

"Economic rights between oxymoron and suprema lex"

Abstract (approx. 250 words):

This essay focuses on the following questions:

- Is the notion of economic rights, such as the right not to be poor, an oxymoron or does it have the same moral value as other types of rights?
- If we assume that there are economic rights, who has the duty to respect these rights?
- Is there a hierarchy among those who have such a duty?
- For those who have such a duty, do they have more duties towards some than towards others?
- What kind of duties do they have (forbearance or active involvement)?
- How can these duties be fulfilled?
- Is it necessary and desirable to place economic rights at the pinnacle of our system of values?

The thesis defended in this essay is that there are no good reasons to discredit economic rights. These rights must have the same standing as other types of rights, mainly because different types of rights are interdependent. It is equally wrong to give priority to economic rights or to violate other types of rights in order to respect economic rights (for the same reason, i.e. interdependence). The state is not the only party responsible for the protection of economic rights, and there is a hierarchy among the different parties responsible. Both forbearance and involvement are necessary duties but the extent of these duties can vary according to the beneficiary. The free market does not independently promote respect for economic rights. Active measures such as assistance, development aid, political participation and free expression are also necessary.

Main text (approx. 5.900 words):

Two equivalent types of rights, or a difference between rights and aspirations?

Is it justified to use the word "rights" in the context of economic rights such as the right not to suffer extreme poverty? Are these rights comparable to classical freedom rights or are they an example of the way in which superficial reasoning destroys the meaning of words? Are they rights or are they mere aspirations or desires masquerading as rights? The claim that the expression economic rights is an oxymoron is based on the following reasoning. Rights have to be enforceable. There is no right without a remedy. If a right is violated, then it must be possible to redress the situation in a court of justice. It has to be possible to find somebody who is responsible for the violation and who can stop the violation. If nobody can be forced to respect a right because nobody has the power and duty to respect it, then it is useless and wrong to speak about a right. Take for example the "right" to have a climate in which the sun always shines and in which the temperature is constantly between 25 and 27 degrees Celsius. This can be a desire but it can never be a right because it is not enforceable. There is no remedy if it is violated; there is no way to redress the violation. A court of justice cannot decide that the government should take action to realise this "right". Nobody is responsible for a violation and nobody can stop a violation. Nobody can be forced to respect the "right" because nobody has the power to respect it, and hence there is no right.

It is not uncommon to hear the same kind of reasoning in the case of economic rights, although in international law these rights enjoy a similar level of protection as classical freedom rights or civil rights.¹ What we do in the case of a violation of classical rights—ask a judge to force the violator, for example the government, to respect our rights—is often impossible in the case of economic rights. If there is no work, then a judge cannot force the government to give us work. If there is no money, then a government cannot have the duty and responsibility to provide social security and thereby eliminate poverty. Ought implies can. The rule that we should not impose a duty on someone who is unable to fulfil it, does not pose any problems in the case of freedom rights. If the government violates our right to free speech, then a judge can force the government to protect our right because this protection only requires that the government stop its actions.

Two types of duties, forbearance and active protection

This criticism of economic rights is based on an exaggerated distinction between forbearance and active protection. It is true that freedom rights often require forbearance and economic rights active involvement and commitment. But things can also be the other way around. All human rights depend on judicial and police institutions that in turn depend on the protection of the state. Even a right such as free speech needs the active involvement of the judiciary and hence the state in order to be protected. If our right to free speech is violated, then we may need the help of a judge and perhaps even the police in order to force the violator to stop his actions. And for some states, it can be just as difficult to fulfil their duty to provide efficient judiciaries and police forces as it is to fulfil their duty to provide work and social security.

If freedom rights need as much active involvement as forbearance, then the same is true for certain economic rights. The right to food in an amount sufficient for survival is often better served by government forbearance than by government action. Look for example at the Great Leap Forward and its disastrous consequences for the people of China. All human rights need actions as well as forbearance. According to the circumstances, a right can be more or less positive or negative. The right to food in Mao's China was relatively negative and directed against state intervention. In many inner cities, it is relatively positive and directed at the passivity of the state.² All human rights require both intervention and abstention. And it is, therefore, unfair to dismiss economic rights on the grounds that they impose duties on the government that are different from the duties imposed by "real" rights.

