all human beings must take precedence.

## **Chapter 4**

# **Inalienable Rights**

## **Freedom of Speech and equal human rights**

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.*

In these memorable words of the American Declaration of Independence, Thomas Jefferson set forth a fundamental principle upon which democratic government is founded. Governments in a democracy do not grant the fundamental freedoms enumerated by Jefferson; governments are created to protect those freedoms that every individual possesses by virtue of his or her existence.

In their formulation by the Enlightenment philosophers of the 17th and 18th centuries, inalienable rights are God-given natural rights. These rights are not destroyed when civil society is created, and neither society nor government can remove or "alienate" them. Inalienable rights include freedom of speech and expression, freedom of religion and conscience, freedom of

assembly, and the right to equal protection before the law. This is by no means an exhaustive list of the rights that citizens enjoy in a democracy--democratic societies also assert such civil rights as the right to a fair trial--but it does constitute the core rights that any democratic government must uphold. Since they exist independently of government, these rights cannot be legislated away, nor are they subject to the momentary whim of an electoral majority. The First Amendment to the U.S. Constitution, for example, does not give freedom of religion or of the press to the people; it prohibits the Congress from passing any law interfering with freedom of speech, religion, and peaceful assembly. A historian, Leonard Levy, has said, "Individuals may be free when their government is not."

The detailed formulation of laws and procedures concerning these basic human rights will necessarily vary from society to society, but every democracy is charged with the task of building the constitutional, legal, and social structures that will ensure their protection.

Freedom of speech and expression is the lifeblood of any democracy. To debate and vote, to assemble and protest, to worship, to ensure justice for all--these all rely upon the unrestricted flow of speech and information. Canadian Patrick Wilson, creator of the television series *The Struggle for Democracy*, observes: "Democracy is communication: people talking to one another about their common problems and forging a common destiny. Before people can govern themselves, they must be free to express themselves." Citizens of a democracy live with the conviction that through the open exchange of ideas and

opinions, truth will eventually win out over falsehood, the values of others will be better understood, areas of compromise more clearly defined, and the path of progress opened. The greater the volume of such exchanges, the better. American essayist E.B. White put it this way: "The press in our free country is reliable and useful not because of its good character but because of its great diversity. As long as there are many owners, each pursuing his own brand of truth, we the people have the opportunity to arrive at the truth and dwell in the light....There is safety in numbers."

In contrast to authoritarian states, democratic governments do not control, dictate, or judge the content of written and verbal speech. Democracy depends upon a literate, knowledgeable citizenry whose access to the broadest possible range of information enables them to participate as fully as possible in the public life of their society. Ignorance breeds apathy. Democracy thrives upon the energy of citizens who are sustained by the unimpeded flow of ideas, data, opinions, and speculation.

But what should the government do in cases where the news media or other organizations abuse freedom of speech with information that, in the opinion of the majority, is false, repugnant, irresponsible, or simply in bad taste? The answer, by and large, is nothing. It is simply not the business of government to judge such matters. In general, the cure for free speech is more free speech. It may seem a paradox, but in the name of free speech, a democracy must sometimes defend the rights of individuals and groups who themselves advocate such non-democratic policies as repressing free speech. Citizens in a

democratic society defend this right out of the conviction that, in the end, open debate will lead to greater truth and wiser public actions than if speech and dissent are stifled.

Furthermore, the advocate of free speech argues, the suppression of speech that I find offensive today is potentially a threat to my exercise of free speech tomorrow--which perhaps you or someone else might find offensive.

One of the classic defenses of this view is that of English philosopher John Stuart Mill, who argued in his 1859 essay "On Liberty" that all people are harmed when speech is repressed. "If the opinion is right, they are deprived of the opportunity of exchanging error for truth," Mill wrote, "if wrong, they lose...the clearer perception and livelier impression of truth produced by its collision with error."

The corollary to freedom of speech is the right of the people to assemble and peacefully demand that the government hear their grievances. Without this right to gather and be heard, freedom of speech would be devalued.

For this reason, freedom of speech is considered closely linked to, if not inseparable from, the right to gather, protest, and demand change. Democratic governments can legitimately regulate the time and place of political rallies and marches to maintain the peace, but they cannot use that authority to suppress protest or to prevent dissident groups from making their voices heard.

## **Freedom and Faith**

Freedom of religion, or more broadly freedom of conscience, means that no person should be required to profess any religion or other belief against his or her desires. Additionally, no one should be punished or penalized in any way because he or she chooses one religion over another or, indeed, opts for no religion at all. The democratic state recognizes that a person's religious faith is a profoundly personal matter.

In a related sense, freedom of religion means that no one can be compelled by government to recognize an official church or faith. Children cannot be compelled to go to a particular religious school, and no one can be required to attend religious services, to pray, or to participate in religious activities against his or her will. By reason of long history or tradition, many democratic nations have officially established churches or religions that receive state support. This fact, however, does not relieve the government of the responsibility for protecting the freedom of individuals whose beliefs differ from that of the officially sanctioned religion.

### **Citizenship: Rights and Responsibilities**

Democracies rest upon the principle that government exists to serve the people; the people do not exist to serve the government. In other words, the people are citizens of the democratic state, not its subjects. While the state protects the rights of its citizens, in return, the citizens give the state their loyalty. Under an



authoritarian system, on the other hand, the state, as an entity separate from the society, demands loyalty and service from its people without any reciprocal obligation to secure their consent for its actions.

When citizens in a democracy vote, for example, they are exercising their right and responsibility to determine who shall rule in their name. In an authoritarian state, by contrast, the act of voting serves only to legitimize selections already made by the regime. Voting in such a society involves neither rights nor responsibilities exercised by citizens--only a coerced show of public support for the government.

Similarly, citizens in a democracy enjoy the right to join organizations of their choosing that are independent of government and to participate freely in the public life of their society. At the same time, citizens must accept the responsibility that such participation entails: educating themselves about the issues, demonstrating tolerance in dealing with those holding opposing views, and compromising when necessary to reach agreement.

In an authoritarian state, however, private voluntary groups are few or nonexistent. They do not serve as vehicles for individuals to debate issues or run their own affairs, but only as another arm of the state that holds its subjects in positions of obedience.

Military service provides a different but equally contrasting example of rights and responsibilities in democratic and non-democratic societies. Two different nations may both require a

period of peacetime military service by their young men. In the authoritarian state, this obligation is imposed unilaterally. In the democratic state, such a period of military service is a duty that the citizens of the society have undertaken through laws passed by a government they themselves have elected. In each society, peacetime military service may be unwelcome for individuals. But the citizen-soldier in a democracy serves with the knowledge that he is discharging an obligation that his society has freely undertaken. The members of a democratic society, moreover, have it within their power to act collectively and change this obligation: to eliminate mandatory military service and create an all-volunteer army, as the United States and other countries have done; change the period of military service, as happened in Germany; or, as in the case of Switzerland, maintain reserve military service for men as an essential part of citizenship.

Citizenship in these examples entails a broad definition of rights and responsibilities, since they are opposite sides of the same coin. An individual's exercise of his rights is also his responsibility to protect and enhance those rights--for himself and for others. Even citizens of well-established democracies often misunderstand this equation, and too often take advantage of rights while ignoring responsibilities. As political scientist Benjamin Barber notes, "Democracy is often understood as the rule of the majority, and rights are understood more and more as the private possessions of individuals and thus as necessarily antagonistic to majoritarian democracy. But this is to misunderstand both rights and democracy."

### *Significance of Equality*

It is certainly true that individuals exercise basic, or inalienable, rights--such as freedom of speech, assembly, and religion--which thereby constitute limits on any democratically based government. In this sense, individual rights are a bulwark against abuses of power by the government or a momentary political majority.

But in another sense, rights, like individuals, do not function in isolation. Rights are not the private possession of individuals but exist only insofar as they are recognized by other citizens of the society. The electorate, as the American philosopher Sidney Hook expressed it, is "the ultimate custodian of its own freedom." From this perspective, democratic government, which is elected by and accountable to its citizens, is not the antagonist of individual rights, but their protector. It is to enhance their rights that citizens in a democracy undertake their civic obligations and responsibilities.

Broadly speaking, these responsibilities entail participating in the democratic process to ensure its functioning. At a minimum, citizens should educate themselves about the critical issues confronting their society--if only to vote intelligently for candidates running for high office. Other obligations, such as serving juries in civil or criminal trials, may be required by law, but most are voluntary.

The essence of democratic action is the active, freely chosen participation of its citizens in the public life of their community and nation. Without this broad, sustaining participation, democracy will begin to wither and become the preserve of a

small, select number of groups and organizations. But with the active engagement of individuals across the spectrum of society, democracies can weather the inevitable economic and political storms that sweep over every society, without sacrificing the freedoms and rights that they are sworn to uphold.

Active involvement in public life is often narrowly defined as the struggle for political office. But citizen participation in a democratic society is much broader than just taking part in election contests. At the neighborhood or municipal level, citizens may serve on school committees or form community groups, as well as run for local office. At the state, provincial, or national level, citizens can add their voices and pens to the continuing debate over public issues, or they can join political parties, labor unions, or other voluntary organizations. Whatever the level of their contribution, a healthy democracy depends upon the continuing, informed participation of the broad range of its citizens.

Democracy, Diane Ravitch writes, "is a process, a way of living and working together. It is evolutionary, not static. It requires cooperation, compromise, and tolerance among all citizens. Making it work is hard, not easy. Freedom means responsibility, not freedom from responsibility."

Democracy embodies ideals of freedom and self-expression, but it is also clear-eyed about human nature. It does not demand that citizens be universally virtuous, only that they will be responsible. As American theologian Reinhold Niebuhr said:

"Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

## **Human Rights and Political Goals**

As a principle, the protection of basic human rights is accepted widely: It is embodied in written constitutions throughout the world as well as in the Charter of the United Nations and in such international agreements as the Helsinki Final Act (the Conference on Security and Co-operation in Europe--CSCE).

Distinguishing among different categories of rights is another matter. In recent times, there has been a tendency, especially among international organizations, to expand the list of basic human rights. To fundamental freedoms of speech and equal treatment before the law, these groups have added rights to employment, to education, to one's own culture or nationality, and to adequate standards of living.

These are all worthwhile undertakings, but when such entitlements proliferate as rights, they tend to devalue the meaning of basic civic and human rights. Furthermore, they blur the distinction between rights that all individuals possess and goals toward which individuals, organizations, and governments may reasonably be expected to strive.

Governments protect inalienable rights, such as freedom of speech, through restraint, by limiting their own actions. Funding education, providing health care, or guaranteeing employment demand the opposite: the active involvement of government in

promoting certain policies and programs. Adequate health care and educational opportunities should be the birthright of every child. The sad fact is that they are not, and the ability of societies to achieve such goals will vary widely from country to country. By transforming every human aspiration into a right, however, governments run the risk of increasing cynicism and inviting a disregard of all human rights.

