Society, Democracy and Human Rights: Sociological Interpretation Notes

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ABSTRACT---- ***This work aims to develop an approach, from the point of view of sociological research, regarding the relationship between democracy and human rights. In this sense, it initially outlines some key elements of democracy and discusses some of its problematic aspects. It states, for example, that a representative system is not necessarily democratic. Then, the paper deals with the concept of human rights. It emphasizes that the protection of human rights and the rule of law, not only in developed but also in developing countries, is best achieved through a commitment to democratic principles. The experience of human rights and freedoms is necessary for democracy to function properly at all. In conclusion, it is stated that the guarantee of civil and political rights for the individual citizen plays a fundamental role in democracy. For instance, these rights are essential to secure the twin democratic principles of popular control and political equality in the system of collective decision-making.***

Keywords---- Democracy, human rights, society, state

1. INTRODUCTION

What is democracy? Where did the idea of democracy come from? Can a representative system be really democratic? Is decision by the majority always democratic? What are the chief components of a functioning democracy? How can the fairness of the election process be guaranteed? First of all, such questions lead us to Ancient Greece. The idea that ordinary people should be entitled to a say in the decisions that affect their lives is one that has emerged as an aspiration in many different historical societies. But it achieved a classical institutional form only in Athens in the fifth or forth centuries BC (Beetham and Boyle, 1995). From the early fifth century onwards, when property qualifications for public office were removed, each Athenian citizen had an equal right to take part in person in discussions and votes in the assembly on the laws and policies of the community, and also to share in their administration through jury service and membership of the administrative council, which were recruited in rotation by lot. Throughout Western history, the example of this first working democracy has been a reference point and source of inspiration to democrats ever since. We can say that Athenian democracy was both more and less democratic than the democracies we know today. It was more democratic in that citizens took part in person in the main decisions of the society ('direct democracy'), while today's representative democracies are indirect. But Athenian democracy was less democratic than democracies of today "in that citizenship was restricted to free males; it excluded women, slaves and resident foreigners, these groups ensuring the continuity of the domestic and productive work necessary to enable the male citizens to engage in political activity" (ibid.,p. 6). Therefore, the active participation of a direct democracy was only possible at all because the citizenship was restricted.

On the other hand, it is worth recalling that similar restrictions on citizenship existed in the most Western Parliamentary until well into the twentieth century. The principle made famous by the French Revolution that all political authority stems from people was not intended to include all the people. It was only in this century that women and propertyless males have been granted the suffrage in the most West countries.

2. DEMOCRACY: SOME KEY ELEMENTS AND PROBLEMATIC ASPECTS

There are at least four reasons why we should value democracy. That is to say, equality of citizenship, meeting popular needs, guaranteeing basic freedoms and pluralism. Democracy relies upon debate, persuasion and compromise. The democratic focus on debate assumes not only that there are differences of opinion and interest on most questions of policy, but that such differences have a right to be expressed and listened to. So, democracy requires open discussion as a method for expressing and resolving societal differences. It presupposes diversity and plurality in the society as well as equality among citizens. Democratic government is more likely than other types of government to meet the needs of

ordinary people. The more say people have in the direction of policy, the more likely it is to reflect their concerns and aspirations (Beetham and Boyle, 1995). But it is necessary to take into account some incompatibilities between democracy and economic liberalism, that is, between democracy and the free market. For instance, the early industrializing countries of Western Europe found that the free market was incompatible with a democratic suffrage; or that many subsequent attempts to run a laissez-faire economy have required authoritarian governments to contain popular discontent. The search for profit is intrinsic to capitalism. The aim of capital is not to minister to certain wants, but to produce profit. The market, if left itself, generates booms and slumps in production which cause enormous economic hardship and dislocation. It is an essential feature of capitalism that labour-power is itself a commodity. Therefore, the market subjects it to the laws of supply and demand, to be dispensed with if unwanted, in a manner that is inconsistent with the value which the status of citizenship confers on the individual. In the face of this, many countries have sought to reconcile democracy with a market economy regulation and intervention, by economic redistribution and by creating a system of welfare rights to protect the most vulnerable from market's vicissitudes.

