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## DEMOCRACY AND RIGHTS

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**Abstract:** *DEMOCRACY AND HUMAN RIGHTS ARE TWO INTERCONNECTED AND FUNDAMENTAL CONCEPTS IN CONTEMPORARY SOCIETY. THIS STUDY AIMS TO ANALYZE THE RELATIONSHIP AND MUTUAL IMPACT BETWEEN DEMOCRACY AND HUMAN RIGHTS WITHIN THE CURRENT CONTEXT. BY EXPLORING THESE ASPECTS, THE GOAL IS TO UNDERSTAND HOW DEMOCRACY AND HUMAN RIGHTS MUTUALLY INFLUENCE EACH OTHER AND CONTRIBUTE TO ENSURING A FAIR AND DEMOCRATIC SOCIETY. IN THE MODERN ERA, DEMOCRACY AND HUMAN RIGHTS ARE CONSIDERED FUNDAMENTAL VALUES AND CORNERSTONES OF SOCIETY. DEMOCRACY REPRESENTS A POLITICAL SYSTEM IN WHICH POWER IS EXERCISED BY CITIZENS THROUGH ELECTIONS AND POLITICAL PARTICIPATION, WHILE HUMAN RIGHTS REFER TO THE SET OF RIGHTS AND FREEDOMS GUARANTEED TO INDIVIDUALS IN A SOCIETY. THE RELATIONSHIP BETWEEN THESE TWO CONCEPTS IS CLOSE, AS DEMOCRACY PROVIDES THE FRAMEWORK AND MECHANISMS NECESSARY FOR PROTECTING AND PROMOTING HUMAN RIGHTS, WHILE HUMAN RIGHTS SERVE AS THE ETHICAL AND LEGAL FOUNDATION OF DEMOCRACY.*

**Keywords:** DEMOCRACY, HUMAN RIGHTS, EGALITARIANISM, IDEOLOGY, HISTORICISM

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The justification for this study is based on the importance of deepening the understanding of the relationship between democracy and human rights in the modern and contemporary context. In a period where society faces complex challenges such as social inequalities, discrimination, extremism, or restrictions on civil and political rights, it is crucial to analyze how democracy and human rights support each other and can contribute to addressing these challenges. By researching the relationship between democracy and human rights, good practices, lessons learned, and possible improvements can be identified to strengthen and promote democracy and human rights worldwide.



The main objective of this study is to analyze the relationship and mutual impact between democracy and human rights in the contemporary context. The aim is to understand how the exercise of human rights contributes to the consolidation of democracy, as well as how a strong democratic system can ensure the protection and promotion of human rights. The study will also investigate the current challenges and threats that can affect both democracy and human rights and explore possible solutions and approaches to protect democracy and human rights.

To conduct this study, a mixed methodology will be adopted, combining literature research, policy analysis, and case studies.

Democracy is a complex concept that can be approached from numerous theoretical perspectives. The classical definition of democracy as the power of the people involves various discussions. First, it is necessary to clarify what power means, especially what is understood by the people, this entity to which we attribute power. Defining it strictly from the perspective of political science and constitutional law simplifies the discussion, as democracy is reduced to a procedural definition that involves the participation of citizens in the decision-making process, namely the right to vote and be elected, respect for the principle of majority, the protection of minority rights, and ensuring transparency and accountability in governance. According to Schumpeter, "the democratic method is that institutional order through which political decisions are made, an order in which certain individuals acquire the right to decide through a competitive confrontation to obtain popular votes" (Schumpeter, 1942). "The democratic character of the state aims at the participation of citizens in public affairs and supposes that public authorities are based on the will of the people..." (Muraru, Tănăsescu, 2022).

The concept of human rights is a modern invention with some religious foundations, based on the idea that all people are equal before God, and with foreign elements that, according to some research, may have originated from the thinking of indigenous populations discovered by colonizers in the American continent. Ancient Greece only spoke of the rights of citizens and the role of the state in protecting those rights. During this period, however, rights were limited to free citizens and excluded women, slaves, and other marginalized groups. The accounts of the Jesuits (*Relations des jésuites*, 1858) in 71 volumes testify that the indigenous people, especially those in North America, had a political organization reminiscent of the modern utopias of Thomas More, Tommaso Campanella, and Jonathan Swift. Therefore, French and English Enlightenment thought is indebted to the new ideas carried by the Jesuits across the Atlantic. Human rights are inserted into the new modern political conceptions that imagine different social and political relations within a state created through a social contract. Furthermore, because the world of American tribes had been brought before Europeans, Enlightenment thinkers start from the idea of the natural man who creates society and a state while retaining natural rights from the natural world, which they have always had and which become human rights. From the earliest political declarations to constitutional texts, it was a small theoretical step. Human rights become universal, inalienable, and indivisible and begin to be divided into numerous categories: civil, political, social, economic, cultural, and environmental. From the thinking of Native Americans, Europeans could not accept the idea that property cannot be applied to lands. This was also the main misunderstanding with the natives: the settlers wanted land, and the natives could not understand what they wanted, as long as land could not be owned. They had a relationship with the land, living in community with the hunted animals, the plains, the mountains, the water, etc., and took care of them, understanding that they had a responsibility to protect them, to protect a nature in which they also participated. Even though Native American indigenous people did not achieve the

understanding of the colonizers of that time and future centuries, they imprinted a holistic and sustainable perspective on human rights in European thinking, which could be used to make modern societies more equitable and connected to nature. It is important to recognize this impact and understand how these different conceptions can be respectfully and sensitively valued.