## **Human rights and welfare conditionality**

Over the last 10 to 15 years, talk about economic and social rights has become part of social policy debates in developed countries. Rights-based approaches emphasise participation, yet the debate around economic and social rights is largely driven. This object examines the extent to which the values which underpin rights based approaches are consistent with the values of those whom such an approach is designed to help. The values underlying rights-based approaches and those with experience of poverty are identified and then compared in three ways: in general; in relation to the specific issue of welfare conditionality; and as prescriptions for action. The comparative analysis is facilitated by linking the discussion of values to discussion of the forms of power relationships involved in rights-based approaches and what is valued by those with experience of poverty. While there is considerable overlap between rights-based approaches and what is valued by those with experience of poverty, there are also subtle differences which should not be ignored. Towards the

end of the 20th century, talk about rights, particularly economic and social rights, entered social policy discourse. Even in Australia, where all attempts to establish guarantees of rights within the legal system have failed, the influence of UN treaties or conventions can be seen in policy statements and documents in specific policy sectors. For example, one of the most important elements of the Convention on the Rights of the Child is set out in Art 12, which calls on state parties to 'assure the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child'. While consultation with children can be tokenistic or undermined by bureaucratic structures, the principle of seeking children's views has become part of policy rhetoric, if not practice. For example, one of the four rights set out in the South Australian Charter of Rights for Children and Young People in Care is 'the right to understand and have a say in decisions that affect you'. Rights-based approaches differ from past practice in the emphasis on obligation, in particular the obligation of the state to ensure its citizens are able to exercise their economic and social rights and by acknowledging that all citizens are entitled to exercise such rights. Thus the Office of the High Commissioner for Human Rights defines a rights-based approach as one that 'links poverty reduction to questions of obligation rather than welfare or charity'. Governments become 'duty-holders' who are obliged to guarantee the rights of all citizens, including those who are marginalised or disadvantaged. Welfare recipients become rights-holders who are assisted by the state, not as an act of paternalistic benevolence, but as an entitlement. As with any normative framework, rights talk has generated a mixed

response. For some, rights-based approaches provide a powerful social instrument for challenging the sites and uses of power. Others point to the fact that institutionalising human rights is a social process which itself involves the use of power. Compared to civil and political rights, economic and social rights require a much greater level of active intervention by government before such rights can be realised. The International Covenant on Economic, Social and Cultural Rights recognises that the adoption of legislative measures may be highly desirable in many instances, but leaves it up to individual states to determine whether legislation is necessary. The belief that legislation, though important, is not sufficient to ensure a full realisation of rights is reflected in the covenant, which for some rights lists the steps to be taken by state parties in order to achieve full realisation of a particular right. In all cases, the steps refer to broad policy goals and programs rather than specific legislative measures. For example, in relation to the right to work, the covenant lists 'technical and vocational guidance and training programs' and 'policies and techniques to achieve steady economic development and full and productive employment' as some of the steps to be taken. Furthermore, guidelines governing the type of reporting required under the covenant clearly indicate that states should provide details of non-legislative measures such as policies, programs or techniques, as well as all relevant laws. In establishing the principle of progressive achievement,<sup>1</sup> the covenant also recognises that full realisation of economic and social rights requires a significant amount of resources and state parties are given considerable discretion in determining the level of financial resources devoted to policies and programs designed



to achieve realisation of economic and social rights. Thus, economic and social rights are contingent on available resources and progressively realised through a range of measures, not all of which will be based on legislation and give rise to enforceable rights. Cox notes that governments are increasingly relying on activities which are not codified in law, citing the example of aged care in Denmark, where elderly people enjoy the right to be cared for in their own home, but this right is not stated in law and its realisation is dependent on the amount of money local communities, which fund home care activities, allocate to aged care. Carney argues that a similar process is underway in Australia, where recent welfare-to-work reforms have converted rule-based norms into discretionary powers under the control of government departments. Increasing levels of conditionality applied to welfare entitlements are seen to further erode the 'rights' of social security clients. Given the debate around rights-based approaches and, in particular, the claim that rights-based approaches have the potential to challenge existing power structures, it is worth considering the extent to which the values which underpin rights-based approaches are consistent with the values of those whom such an approach is intended to help. In this object, we have taken the views of people with experience of poverty about what they want from government and service providers as indicative of what they value. The remainder of this object is organised as follows. First, four general principles or values underlying all rights-based approaches are identified. This is followed by a discussion of what is valued by those with experience of poverty. The values underlying rights-based approaches are then compared to the values of those with experience of poverty, first in general, then in relation to a

specific issue – welfare conditionality – and finally as a prescription for action. Linked to the discussion of values is discussion of the forms of power involved in rights-based approaches and what is valued by those with experience of poverty.

## **Rights-based approaches**

As noted earlier, the realisation of economic and social rights requires a range of different forms of intervention by government, and under the ICESCR governments have considerable discretion in how they choose to institutionalise such rights. While there is no single agreed rights-based approach, all rights-based approaches derive from the international human rights framework from which a set of common principles or values can be identified. The first of these is that the inherent dignity of the human person is the basis of all rights. The second is that participation is the way in which individuals are able to live with dignity. Consequently, the Office of the High Commissioner for Human Rights has suggested that in terms of the policymaking process, this principle obliges governments to facilitate participation by affected groups at all stages of the policy process, from initial conception through to implementation and evaluation. Thus, empowering rights-holders to be active participants in decision-making processes that affect their lives is a key component of rights-based approaches, with some political theorists arguing that participation is a basic right upon which all other rights rest. From a rights-based perspective, participation should not be confined to decision-making at the

local level, but should encompass broader decision-making forums that impact on policy-making at the national and international level. In addition, duty-holders have an obligation to encourage right sholders to pursue the legal defense of their rights within national and international jurisdictions. While the ICESCR provides for gradual realisation of economic and social rights, taking into account the level of financial resources available to individual governments, the third principle underlying rights-based approaches is that realisation of economic and social rights must start from the bottom up. That is, governments are obliged to concentrate their efforts on the most vulnerable or disadvantaged groups in society. The fourth principle concerns governmental accountability. Geiringer and Palmer argue that the stipulation in Art 2(1) of the ICESCR that state parties use 'all appropriate means' in moving towards full realisation of economic and social rights requires some degree of governmental accountability to its own citizens in addition to its periodic reports to the United Nations. These principles illuminate the type of power relationships involved in rights based approaches. Larmour identifies seven types of power relationships, of which five are relevant to this discussion of human rights approaches – that is, first dimensional or coercive power, where one party has the power to force another to do something that they would rather not do; second dimensional or agenda setting power; infrastructural power, which involves the transfer of resources in order to empower the recipient; disciplinary power, where one party tries to make the other party want what they want so that the second party takes responsibility for achieving the desired outcome; and, finally, the form of power that is linked to knowledge and expertise. Clearly,

the most important type of power relationship involved in rights-based approaches is infrastructural power. Governments exercise infrastructural power when they provide resources that enhance the capacity of rights-holders to participate in decision-making processes that affect their lives. However, genuine participation, which equates to the top three rungs of Arnstein's ladder of citizen participation,<sup>2</sup> involves a rebalancing of second dimensional power. In addition, the principle of governmental accountability has the potential to shift the balance of second dimensional power slightly from governments towards rights-holders as governments are forced to report on progress towards full realisation of economic and social rights.

When asked about their life experiences and what they want from government and service providers, the desire for dignity and respect is almost always mentioned – regardless of the age of respondents, their gender or where they live. For example, the UK Commission on Poverty, Participation and Power noted that 'the lack of respect for people living in poverty was one of the clearest and most heartfelt messages which came across to us'. The same message was received by the Hume City Council when they talked to people from Indigenous communities, people from culturally diverse communities, women, those not in the workforce, people with a disability, older people and younger people:

The desire for respect was by far the most important theme that emerged from discussions with those people who are experiencing, or who belong to particular community groups that are at a higher risk of experiencing poverty.

### *Significance of Equality*

Clients of a range of welfare services in NSW and Victoria identified dignity and respect as two essential ingredients of a decent life, the desire for which was fuelled by the demeaning nature of interactions with government officials, an experience shared by people in the United Kingdom:

Complaints were not about the quantity of payments ... the problem was punitive and disrespectful treatment. Governments were not just at fault because they didn't deliver but because what they delivered came at such a heavy price in terms of self-respect and dignity.

You shouldn't have to be made to feel as though you are useless. We feel very angry sometimes that people are ignorant of the fact that we are humans as well and we do need to be respected.

Being treated with dignity and respect means being recognised as a person rather than a 'problem' and being listened to without being judged. Clients of welfare services clearly identify the importance of this form of emotional support:

People often think it is all about money. We don't necessarily need money, we need help dealing with being on welfare, we need help with all the shit about being worthless and useless and doing nothing. We need someone who knows what I'm going through, to sit down with me and sort all of this crap out.

While being accepted and being listened to are important, people with experience of poverty want more than a passive form of listening. People living in poverty want their expertise to be

acknowledged and heard. For example, in the many conversations Mark Peel had with people living in Inala in Brisbane, in Broadmeadows in Melbourne and in Mount Druitt in Sydney, this desire came through very strongly:

Justice was about being respected, trusted and listened to because what you had to say was important ... What mattered to them was acknowledgment of capacity and intelligence.

If they wanted one thing to change, it was that they be treated as knowledgeable, that outsiders should expect to learn and to listen.

Being listened to because what you have to say is considered valuable is a sign of respect and an acknowledgment of competency, both of which are valued by those with experience of poverty. For example, for participants in a personal loan pilot in Melbourne run by the Brotherhood of St Laurence and Community Sector Banking:

... obtaining a loan was more than just money, dignity, inclusion, trust and respect. It was an opportunity to not be just a passive recipient of welfare, but to gain some self-esteem by taking a positive active role in the process.

Thus, agency – the ability to take control of your life – is clearly linked to dignity and respect, and being treated with dignity and respect can increase feelings of selfrespect and a sense of agency. As one participant in the personal loan pilot explained, having a relationship with a mainstream bank:

... gave me the confidence to go ask somewhere else for credit ... this time I walked in with my head high and I said I want this and that.

People with experience of poverty often identify feelings of powerlessness and a lack of control over their lives. Choice is therefore important, because in choosing individuals are able to exercise control and agency. Thus, pensioners living in residential care in Melbourne experience greater financial stress than do pensioners living in rental accommodation, because they retain control over much less of their pension. Access to services, such as affordable public transport, is valued because being able to use these services increases people's choices. When people with experience of poverty talk about receiving resources, they do so in instrumental terms – that is, the resources are valued because they increase agency. For example, clients of welfare services in New South Wales and Victoria are critical of the lack of access to dental services, because having bad teeth makes it harder to compete for jobs. The desire of many welfare recipients for information and assistance before their lives reach a crisis point is further evidence of the value placed on agency:<sup>3</sup> People with experience of poverty often identify feelings of powerlessness and a lack of control over their lives. Choice is therefore important, because in choosing individuals are able to exercise control and agency. Thus, pensioners living in residential care in Melbourne experience greater financial stress than do pensioners living in rental accommodation, because they retain control over much less of their pension. Access to services, such as affordable public transport, is valued because being able to use these services increases people's choices. When people with experience

of poverty talk about receiving resources, they do so in instrumental terms – that is, the resources are valued because they increase agency. For example, clients of welfare services in New South Wales and Victoria are critical of the lack of access to dental services, because having bad teeth makes it harder to compete for jobs. The desire of many welfare recipients for information and assistance before their lives reach a crisis point is further evidence of the value placed on agency:3

I know what has happened and I know what I want to do, I just need someone to help me get the right information ... what I need to do to get there.

The high priority placed on receiving information and getting access to resources which will increase agency indicates that those with experience of poverty are happy with governments exercising infrastructural power – power which is exercised in order to ‘empower’ the powerless. However, individuals with experience of poverty place an even higher priority on being able to exercise power that is linked to knowledge and expertise. Those with experience of poverty want their knowledge and expertise to be recognised; they want to be able to exercise the form of power linked to knowledge and expertise, because exercising this form of power is a powerful symbol of their worth as a human being, as well as a means of exercising second dimensional power. However, the desire to exercise second dimensional power is not absolute. Those with experience of poverty are not seeking to dominate or control negotiations to the exclusion of all other interests. What is important is a rebalancing of second dimensional power. As Mark Peel observed:



People did not expect to receive the world on a platter. As they said only the rich presume that as their right. They did not expect immediate changes in their situation but they did expect to be listened to, to play some part in defining what they needed and to be treated with respect.

