Introduction

§ 1: The Anti-democrat's Paradox

Some people do not believe in the universal validity of human rights and democracy. They say that human rights and democracy are not meant for them, or are not meant for somebody else. They forget, however, that one cannot question, challenge or refute human rights and democracy, for the simple reason that the act of questioning, challenging or refuting implies respect for human rights and democracy. Something that is unquestionable and irrefutable is by definition universal. Defending human rights and democracy is not the same thing as expressing an opinion, a western opinion, for example, which other cultures, states or groups can call into question. Human rights and democracy are necessary conditions for the appearance of different opinions and for debate between opinions. Hence they cannot be reduced to opinions that are not different from other opinions, or to an element in a struggle that they help to institute. They are above the level of opinion and questioning (Lefort 1992:31). Nobody can question human rights or democracy without, at least, implicitly accepting them.

Besides, most governments that claim the right to have a different opinion on human rights or democracy refuse to grant their subjects the same right to a different opinion—not in the least when this different opinion relates to the legitimacy of the government. This is, of course, a crude example of hypocrisy.

Another example of this kind of hypocrisy can be found in the so-called cultural defense of the violation or non-application of human rights. We are told that one cannot criticise a culture for violating certain human rights because all cultures must be treated with equal respect. Such a criticism would be a lack of respect for the culture in question and for cultural equality and diversity in general. This argument is hypocritical because the same equality that is claimed for cultures is not granted to the individuals inside the culture (for example equal rights for men and women, equal participation in the political process etc.).

It is evident that an anti-human-rights doctrine and also an anti-democratic doctrine—I am in favour of a strong link between human rights and democracy because democracy is based on a subset of human rights called political rights, and because democratic practice is so thoroughly dependent on and connected with all types of human rights that the difference is sometimes hard to see—is bound to get trapped in contradictions and paradoxes.

The anti-democrat hates the air he breathes, abhors the prerequisites of his existence, his acts and his opinions. He lives by the grace of what he hates. When we take away this detestable oxygen—as he seems to request—then he will drop dead. In fact, the anti-democrat hates himself. We witness an internal struggle of somebody who fulminates against a principle that he himself applies, against something he does, against something he is, namely someone who practices opposition, who freely expresses his opinions etc. At a theoretical level, the anti-democrat seems to preserve what he tries to destroy and only destroys his own background opinions.

Somewhat simplistically, I could say that those who want to promote human rights and democracy—and I am one of them—do not have to change the attitude of the anti-democrat. The only thing they have to do is make him conscious of what he already does. Of course, if it were as simple as that there would in fact be no threats to human rights or democracy, because every threat would be an application of the principles of human rights and democracy. However, there are real and serious threats and that is why we have to change the attitudes of the anti-democrats. In the real world, contrary to the world of theory, it is simply not true that the anti-democrat promotes democracy and human rights by struggling against them, even if democracy and human rights constitute the empire of struggle. There is no doubt that democracy and human rights can be destroyed, except perhaps, in theory.

To put it in another way, democracy and human rights do not accept heretics or apostates, for the simple reason that they are the prerequisites for the existence of heretics and apostates. Democracy and human rights become a new dogma. It is impossible to be against them. Every objection is a confirmation, because an objection (an objection in general, not only the objections against democracy and human rights) implies the acceptance of democracy and human rights.

Silencing my opponents in this way may seem to be undemocratic and a proof of inconsistency on my part. However, this one exception to the rule of general acceptance of heresy and plurality is necessary. A democracy is a society of conflicting views, but this means that attacking democracy is in principle impossible. This would be a struggle undermining its own foundation. There is a forced consensus on democracy and the rights it protects. Forced of course by logic and not by violence or physical force. The democratic values and rights and the universality of these values and rights are by definition, a common frame and a common world, whether you accept this or not. You necessarily live in this world, both by accepting and rejecting democracy and human rights.

If all this were sufficient, I could end my book right here. However, that would indeed be inconsistent. Nowadays, few people will be convinced by a dogma and least of all, those freethinking people we need in a democracy. I still have to give reasons why we need democracy and human rights and why we need them at all times and in all places.

§ 2: Why Do We Need Democracy and Human Rights?

If we have to apply democracy and human rights in all parts of the world, then this is because there are good reasons for doing so. The best way to discuss these reasons is by explaining the nature of democracy and human rights, by explaining what they are, what they do or what purpose they serve. Giving reasons is the same thing as giving a justification, and a justification presupposes an account of what you want to justify, presupposes that you know what you are talking about. However, the nature of democracy and human rights is a matter of dispute. I will give my personal definition and then try to justify it. I give reasons to accept it, and I criticise reasons not to accept it. I believe I have adopted a definition that is

— Feasible (which is not the same thing as universally possible—I will discuss the conditions required to make it possible);
— Justifiable; and
— Acceptable to most people.

I also believe that other definitions are not justifiable, although they might be feasible. Needless to say that everyone retains the right to define or justify democracy and rights in other ways.

By describing democracy and human rights, I hope to show that they are valuable and beneficial for human life, not just for western or Christian life, but for human life in general. This, I hope, will convince more people than the logical necessity of accepting democracy and human rights. Persuasion is more democratic than coercion, even if it is only logical coercion.

To persuade is to give reasons. I believe that there are five main reasons for accepting and universalizing democracy and human rights (these five reasons are covered in greater detail in Parts 1 to 5; the book is divided into five Parts, each Part dealing with one of the five reasons to accept democracy and rights). I can give a reason for accepting democracy and human rights once I have shown that democracy and human rights promote certain universal

values, certain things which are universally considered to be important parts of human life. The five reasons can be presented in five statements:

Statement 1:
Democracy and human rights promote certain widely shared values such as:

- Being able to form, experience and preserve an individual as well as a collective identity (my individual identity being my individuality) because they promote social interaction, cooperation and the creation of communities;
- Being able to think and to think more or less correctly;
- Being able to lead an active life and a life in a group or a community; and
- Being able to lead a responsible and informed life (democracy and rights create active, informed and interested citizens who hold opinions and assume the responsibility that goes with holding opinions).

Democracy and human rights promote these values—which I believe are considered important by the whole of mankind—because they allow us to have a public life and a political life (by a public life I do not mean the life of a public figure, but a life dedicated to and dependent on publicity).