Human rights in general are more than just a means to enforce state forbearance or a protective tools directed against the evil actions of the state. They are part of the state and the state must actively protect them. "That to secure these rights, governments are instituted among men" says the Declaration of Independence of 1776. Human rights are the "raison d'être" of the state. Of course, the state or some part of it can and does also violate rights, and protection against the state is therefore an important function of human rights and should not be neglected. But it is the state which protects our rights against the state. (International protection of human rights is still mostly ineffective). Power corrupts and that is why we need rights to limit power. However, without power or the state, rights are useless and mere words. Human rights limit the actions of the state, determine what a state is not allowed to do or should refrain from doing, and define those areas where the state is not allowed to interfere. But human rights also, and positively, determine what

the state should do. They demand positive action and interference from the state. In many cases, this intervention takes place in another part of the state, because many rights violations are caused by the state. Hence, human rights require the separation of powers.

Human rights, all types of human rights, require "le droit à la résistance et à la défense" just as well as "le droit à l'obtention et à l'exigence". For example: the state should avoid torturing its citizens and we need human rights to defend ourselves against state torture. If necessary, the judiciary should force the police to stop torturing citizens. This means that forbearance is not enough; the state should also actively protect and help those citizens who are tortured, either by some part of the state or by fellow citizens, and we need human rights to claim and obtain this active protection from the state. There is not a lot of difference with economic rights: the state should not only avoid creating or maintaining poverty, it should also try to create a minimum level of equal prosperity for all.

The state must act in order to protect rights. And if human rights require that the state abstains, then the state should be actively engaged in enforcing this abstention. Every human right, not only the "modern" ones such as economic rights, but also those rights that primarily demand the absence of government intervention, require government intervention, for example intervention in the form of a judgment of a court of justice concerning an illegal government intervention, and the police measures enforcing this kind of judgment. The state should commit as well as omit, and prevent, provide, protect and engender as well as forbear.

The state, and primarily the justice system and the police, protect us against violations of rights. We only have rights thanks to the state. Human rights are therefore not only or even mainly anti-state, directed against the state, and intended to protect us against the state. Something merely negative, such as abstention, forbearance or a limited state, can never constitute a state, because then it would be better to have no state at all. There is a reason for having a state. The essence of a state can "never be derived from something which is a mere negative, i.e., constitutional limited government".³ Only something positive, such as the protection of human rights, can be the essence and purpose of a state.

It follows that a state, which does nothing, violates rights. "[E]st un ennemi de la liberté celui qui non seulement s'élève contre elle, mais ne fait rien pour elle".⁴ A state which does not create or maintain the judicial structures necessary for enforcing human rights or the administrative structures for managing social security, violates rights, just as much as a state which tortures its citizens or takes away their food and houses.

As a consequence, the state cannot fulfil its duty to act if it is not allowed to collect a sufficient amount of tax-revenues. All rights cost money, and therefore there are no rights without taxes. Globalisation, for instance, threatens the power of the state and therefore also the effectiveness of human rights. The international economy limits the power of the nation state, in particular the power to tax big companies. Without taxes, the state can do nothing at all. In view of the role the state has to play in the protection of human rights, globalisation can therefore be considered as very dangerous, although it may be beneficial on other levels. However, this is not the place to examine this problem in more detail.

The claim that economic rights are not really rights at all cannot be based on the argument that economic rights require a completely different kind of obligation compared to freedom rights, because such an argument is false. On the contrary, we see that the obligations or duties imposed by both types of rights are essentially the same, although it may be true that economic rights in general require more intervention than abstention, and vice versa for freedom rights. But this is a matter of degree, not of essence. This leads to the prima facie conclusion that economic rights are rights and not just aspirations, rights moreover which are equivalent to freedom rights. This equivalence is also supported by the theory of the interdependence of different types of rights. In this essay, I can only give a short description of the way in which such a theory could be developed.⁵ Freedom rights need economic rights in order to function adequately. It is obvious that freedom of speech, political participation, freedom of movement etc. can only be exercised in a meaningful way when some if not all economic rights are respected. Later on in this essay, I will argue that the opposite is also true: lasting respect for economic rights requires some measure of respect for freedom rights and political rights. This interdependence also gives a prima facie advantage to those who claim that economic rights are rights like any other rights.

Agents responsible and degrees of responsibility

Both abstention and protection are required for all types of rights. And these two types of duties are not only state duties. Fellow citizens as well should avoid actions which harm the rights - all types of rights - of other citizens, but should also, when possible, act in a positive way to protect the rights of others. For example, they should not only avoid taking a life, but also save a life when possible. They should not only avoid actions which make people poor, but also assist people who

are poor. When possible, because ought implies can, also for individuals. If you cannot do something, e.g. if you cannot swim, then you cannot have the moral or legal duty to swim in order to save a person from drowning. If you do not have enough financial means of your own then you cannot be expected to share these means with others who are even worse off.