So, we can conclude that a representative system is not necessarily democratic. Rousseau (2004) also thought so. He has argued that, in a representative system, people are only free once every few years at election time. Thereafter they revert to a position of subordination to their rulers which is no better than slavery. But there are theorists who disagree with this perspective. For them, a representative system is the best system yet devised for securing popular control over government in circumstances where the citizen body is numbered in millions and has not time to devote itself continuously to political affairs (Beetham and Boyle, 1995; Beetham, 1994). Basically, here, the theory is that the people control the government by electing its head (president or prime minister) and by choosing the members of a legislature or parliament that can exercise continuous supervision over the government on the people's behalf. However, such a view does not consider the sources of threat fairness of the election process. There are three main sources of threat. The first is the advantage that being in government gives to the ruling party or parties. A second threat to the fairness of the election process stems from all kinds of malpractice by party members and their supports, including bribery and intimidation. A final main threat to the fairness of the election process arises from the advantage that possession of personal wealth or access to wealthy backers can give to individual candidates or parties.

The advantage that being in government gives to the ruling party can never be entirely eliminated, but it can be minimized by a number of measures. Most important is that the whole election process should be supervised by an independent electoral commission. In this way, the existence of an electoral court is a relevant alternative, in the sense that it deals specifically with the application of justice to electoral processes. One of its functions should be to regulate candidates' publicity and parties' access to the media during the campaign. Anyway, there are good reasons why we should value democracy. It also means defending the key components of its functioning, according to the democratic pyramid model (figure 1).

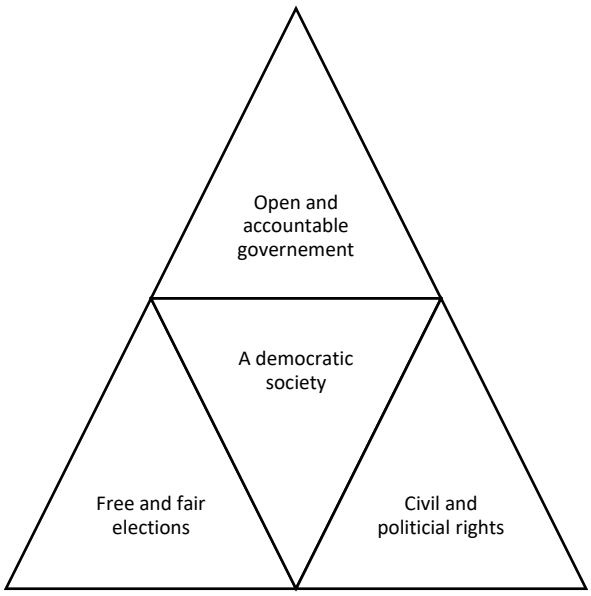

Figure 1 – The democratic pyramid (Beetham and Boyle, 1995)

Certainly, competitive elections are the main device whereby public officials are rendered accountable and subject to popular control. "They also constitute an important arena for ensuring political equality among citizens, both in access to public office and in the value of their votes" (Beetham and Boyle, 1995, p. 31). Moreover, the criterion of free and fair elections embraces in the first place the electoral system, i.e. the laws governing which offices are electable, who may stand for them, "when elections are be defined, how votes are to be aggregated to select the winners, and so on" (ibid., p. 31). In a democracy, the accountability of the government to the public is, on the one side, a legal accountability: to the courts for the observance of the law by all public officials (the rule of law). On the other hand, a political accountability: to parliament and the public for the justifiability of government policy and actions. "This accountability depends upon the independence from government of the courts, in their power to defend the constitution, to determine guilt and to punish offences, and of parliament, in its powers of legislation, taxation and scrutiny of government" (ibid., p. 32). Last but not least, civil and political rights encompass those freedoms – of expression, association, movement, and so on – which are a necessary condition for people to act politically. "Although these rights are properly guaranteed to individuals, as part of human rights more generally, their value lies in the context of collective action: joining with others for common ends, campaigning, influencing public opinion, etc." (Beetham and Boyle, 1995, p. 32). Civil rights and political rights are an expression of human rights, which must be understood according to their specific purposes.