Statement 2:
Democracy and human rights promote the economy, not just the development or growth of the economy (prosperity) but also economic rights (otherwise known as economic equality or distributive justice).

Statement 3:
Democracy and human rights promote peace between states (because of the right to self-determination, the democratic habit of solving problems by talking instead of fighting etc.) and they promote peace inside states (because they promote tolerance, religious liberty, judicial remedy etc. and because they handle diversity and contradictions better than any other form of government).

Statement 4:
Democracy and human rights promote equality, not only material equality (see statement 2) but other forms of equality as well (such as political and legal equality). One of the reasons why this is important is that more political equality means better political decisions. I will show that when the people as a whole have an open and free debate in which every voice has an equal weight, the decisions following this debate will probably be better than the decisions of a minority or an individual (two heads are better than one). As a consequence of equal participation in the decision procedure, decisions will also be more legitimate and more acceptable and therefore easier to impose (if it is at all necessary to impose them) than the decisions of other forms of govern-

ment. They are, after all, the reflection of the will of the people and why should the people go against its own will? A decision procedure based on equal participation will also generate decisions that take into account the interests of a maximum number of people. Only when the people themselves can decide on matters involving their interests, can their interests be protected. It is not safe to assume that a minority will systematically protect the interests of the rest of the people. As most people want their interests to be protected, they will favour a government system which is most likely to protect as many of their interests as possible.

Statement 5:
Democracy and human rights promote freedom and autonomy, because they allow people to do what they want—instead of what somebody else wants. A maximum number of people can realize their hopes and wishes, can shape their lives and can choose for themselves, instead of being the object of other people's choices. Political life guaranteed by democracy and human rights is the only road to freedom.

Of course, a number of the phenomena described above, or even all of them, can also be found in other forms of government, but never as widespread and of the same quality as in a democracy that respects human rights.

I will not use religiously inspired justifications, because in my opinion, these can only be universally accepted when the religion on which the justification is based is also universally accepted, and such a religion does not currently exist. Nor will I try to justify democracy and human rights on the basis of a characteristic common to all religions. If it were possible to find such a characteristic, it would most likely be useless because too vague or too general. And then I leave apart the fact that religious practice and theory have in themselves often been contrary to human rights and democratic principles. Besides, we can disapprove of killing or torturing people for other reasons than our faith in God, in hell or in the sacredness of human life. An unbeliever does not refrain from engaging in crime merely because of chance, fear of punishment or hypocrisy. An added advantage of avoiding religious justifications is that it creates the possibility that people of different religions accept human rights and democracy.

This does not mean that religion necessarily contradicts human rights or democracy. It may even be possible and useful to find some kind of religious justification in certain religions (the Christian idea of the equality of all men in the face of God for instance, or the Muslim ideal that there shall be no compulsion in religious matters). My point is that these can only be useful inside the framework of a particular religion, and will only convince the adher-

ents of that particular religion. Given the purpose of my book, this is not enough. Chinese rulers, for instance, will not be convinced to respect the sanctity of human life because the Christian religion tells them to do so. If we want to convince everybody of the universality of human rights, then we have to use arguments that are independent of religion and that are based on values acceptable to everybody.

Of course, everybody can try to find his or her own justifications, religious or otherwise. However, this will not suffice. Not everybody will do so, or will want to do so. In many cases, people will have to be convinced and it is very difficult to convince followers of one religion using justifications from another religion. And the same is true for atheists.

If religion is kept out of the justification of human rights and democracy, then this does not imply that religious persons have to, or will, reject rights and democracy. A non-religious justification does not make rights and democracy less attractive to religious persons. I will show in Part 1 how religion needs human rights. Still, it may be useful to try and justify rights and democracy using the religion of religious opponents of rights and democracy. I believe this can be done, even in those cases where a particular religion is used to dismiss democracy or rights. This can even be a very powerful justification, because it uses a language familiar to opponents and because it appeals to values, which they hold very dear. However, this requires an in-depth knowledge of different religions and I am glad to leave this approach to specialists.

Most of the elements contained in the five statements given above—community life, group identity, individual identity, thinking, prosperity, peace, equality, knowledge and freedom—are almost universally considered to be important values (values not in the sense of norms but in the sense of something important, in the sense of a conviction concerning something valuable). At least they can become universally important values given the right interpretation. If I can show that democracy and human rights promote and protect these universal values, I will have shown that democracy and human rights should themselves be considered as universally important values.

This means that democracy and human rights are a means and not a goal. They are important because they promote important values (although they are also a cause of values: they create the interaction and communication necessary for the creation of values).

§ 3: Anti-Foundationalism

The reader should avoid interpreting the word "justification" in the sense of "foundation". I have absolutely no cognitive or scientific pretensions. The purpose is not to establish the truth of the desirability of human rights and democracy, but to convince people—as many people as possible—of this desirability. I am not looking for a proof or for the ultimate and unquestionable foundation that will force every reasonable person to agree with me. I believe this is impossible in the field of philosophy (for many different reasons, one of them being the fact that every demonstration presupposes something which is not demonstrable, see Castoriadis 1991:87). As it is impossible to establish a foundation in the sense of a proof, it is better to speak of the justification of human rights and democracy. It is impossible to prove, but possible to convince. Whereas a proof is the ultimate goal of a foundation, convincing people is the ultimate goal of a justification. In order to justify you must give reasons or say why, and giving reasons or saying why is necessary in order to convince.

I have to convince because I am dealing with a political problem and a problem concerning values. Politics and values do not (yet) belong to the domain of truth or proof in the sense of a logical reasoning starting from true premises. They belong to the domain of argument, debate and consent, a domain where one can only convince without ever being certain of a conviction and where there can only be reasoned consensus, not a consensus that is forced by logic, proof or truth.

I believe that, given the right arguments, it is possible to convince people that a certain value, such as equality, interpreted in a certain way, is important and that certain means for the protection of this value, such as democracy and human rights, are important. Now, if it is possible to convince where values are concerned, then this means that it is not useless to discuss values and that it is possible to give reasons for saying that one opinion concerning values (or their protection) is better than another. If no opinion is better than another, then it is impossible to convince. In other words, I reject both moral relativism and moral determinism (a theory according to which moral convictions are innate or so strongly imprinted by way of education that they are immutable).