This leads to the conclusion that can also implies ought, because those with more power tend to have more responsibilities. If you have invented a life-saving drug, then the human rights of those who can be saved by your drug impose on you the obligation to deliver it. You have a wider obligation than someone who does not have some particular knowledge of medicine because you can do more than such a person. Whereas forbearance is an equal obligation for all, states and individuals, active involvement is an obligation which comes in degrees. Our individual and active duties arising from economic rights are not the same towards everyone. In general, we have more active duties towards certain persons than towards other persons. Our own children, for example, take precedence. Closeness means that you can do more, and if you can do more, you ought to do more. Closeness, therefore, plays a part in the degree of duty, although not in the existence of duty. If we can help everybody, then we have to help everybody. This is especially the case for wealthy groups—for example a wealthy country or a group of wealthy countries—that can help many people and maybe even everybody. As a consequence, our duties are potentially of a global nature, notwithstanding the importance of closeness.

Hierarchy of duties

The possibility to fulfil a duty is a very important factor in establishing responsibility. This means that those who cannot, should not, and those who can do more, should do more. Wealthy individuals and wealthy countries should do more because they have more means to assist. They have no problems satisfying their basic needs; they even have more than is necessary and can easily do without a part of this surplus. Assistance is a duty, not a choice, and people have a right to assistance.

On the other hand, assistance should not become the rule. If possible, people should be self-supporting and independent. Your first duty is a duty to yourself. Dependence can be comfortable, but it is incompatible with freedom and autonomy. If freedom and autonomy mean anything to you, then you should try to be self-supporting. Our duties towards other people come into play only

when these people cannot be self-supporting. One can be too serious about duties. Assistance can lead to a mentality of dependence and laziness. It can also be seen as paternalism, a lack of respect and unnecessary interference. Therefore, those who need assistance should be guided towards independence. Assistance is an option only if and as long as independence is impossible. We should try to create the circumstances in which people can satisfy their own basic needs (or at least we should not destroy these circumstances) and economic rights are necessary only when we fail to do this. When economic rights become necessary, then they do so first in a face-to-face situation and then—on a larger geographical scale—in a situation where one person should help other and more distant persons (if the surplus is large enough). Only if all this fails can the state intervene. Duty is a bottom-up affair.

Economic rights should not be viewed as primarily the business of the state, otherwise we will lose both the benefits of self-support (i.e. autonomy) and the community spirit which results from spontaneous mutual assistance. Allowing economic rights to be realised at the level of citizens' relationships will strengthen the feeling of belonging. The fact that our economic rights are realised in part by our responsible fellow citizens, enhances community feelings and again supports the statement that human rights are not individualistic and do not only deal with the relationship between citizens and the state. Focusing too much on the duties of the state will create a mentality of passive reliance on government support (for yourself and for others) and a mentality of dependence (state help kills self-help). Egoism, isolation, irresponsibility and helplessness will become the main features of society. We will only have rights and no duties, rights moreover which only the government should respect and realise. In order to avoid this, people should be allowed to act responsibly. They should be responsible for themselves and for others, and the state should not take away this responsibility without good reasons (for example the responsibility of parents to care for their children or the responsibility of individuals to find a job).

The state is responsible for economic rights only if everything else fails. Only those who are helpless and who have been forgotten by private philanthropy can call on the state for assistance. In this case, the state does not abstain or does not make laws which forbid something; it executes policies that result in an equal supply of those goods and services necessary for the satisfaction of basic needs. These policies are mainly taxation, redistribution and development aid and can be seen as the enforcement of citizens' duties. When the state forces you to pay taxes, it forces you to fulfil your duties arising from the economic rights of your fellow citizens (which is why tax fraud and tax evasion are particularly reprehensible crimes: the existence of taxes is already a stain on the

reputation of mankind, because taxes exist as a consequence of the fact that people deny their responsibilities). It is the duty of the state to force the people to fulfil their duties, their duty to be self-supporting if possible and their duties towards each other if necessary. Government policies of this kind are commands and not prohibitions. But the same kind of commands exist in the field of freedom rights. Most municipal law systems contain an obligation to save the life of a person in danger, and punish a lack of respect for this obligation ("failure to assist persons in need").

Economic rights = big state?