3. HUMAN RIGHTS AND DEMOCRACY

Human rights and fundamental freedoms are individual entitlements derived from human needs and capacities. The recognition of human rights and the creation of means for their defence in international law constitute maybe the most important moral advance of modern times. The international community has adopted many international conventions about human rights. Such conventions seek to establish agreed definitions on the scope of human rights and freedoms and, at the same time, commit governments to take the necessary steps to ensure the protection of those rights in law and practice. The fundamental source of human rights ideas in the modern world stems from the Universal Declaration of Human Rights. It was adopted by the United Nations General Assembly on 10 December 1948. In 1966, the United Nations adopted two international instruments based on the rights proclaimed in the Universal Declaration. These are the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights. Moreover, there are many other universal national treaties on human rights as well as regional conventions, such as the American Convention on Human Rights, the African Charter on Human and People's Rights and the European Convention on Human Rights.

All internationally recognized human rights are interrelated and reinforce each other. They can be classified in many ways, but the most accepted is into civil, political, social, economic and cultural rights. The relationship between human rights and democracy is one of interdependence and mutual reinforcement. The protection of human rights and the rule of law, not only in developed but also in developing states, is best achieved through a commitment to democratic principles. It is also recognized that the experience of human rights and freedoms is necessary for democracy to function properly at all.

The Universal Declaration of Human Rights included an endorsement of democratic government (United Nations, 2017). In Article 21, it emphasises the following:

i) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

ii) Everyone has the right to equal access to public service in his country.

iii) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Furthermore, the Declaration also deals with the relationship between democracy and duties in Article 29:

i) Everyone has duties to the community, in which alone the free and full development of his personality is possible.

ii) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

iii) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

The relationship between human rights and democracy is developed in the context of the so-called institutional dimensions of modernity, according to how Giddens (1990) conceived them. Sociologically, this means recognising capitalist societies as a subtype of modern societies in general. A capitalist society is a system having a number of specific

features. First, its economic order involves a system of commodity production centred upon the relation between ownership of capital and propertyless wage labour. Second, the economy is fairy distinct from other social arenas, particularly political institutions. Third, the insulation of polity and economy (which may take many varying forms) is founded upon the pre-eminence of private property in the means of production. Fourth, the autonomy of the state is conditioned, although not in any strong sense determined, by its reliance upon capital accumulation, over which its control is far less than complete. A capitalist society is society only because it is a nation-state. The characteristics of the nation-state, in some substantial part, must be explained and analysed separately from discussion of the nature of either capitalism or industrialism, which are two institutional dimensions of modernity. As Giddens affirms (1990, p. 57), "the administrative system of the capitalist state, and of modern states in general, has to be interpreted in terms of the coordinated control over delimited territorial arenas which it achieves".

Such administrative concentration depends in turn upon the development of surveillance apparatus well beyond those characteristic of traditional civilisations. Like capitalism and industrialism, the apparatus of surveillance constitutes other institutional dimension of modernity. But there is a fourth institutional to be distinguished: control of the means of violence. Therefore, the institutional dimensions of modernity and their interrelations can be set as in figure 2.