> "While it is illusory to think that a satisfactory demonstration of the general superiority of democracy to its alternatives can ever consist of a straightforward axiomatical argument from unimpeachable premises to an 'absolute'

> and 'objectively valid' conclusion, it is equally mistaken, and even more absurd, to insist that all arguments with a moral flavor are equally arbitrary and therefore equally reasonable or unreasonable" (Dahl 1989:101-102).

Some arguments are better than others. You can have opinions on values—for example, democracy is better than another form of government, equality is important, democracy protects equality better than other forms of government etc.—for other reasons than the fact that you are attracted to them or that you have acquired them in the course of your education. Discussions, arguments and reasons play a part in your opinions, and can, if you believe they are well-founded, change your opinions.

That is what I will try to do in this book and it is obvious that my story will be a normative or prescriptive one, dealing more with values than with descriptions of facts. It is of course impossible to claim that democracy, as it exists (as a fact), is always valuable or that the universality of democracy and human rights is a fact. The rights of millions of people are violated every day, even by imperfect democracies. I will be arguing the universal desirability of an ideal democracy and an ideal set of human rights. When I say that the universality of an ideal democracy which respects human rights should be a fact, that there are good reasons for it being a fact, then I am evidently proposing a norm. Therefore, the universality of human rights and democracy is, in my use of the language, shorthand for the universal value of human rights and democracy. Universalism would perhaps be a better word than universality, but I will not use it because it sounds awkward.

The statement that democracy and human rights are universal values does not imply that everybody agrees that they are values, still less that everybody lives according to these values. It means that there are good reasons for them being everybody's values. I believe that, provided we find good arguments based on other universal values, everybody can come to the conviction that there is something valuable in human rights and democracy.

There is, however, another possible strategy. Rorty, for example, claims that the results will be better if we try to influence people's feelings instead of their minds (in Hottois 1994:passim). We should not try to convince people by giving reasons or arguments. We should instead try to tell sentimental stories like "Uncle Tom's cabin" or "Roots";stories that make the reader sympathize with persons whose rights are violated. These persons, who may be of another class, race or nationality and who are so very different that they do not even seem to belong to the same species and therefore cannot possibly

claim to enjoy the same rights, are transformed by the story into living human beings. The sympathy engendered by the story gives them a human face. They also grieve for the loss of their children, they also have an opinion. They are not barbarians. As a consequence, they can be given human rights.

This can indeed be a very useful approach. I think we should and can use both strategies. However, just as I declined to use religious justifications because of my lack of religious knowledge, I now decline to use the story-strategy. I am a terrible storyteller and therefore I will stick to the rational approach, rational in the sense of non-emotional.

Some people believe that we should do nothing. According to them, neither reasons nor stories are desirable. In order to improve the chances of universal acceptance of rights and democracy, we should respect cultural differences. And to respect these differences, we should allow everybody to establish his or her own reasons for accepting rights and democracy (Taylor in Bauer/Bell 1999:10). The West will accept rights because they promote individual liberty, Buddhists because rights can assist the process of achieving enlightenment etc. Universality is said to be easier to attain if it remains unjustified. Once we start to justify, we use values and values are always controversial and culturally relative. We do not have to convince because everybody will find his or her own reasons. The question is then: why has this not happened yet? There is, of course, nothing wrong with somebody accepting human rights and democracy for his or her own reasons, but it is clear that something more is required if we want to attain universality.

It is true that sometimes reasons as well as stories are insufficient. Some anti-democrats do not engage in discussion and do not listen to stories. They will never be convinced of another point of view, they do not try to convince others of their point of view, and they are so fanatical that it is very hard to touch their emotions. They just act; and action is the only means to defend ourselves against these persons. I believe, however, that these persons are a tiny minority and that we do not need to convince them. Containing them will be sufficient. Democracy and human rights do not require 100 percent consent.

§ 4: Why do Some People Reject Democracy and/or Human Rights?

The strange thing about all this is that the exercise of justification in some way presupposes the existence of democracy and human rights. Looking for reasons can best be done in a discussion where all possible arguments for and against can appear and can be tested, and where all available sources of

information and knowledge can be consulted. This kind of discussion is typical of a democracy that respects human rights. So while we try to justify democracy and human rights, they are already justified, namely by our attempt to do so. Because a justification needs democracy and human rights, they are in a way beyond justification. They cannot be justified because they are presupposed in every justification. This situation is similar to the one of the anti-democrat. You always confirm democracy and human rights, both by justifying them and by rejecting them. If you argue in favour, you already have what you want. If you want to argue against, you also have to accept a society in which you can argue (Castoriadis 1991:88).

However, I repeat that this kind of reasoning is not enough to convince opponents that they are wrong and that they should adopt the principles of democracy and human rights. Therefore, it remains useful to try to invalidate the main arguments against democracy and human rights. The main arguments against are a perfect mirror image of the five statements given above:

Counter-statement 1:
Democracy and human rights have to be rejected because they are a product of the West and exclusively related to certain specific values of the culture of the West. Their application outside of that culture is by definition, part of an imperialistic effort at domination and therefore, a threat to the existence and the identity of other cultures. This is apparent in, for example, the individualism and even egoism that always go hand in hand with democracy and human rights. Individualism is a western value which not only threatens other, more communitarian cultural identities when it is spread together with democracy and human rights, but which also has negative consequences for morality, prosperity and civic peace.

Counter-statement 2:
Democracy and human rights have to be rejected because they obstruct economic development, especially in Third World countries. One reason why they obstruct the economy is the fact that they promote individualism and selfishness, as opposed to selfless cooperation and sacrifice for the national welfare.

Counter-statement 3:
Democracy and human rights have to be rejected because they endanger international peace. The claim of universal application leads to cultural imperialism, which is the attempt to impose western culture—or at least a part of it, namely human rights and democracy—on other cultures. These other cultures will, of course, reject this kind of imposition, even when it appears in a milder form, such as oral interference in the internal affairs of other states. Given that they care about their independence, identity, morality, prosperity and civic peace,

they will react against states or international institutions trying to impose human rights and democracy, or trying to intervene to improve the human rights situation. Because of this play of action and reaction, international relations will suffer and in extreme cases, peace will suffer, as well. On top of that, human rights and democracy also endanger the peace inside a state because they create antagonistic and adversarial social relations. They promote discord instead of solidarity.