Children and young people also want to exercise this nuanced form of second dimensional power. Few young people and fewer children want to be given sole decision-making responsibility, but most want to have their say and have their wishes taken into account when decisions are being made, rather than being asked to endorse a course of action decided by others. As a 12-year-old boy who had experienced the care and protection system put it:

I might want to see my grandma. I might want to see my cousins. I might want to see my uncles or my aunties. I should be able to say 'yes, I do' or 'no, I don't'. I should have some say.

## **Comparing the two**

It is clear from the considerable overlap between the values underpinning rights-based approaches and what is valued by those with direct experience of poverty. Rights-based approaches recognise the dignity of the human person as the basis of all rights and, for people with experience of poverty, being treated with dignity and respect is more important than anything else:

You can put up with the struggle, you know, just get by, if you get respect and if you're treated right. Similarly, the principle of

governmental accountability is consistent with the desire of people with experience of poverty for:

... 'someone to make and keep a promise'. In their version of social justice, powerful people should be held to account in the same way they were ... 'You see, the difference is we pay for our mistakes. They don't. We have to understand limitations and forgive them and be reasonable and make the best of it. They don't. That's not fair.'

Participating in decision-making processes that affect their lives is clearly important to those with experience of poverty who value choice and agency, but the emphasis on encouraging rights-holders to pursue a legal defense of their rights is not necessarily shared by those with experience of poverty. Indeed, the language of rights seems to be largely confined to the non-poor. People with experience of poverty do not talk about claiming a legally defensible 'right' to a job, accessible public transport or health services; they talk instead about 'fair' access to resources and opportunities, which more closely equates to the principle that realisation of economic and social rights must start from the bottom up. Those with experience of poverty place greater emphasis on receiving information or accessing resources which will increase agency – for example, receiving information about services which may help them get a job – than claiming their 'right' to a job. For example, in a 1997 telephone survey of 6897 jobseekers which gathered information about jobseekers' needs and expectations of service quality, as well as those aspects of service most valued by jobseekers, the desire for dignity and

respect and the desire for information that would help them gain employment were all valued highly. Of much less importance was information about rights and information about rules and regulations. So far, discussion of rights-based approaches and what is valued by those with experience of poverty has been confined to general principles. But these general principles are only ever given force in specific contexts. Discussion now turns to a specific issue, that of welfare conditionality, which is regarded by many as incompatible with rights-based approaches but is a defining characteristic of Australia's welfare system. In residualist systems, welfare conditionality is used as a rationing device – a way of ensuring that benefits and payments go to those in greatest need. Using welfare conditionality in this way is consistent with the principle that, when faced with resource constraints, realisation of economic and social rights has to begin with those most in need. However, more recently a second layer of conditionality has been added to residualist welfare systems, with conditionality being used as a way of modifying behaviour— that is, some welfare payments have become dependent on an individual accepting their responsibility to undertake certain activities deemed socially desirable, such as actively looking for paid employment or ensuring their children attend school. The legitimacy of linking rights and responsibilities in this way has been widely debated with many arguing that rights-holders have a right to health, employment or an adequate standard of living simply by virtue of their humanity, and consequently do not have to do anything to 'earn' such rights. Others argue that conditionality imposes additional burdens on the most vulnerable and disadvantaged, such as the

homeless or those with multiple disabilities, or on 'third parties', particularly the children of those who are penalised for not meeting benefit requirements, such as applying for jobs or attending job interviews. While it is not the intention of this object to resolve the debate about whether welfare conditionality is a legitimate part of rights-based approaches, it is clear that in imposing conditionality with the aim of modifying behaviour, governments are exercising different forms of power from those associated with the key elements of rights-based approaches. When governments introduce conditions, such as participation in the Work for the Dole program, as a requirement for receipt of unemployment benefits, they are exercising a disciplinary form of power – that is, governments want welfare recipients to take responsibility for themselves for ensuring that they are 'work ready'. This disciplinary power can be exercised through first dimensional power – as, for example, when those deemed to have demonstrated a pattern of work avoidance are obliged to undertake 'full-time' Work for the Dole – or it can be exercised in a non-coercive way – as, for example, when individuals volunteer to have a portion of their welfare payments managed on their behalf by Centrelink. Justifications for conditionality fall into three main camps. Contractualist justifications centre on the belief that there is an implied contract between citizens and the state, where the state agrees to support its citizens in times of need if the citizen accepts their responsibilities, of which the most important is the responsibility to work. On the other hand, paternalistic justifications are based on the belief that imposing conditions is in the best interests of those in receipt of welfare payments because such individuals are so defeated by poverty

and disadvantage that they are incapable of fulfilling their own desire to work or to look after their family without the threat of penalties or sanctions. Unlike contractualist arguments, paternalistic justifications do not emphasise the reciprocal obligations of the state – that is, welfare recipients are obliged to meet the conditions imposed upon them by the state because doing so will improve their lives, not because the state has already provided services and programs that will enable welfare recipients to overcome poverty and disadvantage. The third justification for welfare conditionality, derived from the writings of communitarian theorists, is based on the belief that people have a responsibility to be good parents, neighbours or citizens – not because the state has provided certain benefits or support, but because of the responsibility individuals owe to each other. But what do recipients of social welfare services believe? For a sample of welfare service users living in Bradford in the north of England, the legitimacy of welfare conditionality is dependent on the specific policy sector. While accepting that individual behaviour could be a contributing factor to the need for health care, the overwhelming majority of respondents believed access to health care should be unconditional:

I feel there are just too many different criteria on which to apply a value judgment, it would be impractical to apply it. You can't just take an isolated thing whether it be smoking, weight or age or nice person/bad person ... The universal thing is the only real way out of it. You could say that people who do dangerous sports or whatever are endangering their health so there is nowhere to draw the line really.

On the other hand, conditionality in the housing sector was considered appropriate, particularly in situations where individuals repeatedly reneged on agreements, ignored warnings and continued to engage in behaviour which had a negative impact on their neighbours:

If they have been notified of the rule and they are a nuisance, yes I think that the council or housing association has got a right to evict them ... I think they should get a warning first, not just throw them out. There should be a procedure like.

Support for conditional unemployment payments fell between the two, with more than half believing it was reasonable to expect those receiving unemployment benefits to accept specific work or training responsibilities because this would increase their chance of finding a job, or because respondents believed it was desirable that those in receipt of a benefit contribute in some way to the community. However, a substantial minority, who tended to see unemployment in terms of structural rather than individual failings, did not believe it was appropriate to make the receipt of unemployment benefits conditional on fulfilling certain duties or obligations:

If there are no jobs people should be paid unemployment benefits.

This nuanced approach to conditionality is consistent with Australian studies of community attitudes. For example, Eardley, Saunders and Evans found that support for conditionality was high when applied to young unemployed people, but only 36 per

cent of those surveyed believed an unemployed parent should be forced to undertake mutual obligation activities and only 25 per cent of those surveyed believed it was appropriate to impose obligations on unemployed people who had a disability. While elements of contractualist, paternalist and mutualist justifications can be found in the views of welfare service recipients, what these studies indicate is that users of social welfare services would agree with White's conclusion that:

... there is nothing intrinsically objectionable about welfare contractualism ... legitimacy ... is difficult to assess in isolation from the character of the rest of the welfare system, indeed of the rest of the economic system as a whole.

In other words, those who are often subject to the exercise of coercive power as part of the provision of assistance do not automatically condemn the use of such power. Indeed, criticisms of the compulsory nature of mutual obligation in workfare schemes such as the Work for the Dole program are largely confined to commentators, advocacy and service delivery agencies. Participants are more concerned with the lack of flexibility in program design and implementation, which means the program is unable to meet individual needs. For example, some older job seekers want access to accredited training so that they can move into new areas of employment while others do not, preferring wage subsidy schemes that would enable them to work in a real workplace in the private sector where they could demonstrate their skills and abilities to employers. Once again, the emphasis of those with experience of poverty is centred on the ways in which the program can help them achieve their goal

– getting a job – rather than concern about the exercise of first dimensional power. Rights-based approaches can be seen both as an international system of treaties, visionary statements and commitments and as a conceptual framework that allows policy-makers to ‘recharacterise and guide what we do and how we do it’. The remainder of this part of the object considers what would need to change in ‘what we do and how we do it’, if the values of those with experience of poverty are taken as a conceptual framework. The biggest challenge facing policy-makers and service providers lies in allowing those with experience of poverty to exercise the form of power that is linked to knowledge and expertise. Policy-makers and service providers are comfortable with the exercise of infrastructural power, but allowing service users to exercise the form of power that is linked to knowledge and expertise cuts across the strong streak of paternalism that still exists in the social welfare sector. In other words, it challenges the belief of all professionals involved in delivering social welfare programs that they know what is best for their clients, just as it challenges the belief of academics and policy experts that their ideas or the latest policy fad will solve particular policy problems. Allowing those with experience of poverty to exercise the form of power that is linked to knowledge and expertise means policy-makers and professionals involved in the delivery of social welfare services must at times surrender control over outcomes, even if placing power in the hands of individuals means that outcomes are less than what policy-makers and welfare professionals believe they could be. There are agencies already doing this, in spite of the ongoing frustration experienced by their staff when clients choose not to make



changes that the staff believes would be beneficial. For example, staff involved in Anglicare Tasmania's Acquired Injury and Home Support Service are committed to the principle of treating their clients with dignity and respect, which means giving them choice – choice over who is employed as their personal support worker and choice over how allocated hours are used. Even when staff members see clients who choose to make goal-oriented plans for how allocated hours are used improve their quality of life while others do not do so well, they remain committed to the principle of letting clients decide. As the preceding example illustrates, clients want different things. Some clients want personal support workers who are trained to care for people with spinal cord injuries; others are more concerned about the personality of the support worker – whether they 'hit it off'. Therefore, making assumptions about what clients want is dangerous. As Renee, a young Aboriginal woman who was interviewed for Judith Brett and Anthony Moran's book *Ordinary People's Politics*, explains, even well-meaning assumptions which incorporate lessons from past policy failures do not always hold true:

My sister doesn't want to be part of the Aboriginal community any more. She thinks it is destructive, and that the violence and abuse has caused all her problems. Sister's happy to be removed. She'd rather be in care because she's getting all the things Mum couldn't provide. It's not that she doesn't like Mum, but she'd rather be out of there.

For Renee, the answer lay in treating each person as an individual and listening to what they wanted for their life:

Renee ... stressed repeatedly that people trying to help should talk with the children and have more faith in their resilience, and that the current situation should not just be seen in terms of the previous generation's experience.

Treating everyone as an individual and allowing them to choose means that services have to be flexible – flexible in terms of both what is provided and how long assistance is provided. This level of flexibility is often difficult to achieve in an environment where services are under-resourced and accountability frameworks emphasise upward accountability, rather than downward accountability. But, as noted earlier, for those with experience of poverty, exercising the form of power that is linked to knowledge and expertise is a means of rebalancing, not dominating, the exercise of second dimensional power. Therefore, finding a balance between the demands of upward and downward accountability should not be impossible.<sup>4</sup> Re-orienting service provision to fully reflect the values of those whom the service is designed to assist would require greater emphasis on the provision of information to clients or program participants about available services, and how to access these services as a way of strengthening the exercise of infrastructural power. As noted earlier, individuals want this sort of information and the success of service models based on care in the community requires it. Unfortunately, clients and program participants often report difficulties in accessing relevant information:

Unless you actually enquire about what services are available then people are not normally keen to tell you. So you actually have to do a lot of prying and literally ask specific questions

about what is available and what is not. There is never one person. It is always several people and you will find a lot of people will do a lot of buck passing and say 'we don't handle that' and they will say you need to speak to this person or that and before you know it you have spoken to fourteen different people and you still don't have the answers you need.