In the field of democracy and human rights, there have been numerous theoretical approaches. First, there is the theory of the social contract advocated by thinkers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, which suggests that there was a moment in human history when savage individuals decided to make a change in their lives and voluntarily entered into a social contract to protect themselves. According to the theory of the social contract, individuals give up unlimited freedom and the right to do anything, *jus in omnia* (P. Manent, 2000), they limit their rights and liberties but demand that the state protect and guarantee them. The rights they had in the state of nature, such as the right to kill, are relinquished to the state in exchange for protection. From the moment of relinquishment, individuals can no longer exercise the rights that were relinquished; only the state can exercise them. The idea is spectacular in its time, embraced by important thinkers, but it is so false that it had to be made true. The idea of entering into a social contract and exiting the state of nature to enter the social state does not withstand even the most banal questions: did all people exit the state of nature at once or one by one? Are there still people who have not signed the social contract? In what language did they understand each other when they entered into the contract? Is there any language in the world where people did not have social relations? and so on. Beyond the improbability of any social contract, the idea proved to be extremely fruitful and was made true. Already in his time, Immanuel Kant argued that the social contract should be conceived as a regulative idea, not as a literal truth. Regulative ideas are not objects of knowledge in themselves, but they are used to organize and guide our thinking and actions. The regulative idea in Kant's philosophy is an abstract and normative concept that serves as a guiding principle in the process of human knowledge and action, leading to high ideals and purposes, although they cannot be fully realized in our empirical world. Therefore, the social contract has become an ideal that has been legally realized through modern and contemporary constitutions, veritable detailed contracts through which individuals, not humanity, establish in detail what rights they have, what powers the state has, how the power of institutions is limited, etc. People sign this social contract through voting.

The liberal approach to human rights is based on protecting civil and political rights and individual autonomy and private property. The role of the state is merely that of a protector of these supreme values embodied in rights and liberties, an "agent of guardianship" with minimal intervention.

The egalitarian approach to human rights emphasizes the social and economic dimension of rights. It underscores the importance of equality of opportunity, resource redistribution, and ensuring access to essential services and goods for all members of society. The egalitarian approach considers that human rights are not limited to the civil and political sphere but also include social and economic rights, such as the right to education, health, and a decent standard of living. Socialist and social-democratic ideologies of today are likely to be based on this egalitarian approach, seemingly with deep roots in Native American ideologies.

In contemporary times, theories regarding human rights have acquired different meanings. We talk about respecting the rights of often artificial or self-declared minorities that request special rights. The question arises as to whether they can benefit from rights even if it infringes upon the opinions, morality, and interests of the majority. Today, we acknowledge that the world is much more complex than the broad lines drawn by classical thinking, and individuals can be affected differently by

violations of rights or discrimination that political science and state legislation find difficult to accept: gender, race, ethnicity, sexual orientation, socio-economic status, security (Peptan, 2020), etc. These can create multiple inequalities and challenge the notion of human rights to be reconsidered.

### **THE RELATIONSHIP BETWEEN DEMOCRACY AND HUMAN RIGHTS**

The two concepts are interconnected. In Schumpeter's definition of democracy, we cannot speak of a relationship between democracy and human rights. The definition is limited to formalism, focusing only on the procedure of free elections and the selection of candidates through popular vote. Substantive democracy (G. Pasquino, 2002) is based on the idea of human rights and liberties as enshrined in the Universal Declaration of Human Rights and contemporary constitutions, including the Constitution of Romania, resulting in welfare. Democratic regimes contribute to the protection of human rights through democratic institutions, respect for the rule of law, freedom of expression, and civic participation.

Human rights should be considered ethical norms of democracy. Similar to ethical norms being a framework of values in society, providing guidance and direction in decision-making and daily behavior, they make the existence of a democratic, moral, and equitable society possible for all its members. Human rights are values that go beyond individual or group interests, aiming to avoid favoring certain individuals or groups at the expense of others. Human rights have moral and legal obligations; they are not mere recommendations or suggestions but rather impose a standard of conduct by which individuals act.