Counter-statement 4:
Democracy and human rights have to be rejected because they either create too much or too little equality.
— Too much equality: The mass of the people tends to be envious of outstanding talents. The latter, being by definition always a small minority, are systematically excluded from any democratic decision. This, of course, affects the quality of the decisions, but also the quality of the population. High quality people are looked down upon. They are elitist and therefore anti-democratic and they implicitly or explicitly call into question the democratic ideology of universal equivalence (all people have the same worth or dignity). They are given no chance to blossom and to be an example to others. As a consequence, there is a "nivellement vers le bas". The great are brought down to the level of the mediocre mass and the mass loses the opportunity to rise to the level of the exemplary few because there are no examples left to imitate. And if there are examples, they are marginalized, powerless and invisible. Society becomes uniform. In order to preserve the possibility to develop talents and to make good decisions, politics must be radically unequal. Politics is a profession and one must be qualified for it, as for every other profession. Rule by the lowest common denominator, by the unfit and the incapable must be brought to an end. Politics is a matter for specialists, for an elite, capable of understanding the complexities of life. The people as a whole decide emotionally instead of rationally, based on opinions instead of knowledge, and for the sake of self-interest rather than the general interest. This emphasis on self-interest makes politics very inefficient and very slow. All interests must be considered and difficult compromises and coalitions must be established (this is the so-called interest group politics). Democratic equality multiplies the number of different interests that have to be taken into account and because of this large number of interests, it is almost impossible to distill a general interest.
— Too little equality: Human rights and democracy are also rejected for the opposite reason. They are, it is said, incapable of creating enough equality. All they can do is create and protect a formal kind of legal equality that leaves the underlying (often economic) inequality unaffected. Besides, how can a majority system be qualified as egalitarian? There are always winners and losers. Real equality seems to require a system of unanimity rule or maybe even no-rule (or anarchy)

Counter-statement 5:
Democracy and human rights have to be rejected because they institute the dictatorship of the majority over the rest of the people. There are always people who do not decide, who do not have a choice and who therefore do not have autonomy or freedom in the sense of control over their own lives. Some might say that there can never be freedom in politics, because politics and the state always imply coercion, domination and the separation between rulers and ruled. So how can political life be described as the source of freedom? It is the source of unfreedom instead. And only as such can it be justified. After all, unlimited freedom is perhaps not such a good thing. Freedom can only be found outside of politics. Democratic politics diminishes freedom just like any other form of government, because a democracy also has to force people. What is the difference between being ruled by one person and being ruled by the majority? We do not need democracy. We need a limited state, a state which limits freedom as much as necessary, but not more than necessary; or perhaps, if possible, we do not need a state at all.

I will of course elaborate further on these allegedly negative sides of democracy and human rights later in the book. To appraise the true value of something, one must look at both sides of the argument. When I say negative sides, I also mean negative sides of the elements used to justify democracy and human rights, because these negative sides can undo the attempt at justification (equality for example, when defined in a certain way, can indeed be more of a problem than an asset). However, democracy and human rights are not only rejected because they promote the wrong values, but also because they fail to promote certain positive values, such as truth and efficiency. I will also investigate the relationship between these values on the one hand and democracy and human rights on the other hand.

§ 5: Some Conflicts

There can be conflicts between the values that I have chosen as elements of justification. Not all things that are good and desirable are necessarily compatible. Sometimes one good thing will have to be abandoned or limited in order to protect another good thing. Some of these conflicts can be harmless, but others may undo the attempt at justification. For example, if democracy and human rights really promote freedom and equality, how will they deal with a conflict between these values? It is not enough to say that it is better to have values that come into conflict than not having values at all.

It would be a mistake, however, to exaggerate the intensity and frequency of possible conflicts between the values that I have chosen as elements of justification. There is certainly no case to be made in favour of some kind of general incompatibility in the sense of only being able to have one value without the other. Although it can happen that some values are incompatible in some cases, such as freedom and equality or love and loyalty, it seems that I do not have to be too concerned with the problem because there is no general incompatibility between the values I have chosen. I believe that in most cases, there will be no conflicts between these values. On the contrary, these values often reinforce each other, like for example political life and community life, or peace and the economy. Even when there are conflicts, it will not be necessary to abandon one of the values. Some kind of ad hoc limit on one of the values—to be decided case by case by way of democratic deliberation—will suffice.

What can be done in case of conflict? It is not the purpose of democracy to decide between values. Democracy merely sets the stage on which this and other kinds of conflicts can be shown and discussed in a peaceful way (democracy tries to make people with different views live together). And because democracy allows this kind of discussion, it may happen that conflicts are solved, for example, by way of compromises, attempts to balance values in a fair way or attempts to convince people that one of two conflicting values is more important and that the other value has to be limited. Democracy tries to assure that this solution—which is always a consequence of publicity and discussion—is:

- Fair, because it gives equal influence to each person and equal consideration and attention to each value and each point of view, and
- Of high quality, because of the open struggle between a maximum number of arguments (see Part 4).

A reliance on fair discussion is necessary because it is often impossible to decide a conflict between values on the basis of certain knowledge. This is only possible if you believe in one of two hypotheses (or in both). First, there might be one fundamental and foremost value which places all other values in a context, which is uncompromising, which always comes out on top, and which can assign weights to or can decide conflicts between subordinate values. Or, you may believe that conflicts between values are caused solely by insufficient human knowledge, by the wrong kind of definition or interpre-

tation of values, by an inadequate hierarchy accorded to values, or by the wrongful description of something as a value.

A democracy does not rely on either of these dubious beliefs. Many different values are important and different values are important for different people. There is no agreement on an evident hierarchy of values and it is doubtful whether we can count on re-interpretations or on advances in moral knowledge, to clear up the mess of values we live with today. Therefore, we will probably be stuck with a plurality of equivalent values for some time to come. And maybe this is not even a bad thing—after all, there are many different good and important things in life—even if it sometimes forces us to debate, to balance and to limit some values. The fact that different values are important to different people is a consequence of education, or of choices based on arguments and debate and is not necessarily a consequence of insufficient knowledge or misunderstandings. If conflicts between values are not a knowledge problem, then we need human rights and democracy to solve these conflicts, to find a just balance, to find good and convincing reasons to limit some value rather than another, to take into account the interests of as many people as possible when limiting values etc. Limiting democracy and human rights, or putting them at the wrong side of a hierarchy of values is therefore, a dubious undertaking.