Giving clients choice, providing flexible services which are responsive to individual needs and placing greater emphasis on the provision of information are all consistent with rights-based approaches. This indicates that, far from being yet another imposition on 'the poor' by experts who believe that they know best, rights-based approaches provide a conceptual framework that allows policy-makers and those involved in the delivery of social welfare services to recharacterise what they do and how they do it in ways that are largely consistent with the values of those whom they are trying to help. In setting forth arguments for the development of an Australian system for the protection of human rights, Hilary Charlesworth characterises human rights as 'a framework for debate over basic values and conceptions of a good society'. Recognising that this debate should be conducted by all groups in society, not just those with the power to influence what is done and how it is done, this object asked: To what extent are the values which underpin rights-based approaches consistent with the values of those such an approach is intended to help? A comparison of the general principles underlying all rights-based approaches to what is valued by those with experience of poverty reveals considerable overlap. Those with experience of poverty value dignity and respect above all else and place a high priority on choice and agency and on

receiving information which will enhance their capacity to exercise choice and agency, all of which is consistent with rights based approaches, where the inherent dignity of the human person is seen as the basis of all rights and participation in decision-making processes is seen as the way in which individuals are able to live with dignity. However, as Arnstein noted in her analysis of forms of citizen participation, genuine participation involves a redistribution of power, and when the forms of power involved in rights-based approaches and what is valued by those with experience of poverty are compared, slight differences emerge. For those with experience of poverty, it is important to participate in decisionmaking processes through the exercise of power that is linked to knowledge and expertise. In other words, those with experience of poverty want to be treated as knowledgeable and to participate in decision-making processes because their knowledge and expertise are respected, rather than – as would be the case under rights-based approaches – because they have a ‘right’ to participate. While the outcome – participation – is the same, the basis for that participation is different. This difference is also evident when attitudes to welfare conditionality are examined. For many advocates of rights-based approaches, welfare conditionality is not consistent with such an approach because individuals have a right to health or employment and therefore should not have to do anything to earn what is theirs by right. On the other hand, with the exception of health, those with experience of poverty are less concerned about claiming something by right and more concerned about enhancing their capacity to achieve their goals. But what are the practical implications of this difference? The discussion of what

would need to change if the values of those with experience of poverty are taken as a conceptual framework revealed that the recommended actions are entirely consistent with rights-based approaches. The considerable overlap between the values which underpin rights-based approaches and what those with experience of poverty value means that those committed to a human rights framework for the development of social policy do not have to make major changes to what they do and how they do it if they wish to fully reflect the values of those with experience of poverty. What is needed, however, is an awareness of the sources of second dimensional power and an increased understanding of what is already being done, as well as what could be done, to incorporate the knowledge and expertise of those with experience of poverty into the process of policy-making, implementation and evaluation.

## **Chapter 5**

# **Democracy, Human Rights and Freedom of Expression**

## **Participatory Democracy**

Poverty is not just about lack of food, water or a roof over your head. Being poor also implies suffering from lack of power and choice. Democracy, human rights and gender equality are therefore overall targets for all of Sweden's development assistance efforts.

Fair treatment, freedom from discrimination on the basis of gender, sexual preference, age, disability or ethnic background and the ability to affect your own life as well as the society in which you live are basic human and democratic rights that are immensely important in combating poverty.

These rights are by far not fulfilled for millions of people. The overall target for Sweden's development cooperation is to contribute to improved living conditions for people living under oppression and in poverty. Democracy and human rights including freedom of speech are therefore areas where Sweden is investing most. Strengthened democracy and gender equality, increased respect for human rights and freedom from oppression is also one of the six subsidiary objectives in the Swedish government's aid policy framework.

All our democracy and human rights work has its origins in the Universal Declaration of Human Rights that the UN member states signed more than 60 years ago, and which has later been supplemented with several important conventions. The starting point is that human rights are universal, indivisible and interdependent.

Providing support in these areas is met with some controversy, mainly due to the fact that it involves sharing power in the society, so that women and men living in poverty have a greater say. Sida is therefore working with these issues in many different ways and together with several stakeholders – governments in partner countries, international organisations such as the UN and the World Bank and with popular movements and other civil organisations in Sweden and the partner countries.

Defenders of human rights often live dangerously because they criticise government policies and actions. They are the victims of death threats, kidnappings and arbitrary detentions – and physical attacks including sexual violence, torture and murder. Their public and private lives are heavily controlled and monitored. Actively supporting the struggle against violence and oppression is an important part of Sida's work for democracy and respect of human rights.

### **Mainstreaming the rights' perspective**

The rights' perspective and poor people's view of their situation should pervade all development assistance efforts. This is about making people more aware of their rights and about creating

better conditions for states to live up to their commitments towards their citizens.

Democracy is a shape of government and an ideal, an aspiration and an average. The center unit of democracy is self-rule. The origin of the word democracy can be traced back to ancient Greece. Derived from the Greek term '*demokratia*', it means rule through the people. In the literal sense, it rejects the isolation of the two, i.e., flanked by the ruler and the ruled. It is motivating to note that unlike the words communism and socialism, which has a point of reference in Marxism, democracy has not been associated with a specific doctrinal source or ideology. In fact, it is a byproduct of the whole growth of Western culture and so, tends to be used rather loosely. Therefore, the history of the thought of democracy is rather intricate and is marked through conflicting and confusing conceptions. It is confusing because 'this is still an active history' and also because the issues are intricate. Though, it has been justified and defended on the grounds that it achieves one or more of the following fundamental value or goods like equality, liberty, moral self-growth, the general interest, private interests, social utility etc.

### **Several Meanings**

Varied meanings have been attached to the term 'democracy'. Few of them are since follows:

- A shape of government in which people rule directly;
- A society based on equal opportunity and individual merit, rather than hierarchy and privilege;



- A organization of decision-creation based on the principle of majority rule;
- A organization of rule that secures the rights and interests of minorities through placing checks upon the authority of the majority;
- A means of filling public offices by a competitive thrash about for the popular vote;
- An organization of government that serves the interests of the people regardless of their participation in political life.
- An organization of government based on the consent of the governed.

## **Linking Government to the People**

From the dissimilar meanings that are associated with democracy, one item that becomes clear is that democracy links government to the people. Though, this link can be forged in a number of methods depending upon the superior political civilization of that society. Due to this, there have been ideological differences and political debates concerning the exact nature of democratic rule.

## **Limitations of Direct Democracy**

A distinctive characteristic of direct democracy since practiced in ancient Athens was its exclusivity. The Municipality-State was marked through unity, solidarity, participation and a highly restricted citizenship. There was no isolation flanked by public

and private life and even however state and government were inextricably connected with the lives of the citizens, it only involved a little part of the population. It is motivating to note that the Athenian political civilization was an adult male civilization, i.e. only men in excess of the age of 20 years were qualified to become citizens. It was a democracy of patriarchs in which women had no political rights and even their civic rights were strictly limited. There were also other kinds of residents who were ineligible to participate in formal proceedings; like 'immigrants' who had settled in Athens many generations earlier, but were not the original inhabitants. Though, the slave population constituted, through distant, the mainly politically marginalized people. Here, what we discover is that 'political equality' since practiced in Athens did not mean 'equal authority' for all. It was rather a shape of equality that was applicable to those having equal status and in the Athenian context, it was meant for only males and Athenian born. Therefore, several were a minority of the superior citizenry. Unquestionably, the politics of ancient Athens rested on a highly undemocratic foundation.

### **Flaws of Athenian Democracy**

What we can conclude from the above account is that democracy practiced through ancient Athens had serious flaws. If contemporary democracy is based on the market economy, Athens was a democracy built on slavery; the labour of slaves created the time for the citizen elite to participate. The lack of permanent bureaucracy contributed to ineffective government, leading eventually to the fall of the Athenian republic after defeat in war. It is motivating to note that the mainly influential critic of this

shape of democracy i.e. direct democracy was the philosopher Plato. Plato attacked the principle of political equality on the grounds that the masses are not made equal through nature and so, cannot rule themselves wisely. This is because they possess neither the wisdom nor the experience to do therefore. The solution since stated in his well-known job *The Republic* was that the government be placed in the hands of a class of philosopher-kings, the Guardians, whose rule would be something same to what can be described enlightened dictatorship. At a practical stage, though, the principal drawback of Athenian democracy was that it could operate only through excluding the size of the population from political action. This was possible only in little city-states with limited populations and not in superior contemporary democracies with better populations since they exist today. Despite its flaws, the Athenian model was crucial in establishing the democratic principle. Finer, 'The Greeks invented two of the mainly potent political characteristics of our present age: they invented:

- The extremely thought of citizen since opposed to subject and
- They invented democracy.

## **Direct Democracy in Contemporary Times**

The classical model of direct and continuous popular participation in political life has been kept alive in sure sections of the world, notably in community meetings of New England in the USA and in communal assemblies which operate in smaller Swiss cantons. The mainly general way used in recent times is

referendum since compared to the size meetings of ancient Athens. Referendum is a vote in which the electorate can express a view on a scrupulous issue of public policy. It differs from an election in that the latter is essentially a means of filling a public office and does not give a direct or reliable way of influencing the content of a policy. A device of direct democracy, referendum is used not to replace representative organizations, but to supplement them. They may either be advisory or binding; they may also raise issues for discussions.

## **Direct Democracy**

Direct Democracy is a shape of self-government in which all communal decisions are taken by participation of all adult citizens of the state in the spirit of equality and open deliberations. Deliberations or discussions are significant because decisions arrived at by discussions are bigger informed, logical and rational. This is because discussions allow a group to reconcile dissimilar interests, inform members in relation to the several issues and attract on the group's expertise. In other terms, debates enable people to both power and to be convinced through the group.

The significant characteristic of direct democracy is the mechanism that 'all command each and each in his turn all'. It was achieved in ancient Athens by a shape of government brought in relation to the since a result of a size meeting. Its contemporary manifestation is the referendum. 'Gram Sabha',

since envisaged in the 73rd Constitutional Amendment, is an example of direct democracy in rural India.

## **Principles Governing Direct Democracy**

In a direct democracy, so, the best decisions can never be arrived at by voting. The principle of direct democracy is to govern by consensus, which emerges from cautious deliberations of options or alternatives. In the absence of formal representative organizations, people create decisions themselves by public discussions. In other terms, the following principles apply in direct democracy:

- People are sovereign
- Sovereignty is inalienable and cannot be represented
- People necessarily express their common will and create decisions directly by referenda
- Decisions are to be based on majority rule

To sum up direct democracy is based on direct, unmediated and continuous participation of citizens in the tasks of government. It obliterates the distinction flanked by government and the governed and flanked by state and civil society. In direct democracy, state and society become one. It is an organization of popular self-government.

## **Merits of Direct Democracy**

The merits of direct democracy contain the following:

- It heightens manage that citizens can exercise in excess of their own destinies, since it is the only pure shape of democracy.
- It creates a bigger informed and more politically sophisticated citizenry, and therefore it has educational benefits.
- It enables the public to express their own views and interests without having to rely on self-serving politicians
- It ensures that rule is legitimate in the sense that people are more likely to accept decisions that they have made themselves.

