

A Human Right to Democracy?

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It is a popular belief that democracy and human rights go hand in hand. State leaders, legal scholars, political scientists, and international political theorists associate them almost constantly, but until recently there has been little explicit argument about whether the connection between the two is strong enough to justify the existence of a human right to democracy. It is one thing to claim that democracy facilitates the protection of human rights, and quite another to claim that the absence of democratic government constitutes a violation of those rights. In this paper, I argue that there is no human right to democracy. In the first section, I provide a sketch of an interest-based account of human rights. In the second section, I give a brief characterization of the alleged human right to democracy, explain how such a right might be justified, and present *prima facie* arguments for why attempts to do so are likely to fail. In the third section, I confront two in-principle arguments for a human right to democracy: the arguments from autonomy and equality. Finally, in the fourth section of the paper, I challenge various instrumental arguments for the alleged right, and end with a brief summary and reflections on some possible implications of my view.

I

In this section I present an abbreviated account of human rights. But before that, I should say a word about the difference between moral and legal rights. The existence of a legal right depends on its recognition and/or enforcement by legal institutions. Such a right may often be justified merely by pointing to its enumeration in an authoritative legal document, such as the United States Constitution or, perhaps, the United Nations Declaration of Human Rights. The existence of a moral right, however, does not depend on its recognition or enforcement by legal

institutions. It depends, instead, on moral facts about what we ought and ought not to do. If I have a moral right not to be tortured, then other moral agents ought not to torture me, regardless of how things may stand in the law. I intend the account of human rights I present in this section to cover only a small, but especially important, class of moral rights. I regard the term “human rights” to refer to fundamentally different entities when used in legal contexts.

What does it mean, then, to say that someone has a moral right? I adopt an interest theory of rights according to which one has a right just when one has an interest that grounds a duty for another moral agent.¹ Not all interests ground duties, and not all duty-grounding interests ground duties for the same reasons. Nevertheless, I assume that the moral importance of human welfare makes the interests each person has in her own flourishing good candidates for rights. For instance, most of us are committed to the view that torture is wrong, and one way to explain the wrongness of torture is through the interests normal human persons have in living lives free of suffering. If human interests were morally unimportant, or if human persons had no interest in avoiding pain, no one would be under any obligation to refrain from torture. But since we do have morally important interests in avoiding suffering, other agents have duties not to torture us. When interests ground duties, and more specifically, when interests ground duties *to* particular persons, those persons are thereby said to have rights.

Human rights are supposed to be a high-priority subset of universal moral rights possessed by individual human persons as such. If rights are a subset of interests, then drawing the distinction between human rights and rights more generally will involve drawing a distinction between different kinds of interests. It is clear that, from a moral standpoint, some interests are more important than others. It seems plausible to assume that the most important

¹ The most prominent version of this view is presented in Raz, Joseph.(1986) *The Morality of Freedom*, Ch. 7: The Nature of Rights. Oxford UP pp. 165-92.

interests should ground the highest-priority rights. I will call these interests *basic interests*. In order to determine whether there is a human right to some object, it will be necessary to determine whether there is some basic interest in that object. To fix ideas, however, it is necessary to find some starting points. Since most philosophers believe that, if there are any human rights, the rights to subsistence and security are among them, I will take the interests that ground those rights as paradigm cases of basic interests. A definition of basic interests ought to explain what is special about our interests in subsistence and security, and provide at least partial criteria by which harder cases can be determined.

Basic interests are difficult to define precisely. One possibility is to define basic interests in a way similar to how Henry Shue defines basic rights. For Shue, a right is basic just when its protection is a necessary condition for the enjoyment of all other rights.² Along these lines, we might try to define basic interests as interests that must be satisfied in order to have, maintain, or satisfy all other interests. For instance, I will find it more and more difficult to care whether I satisfy my interest in having a new bike the longer I go without having access to adequate nutrition. As I starve to death, no doubt I will reach a point where I cannot be said to have much interest in anything at all beyond finding food. However, there are significant counterexamples to this line of thought. Hunger strikes, for example, involve persons deliberately sacrificing the satisfaction of their interest in hunger for the sake of some other interest, even to the point of death. Such examples show that, on such a definition of basic interests, there can be no such thing at all.

² Henry Shue. (1996) *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, 2nd Ed. Princeton UP, pp. 18-34.

Some philosophers have sought to describe basic interests in terms of the necessary conditions for agency or moral personhood.³ But I think this definition cuts too close to the bone. Although the threat and suffering of physical pain may make agency difficult, it is not clear that they render human beings incapable of agency. Certainly, some types of pain will kill, others maim, and still others render human persons psychologically debilitated. Nevertheless, it is implausible to think that our basic interest in physical security extends only as far as that. Many human persons are capable of agency under the threat or infliction of extreme suffering, including armed coercion and torture, but this does not mean they have less of an interest in avoiding that suffering. Of course, our capacity for agency should count among the basic interests, but our basic interests are not limited to the necessary conditions for that agency.