This hierarchy of duties allows us to reject a kind of criticism of economic rights that is closely linked to the criticism based on the supposedly different nature of the obligations inherent in economic rights. If economic rights entail obligations of active involvement rather than passive forbearance (contrary to freedom rights), then, we are told, one has to reject economic rights because they cause an unacceptable increase in the size and power of the state and a corresponding and equally unacceptable reduction of freedom. A state which wants to protect economic rights has to build an enormous machinery to provide benefits and it has to invade people's private lives (it has to check their income, family situation, the state of their health etc.). This reduction of freedom is unacceptable as such, but it also defeats the purpose. An oversized state hinders the private economy and therefore hinders the creation of the very prosperity which it wants to redistribute in order to protect economic rights. It follows that economic rights are harmful because they lead to the exact opposite of what they want to achieve and because some other values such as freedom are sacrificed along the way. However, this argument is not as strong as it seems if the realisation of economic rights is first and foremost the responsibility of citizens. Economic rights can even counter the tendency of a state to increase its size and power. People whose economic rights are realised are in a position which allows them to resist illegitimate usurpation of power.

Of course, the "big state" criticism of economic rights does not imply a neglect of the problems caused by poverty. It merely states that economic rights and state activity for the protection of economic rights are useless. A fair distribution of prosperity is supposed to follow automatically from freedom. Only free trade and the actions of the private sector can guarantee economic rights, not the actions of government. The latter will lead to unacceptable burdens on business and private

initiative and will therefore undermine rather than promote economic rights because it will undermine the private creation of prosperity. Free trade, deregulated markets and minimum taxes will allow profits to increase. These profits will then be invested and these investments will increase economic productivity and therefore also prosperity. If low taxes lead to large profits and large profits lead to an increase in prosperity and growth, then this will benefit the poor because they will have a job and an income. All boats rise on a rising tide. Those making large profits will not only invest in production units and in labour; they will also spend money on consumption which again creates jobs and profits for "small" people. Furthermore, inequality is an encouragement to do well economically, because doing well economically is rewarded in an unequal society. Inequality therefore leads to economic growth which benefits everyone.

According to this view, there is no reason for state intervention in the economy or for redistribution of wealth. The state, looking for measures to promote economic rights, thwarts the free actions of businesses because it imposes heavy administrative and financial burdens on businesses, making it impossible for them to create and distribute prosperity. There is no reason to have economic rights. Everything will happen automatically.

Freedom versus equality?

Between the lines of the big state criticism, one can read the story of the age old struggle between freedom and equality. But it is wrong to depict the struggle for economic rights as a struggle of equality against freedom. Freedom does not have to be sacrificed in the pursuit of economic rights, not if the hierarchy of duties described above is kept in mind. It is not even equality which is at stake in economic rights. Of course, the purpose of economic rights is the equal distribution of the material goods necessary for survival in a decent way. And in order to achieve such a distribution, some things have to be taken away from the rich. However, the problem that economic rights try to address is not that there is inequality or that some people have more than others or have too much of something. The problem is that some people do not have enough of certain necessities.⁶

Those who accept the importance of economic rights do not defend a policy that equalises all material resources. The policy they defend is one that guarantees a minimum of material means and protection to all people and that uses economic rights to achieve this. This minimum protection is necessary not only for decent survival but also for a meaningful and equal cultural and political

life. Public communication and political participation are impossible if all efforts go into the struggle to survive. A certain level of detachment from the urgencies and necessities of nature, from basic biological needs and from the struggle to survive, as well as a certain predictable supply of food, a house, good health etc. are prerequisites for culture and politics.

The purpose of economic rights is the equal possession of a minimum supply of those fundamental material means which are necessary for the continuation of life in a decent way and for a meaningful culture and political democracy. If there are some people who have less than the minimum, economic rights will redistribute some of these means. In other words, these rights will take some things away from those who have enough and give it to those who do not have enough. This is possible because, globally or even nationally in some cases, there is enough for everybody. The only problem is the unequal distribution. Economic rights do not try to increase the total supply of material means of existence. Furthermore, their goal is a necessary minimum instead of a possible maximum; a decent way to survive instead of a life of comfort and luxury; things that are essential rather than things that are merely desirable; basic needs rather than frivolous extravagancies.