## **Greek Democracy since Direct Democracy**

The classic instance of a direct democracy is that of ancient Athens throughout the 4th century BC. It can be measured since the only pure or ideal organization of popular participation recognized therefore distant. It had a specific type of direct popular rule in which all-important decisions were taken however size meetings. The Assembly or *Ecclesia* to which all citizens belonged made all biggest decisions. This assembly met at least 40 times a year to settle issues put before it. When full time public officials were required, they were chosen on the foundation of lots. This procedure was adapted to ensure that they were a section of the superior body of citizens. The posts were, though, not fixed and were rotated in quite a frequency therefore that all citizens gained experience in the art of governing and therefore, tried to achieve the broadest possible participation. A council consisting of 500 citizens acted since the

executive or steering committee of the assembly and a 50 strong committee in turn made proposals to the council.

### **Athenian Democracy: Causes for its Fame**

It is significant to understand what made Athenian democracy therefore extra ordinary. Athens, in fact, symbolized a new political civilization enfranchising the entire citizenry. The citizens not only participated in regular meetings of the assembly, but they were in big numbers, prepared to undertake the responsibilities of public office and decision-making. Formally, citizens were differentiated on the foundation of rank and wealth in their involvement in public affairs. The demos held sovereign authority, i.e., supreme power to engage in legislative and judicial behaviors. The Athenian concept of citizenship entailed taking a share in this function, participating directly in the affairs of the state.

Athenian democracy was marked through a common commitment to the principle of civic virtue which actually meant commitment and dedication to the republican municipality-state, the subordination of private life to public affairs and the attainment of general good. In other terms, there was no isolation of public and private life and individuals could attain self-fulfillment and live an honorable life 'in and by the poleis, i.e. the municipality-state. For instance, citizens had rights and obligations but not since private individuals, rather since members of the political society. There were, therefore, public rights and good life was possible only in the polis. Therefore, 'In the Greek vision of democracy, politics is a natural social action not sharply

separated from the rest of life. Rather political life is only an extension of and harmonious with oneself'. It looks that the Athenians whispered in a 'free and open' political life in which citizens could develop and realize their capacities and ability and the *telos* of the general good. And justice meant securing and realization of the citizen's role and lay in the municipality-states.

### **Aristotle's 'The Politics'**

We discover the mainly detailed and extra ordinary explanation of ancient democracy in Aristotle's well-known job *The Politics* which was written flanked by 335 and 323 BC. His job examines the claims, ethical standards and aims of democracy and states distinctly, the key characteristics of a number of Greek democracies. Liberty and equality are connected jointly, particularly if you claim to be a democrat. Without the subsistence of one, the other is hard to achieve. There are two criteria of liberty: a) to rule and in turn being ruled and b) livelihood since one chooses. If one wants to execute the first criterion since an effective principle of government, it is necessary that all citizens are equal. Without numerical equality, it is not possible for the majority to be sovereign. Numerical equality here means that everyone has an equal share in the art of ruling. The classical or the earlier democrats felt that numerical equality was possible to achieve because a) citizens are paid for their participation in government and so, are not losers because of their political involvement, b) citizens have equal voting authority and c) in principle, everyone has an equal opportunity to hold office. In a nutshell, what we can understand from this is that equality is the practical foundation of liberty



and it is also the moral foundation. Therefore, on the foundation of Aristotle's explanation, classical democracy including direct democracy entails liberty and liberty entails equality.

## **Democracy and Elections**

Contemporary democratic states have representative governments. Big mass and population of contemporary democratic states create it hard to practice direct democracy since a shape of government. Hence, all contemporary democracies have indirect or representative governments, which are elected through people. These representatives are chosen through people by elections. Therefore, elections have assumed an extremely significant role in the formation of contemporary representative democracy. An election is a contest flanked by dissimilar political parties for receiving people's support. At times, an individual can also contest an election since a self-governing candidate. The advantages of contesting elections since a party candidate are since follows:

- Political parties follow specific policies; so, when a candidate symbolizes a party, it is easier for voters to know what he stands for.
- Party candidates get funds from political parties to organize election campaigns.
- Party volunteers may be provided through the party to the candidate throughout the procedure of electioneering.

- Familiar leaders of the party canvass for party candidates and address their rallies.

## **The Election Procedure**

Elections in a democratic organization are based on the principle of equality i.e. *one person, one vote*. All persons irrespective of caste, color, creed, sex or religion enjoy sure political rights. In the middle of these rights, the mainly significant right is the right to vote. In politics, everyone is equal-every person has an equal say in the formation of government.

*Secret Ballot:* The voter casts his vote secretly in an enclosure; therefore that no one comes to know of the choice he has made. In representative democracy, secret voting is preferred; otherwise, the voter may not exercise his true choice openly due to fear of intimidation and undue power.

*Constituency:* Constituencies are marked in order to carry out the election procedure with efficiency. Constituency is the territorial region from where a candidate contests elections. If only one person is to be elected from a constituency, it is described a *single member*

*Constituency.* If many representatives are elected from the similar constituency, then it is described a *multi-member constituency*.

The whole election procedure, e.g. in India, is mannered, controlled and managed through a self-governing body described the *Election Commission*. It ensures free and fair elections. The

Election Commission fixes and announces the dates of elections in our country. The Election Commission has another extremely significant responsibility. It makes certain that the party in authority does not get undue advantage in excess of other parties. The procedure of election runs by many formal levels. This procedure includes of:

- Announcement of dates
- Filing of nomination papers
- Scrutiny of applications
- Withdrawal of applications
- Publication of the final list
- Campaigning
- Casting of votes
- Announcement of results

In fact, the moment the Election Commission announces the dates of elections, political parties start their behaviors. The first task of political parties becomes the selection of candidates who are going to contest in elections since their party candidates. Contemporary electioneering is a cumbersome procedure. It requires a vast system to control it, which is provided through political parties. Moreover, elections need a reasonable amount of finance, which is also provided through political parties.

### **Selection of Candidates**

In the functioning of representative democracy, the role of political parties has become both, indispensable and extremely significant. In fact, political parties have given an organized form

to democratic politics. Political parties field and support their candidates, and organize their campaigns. Every political party announces specific programmes and promises to implement these programmes in case it comes to authority. Voters while casting votes for a candidate of a scrupulous party do therefore knowing fully well the programmes and policies of that party.

## **Nomination**

Once election dates are announced, political parties have to choose their candidates by a procedure of selection. Then, candidates have to file their nominations to election offices which are appointed through the Election Commission. There is a last date for filing nomination papers. After all nominations have been filed, there is a procedure of scrutiny. It is done to check whether all information given in nomination papers is correct. If there is a doubt or a candidate is not establishing eligible, his/her nomination paper is rejected. Once the scrutiny is in excess of, candidates are given a date for withdrawal. The withdrawal procedure makes certain that There is since small wastage of votes since possible and That all names printed on ballot paper are those of serious candidates.

## **Representations**

Political parties have representations which are allotted through the Election Commission (EC). The EC allots representations to each political party and makes certain that they are not same because they can confuse voters. In India, representations are important for the following causes:

- They are a help for illiterate voters who cannot read names of candidates.
- They help in differentiating flanked by two candidates having the similar name.
- They reflect ideology of the concerned political party.

## **Campaigning**

Campaigning is the procedure through which a candidate tries to persuade voters to vote for him rather than for others. Each political party and every candidate tries to reach since several voters since possible. A number of campaign techniques are involved in election procedure. Few of these are:

- Holding of public meetings which are addressed through candidates and a number of regional and national leaders of a party.
- Pasting of posters on walls and putting up big and little hoardings on roadside.
- Distinction of handbills which highlight largest issues of their manifesto.
- Taking out procession in support of dissimilar candidates.
- Door-to-door appeal through influential people in party and locality.
- Broadcasting and telecasting speeches of several party leaders.

## **Counting of Votes and Declaration of Results**

After voting is in excess of, ballot boxes are sealed and taken to counting centers. Throughout counting, the candidate or his representative is present. After counting, a candidate receiving an easy majority is declared elected. At times, easy majority leads to troubles. The elected candidate symbolizes majority when there are only two candidates, but not therefore if there are three or more candidates; e.g. if A gets 40 and B, C and D get 20 votes, then A is declared elected. Now, however A has got 40 votes he does not reflect the majority because 60 votes are actually against him. Elections are an extremely significant section of democracy because the whole fortification of a democratic organization depends on how elections are held.

## **Representative Democracy And equal rights of human**

### **Limited and Indirect**

Representative democracy is a limited and indirect shape of democracy: It is limited in the sense that participation in government is infrequent and brief, being restricted to the act of voting every some years. It is indirect in the sense that the public does not exercise authority through itself, but selects those who will rule on its behalf. This shape of rule is democratic only since distant since representation establishes a reliable and effective

link flanked by the government and the governed. The strengths of representative democracy contain the following:

- It offers a practicable shape of democracy, since big populations cannot actually participate in the governmental procedure.
- It relieves the ordinary citizen of the burden of decision-creation, therefore creation it possible to have division of labour in politics.
- It maintains continuity through distancing the ordinary citizen from politics thereby encouraging them to accept compromise.

### **Synonymous with Electoral Democracy**

Though, although these characteristics may be a necessary precondition for representative democracy, they should not be mistaken for democracy itself. The democratic content in representative democracy is the thought of popular consent, expressed by the act of voting. Representative democracy is, therefore, a shape of electoral democracy, in that popular election is seen since the only legitimate source of political power.

Such elections necessity respect the principle of political equality based on universal adult franchise, irrespective of caste, color, creed, sex, religion or economic status. The center of the democratic procedure is the capability of the people to call politicians to explanation.

In short, the essence of representative democracy lies in:

- Political pluralism
- Open competition flanked by political philosophies, movements, parties and therefore on

## **Dissimilar Views on Representative Democracy**

There are dissimilar views on representative democracy. The first implies that in representative democracy, political authority is ultimately wielded through voters at election time. Therefore, the virtue of representative democracy lies in its capability of blind elite rule with an important measure of political participation. Government is entrusted to politicians, but these politicians are forced to respond to popular pressures through the easy information that the public put them there in the first lay, and can later remove them. The voter exercises the similar authority in the political market since the consumer does in economic markets. Joseph Schumpeter summed it up in *Capitalism, Socialism and Democracy through* describing representative democracy since that institutional arrangement for arriving at political decisions in which individuals acquire the authority to decide through means of a competitive thrash about for people's vote.



## **Pluralist**

Democracy is pluralist in nature. In its broader sense, pluralism is a commitment to variety or multiplicity. In its narrower sense, pluralism is a theory of sharing of political authority. It holds that authority is widely and evenly dispersed in society, instead of being concentrated in some hands since the elitists claim. In this shape, pluralism is usually seen since a theory of 'group politics' in which individuals are mainly represented by their membership of organized clusters, ethnic clusters and these clusters have access to the policy procedure.

## **Elitist**

It refers to a minority in whose hands authority, wealth or privilege is concentrated justifiably or otherwise. Elitism believes in rule through an elite or minority. Classical elitism, urbanized through Mosca, Pareto and Michele, saw elite rule since being inevitable, unchangeable information of social subsistence. What is majority rule? Few view democracy since a majority rule. Majority rule is a practice in which priority is reported to the will of the majority. What is majoritarianism? Majoritarianism implies insensitivity towards minorities and individuals.

## **Rival Views**

There is a considerable amount of conflict in relation to the meaning and significance of representative democracy. Few questions raised through scholars are since follows:

### *Significance of Equality*

- Does it ensure a genuine and healthy dispersal of political authority?
- Do democratic procedures genuinely promote extensive-word benefits, or are they self-defeating?
- Can political equality co-exist with economic equality?