Human rights are the foundation of any democratic regime, but at the same time, there can be no human rights outside of a democratic regime. Democratic institutions, mechanisms of accountability, and civic dialogue are needed to promote and uphold human rights through institutions. The existence of human rights is possible even in regimes we might call non-democratic. For example, the USSR had intervened in the process of drafting the Universal Declaration of Human Rights, imposing positive rights or rights that the state grants to its citizens. This demonstrates how a non-democratic regime proposes human rights that democratic regimes had not considered imposing. This is possible because democracy is a concept with immense transformative capacity. However, democracy cannot be offered in fragments, but only *ad integrum*. We speak of democratic regimes only where both the elements of formal democracy and substantive democracy (based on rights and well-being) are simultaneously fulfilled. "Once they get rich, democracies become immortal. With an income of over \$9,000 per capita, 32 democratic regimes have survived a total of 736 years. None have disappeared." (Zakaria, 2021) Abuses of political power through restrictions on freedoms, especially freedom of expression and freedom of association, undermine the idea of democracy. Democratic regimes must not only allow the exercise of human rights, particularly rights with political and dissenting connotations towards the regime, but also develop policies and practices for the manifestation of rights and freedoms. The legitimacy of a democratic regime is given by the participation of its citizens. Social exclusion, discrimination, and restrictions nullify the idea of a democratic regime. The inclusion of positive rights by the Soviet Union in the Universal Declaration of Human Rights was merely an attempt to divert attention from the prohibitions it had regarding political participation, in other words, from minimal formal democracy. Social and economic rights such as the right to education, healthcare, and a minimum standard of living are not sufficient for the consolidation of a democratic regime in the absence of the possibility of participation and freedom of expression.

Today, the major challenges of democracy are related to guaranteeing social and economic rights amidst budgetary constraints, inefficient public policies, and social resistance to change. In the name of social and economic rights and a general well-being governed by the state, restrictions on freedom of expression, police violence, and intrusive surveillance practices are not acceptable.

Factors affecting the quality of democracy and the protection of human rights in contemporary states include corruption, abuse of power, restrictions on freedom of expression, incitement to hatred and discrimination, as well as attacks on the rule of law and the independence of the judicial system. There is no regional or original democracy, no matter how flexible this concept may be. It is important to have coordination from international and non-governmental institutions and oversight of government institutions that tend to deviate from respecting human rights. There is no possibility of a democracy with half a norm. Therefore, the official policy of Deng Xiaoping, "one country, two systems," regarding Hong Kong, Macao, and Taiwan, was a failure because it was illogical and deceptive. International institutions can outline the general coordinates of a democratic regime, but they cannot impose it. Hence, the US policy of militarily imposing democratic regimes in different corners of the world is misguided because the concept of imposed democracy is absurd. Democracy and rights cannot be imposed either together or separately. It is equally wrong to enter the territory of a sovereign state and impose the respect for rights that you consider important. Doing so means challenging the value system of a people, discarding the beliefs and ideals of a community and replacing them with your own, forcing a people to eat hot dogs because you like them.

Contemporary phenomena such as migration, climate change, and technological interconnectedness will influence the concept of democracy and human rights, generating new challenges and dilemmas regarding their protection and promotion. The impact of technology and globalization on democracy and human rights is significant in the contemporary era. Digital communication and information technologies were supposed to increase freedom of expression and access to information but have led to misinformation and manipulation of information in the online environment. Technology can be used both in support of democracy and to its detriment. The impact of globalization (Peptan, 2020) on democracy and human rights is significant because economic interconnectivity, migration, and cultural changes affect even the democratic regimes we consider consolidated. Visible reactions are related to the spread of nationalism, discrimination, and incitement to hatred. The reaction of these regimes is to protect their own population through social control, i.e., by restricting or controlling certain rights and freedoms. The reactions of certain member states of the European Union to immigrants are well-known. Austria, Hungary, and Poland have reduced migration through state intervention, limiting the freedom of movement as a fundamental human right. Democratic states are forced to walk a tightrope between protecting their own citizens and respecting the general principles governing democratic regimes and the respect for human rights.

## CONCLUSIONS

Democracy and rights - the great concepts of the modern and contemporary era that can no longer be thought of separately - reveal their immense capacity to be ideological throughout their evolution. These concepts adapt to any era and any regime and can take on any form. Why is that? Because, essentially, they mean nothing, they have no lasting content, they are not immutable, things in itself. They are merely manifestations, phenomena, in the etymological sense from the Greek language: *phainómenon* = what appears, what can be observed. This means that these two concepts are phantoms to which we attribute the soul of the ideology of the era. They are so devoid of substance



that language and linguistic constructions modify the perception of these concepts, which are far from being universal and inalienable. The concepts of democracy and human rights are cultural and historical constructions, and there is no universal basis for them. Each era agrees, through its own public discourse in which it chooses the vocabulary and linguistic constructions, on the content of these concepts and ideologically imposes the political language.





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