Everything that can be added to the equal possession of the necessary minimum, can be unequal and falls outside of the competence of economic rights. These rights deal with the basic needs of the poor, not with the fact that some people are rich. However, wealth can perhaps influence political life even when economic rights are respected. Unequal wealth does not necessarily imply disrespect for economic rights, but it can affect the equal participation in political life. Rich people can benefit more from political life than people who are neither rich nor poor, and therefore it seems that some kind of redistribution on top of the redistribution necessary for a decent life, is a prerequisite for political equality. Needless to say that this falls outside of the scope of this essay.

Invisible Hand?

The big state criticism can also be attacked because of its naive belief in economic mechanisms. It is wrong to believe that respect for the economic rights of individuals follows automatically from unhindered economic activity. The benefits of growth do not "trickle down" automatically to all persons who have a right to these benefits, not even when social privileges are abolished and a level playing field of equal opportunities or equal starting positions is guaranteed. The natural

lottery will always leave some people in unacceptable situations, because of misfortune or lack of talent or ability. But, of course, the opponents of the big state will not even accept that equal starting positions are created. And if the situation at the outset is unequal, then free economic activity will only worsen the situation of the poor. The rich will profit more from growth than the poor. They have the education and the relationships, and they have the means to invest and to profit from the laws of economics. They will improve their situation, in most cases at the expense of the poor. "If the initial distribution in a trading situation is unequal, the result of trade will be similarly unequal".⁷

I admit that business has to play a part in the realisation of economic rights, just as everybody else. However, it will probably not do so automatically as a consequence of its normal activities, i.e. profit-making. It has to be conscious of its moral duties and act accordingly. If it fails to do so, the state has to intervene and has to redistribute what is not redistributed voluntarily or automatically. Of course, some things do indeed "trickle down" automatically (more flourishing businesses means more jobs for instance), although this is never enough to compensate for the many things "trickling up" (for example the "surplus-value" created by workers and expropriated by entrepreneurs who pay the workers only a part of the value that they create by working).

A free market can indeed help to release economic rights, whereas an oversized state can harm economic development and can therefore diminish the prosperity which must be redistributed. However, freedom is not enough, as is proven by experience. The policies of Reagan and Thatcher promoting the free market and trickle down economics have led to social catastrophes (their economies were in fact "trickle up economies"). Economic rights and state activity for the realisation of these rights are necessary. The state must intervene when free trade, trickle down economics etc. fail, and the state needs economic rights as the norms of its intervention or as standards of achievement.

How?

However, something remains unresolved. We know who has the duty to respect our economic rights. We even know that there is a hierarchy among those who have a duty and that we have more duties towards some than towards others. We know what kind of duties we have (forbearance and active involvement). And we know of a way in which these duties *cannot* be

fulfilled (the free market). What is still relatively unclear is how these duties *can* be fulfilled. I have spoken about mutual assistance, caritas and redistribution. But what if there is nothing or not enough to redistribute? What if most people are poor and unable to assist others? I come back to the question of the beginning: what if there is no work? Is it useful then to ask a judge to give us work? Are we dealing here with aspirations rather than rights after all?

First of all, most of the violations of economic rights are not the consequence of insufficient resources but the consequence of an unjust distribution of resources, in which case economic rights can be applied immediately, even by way of judicial judgment. However, what can we do if this is not the case and if there really is a problem of insufficient resources? Let us not forget that in many countries, it is just as useless to ask a judge to enforce our right to free speech, but no one will claim that this right is not a right at all. Realising rights, turning words into facts, is often a difficult matter, and this may be true for all types of rights, including economic rights.

Even when the problem is not one of distribution but one of resources, this is only apparent. Indeed, governments cannot have a duty to do things that they cannot do. They cannot be forced to do things for which they do not have the resources. This lack of resources is the case in many developing countries. But once you take a global point of view, the problem is still one of distribution rather than the existence of resources. International redistribution can then solve the problem. Globally, there are enough resources to eliminate poverty altogether. If a single state is unable to eliminate poverty in its territory, then the same hierarchy as described above comes into play. Self-support is not possible, and thus there has to be mutual assistance. Other states or the international community have to help. Governments do not only have duties towards their own citizens and citizens do not only have duties towards their fellow citizens. Development aid on the basis of taxation is one way to fulfil international duties, although voluntary assistance and measures leading to self-support are again preferable, for the same reasons as those mentioned above.

Suprema lex or laws as all other laws?

