

Relation between human rights and democracy

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DESCRIPTION

The purpose of human rights is to allow for a transcendence of the nation state in terms of individual entitlement to an enjoyment of rights wherever individualities may find themselves. Still, with respect to the varying philosophical and historical foundations of human rights, the supposed universality of human rights is debatable. States that reliably admit praise for their human rights records include most European countries, the United States, Canada, Australia, and New Zealand. What these countries have in common is a popular political system and independent judiciaries that shield citizen rights. This observable fact would lead us to believe that democratic institutions are necessary for a thorough protection of human rights. Still, in a non-cosmopolitan context, the logic of democracy necessitates constructing a barrier between those who belong to the demos and those excluded. This creates the condition for the existence of democratic citizenship rights. It also challenges the supposed universality of human rights, since those excepted from the demonstrations, similar as evacuees, stateless persons or the prisoners at Guantanamo Bay, have no government to shield their evidently natural rights.

Some scholars have argued that human rights have a centuries-long history. Others perceive them to be a modern legal construction that surfaced out of the institution of citizenship rights. Following the Second World War these rights were universalised via a set of agreements that generated the contemporary international regime for the promotion and protection of human rights. In *The Last Utopia*, legal history scholar Samuel Moyn argues that human rights only entered the global political consciousness in the 1970s. Moyn claims that at this point in time other kinds of utopianism, similar as Communism and national liberation, began to weaken. Moral rights suddenly came seductive because they handed a moral converse and a

set of ethical norms superficially above politics, as well as offered a minimalist utopianism that mitigated suffering without seeking to radically transform the world. During the same decade the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights eventually took effect, the Helsinki process began, Amnesty International was awarded the Nobel Peace Prize, dissident movements across the world began to adopt the language of rights and President Carter placarded moral rights to be central to US foreign policy. For the Left, revolutionary bournes started to be replaced by a global morality that sought to alleviate signs of suffering. Human rights abuses defined authoritarianism, so human rights protection became the logical antidote to similar evils. Legal philosopher Daniel McLoughlin argues that in this environment anti-authoritarianism legitimated capitalist liberal republic by opposing them to a political 'Other' that demanded respect for mortal rights. While some observers argue that the moral converse of human rights is "the most we can hope for" there are others who challenge this paradigm by contending that we need to develop a radical notice of liberal democratic state power that abandons the 'good versus evil' contradiction. This is because human rights in their current liberal form operate to reinforce existing power relations, rather than enabling their takedown.

Through the Universal Declaration of Human Rights, states have committed themselves to esteeming and securing human rights. Nonetheless, countries remain the topmost violators of human rights. Still, the moralization of human rights has led to a shift in attention away from the structural violence triggered by neoliberal capitalism towards more obvious acts of violence. In this way, human rights tend to prioritize the rights of individuals, which draw focus away from the rights claims of societies, communities and families. For example, political theorist Robert Meister has observed

the miracle of “the humanitarian melodrama,” which is the enjoyment of the moral feeling we get through witnessing the pain of bodies. For Meister, physical pain is always perceived as an egregious violation of mortal rights. Still, the same is frequently not said of other types of violence similar as abuses along the force chain or mass incarceration. For illustration, Amnesty’s 1976 report that proved abuses in Argentina, which contributed to the organization being awarded the Nobel Peace Prize, didn’t note on the growing poverty or the cutback of social welfare programs (as was the policy linchpin of the junta government). Indeed, the international human rights governance isn’t a complete result for social justice or human liberation. In proposition, this is unproblematic since different ethical, legal, and political practices need to come together for the functioning of an effective society. In practice, still,

human rights today often count larger emancipatory visions and can indeed have morally perverse unintended consequences. For illustration, the way in which torture is construed as the ultimate human rights violation has the effect of limiting the ways we conceptualize violence and rights violations at a broader structural level. In this way, the pathologising of torture has reduced the politics of human rights to a discussion about the need to limit gratuitous pain, rather than, for case, the collaborative redivision of wealth. This discussion is important because we ought to interrogate whether the human rights design epitomized by Amnesty International is the best result to the banal lack of freedom, justice and equality experienced by people in all parts of the contemporary world.