However, conflicts between the values that I use in the justification of democracy and rights are not the only kind of conflict that can bother us. What can be done if there is a conflict between the values that I use and some other values? If these other values are considered more important, then there is no problem if they do not need human rights or democracy, or if they are irrelevant to the subject (such as marital fidelity). There is a problem only when they are more important than the values I have chosen, and when they require a rejection of human rights and democracy, occasionally, or systematically. This can happen with values such as love, friendship or efficiency. The question is of course, whether these other values can be considered more important than the values that I use. I do not think that there is a strong case to be made in favour of this point of view. Fortunately, I would say, otherwise democracy and human rights would have to be rejected or at least limited, or other types of justification would have to be found. Or we could try to create a hierarchy of values, in which the values that need democracy and human rights would come out on top, but then we would be inverting means and ends, and we would, I believe, be trying the impossible.

It is true that nobody can live without some sort of hierarchy of values, even when it is purely contextual and when it changes according to the circumstances. Nobody thinks that all values are equally important. Every person witnesses numerous conflicts between values in his or her life and in most cases, he or she has to decide which value has priority. The problems start when we try to go from the level of the individual to the level of a community and from the level of the purely circumstantial to a more abstract level. On one level, liberty can be most important for me today, but tomorrow it can be less important than equality. On another level, I can work out a theory which prescribes, in the abstract, the preeminence of liberty or equality. However, this would still be an individual choice. A community is still likely to contain many different and contradictory views on what is important in life and I fail to see how there can be a hierarchy of values that fits everybody's preferences all of the time.

People who reject the values promoted by democracy and human rights have to reject democracy and human rights as well. Other people who are indifferent towards these values can either be indifferent towards democracy and human rights as well, or they can accept them because it is not impossible that democracy and human rights promote other values that they hold dear.

Another kind of conflict is that between human rights and democracy. Although they need each other and are so intimately connected that the difference is sometimes hard to make, they can also harm each other. Think, for example, of the cases in which rights are used to overthrow a democracy, or think of democracy used by the majority to violate the rights of the minority. The failure to address this problem would of course, undo the attempt to justify democracy and human rights simultaneously. I will conclude that the problem can be solved once we clear up some misunderstandings about the nature of democracy and human rights.

The conflicts between the counter-statements are also worthy of investigation. These conflicts are very helpful from my point of view. The different ways to reject democracy and human rights are not mutually compatible (e.g. they ask for both less and more equality, for an aristocracy and for the protection of the rights and the participation of minorities).

§ 6: Rejecting Democracy and/or Human Rights Because They Are Not Possible Yet

People often oppose the universal application of democracy and human rights because they believe that in some places, some of the prerequisites are absent. Their point of view is not that democracy and human rights are in themselves objectionable or undesirable, but that some countries are not mature enough yet, (as in the case of economic prerequisites for example) or will perhaps never be mature enough (as in the case of cultural prerequisites for example). Instead of being undesirable, democracy and human rights are (as yet) impossible. I will have to deal with this line of argument, for two reasons. Firstly, because we will dispose of an additional reason to universalize democracy and human rights if I can show that the argument is incorrect. Secondly, because we will know what to do or change in order to universalize democracy and human rights if it is established that the argument is correct.

I will argue that in some cases it is correct. Democracy and human rights are indeed conditional. They depend on certain prerequisites for their existence, survival and development. However, this is not a reason for fatalism or for the rejection of universality. It does not mean that democracy or human rights are forever impossible. The necessary conditions can be created. An example of this is the absence of media monopolies. It is impossible to introduce democracy if the pre-democratic and authoritarian monopoly ownership of the media is maintained. If this monopoly is not abolished with the introduction of democracy, then the old rulers will use their monopoly of the media in order to maintain or to return to power. The absence of this kind of monopoly is a prerequisite for democracy but it is a prerequisite that can be created. The same is true for most, if not all, the other prerequisites.

What is most interesting is that democracy and human rights do a lot themselves, to create or promote the conditions necessary for their survival and development. Instead of "fit for democracy", we should say "fit through democracy", in the words of Amartya Sen (1999). You can only become fit for democracy when you already have a democracy. Once democracy and human rights begin to win ground, they improve the chances of their own survival and future development. I will explain this in Parts 1, 2 and 3.

However, it remains a fact that, without important efforts, democracy and human rights are not universally possible yet, even if they are universally necessary or desirable. Fortunately, there are many different kinds of prerequisites and the absence of one can be compensated for by the presence of others. Furthermore, many so-called prerequisites are in fact, no more than excuses for rights violations and authoritarian government. If some people claim that a particular country is not yet mature enough for democracy and human rights, then it is very likely that these people have an interest in rights

violations and authoritarian government. Those who suffer never claim that they are not mature enough for rights. We should not rush to conclusions. It is very tempting to call something a prerequisite, especially for opponents of democracy and rights.

Among the prerequisites that are not really prerequisites, culture is probably the most important one. Democracy and human rights develop somewhere and have their origins in the life of a community, but this does not mean that their development in this community was necessary or that their development in other, very different communities, is impossible. Democracy and rights can develop in communities with very different cultures, even in communities that do not have a democratic tradition (take the case of post-war Germany for instance). They are connected, not to a culture, but to mankind and to the values of mankind. Of course, there can be elements in some cultures which promote the development of democracy, and rights and elements in other cultures that hinder this development (perhaps Protestantism and Catholicism, respectively). However, the main causes and prerequisites, namely the values, which need democracy and human rights, are present everywhere.

The argument for cultural prerequisites implies that certain cultures are destined for democracy and that other cultures can never be democracies. At an even deeper level, it implies that cultures cannot, and should not change. The different cultural identities must be protected against more powerful and hostile cultures engaging in cultural imperialism. A culture which is supposed to be incompatible with democracy must remain undemocratic for its own sake. However, this obscures the fact that cultures and traditions do change and often even want to change. On top of that, many traditions are not as old as they seem. They are often recent creations (anti-democratic traditions are in most cases inventions of authoritarian rulers). So why not create a democratic tradition?