In short, representative democracy is interpreted in dissimilar methods through dissimilar theorists. Mainly significant in the middle of these interpretations are advanced through Pluralism, Elitism, the New Right and Marxism. For several political thinkers, representative's democracy is basically larger to every other shape of political system. Few argue that representative democracy is the shape of government that best protects human rights, because it is based on the recognition of the intrinsic worth and equality of human beings.

Others consider that democracy is the shape of government which is mainly likely to take rational decisions because it can count on the pooled knowledge and expertise of a society's whole population.

Others claim that democracies are stable and extensive-lasting because their elected leaders enjoy a strong sense of legitimacy.

Still others consider that representative democracy is mainly conducive to economic development and well being.

Few consider that in representative democracy, human beings are best able to develop their natural capacities and talents. Yet,

democracy remnants a job in progress – an evolving aspiration rather than a finished product.

# **Fundamental Principles of Representative Democracy**

## **Popular Sovereignty**

It means that the ultimate source of all public power is the people, and that the government does what the people want to be done. Four observable circumstances can be recognized in popular sovereignty:

- Government policies reflect what the people want
- People participate in the political procedure
- Information is accessible and debate takes lay

Majority rules, i.e., policies are decided on the foundation of what a majority of people want.

## **Political Equality**

Each person carries equal weight in the conduct of public affairs, irrespective of caste, color, creed, sex or religion. But political thinkers whispered that great inequalities in economic conditions can eventually turn into political inequality. Robert Dahl describes the problem in following terms, 'if citizens are unequal in economic possessions... they are likely to be unequal in political possessions; and political equality will be impossible to

achieve.’ Particularly significant in contemporary times is the unequal power in manage of information, financial contributions to electoral campaigns. This unequal power symbolizes a serious barrier in achieving a complete democracy. The ideal society for the practice of democracy was the one with a big transitional class – without an arrogant and overbearing prosperous class and without a discontented poverty-stricken class.

## **Political Liberty**

The citizens in democracy are protected from government interference in the exercise of vital freedom, such since freedom of speech, association, movement and conscience. It is said that liberty and democracy are inseparable. The concept of self-government implies not only the right to vote, right to run for public office but also the right to expression, to petition the government, to join any political party, interest group or social movement. In the practice of democracy, though, it has appeared that liberty can be threatened through democracy rather than being an essential ingredient. Following are the largest criticisms that are leveled against democracy:

‘Majority Tyranny’ threatens Liberty: Majority tyranny implies the suppression of rights and liberties of a minority through the majority. It is whispered that unbridled majority rule leaves no room for the claims of minorities. Nevertheless, the threat of majority tyranny can be exaggerated. Robert Dahl points out that there is no proof to support the belief that the rights of ethnic and religious minorities are bigger protected under alternative shapes of political decision-creation. Democracy leads to bad

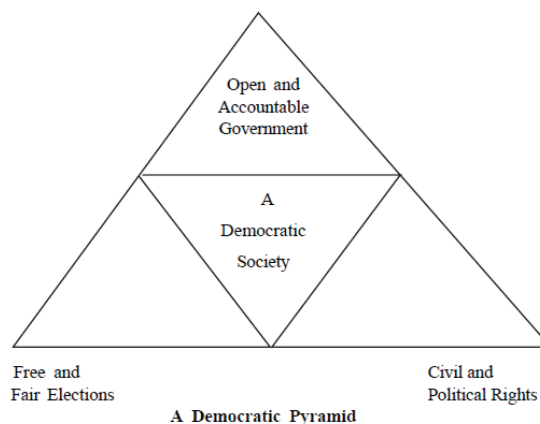
decisions: It is argued through few that representative democracy, which is majoritarian through nature, is not perfect. They say that there is no guarantee that representative democracy will always lead to a good decision. A majority, like the minority, can be unwise, cruel and uncaring and can be misled through unscrupulous or incompetent leaders.

## **Representative Democracy in Practice**

Having said this, let us now pay attention to the actual working of representative democracy. The chief features of a functioning democracy are:

- Free and fair elections
- Open and accountable government
- Civil and political rights

The table given below provides a good thought of these characteristics.



*Political Parties:* Political parties play a crucial section in the political procedure. In a big measure, political parties determine the operational character of the democratic organization. They give a biggest political dynamic for the working of formal organizations of the organization.

A political party consists of a group of citizens more or less organized, who act since a political element. Through the exploit of their voting authority, they aim to manage the government and carry out their common policies. Few of the essential characteristics of a political party are:

- People constituting a political party have a sure degree of agreement on fundamental principles.
- They seek to achieve their objectives by constitutional means.
- A political party aims to further national interest rather than sectional interest.
- It seeks to capture political authority to enable it to further public interest.
- Political parties constitute the backbone of democracy and perform the following *functions*:

*Parties mould public opinion:* Political parties stimulate the interest of public on dissimilar issues troubles such since housing, livelihood standards, education, foreign dealings, budget etc.

*Parties play a role in the conduct of elections:* Elections to the legislature are held on party rows. Political parties select

appropriate candidates for party tickets. On the day of voting, parties ensure the maximum turnout of voters.

*Political parties shape the government:* The party which secures the majority shapes the government. If no single party secures the majority, then a combination of parties, described coalition, shape the government.

*The opposition acts since a check on government:* The opposition party keeps a vigilant eye on the actions and policies of government and highlights its lapses and failures.

*Political parties shape a link flanked by government and people:* Parties explain the policies of government to the people and convey reactions of the people to parliament and public officials.

*Political parties impart education to people:* Political parties create the people aware of their political rights and stakes in government.

*Political parties act since a unifying force:* Political parties are compelled to seek support of all parts of people, livelihood in dissimilar sections of the country. Therefore, they act since a unifying force.

## **Democracy and Alienation**

Alienation amounts to isolation from one's genuine or essential nature. What passes for democracy in the contemporary world tends to be a limited and indirect shape of democracy, thereby

alienating the individual citizen. This democracy is small more than, what Joseph Schumpeter referred to since an 'institutional arrangement' for arriving at political decisions in which individuals acquire the authority to decide through means of a competitive thrash about for peoples' vote.

This institutional arrangement has been criticized through radical democrats for reducing popular participation to a close to meaningless ritual, i.e., casting a vote every some years for politicians who can only be removed through replacing them with another set of politicians. In short, people never rule and the rising gulf flanked by government and people is reflected in the spread of inertia, apathy and alienation.



## **Chapter 6**

# **Democracy and Public Opinion Rights**

## **Democracy and the Internet**

To a great extent, democracy depends on public opinion. In a representative democracy, every government has to think of what will be the public reaction to its policies. All parties want to capture and retain authority. Coming back to authority in the next successive election depends on what people think in relation to the job when the party was in authority.

Strong public opinion plays an extremely important role in capture of authority and forming government through a single party or a combination of parties, described coalition. If the public is alert and intelligent and keeps itself informed, government cannot take the risk of disregarding people's aspirations. If it disregards their aspirations, it instantly becomes unpopular. On the other hand, if public is not alert and intelligent, government can become irresponsible? At times, this might threaten the extremely foundations of democracy.

*Formulation of Public Opinion:* Public opinion is shaped in several methods and many agencies contribute in shaping public opinion. For a healthy public opinion, citizens should know what is happening approximately them, in their own country and in

the world at big. A country's government makes policies not only in relation to the internal troubles, but has a foreign policy also. A citizen necessarily hears dissimilar opinions in order to create up his/her mind. Therefore for democracy to job well, citizens require to apprise themselves of several views. In the middle of the agencies, which help in formulating sound public opinion are the press, the electronic media and the cinema. Democracy allows a person to contribute his/her share of opinion in decision-making. For all this, there is a must of free discussion and argument.

Democratic government provides a lot of freedom to the ordinary citizen. Though, citizens have to exploit freedom with responsibility, restraint and discipline. If people have few grievances, they necessarily illustrate them by channels provided through the democratic organization. Acts of indiscipline on the section of citizens might wreck the democratic set up of an organization.

No other invention of this new technical period has proliferated since rapidly since the Internet. The internet has rapidly accelerated the growth of transnational dealings fostering a type of mutual power and interdependence. The Internet affects democracy in a number of methods. Its role in combating totalitarian regimes is, indeed, positive, for it creates access to information and therefore, undermines the monopoly of the government in question.

But on the other hand, the Internet creates troubles for democracy insofar since it weakens the state's regulative

capability. The transnational interpretation of civilizations through the Internet undermines the capability of government to govern effectively. Further, since distant since national security is concerned, the Internet has opened up new possibilities for asymmetrical conflicts. States can sustain huge damage from net based attacks, not from other states but from individuals. Nevertheless, the new information technology will almost certainly, on balance, reinforce the existing authority buildings rather than weaken them.

## **Gender and Democracy: Participation and Representation**

The third wave of democratization which began in the mid 1970s brought in relation to the competitive electoral politics to several countries in Latin America, East and Central Europe and sections of Africa and Asia. It was seen since a triumph for democracy since the number of electoral democracies increased from 39 in 1974 to 117 in 1998. Though, since in the earlier longstanding democracies, the stages of women's representation in new democracies are still low in both legislatures and executives. The thrash about for political citizenship was for an extensive time a significant goal of women's movements. The suffrage campaigns that took lay in several sections of the world in the late 19th and early twentieth centuries were based on the assumption that right to vote and participate in electoral procedures was an significant section of being a citizen. If democracies now guarantee all citizens the right to participate in the political

arena, why are women therefore poorly represented? Does the low participation of women mean that democracies are undemocratic? Theorists of democratization have a diversity of definitions of what counts since a democracy.

At one end of the continuum, there is a minimal definition which implies that all that is needed is competitive elections.

Mid-range definitions also emphasize requires for freedom and pluralism, such since civil rights and freedom of speech, therefore that state may be measured a liberal democracy.

Neither of these definitions makes the distinction flanked by *right to participate and the skill to participate*. Only the more utopian definitions that believe the 'excellence of democracy' emphasize that democracy also implies the enjoyment of full citizenship in its broadest sense.

Citizenship is defined not presently in words of civil and political rights, but also in words of economic and social rights that can facilitate the full participation of all in the political sphere. Democracy can be vibrant and effective only when citizens take section in an active civil society. The 'public' and the 'private': Feminists have argued for an extensive time that there are a number of troubles with the methods in which democracy is defined, theorized and practiced. Liberal political theory is based on a division flanked by public and private sphere. Within this model, men seem since the head of households and since abstract individuals active in public sphere, while women are

relegated annalistically to private sphere. The 'political' is, so, defined since masculine in an extremely profound sense.

In practical words, the manner in which political action is mannered in democracies and nature of mainly women means that they participate to a distant lesser extent than men, particularly at higher stages of conventional political action. For instance:

Several women discover approach and object of politics forbidding Even if they do decide to pursue a political career, women often experience difficulties in receiving selected on winnable seats on the party's list Further, since in other areas of public sphere, women discover that constraints placed on them through their responsibilities in 'private' sphere also reduce their skill to participate in conventional political action on similar words since men.

It would be incorrect to provide an impression that there is an agreement on nature of democracy. Lenin, for instance, has argued that liberal democracy is a screen which hides use and power of the masses. More recently, Carole Pateman has argued that democracy necessity also extend to the workplace – where mainly people spend a great section of their day – before we can be said to live under democratic circumstances. A dissimilar kind of criticism of democracy argues, through pointing out that even democracy can go dangerously wrong. Aristotle reminded us that for its proper functioning, even a democracy requires a stable organization of law. Democracy can otherwise become the arbitrary dictatorship of the several, i.e., the mob rule. In a same

vein, De Tocqueville argued that democracy creates the possibility of a new shape of tyranny – the tyranny of the majority. Madison warned of the danger of factions, which means a group-big or little – whose interest does not reflect the common interest of the people, and who effort to subvert the democratic organization for their own purposes. Contemporary democracies tend to make bureaucratic systems approximately themselves. According to Max Weber, the interest of the bureaucratic systems creates a tension in democratic practice, since the bureaucracy created through democracy will have a tendency to choke off the democratic procedure. Pareto argued that, howsoever democratic a society may claim to be, it will be inevitably ruled through a powerful elite. But, it can argued that the thought of isolation of Powers and the concept of Checks and Balances can go an extensive method in avoiding despotism. Moreover, we require to ensure that those people who create laws do not enforce them also.