At the other end of the political spectrum, one can find those who do not reject economic rights but instead embrace them as the supreme political value. All other values, including freedom rights, have to be sacrificed if this is necessary for the protection of economic rights. This is the ideology

of the current Chinese leadership for instance. However, the economic rights of all citizens can only be protected in a democracy that protects the "classical" freedom rights and political rights, because economic rights depend on freedom rights and political rights. Freedom of opinion may seem useless when you have to struggle to survive. Economic rights then seem all-important and most urgent, but the struggle to survive cannot be settled if, at the same time, one does not have classical rights as a means to enforce economic rights. Classical human rights and democracy make it possible to show, challenge and change economic injustices. You can express and realise claims for the protection of economic rights if your freedom rights are respected and if you engage in democratic politics.

The squeaky hinge gets the oil. Only in a democratic society in which freedom rights and political rights are protected, can an economic injustice be exposed and can claims for its abolition be heard and implemented. People can use rights in order to call on the government or the international community to fulfil its duties and to implement certain economic measures. Most governments, including democratic governments, act only when they are put under pressure. The freedom of expression, the freedom of assembly and association (associations such as pressure groups, labour unions or political parties) and the right to choose your own representatives are instruments in the hands of the economically disadvantaged. They can use their rights and the democratic procedures in order to influence economic and social policy. Poverty must have a voice. It is true that without a minimum degree of prosperity, human rights and democracy lose a lot of their value. If you have to struggle to survive, then you do not have the time to form an opinion, let alone express it. *"Primum vivere, deinde philosophari"*; first you make sure you live, and only then can you philosophise. In a situation of poverty, it is indeed difficult to use rights and democracy, but without rights and democracy it is much more difficult to fight poverty.

If there are no free flows of information, no accountable government which needs to justify its actions in order to be re-elected, and no free press, then you are likely to have more corruption, more embezzlement of public funds and more people who acquire an unfair advantage from the proceeds of natural resources and other sources of prosperity. The rule of law and the openness of government, which are typical of democracy, limit not only corruption but also the ineffective management or outright squandering of natural or other resources by untouchable governments. Furthermore, there is a link between corruption and squandering. Corrupt governments will be more inclined to set up grandiose but foolish and wasteful mega-projects, because this gives them more opportunities for corruption. Corruption is also a tax on investment, which is why it hampers

investment and economic growth. Especially the often all-important foreign investments (the import of technology and knowledge) diminish as corruption increases.

Economic rights of course promote classical rights because classical rights are of limited use when you have to struggle to survive. But classical rights can also promote economic rights. Both types of rights need each other, strengthen each other, are dependent on each other and are necessary conditions for each other. The full use of classical rights requires the realisation of economic rights, and vice versa. It is therefore nonsense to say that one type of rights should be sacrificed for another type, even if this is only temporary.

Conclusion

When thinking about economic rights, one must try to occupy a position between two extremes. These two extremes roughly correspond to the traditional distinction between right and left in politics. The right believes that economic rights are a nonsense, an oxymoron, a misuse of the word "rights", useless at best, harmful to the economy at worst. Forbearance, freedom, the free market, the invisible hand, trickle down economics etc. are the best and only measures to fight poverty. No moral obligations should be imposed on either the state or the citizens.

The left on the other hand tends to focus too much on economic rights, often at the expense of freedom rights. The big state is not a false problem and it is often tempting to violate freedom rights if you want to protect economic rights. However, freedom rights are perhaps the most useful means to protect economic rights, and vice versa.

Notes

¹ The International Bill of Human Rights, almost universally accepted as the international standard of human rights, contains both types of rights. The Universal Declaration of Human Rights (not really part of international law, but a mere "declaration", although perhaps part of international common law), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights together form this Bill. The two Covenants are legal documents (treaties) which elaborate freedom rights and economic rights respectively, two types of rights which were already present side by side in the Universal Declaration.

² See also Donnelly, J., *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca/London, 1996, p. 33.

³ Arendt, H., *On Revolution*, Penguin Books, Harmondsworth, 1990, p. 147.

⁴ Mourgeon, J., *Les droits de l'homme*, PUF, Paris, 1996, p. 91.

⁵ I have tried to construct this theory in more detail in *Homo Democraticus, On the Universal Desirability and the not so Universal Possibility of Democracy and Human Rights*, Cambridge Scholars Press, 2003, especially Part One. Some of the ideas developed in this essay have been taken from Part Two of this book.

⁶ Kekes, J., *Against Liberalism*, Cornell University Press, Ithaca/London, 1999, p. 97.

⁷ Nelson, W.N., 1980, *On Justifying Democracy*, Routledge and Kegan, London, 1980, p. 84.