§ 7: A Problem of Definition

I have already referred to problems with the definition of human rights and democracy. Especially the word "democracy" is interpreted in very different ways and maybe, this is a more important threat than the threat from the declared opponents of democracy. Is democracy a representative system, a system of direct participation, a system which necessarily violates or necessarily respects human rights? Were the totalitarian communist regimes democracies? They dared to call themselves democracies. People's democra-

cies even, as if there is any other type. When we examine them in the light of the original meaning of the word—namely rule by the people—many of the existing democracies, even the "traditional" western democracies, turn out to be, at best, only superficially democratic.

There are of course, different competing definitions of democracy and human rights, and this is perfectly legitimate (and also typically democratic, by the way). What is unacceptable to me is a "thin" or minimalist definition, both of democracy and human rights, except as a provisional solution. Even though such a definition would be easier to universalize, it is unacceptable because it is unjustifiable. Democracy, understood as no more than a means to choose leaders and render them legitimate, without much participation of the citizens in between election days, sometimes even without the need to respect human rights (the so-called "procedural democracy" or "illiberal democracy") is an example of such a minimalist view. In my view and in the perspective of the original meaning of the word, this is not a democracy. Democracy should be the rule of the people by the people, not the rule of the people by the leaders chosen by the people. It should therefore make room for participation. A government is democratic to the extent that it permits and encourages participation in decision-making by those affected by decisions. In other words, to the extent that there is self-government. Democracy can only be of interest to people if it contains an element of self-government, because only if there is self-government can people have control over their own lives. I will argue that this kind of control implies the power to participate in decisions on issues, as well as decisions on leaders. It is control which makes democracy interesting to people.

A similar and equally unacceptable definition is the one in which democracy is no more than a political system in which the government is forced to participate in a peaceful and competitive struggle for the votes of the electorate and in which, the government is forced to take into account the wishes of the electorate because it depends on the votes of this electorate. This definition, known as "competitive elitism" or "leadership democracy", is unacceptable, because you can have an undemocratic system in which the government takes into account the wishes of the people. A democracy, in my view, should do more than that; it should allow the people to realize their wishes themselves. Rule of the people—demo-cracy—is more than a system in which the people choose their rulers.

That is why democracy should not be reduced to a system of elections. Human rights and participation—and there is no participation without human rights, as I will argue—are also important parts of an ideal democracy. A

democracy without human rights is not only unacceptable because it necessarily violates human rights, but also because it is self-contradictory and unjustifiable. Elections are useless if you do not have rights, if a candidate cannot express his opinion, if political parties are prohibited, and if putting an X beside a name every few years is considered to be participation. The will of the people—a necessary part of every sound understanding of democracy (a people that does not have a will cannot be excepted to rule)—requires people participation in a full sense of the word. How can the will of the people come into existence in a meaningful way, if the people do not have permission to debate, to demonstrate and to join groups? Participation is more than a vote, and the will of the people is more than the sum of uninformed, ill-considered and hasty reactions in the voting booth.

I will also argue that the will of the people cannot be realized if the people cannot decide on issues, as well as on leaders. Considering issues instead of persons is important if we want to have a meaningful will of the people, and there is no better way to consider an issue than by way of free discussion and debate. The will of the people is a common opinion on issues that can only exist as the result of a common debate, in which all arguments and all sides of a problem can become known. This publicity makes it possible for everybody to form his or her opinions based on the broadest scope of arguments in favour and against. It is only the sum of these kinds of opinions that can truly be called the will of the people.

This focus on debate and publicity is one of the reasons why democracy needs human rights and can only be protected if we protect human rights at the same time. Human rights guarantee debate and publicity. The statement that democracy must be rejected because the will of the people is necessarily ill-considered, emotional, stupid, based on instinctive and hasty reactions and so forth, is only correct if applied to a limited definition of democracy, in which there is no place for public debate guaranteed by rights. Similarly, the statement that democracy must be rejected because it endangers the rights of minorities and can degenerate into the dictatorship of the majority, is only true if we consider democracy to be no more than a system of elections and majority rule, without the necessary link with human rights.

It follows that only a "full" definition of democracy can be unobjectionable and coherent. A democracy without intensive and continuous participation of a large majority of the people (the "demos") not only runs into problems of legitimacy, but also effectively loses the right to use the name "democracy". When we say that democracy means that the people govern themselves, then we mean that they have effective control over their lives. Since

their lives are limited, determined and changed by laws, the people can only have control over their lives when they themselves make the laws. This means that a purely representative democracy is not enough because, as I will argue in Chapter 4, representation does not give people real control over laws. Only a system including at least some degree of direct democracy (e.g. referenda or other systems allowing people to decide on issues) will give the people real control. This direct democracy as well must be understood in the "full" sense of the word. A referendum is not an expensive version of an opinion poll. It must be preceded by debates, in which the will of the people can take shape in the way described above.

Political life is the name I give to the activity of the people shaping and executing their will in a direct democracy guaranteed by human rights. Democracy is more than just a form of government, a system for making governmental decisions or an instrument to guarantee certain values. It is a way of life not strictly separated from everyday life. It is a way to be human and that is the reason behind the title of this book. "Homo democraticus", or democratic man, is a man who lives democratically, who loves the democratic political life both because it guarantees a number of his most treasured values and because it is a value in itself. Democracy and human rights represent and protect something which is very important to a "homo democraticus", just as the economy represents something very important to the "homo economicus", for example. I will take a number of Chapters to explain this in greater detail.

The "full" definition of democracy requires that citizens participate in public life, but at the same time it guarantees that a large number of them will do so. The reason is that political life promotes some of their most cherished values, such as the ability to control their lives, to belong to groups, to develop their identity etc. These values, moreover, are universal values and are therefore reasons to universalize political life and the institutions necessary for its protection, i.e. democracy and human rights.

The full definition of democracy incorporates direct democracy. However, representative democracy also has some advantages. An ideal democracy will therefore be a mix of both indirect and direct democracy. One form of democracy is a solution to the problems created by the other form. In order to avoid confusion, the reader should understand the words "(in)direct democracy" as shorthand for "the element of (in)direct democracy". I will tend to avoid the latter expression for the sake of readability.

Human rights and democracy need each other; even more so, they are necessarily connected to each other, but only when we understand democracy in the full sense of the word. This explains why there have been and still

are so-called democracies where the protection of human rights is not a part of government policy. The most famous of these is undoubtedly the democracy of the Greek city state, the "polis", which nevertheless still holds a lot of meaning for us today, especially concerning the importance of political life. However, it was not a democracy in the full sense of the word. The people had no real control over their lives because the large majority was not allowed to participate.