## **Challenges/Difficulties in the Implementation of Socialism by Democratic Processes**

To say that it is possible to achieve a change in excess of to socialist rule with democratic means does not necessarily imply, though, that it is possible also to implement and uphold socialism with such means. Communist theory has persistently alleged—and on this point it has not yet changed—that it is

impossible to carry by socialism under a organization of free elections, freedom of speech, free association and free majority decisions.

Soviet theorists do not stand alone in their contention that the implementation and maintenance of socialism are impossible with democratic means. Right-wing liberals, like Friedrich Hayek, agree with them on that count. Their interest is, of course, the opposite: they hope to see democracy maintained and socialism abandoned. But on the biggest issue under discussion here—whether it is possible to have both democracy and socialism—he two opponents are agreed. It is impossible, they say. In his 'Road of Serfdom' Hayek predicts that socialism will inevitably lead to the abolition of democratic liberties. One of his chief arguments is that socialism needs centralized scheduling and that, even in the event that there is a big majority for socialism, there regularly will be no majority able to agree on particulars ends and means. In such a case, he says, a democratic parliament 'cannot direct'.

In appraising the Lenin-Hayek theory of incompatibility flanked by democracy and socialism, we necessity not underestimate the strength of their combined arguments. They competently point to grave difficulties and dangers. But they fail to prove the impossibility. Their allegations are half-true at best. It is a strong argument that those who are to lose their privileges are likely to rise in violent resistance when a radically socialist legislation issues from a pro-socialist majority in a democratic legislature. This was strikingly illustrated after the Spanish Revolution of 1931, when the democratic majority in the newly

elected parliament occupied in simultaneously frontal legislative attacks against all vested interests monarchists, army, church, large land owners and large industrialists- before it had built up sufficiently strong armed forces of its own for support of the republican government. Though, there is no justification for a scientific verdict that it was impossible to avoid a same outcome when an effort is made to carry by socialism with democratic processes.

Another strong argument of this problem is that workers who have won parliamentary majorities may be impatient in their desire to close tangible benefits quickly and beyond reasonable limits. In order to cope with this danger, it will be necessary to educate people in advance therefore since to prepare them for a meaningful exercise of majority powers. That may not be simple, but it is not necessarily impossible. Finally, it is a weighty argument when Hayek warns that the majority is likely to split whenever biggest decisions on scheduling become necessary. But once this danger has been well understood in advance, it may not be impossible to meet it through proper device, such since a cautious preparation of master plans and delegation of the authority to create current economic decisions under such plans to few board or commission. The question of compatibility of democracy and socialism, so, is still an open one. There is good cause to consider that it is necessary to go all the method beside the totalitarian road, if a majority should be bent on carrying by socialism, although sure modifications in the procedure of economic legislation and management will be necessary. Establishment of a penetrating and reassuring political theory concerning the compatibility of socialism and democracy could



also offer encouragement to whatever tendencies there may develop in present Soviet Russia or few of its satellites towards introduction of more democratic organizations. It would create possible a stronger and more precise language in international political discussion in relation to the both democracy and socialism, and coexistence since well.

## **Democracy and Modern Socialism: A Conceptual Framework**

Let us first analyze the concept of contemporary democracy before Karl Marx. It is significant to note that his secure associate Friedrich Engels does not speak in relation to the democracy, but always in relation to the pure democracy. Through this he meant a bourgeois state, in which common suffrage prevails, but private property is not touched. It meant that it was either possible to erect a socialist state directly after the overthrow of feudal and military monarchy or pure democracy, that is the bourgeoisie capitalistic republic, would first approach into authority. At that time, people came to accept a democratic state, since a bourgeoisie state governed through a way of common suffrage.

When Marx began his political behaviors, he establishes democracy to be already a great international movement. The history of European democracy extended back two and a half millennia. In the republics of ancient Greece, the political shape of democracy was the contract to aristocracy or oligarchy, to the

rule of the 'minority' of the rich or noble. In contrast to this, democracy was the rule of majority, of the masses in common, whereby the owners of property or the bearers of nobility had no privilege to claim. Greek political science already engaged itself with the question, whether every state in which will of the majority of citizens decides is a democracy, no matter what the composition of this majority is and how it arises or whether a definite class character belongs to a democracy. Aristotle answered the question therefore: that democracy is nothing more than the rule of poor in the state; presently since oligarchy is the rule of the rich.

In the transitional ages, democratic shapes showed themselves in urban communes. Throughout transition to contemporary times, the radical religious sects became the bearers of democratic ideas. Therefore, democratic masses and their leaders were united in a distrust of contemporary growth, and their view that both republic and democracy were primarily a moral matter, a moral renewal of the human race, already contained a condemnation of contemporary economic and social growth.

Today, the democratic ideal is more than a mere composite of individualism, socialism and nationalism. It is based upon the acceptance and promotion of features of life of each group of men, therefore uniting individualism with a shape of regionalism or nationalism and on the other hand, it implies a system of any one group, which is less homogenous than that implied in the earlier shapes of socialism. For democracy, implies a freedom of voluntary association and the performance through such

associations of several functions which the earlier socialists would have left to the state.

Democracy is to begin with a principle of legitimacy. Authority is legitimate only when it is derived from power of the people and based upon their consent. From a normative standpoint, the definition of democracy strictly derives from the literal meaning of the word-'Authority of the people'. It is recognized positively through the subsistence of urbanized representative organizations and through the establishment of constitutional government. It presupposes not a direct exercise of authority, but delegation of authority; that is an organization of 'manage' and 'limitation' of government. From the time the word 'demokratia' was coined in the fifth century B.C until roughly a century ago, democracy was used since a political concept. Tocqueville was struck, though, through the social characteristic of American democracy and we therefore speak of 'social democracy'. Marxism has popularized the expression 'economic democracy' and guild socialism; Webb's book '*Industrial Democracy*' has given currency to the label 'industrialist democracy'. The labels people's democracy, soviet democracy and the like, pose a special democracy. When the socialist movement revived in Europe in the late 1860's, mainly socialist leaders were under the power of Marxism. In 1881, the German Social Democratic Party and in 1897 the Swedish Democratic Social Party, carried public ownership of all means of manufacture, sharing and swap since their objectives. Other socialist parties adopted the similar objectives in their constitutions or manifestoes, and even the British labour movement, which had not carried socialism till 1918, adapted too little extent the aim of public ownership.

Now after a lapse of a small in excess of three decades from the end of the Second World War, the picture is dissimilar. In all urbanized democratic countries of the West, except for Italy and France, communist parties have been reduced to nullities, and even the Italian and French communist parties have been diminishing in strength. In the communist countries of Eastern Europe, there are rising revisionist tendencies while in Russia itself, there seems to be a rising acceptance of Khrushchev's dictum that it is possible for communist parties to ignore the question of means. On the other hand, social democratic parties have grown in strength in all European countries. They have either been in authority or have shaped the largest opposition. They no longer seek to replace the entire capitalist order through an economy based on public ownership of means of manufacture, sharing or swap. They are reconciled to a mixed economy accompanied through full employment and social security. The authors of 'twentieth century' socialism have stressed that socialism should be defined in words of vital values of equality, freedom and fellowship and not in words of any scrupulous means through which those values may be realized. Same changes have taken lay in the programs of all European Socialists – these parties are taking a much more discriminating attitude towards public ownership; though, social democracy supports the public demand that it is necessary to safeguard significant public interests.

Therefore, the socialists in the underdeveloped world can attract few precious lessons from a survey of these changes in the fortunes of communism and social democracy in Western countries and the altered objectives of social democratic parties.

## **Western Liberal Democracy**

Contemporary liberal conception of politics acquired a realistic, pragmatic, secular and scientific orientation. State became the pivotal political system. Rousseau introduced the thought of popular sovereignty and democracy. It was recognized that within the reach of the people, organizations such as state, government and semi-official organizations etc began to be treated as centers of political action. Rights of private property, and individual liberty began to be asserted. In the advanced liberal concept, the state is viewed as a positive welfare organ. Liberal democracy assured a competitive party model as essential to symbolize the wishes of people. This involves eliciting people's opinion by periodic elections to legislatures. Further, government is seen as limited and as operating in a world of voluntary associations. Society is viewed as pluralistic, which means that it is composed of autonomous parts and associations. Hence, government sets out to rule in general interest.

Western liberal democracy is a political theory that appeared in Europe throughout the seventeenth century and has sustained to this day as one of the dominant theories and ideologies in the world. This excludes the socialist countries with dictatorships of dissimilar types. Locke contributed the ideas of limited government, constitutionalism, individual rights and the rule of law. Bentham's contribution placed in the utilitarian conception of majority interest calculated in terms of individual utility. Mill contributed the thought of individual liberty, plurality of opinions, and the principle of growth of individual personality.

When we describe the liberal state to be politically democratic, we should note that it refers not only to the electoral procedure, but also to characteristics like the rule of law and right to property. In a liberal organization without any written constitution such since in the United Kingdom, this means the law enacted through parliament is supreme. And the property rights granted in liberal democratic states prevent the government from creation drastic changes in economic matters. This is the cause that the radical view criticizes liberal democracy, for not laying emphasis on economic equality. They described themselves people's democracy, which implies that the means of manufacture are socially owned.

Therefore, the above provides a fairly good picture of liberal conception of democracy which is based on a number of assumptions; first, it holds that an individual is endowed with an autonomous mind, cause and will; that is, he is a rational being. Therefore, he can decide what is best for him. Second, the individual is a moral being, which means that they are all equal. Each one should have an equal opportunity to participate in politics. Third, truth is comparative and multi-dimensional and is not absolute. So, at a scrupulous moment, truth can be recognized only by a free inter-play of ideas. That, tolerance is the essence of democracy was strongly argued through Mill in 'On Liberty'. Truth in a democracy implies that everyone can participate in politics and it is the government of all people; so, a democratic government acts in the interest of all. Competition in the middle of leaders and parties ensures popular manage in excess of government and maximum liberty for individuals. Rule

of law, equality before law and vital minimum rights are features of a Western liberal democracy.

## **Non-Western Shapes of Democracy**

It may be surprising to few those countries like the erstwhile USSR, Communist China, North Korea and North Vietnam, to name but some claim to be democratic. Indeed, they claim to be the only true democracies. In order to understand that exact nature of this claim, it is significant to go back to Marx. He whispered that the politics of the West was characterized through class conflicts, and that competition flanked by parties would be no more once the feud flanked by classes ended. True democracy he idea, would exist only where one class predominated, embodying the overwhelming size of the people. All other shapes of democracy were denounced since bourgeois. If an authority clash lived on a competitive foundation, therefore that it might be convinced through wealth, Marx measured that democracy to be bourgeois, and so, unworthy of any name.

Competitive politics is condemned through communists for being a fraud. They themselves claim to have no other classes because they say that all the exploiting clusters were eradicated in the early days of the Russian revolution. Soviet lawyers and political apologists argue that the West's adaptation of democracy is a sham and fraud because of the subsistence of an economic organization- Capitalism- which favors the rich.