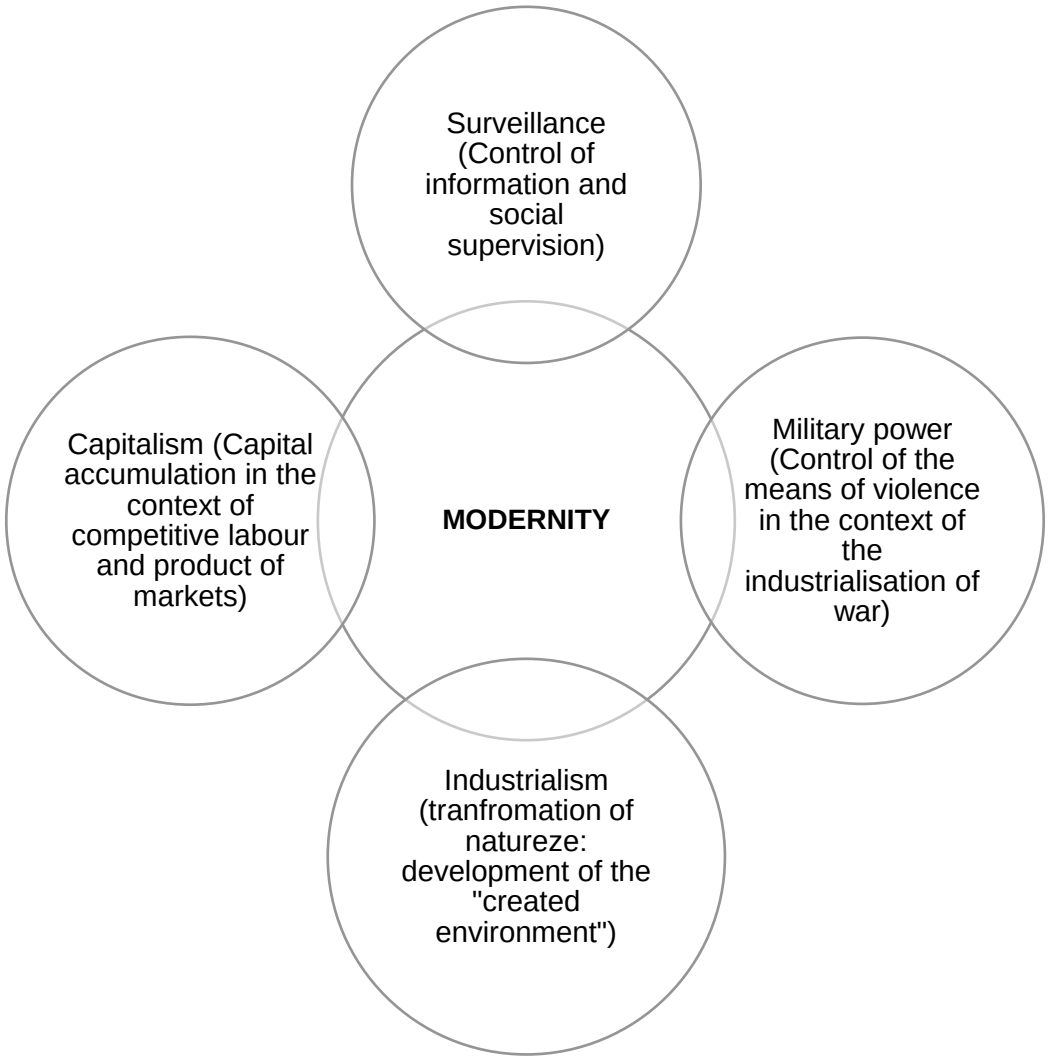

Figure 2: The institutional dimensions of modernity - Source: Adapted from Giddens (1990)

To begin on the left of the figure 2, a synthesised analysis can be developed as follows.

Capitalism involves the insulation of the economic from the political against the backdrop of competitive labour and product markets. Surveillance, in turn, is fundamental to all types of organisation associated with the rise of modernity, in particular the nation-state, which has historically been intertwined with capitalism in their mutual development. Similarly, there are close substantive connections between the surveillance operations of nation-states and the altered nature

of military power in the modern period. The successful monopoly of the means of violence on the part of the modern state rests upon the secular maintenance of new codes of criminal law, plus the supervisory control of "deviance". The military becomes a relatively remote backup to the internal hegemony of the civil authorities, and the armed forces for the most part "point outwards" towards other states. Moving around [the figure], there are direct relations between military power and industrialism, one main expression of which is the industrialism of war. Similarly, clear connections may be established between industrialism and capitalism (Giddens, 1990, p. 59-60). As an inference of such an analysis for the human rights approach, it is necessary to criticise the traditional view on this subject, as it considers the state to be the exclusive agent for promoting policies focused on human rights. However, to restrict the reach of human rights law to actions carried out by state bodies is extremely problematic in a context where the private and voluntary sectors are involved in service delivery and the boundary between the public and private is hazy (Mawhinney and Griffiths, 2012).

4. CONCLUSION

As Beetham and Kevin (1995) states, the unambiguous acknowledge of the interdependent relation between the idea of universal human rights and that of democratic government is among the most important advance in international relations since the end of the Cold War. In this sense, the guarantee of civil and political rights for the individual citizen play a dual role in democracy. On the one hand, these rights are essential to secure the twin democratic principles of popular control and political equality in the system of collective decision-making. On the other hand, "such rights and freedoms act as a constraint on collective action by the spheres of individual freedom and choice that are outside the reach of majority decision" (ibid., p. 97). The relationship between democracy and human rights reminds us of the words of Desmont Tutu, the Anglican Archbishop of South Africa who, during the apartheid period, became known for his work in building a new state where everyone would be recognized and equal. Tutu often repeated the following: "we are made for togetherness and for the beautiful things we know. We are made to tell the world that there are no outsiders. All are welcome: black, white, red, yellow, educated, not educated, male, female, gay, straight, all, all, all" (Leite, 2021, p. 126). That's all there is to it.

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