I think these views make clear, though, that an account of basic interests must be closely tied to human welfare. Torture seriously undermines welfare even when it fails to coerce; a hunger strike is a deliberate attempt to use one's own welfare as leverage against concerned parties. But many things negatively influence our welfare, some of them fairly trivial. What separates our basic interests from our other interests, I believe, is their *degree* of influence—the relative impact their denial has on our overall well-being. I define *basic interests* as those interests which are constitutive of human welfare; in other words, basic interests are those which, when unsatisfied, totally undermine a person's capacity to live a minimally decent human life. Two clarifications are in order. First, by the “constituents of human welfare” I mean the strictly necessary and objective biological and psychological conditions for the flourishing of all normal human persons. The fact that particular persons can stake their subjective well-being on the attainment of impossible goals, and may view their lives as worthless when they fail to attain

³ See for example J. Griffin. (2000) “Discrepancies between the Best Philosophical Account of Human Rights and the Law of Human Rights,” in *Proceedings of the Aristotelian Society* 101, pp. 1-28.

them, does not show that, absent such irrational (even pathological) ambitions, these persons could not live decent lives.

Second, the term “minimally decent human life” is unavoidably vague. Without a complete and correct account of the human good, it is probably impossible to specify exactly what sorts of life would count as decent, or even minimally decent. This, however, does not imply that no sense can be made of the concept of minimal decency. It merely means that the case for a particular interest’s constitutive role in such a life—that is, the case for its being a *basic* interest—must proceed piecemeal, and by way of intuition and example. For instance, since prolonged starvation typically results in a slow and painful death, the case for a basic interest in subsistence is straightforward. Other interests, such as our interest in a sphere of personal autonomy, require more elaborate arguments to connect them to welfare, and still other interests (our interest in tasty snacks, for example) can be ruled out from the start.

Since some interests do appear to be constitutive of human welfare in the sense laid out above, that is, since there are interests that, when left unsatisfied, undermine one’s capacity to live a minimally decent human life, the case for the existence of some basic interests is plausible. And if any interests can ground duties for other agents, it would seem that basic interests are sufficiently important to do so. As I said above, I assume that all human persons have the same basic interests, and if these basic interests are important enough to ground duties for other moral agents, then we have identified a corresponding class of high-priority, individual rights, which all human persons possess in principle. I say “in principle,” because the ability of a particular interest to ground a duty for another moral agent always depends, in part, on there being relevantly situated moral agents. Stranded on a desert isle, Robinson Crusoe retains a basic interest in obtaining food; but if no one knows Crusoe is there, or if no one can get to him, no

one can bear a duty to help him satisfy his interest, and so Crusoe could have no right to that assistance. In any case, the universality and high priority of the rights picked out by basic interests justifies calling those rights “human rights.”

Complicating matters somewhat is the fact that some basic interests can only be satisfied when certain other practically necessary conditions are met. For instance, all human persons have a basic interest in physical security. However, as Hobbes famously argued, it is foolish to think that our basic interest in security can be met outside the context of political authority, a “common Power to keep [us] all in awe.”⁴ Political authority, on this view, is simply a means to an end: there is no basic interest in being subject to a government, but we do have a *very strong* interest in the existence of effective political institutions because we need them in order to satisfy an interest that *is* basic. Call the interest we have in the practically necessary conditions for satisfying basic interests *primary interests*, to distinguish them from basic interests. The primary interest in government, then, on this view, attains an importance equal to that of the basic interests: a minimally decent human life cannot be lived without it. And if basic interests ground duties for other moral agents, so too should primary interests. We may therefore divide human rights into two categories: basic human rights, which correspond to the duties grounded by our basic interests, and derivative human rights, which correspond to the duties grounded by the primary interests.

II

I have now set out what I take to be a standard (though controversial) account of human rights. All human persons have basic human rights to their basic interests, and derivative human rights to the conditions practically necessary to the satisfaction of those interests, i.e., their primary interests. Therefore, the task of determining whether there is a human right to democracy

⁴ Hobbes (1651) *Leviathan*. Richard Tuck, ed. Cambridge UP 1996, p. 88.

involves showing either that there is a basic interest in democracy, or that democracy is practically necessary for the satisfaction of basic interests. But before moving on to this question, we first need to have a good idea of what an interest in democracy amounts to; that is, we need an account of democracy that can plausibly fill in the *content* of the proposed right.