I will also defend a "full" definition of the concept of human rights, a definition that will in a similar way, allow me to explain why there have been and still are non-democratic and even anti-democratic political regimes that seem to be able to protect human rights. The fact is that they can only do so if they restrict human rights to a small and specific number of rights, and if they limit the meaning of these selected human rights. It is obvious that political rights, which are the rights that institute and protect democracy, cannot be guaranteed in a non-democratic regime. The so-called freedom rights or civil rights can be guaranteed, but must be excluded from, or made irrelevant to, the political domain. Freedom of expression, for example, cannot include the freedom to criticise the government, otherwise a development towards democracy will be set in motion.

A full definition of human rights will include all types of human rights and will extend the meaning of all rights to all domains of social life. Economic rights, for example, will play an important role, even in the political domain. Political participation is very difficult when the participants' bellies are empty. The link between democracy and human rights loses much of its meaning when human rights are defined in a limited way, just as it does when democracy is defined in a limited way.

The link between all types of human rights can be a strategic disadvantage. It can be easier to universalize freedom rights without political rights or vice versa. However, this is not an option, at least not in the long term. All types of rights necessarily go together. They are interdependent and every type loses its meaning when considered in an isolated way. This does not mean that I neglect the problem of contradictions between different types of rights. I will discuss this problem in the Conclusion.

These full definitions are of course, ideals, but realistic ideals, depending on the circumstances and the presence of prerequisites. Throughout the different Chapters, I will discuss the possibility of democracy and human rights and the conditions necessary for their existence and survival. In general, I will use the words "democracy" and "human rights" to describe the ideals,

not the facts. If necessary, I will use the words "existing democracy" or "actual democracy" wherever I deviate from this rule. My ideal requires an effort, both to introduce it in the real world and to maintain it. It also requires an effort to make it function on a daily basis. However, it does not require superhuman efforts, like some other democratic ideals. The element of direct democracy, for instance, which requires intensive citizen participation, is not a continuous system. It is something, which now and then, complements or corrects the system of representation.

§ 8: A Provisional Definition

I defend these ideals with some hesitation. I am convinced of their value, but I know I have to defend them in a very specific way. Theory is the result of activity, of democratic activity, of discussion and deliberation by a plurality of persons holding different points of view and using different arguments. Theory is therefore not prior to, or superior to, politics. Political action is not an implementation of prior knowledge. It creates its own knowledge. Once we have a theory or a definition, the important work of politics is already done, even though this political work can be guided by theories that exist beforehand.

A definition should always be a collective decision, not a decision of an individual imposed on a community. Therefore, what I am doing here can only be called a proposal and nothing more. What politics does with it is its business. I do not want to impose anything. I merely inject something into the public debate to see what happens.

> "[P]olitics is not the application of Truth to the problem of human relations but the application of human relations to the problem of truth . . . What we would in any case seem to require in the real political world [is] . . . not absolute certainty but relative conviction; not philosophical incorrigibility but practical agreement; not ultimate knowledge but shared ends, common values, community standards, and public goods in a world where ultimate knowledge may be unattainable . . . Truth in politics seems . . . to be something which is 'made in the course of experience' rather than something discovered or disclosed and then acted upon . . . [T]ruth [is] . . . a product of certain modes of common living rather than the foundation of common life . . . Men and women would cease to regard themselves as citizens because they once consented to certain abstract truths. Rather, they would see themselves as capable of creating pertinent practical truths because they had become citizens. Citizenship is the root rather than the product of common value; consequently, there must be citizens before there can be common truth" (Barber 1984:64-5).

Except then the "truths" regarding democracy and rights which precede and create common life and citizenship.

Defining something is an inherently democratic activity, quite in the same way as justifying something. Describing the ways in which democracy can be defined is in itself almost the same as giving a definition of democracy, just as the attempt to justify democracy is almost a justification in itself. Since the act of defining something is a democratic activity or an activity that needs democracy, it is unacceptable that a definition of democracy fails to include certain essential characteristics of democracy. A definition of democracy is subject to the limits imposed by democracy. The word "democracy" can mean very different things—national democracy, international democracy, corporate democracy etc.—but it cannot mean everything. Certain things are clearly not democratic and an attempt to define democracy cannot exclude those elements that are necessary parts of every sound attempt to define something (e.g. free and public discussion on a maximum number of arguments for and against a certain definition).

A democrat has a theory of democracy (for example, the one presented in this book) and wants this theory to become practice because he is convinced of the correctness and desirability of his theory. He is tempted to impose it, to subordinate the will and the judgement of the people to his norms and to force reality in a certain direction. This, of course, makes him undemocratic. He is afraid to act democratically and to let the people decide freely because the people can indeed choose tyranny or a form of democracy, which is misconceived in his view. He says he is a democrat but at the same time he is convinced that the people should not decide for themselves. His "democratic" theory, when it is imposed, is a heteronomous theory incompatible with autonomy and self-legislation. Citizens become subject to theories, practices and laws they did not participate in making.

This kind of democrat forgets that a theory can only be a consequence of practice. It is not the isolated individual but the people engaged in debate and deliberation who create theories, definitions etc. An individual imposing a theory and forcing society in a certain direction is by definition an anti-democrat. We should only make proposals and try to influence people. Democratic politics is acting and thinking together and is fashioned by a plurality of actors, not by individuals, even though exceptional individuals can play a predominant part. This is not undemocratic because the people then agree to accept the contribution of the exceptional individual.

Pure and unthinking action is stupid. It must be possible to inject thoughts into actions, to influence and inspire actions and to fashion actions according to theories. Clear thoughts can assist our actions. However, we should never forget how dependent our thoughts are on actions. Democracy does not imply that theorists withdraw themselves from politics. It merely implies that they do not impose themselves and that they do not put their thinking in the place of the common thinking and acting of the people. Otherwise, they become elitists, even if the theories which they want to impose are very democratic in themselves.

As to the possibility of the people choosing the wrong things: it is obvious that the people are not allowed to choose against democracy because the choice of the people depends on democracy. It is not in the interest of the people to decide things, which make their decisions impossible in the future. I will come back to this in Part 4.