## **Socialist Democracy**

In the west where capitalism has prevailed, this takes the shape of accommodation of progressive dilution of the socialist principle. We all know what socialism is. In company with other ideological concepts, socialism has a double reference. On one hand, it refers to the ideals, values, properties of what is often described the socialist vision. On the other hand, it refers to empirical characteristics of social and political organizations which embody the vision. At the stage of values, the significant ones are those of freedom, equality, society, brotherhood, social justice, a classless society, co-operation, progress, peace, prosperity, abundance and happiness. Sometimes, the value components are stated negatively: socialists are opposed to oppression, use, inequality, strife, war, injustice, poverty, misery and dehumanization. At the stage of organizations, the adherents and opponents similar would say that socialism is opposed to capitalist private enterprise organization, which it seeks to replace through a organization of manage in excess of wealth and property and the social supervision of system of economic action; this is summarized in the formula, the general or public ownership of means of manufacture.

Names in political communication have shown themselves to be unstable in excess of times. John Ruskin, for instance, proudly described himself a communist, while he repudiated socialism, republicanism and democracy. For H.M Hyndman, the word socialism denoted mild, Christian-liberal do-goodery, while the word social democracy meant for him militant Marxism. Today, of



course, the opposite would be the case. It was Proudhon, not Marx and Engels, who first described his doctrine 'scientific socialism'. Bakunin, at one time, held a system which was described the Alliance for Socialist Democracy. Marx himself in his youth dismissed communism since being only an 'imperfect realization of socialism'; later Marxian usage became more systematic, however never entirely free from ambiguity.

### **Four Vital Tendencies of Socialism: The Essence of Socialist Democracy**

An effort is made in this element to provide a more systematic outline to the tendencies, which jointly create up socialist idea, reflected in the concept of socialist democracy.

*Egalitarianism* is the first tendency, which is the classical principle of socialism. The dominant notion of equality culminates in a conception of society. Politically, egalitarianism obviously demands complete democracy, but democracy in its easy, classical, unitary sense, without enduring party divisions.

*Moralism*, the next tendency, constitutes the Christian principle of socialism; that is, it stresses on high ideals which seek to bring justice through replacing enmity with mutual help, and fostering feelings of brotherly love and understandings in the middle of human beings.

The political shape mainly harmonious with moralist values is, again democracy, possibly tempered through mild notions of paternalism and certainly presupposing a sense of moderation

and responsibility on the section of individual principles. Little and big societies governed through a majoritarian organization are fitting vehicles for the realization of the moralist ideal.

*Rationalism* is the third tendency, in on behalf of the principle of enlightenment. Here, the chief values are individual happiness, cause, knowledge, efficiency in manufacture and the rational purposeful system of human society in the interest of progress. The political shape that rationalism leads towards is also democracy, as this tendency tends to acknowledge the fundamental equality of human beings and believes in self – sufficiency of individual human cause. It believes, though, that democracy should be tempered with meritocracy, consistent guidance through experts, scientists, technicians, and intellectual people who are to be trusted with the promotion of common happiness.

*Libertarianism*, which could be termed the romantic principle of socialism, is the last of the vital tendencies in the sense that it is extreme and radical in the middle of socialist principles. It centers on the ideal freedom, in the sense of total absence of restraint, internal and external. Here, it would be hard to talk in words of a favored political arrangement. Anarchy is what comes adjacent to its ideal; but again libertarianism too goes with the acceptance of equality in a fundamental sense. Libertarianism is the gentlest and the mainly tolerant of socialist tendencies.

These are the four tendencies of socialism, which reflect the essence of socialist democracy. The comparative weight of each tendency, though, varies from case to case. In other terms, we

discover that one or another tendency assumes predominance in excess of others in the case of a given country, doctrine, movement or historical era. This is why the predominance of libertarianism in the Western New left is in a big section due to the rising moderation and integration of social democracy.

## **Democratic Techniques and Socialism**

The rise of fascism in Europe and the continuance of dictatorship of the Communist Party in erstwhile Soviet Union also led several socialists throughout the thirties to provide rising attention to the techniques of democracy under a collectivist regime. While the socialist movement in common had for several years maintained that collectivism without democracy was a distant cry from socialism and that there could be no socialism without the accompaniment of thorough-going democratic processes in the economic, political and social organizations of the country, there were several who took the location prior to the thirties that all that was necessary to do was to transfer industry from private to public ownership and democracy would take care of itself. Experiments in state ownership and manage in communist and fascist countries and even in lands with a democratic shape of government, both in times of peace and war, proved a rude awakener to these students of the movement and caused big numbers within and without to think by methods and means of safeguarding and strengthening the democratic procedure under a co-operative organization of industry. This examination caused them to place rising emphasis on:

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- The require for preserving and strengthening democratic forces of the population such since the deal and industrial-union movement, the consumers and producers co-operatives, labors, socialist and progressive political parties, educational and cultural movement of the masses, and for endeavoring to create these movement thoroughly democratic.
- The require for bringing in relation to the secure co-operation in the middle of industrial workers, the therefore-described transitional class, the cultivation population, in the thrash about for bigger social arrangements.
- Require for applying effective democratic techniques to regional, state, and federal governments therefore since to create them thoroughly responsive to the will of the people.
- The require for encouraging, under a co-operative organization of industry, an long organization of voluntary co-operative enterprises, since a supplement to publicly owned industries, especially in agriculture, the distributive trades and in cultural action.

Require for establishment within each industry of processes whereby consumers, workers, and technological and administrative clusters would be adequately represented in determination of policies.

Require of experimenting with the corporate of public ownership of a semiautonomous character, and of decentralizing manage

and management of public ownership since much since seemed compatible and socially efficient.

The require for developing administrative processes directed toward efficient, honest, and democratic management by a sound organization of civil service, public accounting, communal bargaining, personal dealings etc. Techniques should be devised for stimulating industrial incentives by a proper organization of rewards for job well done.

Require for freedom of consumer choice.

The must of preserving civil liberties and preventing discriminatory practices against any part of population because of race, religion, color, or national origin.

Require for co-operating with other countries with a view to eliminate the reasons of war, of abolishing imperialistic controls, and of raising livelihood standards during the world.

### **Trend towards Democratic Socialism**

The goals of democratic socialism have one item in general; that is to create democracy more real through broadening the application of democratic principles from political to non-political areas of society. Freedom of worship and freedom of political associations are still the mainly essential foundations of democracy. The Socialists concentrate on the promotion of these 'finer points of democracy'. In contrast, socialist parties have fought an uphill and usually a losing thrash about in nations

were democracy is not a livelihood item, but an aspiration, a hope, and thought yet to be realized. This happened for instance, in Germany, Italy and France.

## **Democratic Socialism in England**

England urbanized parliamentary organizations, which were conducive to the development of socialism. England moved with the times, and brought in relation to the compromise flanked by democracy and socialism. Socialism was allowed to emerge peacefully without require to have a bloody revolution. Democracy tolerated the rise of social principles. In Britain, there was no require for workers to revolt on a size level against the government, since the government itself took necessary steps to promote their interests. British soil was appropriate for the development of democratic socialism, while on the other hand, in Russia and China the climate was not favorable since the government neglected the interests of the poor and tried to suppress them. Since a result, revolutionary socialism rose and its tide swept the government off its feet.

Democratic socialism has no high priest like totalitarian communism. It has no Marx or Lenin. The mainly influential socialist thinkers in England have regularly been without any official location. Their impact has been due to their moral power and felicitous literary approach. The movement owes much to the ideas of Robert Owen, Sidney and Beartrice Webb, R.H. Tawney, G.D.H Cole, Harold Laski and several others. But the philosophy still remnants undefined. 'The nature and content of democratic socialism cannot through any means be defined. It is a broad

framework wherein we have to fit in our ideas of democracy and socialism in tune with our political backdrop and cultural and spiritual heritage.' Therefore there is no definite form of democratic socialism. It is to be dissimilar in dissimilar countries according to requires and circumstances. Still we can point out sure broad principles of democratic socialism.

### **Broad Principles**

Democratic Socialism lays great stress on the importance of the superior interests of society since an entire, against the narrow and selfish interests of the individual. It is against individualism or laissez-faire, it is a theory of society welfare. It promotes cooperation instead of competition and removes antagonism flanked by the employer and the employee. Socialism stands for the principle of economic equality. The state should prevent the concentration of wealth in the hands of some individuals therefore that the gulf flanked by the rich and the poor classes may not be wide. Though, democratic socialism does not aim at establishing absolute equality, which is approximately impossible. Its aim is to remove glaring inequality of wealth through progressive taxation of the rich. It stands for equitable opportunities for all.

Democratic socialism also stands for general ownership of significant means of manufacture, which are to be utilized for general good. It is in favor of granting full civil, political and economic rights. The individual is free to lead his own method of life, outside intervention. It stands for extension of democracy from political to economic and social meadows. Therefore, there

is a desire to widen the foundation of democracy. If democracy is to be real, it should go distant beyond the frontiers of politics and enter the economic field. It is against the ownership of land, factories and other means of manufacture through some at the cost of the society. It necessity be clearly noted that democratic socialism is not against all shapes of private property, but only against such private property, which becomes the means of use. It allows little plots of land, homes and other limited property, since these cannot be put to anti-social uses. In conclusion, we may say that democratic socialism is neither merely anti-capitalism. 'There is no use of man through man, no injustice, oppression, or denial of opportunities.'

One of the extra ordinary results of the victory of democratic socialism in Britain was the elimination of communism since a significant factor in British politics. Even in developing countries, democratic socialism gives an alternative to the extremes of communism and capitalism through bringing in relation to the much needed socio-economic transformation of civilizations.

### **New Leftism: Attack on Soviet Marxism**

The New Left has a scrupulous feature of its own. It believes in socialism and yet strives to promote and protect humanism that had become a scapegoat under the 'socialist' organization of the former Soviet Union. That is, while the achievements of socialism is the bedrock of traditional Leftism, socialism integrated with democracy and humanism is the keynote of, what is usually recognized since, New Leftism. What keeps the New left at a



fundamental variance with the Old left is its stern emphasis on pursuing positive social and political goals. It believes in freedom and democracy, and is prepared to fight for these ideas.

The New Leftism is a product of the post-Second World era. Its development is an explanation of three factors: stern reaction against the adaptation of official Marxism since given through the great comrades of the former Soviet Union, vehement protest against the social, economic and political create up of affluent civilizations of advanced Western countries, and extremely strong emphasis on the worth and dignity of man. That is, the movement came since a result of a multi-stage protest—protest against Stalinist excesses, against the dogmatic and mechanistic adaptation of Marxism since given through the Soviet leaders, against centralized and undemocratic methods of doing things and against anti-humanistic, bureaucratic and bourgeoisie society of oppression.

The mainly recent land spot is the reappearance of the New left, which may be termed 'New Socialism'. The fight of the American Negroes for civil rights, the student revolt in France aimed at changing the education organization, the thrash about of workers in Spain for democratization of the political organization are few of the momentous measures that inspired New Leftist thinkers to say that youthful units can bring in relation to the desired state of affairs. What is needed is change: change towards real democracy, which can be brought in relation to the through youthful parts of people. This is because they alone can understand the pernicious dimensions of a socialist organization and then fight for restoration of a free, democratic and dignified

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life. In brief, the aim of the New Leftists is to attack the diversity of Marxism that urbanized in the former Soviet Union. Instead, they think in words of a new diversity of socialism based on practicable portion of Marxism. Socialism of this kind necessity is in consonance with premises of a democratic organization. Therefore that people may have the boons of freedom, growth and happiness.