Furthermore, theories are never finished. There is no last word. Theories can always be questioned because there is no end to the discussions. Every definition is provisional. It is not, therefore, my purpose to give a definitive definition and to end the discussions on the exact meaning of democracy and rights. That would again be very undemocratic. Of course, these discussions should not result in definitions that question the fundamental concepts of democracy, because otherwise, they would destroy their own foundations. Definitions and discussions need democracy. Debate is not debatable, and neither are the institutions necessary for debate. Some things are beyond doubt. Too much certainty destroys politics and public discussion and reduces it to a repetition or implementation of an elitist theory. Too little certainty destroys the principles that guarantee discussion and political participation. Democracy is threatened when ideas are imposed on people, but it is equally threatened when everybody has only his or her own ideas and when everybody can question everything.

§ 9: The Need for Democratic Imperialism

Notwithstanding the legitimate desire to go from theory to practice, I will not discuss the problem of how to promote the universal application of democracy and human rights, of how to turn the norm into a fact (for example, by way of intervention, sanctions, diplomacy etc.). We must have the courage of our convictions and apply our theories in the real world. Not doing so would be cowardice. If we say that democracy and human rights are universally valid, then we must also say how we can arrive at their universal appli-

cation and what kind of action this implies, and of course, we have to act ourselves. But the answers to the questions "what is universal?" and "why is it universal?" will already take so much time and space, that the questions "how do we universalize democracy and human rights?" and "what are the instruments we can use?" have to be postponed to a later date. I will, somewhat provocatively, call this kind of action democratic imperialism.

Is it not too late to fight for democracy? There does not seem to be an acceptable alternative since the end of the cold war, but this is in appearance only. Although in our day and age, there are maybe more democracies in the world than ever before and even big business starts to get worried about human rights, we see fundamentalism of every kind spreading and authoritarianism boasting its economic success in Asia. In addition, there is widespread popular disenchantment with the old democracies of the West. And, finally, many of the new democracies are façade-democracies. Having a clear statement of an ideal and of the reasons for adhering to this ideal will allow us to evaluate and change reality.

However, the fact that I discuss an ideal does not imply that I ignore reality. I discuss the shortcomings of existing democracies because these shortcomings are often used as reasons to reject democracy altogether. I will argue that these shortcomings are not necessarily part of democracy.

§ 10: A Short Description of the Purpose, the Content and the Structure of this Book

The purpose of this book is to argue in favour of the universal desirability of democracy and human rights by describing both, as ideals that promote important values shared by most people in the world. The assumption is that most people will accept democracy and human rights once it is clear that there is a causal link between a certain understanding of democracy and human rights on the one hand, and some important universal values on the other hand.

I will discuss human rights and democracy simultaneously, except in the first two Chapters that deal exclusively with freedom rights (or civil rights). In the following Chapters, I will introduce the subject of political rights and democracy, as well as the link with freedom rights. Economic rights come last, in Part 2, dealing with the economic justification for democracy and human rights. This sequence is not arbitrary. It is based on the opinion that political rights cannot exist without freedom rights (although to some extent, the opposite is also true) and that economic rights are but an instrument for the

realization of both other types of rights. I will discuss the so-called collective rights in between other subjects, and it is therefore not surprising that this discussion will be rather dismissive.

The book contains five Parts and a Conclusion. Parts 1 to 5 give a detailed discussion of the five statements and counter-statements summarized above. Some of the most important theories, ideologies or schools of thought that have had or still have, an important influence on the theory or practice of democracy and/or human rights, will figure in one or more of these five Parts, although sometimes, rather briefly. I can mention the following:

Statement/counter-statement 1 (Part 1):

1. Liberalism and the theory of negative rights (Chapter 2)
2. Marxism and the theory of bourgeois rights (Chapter 2)
3. Procedural democracy or illiberal democracy (democracy limited to procedures without rights) (Chapter 3)
4. Competitive elitism (Chapter 4)
5. The priority of representative democracy (Chapter 4)
6. The priority of the separation of state and society (Chapter 4)
7. The priority of cultural identity (cultural relativism, Asian values etc.) (Chapter 6)

Statement/counter-statement 2 (Part 2):

8. The priority of the economy (Chapters 7 & 8)

Statement/counter-statement 3 (Part 3):

9. The priority of peace, also called "realism" (Chapter 9)
10. The priority of harmony (Chapter 10)

Statement/counter-statement 4 (Part 4):

11. Technocracy, guardianship, meritocracy, aristocracy (Chapter 11)
12. The priority of truth (Chapter 11)
13. The priority of inequality (Nietzscheism) (Chapter 12)
14. Marxism and formal equality (Chapter 12)
15. The priority of efficiency, clarity, speed, security and certainty (the "strong man" theory, authoritarianism) (Chapter 12)
16. The system of coalition governments in a multi-party system (Chapter 12)
17. The system of vote buying and the priority of the private interest (Chapter 12)

18. The size of the state (Chapter 12)
19. Globalization and the powerlessness of the state (Chapter 12)

Statement/counter-statement 5 (Part 5):

20. The priority of independence (Chapter 13)
21. The priority of the good life (Chapter 13)
22. The priority of negative freedom (liberalism, anarchism) (Chapter 14)
23. The priority of equality over freedom (Chapter 14)
24. The dictatorship of the majority or the priority of the majority (Chapter 15)
25. Constitutionalism, the incompatibility of democracy and rights and the priority of rights over democracy (Chapter 15)

The theories or practices numbered 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 24 and 25 (printed in italic) consciously reject human rights and/or democracy, and are therefore, in one way or another, proponents of one or more of the five counter-statements. The other theories or practices also damage democracy and/or human rights, but unconsciously, and without really wanting to do so. Some of these theories might even call themselves democratic or in favour of human rights, but this would be acceptable only if we limit ourselves to a "thin" definition of democracy or rights. As I have said before, such a thin definition may be more of a threat than an outright rejection of human rights and democracy. Needless to say that these theories will not be discussed in detail. Many books have been written on every single one of them. I will limit myself to those aspects of the theories, which have a direct impact on the problem of the universality of human rights and democracy.

In the Concluding Remarks, which follow the five Parts, I will discuss the useful difference between universality and uniformity. I will argue that there is some room for flexibility. Circumstances can and must be taken into account. The "fullness" of human rights and democracy can vary from country to country and from situation to situation.