The gamut of possible accounts is broad, ranging from aphoristic formulas like “rule by the people” and “popular sovereignty,” to purely procedural criteria involving majority rule, all the way down to the myriad and detailed specifications advanced by theorists of participatory, deliberative, and liberal democracy. In the face of so many alternatives, the question of whether there is a human right to democracy may appear indeterminate at best, and I surely do not propose to discuss whether there is a human right to every form of government plausibly called democratic. On the other hand, any argument for or against a human right to democracy which did not proceed on a carefully articulated definition would run a serious risk of equivocation.

But I think we can safely assume that proponents of a human right to democracy would prefer to specify the content of the proposed right with a set of criteria that some governments actually satisfy. After all, it would be awkward if it turned out that *no one's* human right to democracy were satisfied, especially since that would imply, on the view of human rights presented above, that no one alive today is managing to live a minimally decent human life. In any case, adopting a “realistic” theory of democracy allows us to sidestep the theoretical problem of arriving at a correct ideal account of democracy. That is to say, while we may speculate as to the kinds of democracy that are merely possible, so long as we assume that there are democratic governments already capable of satisfying a human right to democracy, we can use a general characterization of those institutions to specify the contents of the purported right.

In keeping with this practical approach, I will adopt Robert Dahl's characterization of modern, large-scale democratic governments. Dahl provides five criteria: (1) elected officials, (2) free, frequent, and fair elections, (3) freedom of expression, (4) alternative sources of information, (5) associational autonomy, [and] (6) inclusive citizenship."⁵ As Dahl demonstrates, historical experience and political theory converge on the view that these institutions are practically feasible requirements for any functioning, large-scale democratic government. We should be careful to note, however, that a human right to democracy ought not to be construed as a right *that* such institutions merely exist. The proposed human right is a right to participate in, or to have access to a government comprised of these institutions. Taking this, then, as the content of a potential human right to democracy, we can now say such a right exists if and only if there is a basic or a primary interest in a government that satisfies conditions (1) through (6).

In the following two sections, I address two kinds of argument for a human right to democracy. *In-principle* arguments purport to show that there is a basic human interest in democracy as such; *instrumental* arguments purport to show that there is a primary interest in democracy. In other words, in-principle arguments attempt to show that access to, or participation in democratic political institutions is somehow constitutive of a minimally decent human life. Instrumental arguments, on the other hand, attempt to show that while our interest in democracy may not be constitutive of a minimally decent human life in the way that the basic interests are, democratic institutions are, practically speaking, the only way those basic interests are going to get satisfied. Before turning to those arguments, however, I would like to spell out two *prima facie* reasons for thinking that there is neither a basic, nor a primary interest in democracy, that is, two reasons for thinking that a human right to democracy does not exist.

⁵ Robert A. Dahl (2005) "What Political Institutions Does Large-Scale Democracy Require?" *Political Science Quarterly* 120/2.

The first reason is historical. If the satisfaction of basic and primary interests are necessary (in conceptual and practical senses, respectively) for living a minimally decent human life, the view that there is a basic or primary interest in democracy would commit us to the view that no one, or almost no one, lived a decent life prior to the advent of modern democracy. Even if we allow considerably more leeway in our characterization of democracy, in order to include, say, ancient Athenian democracy, we are still left with the conclusion that, being denied even marginally democratic institutions, most of humanity living more than a few hundred years ago lead less than minimally decent human lives. It appears that two responses remain open: one can either claim that human nature has changed in such a way that we now have basic interests we did not have before, or one can claim that our standards of decency have changed. The first response involves an implausibly plastic view of essentially biological and psychological human interests. The second arbitrarily privileges the welfare of the recently born: why should a peasant's life be minimally decent for some, and not for others?

The second *prima facie* reason to reject the view that human persons have a basic interest in democratic government should work to clarify the first. If the failure to satisfy a basic interest renders a minimally decent human life impossible, then we can test our intuitions about the relative importance of a particular interest by imagining a scenario in which all of a person's interests are satisfied except that one. If, in the end, we think that this person has lived a minimally decent human life, then the unsatisfied interest is a basic interest; if not, then not. To use an uncontroversial example, consider the interest we have in food. If we imagine someone who receives everything she desires *except* food, the fact that she will quickly die of starvation should lead us to conclude that the interest in food is basic.

So if we want to determine whether there is a basic interest in democracy, then the example we must consider is of a person whose every interest is satisfied except her interest in participation or having access to democratic institutions. Imagine, then, someone who has enough to eat, a warm place to live and sleep, and has no fear of robbery or assault. She is free from religious persecution, and she is allowed to voice her opinions and associate with like-minded people, at least so long as these freedoms are not exercised in public. Furthermore, this person has a healthy family, friends, and a stimulating career. She has a good education, and, in her spare time, pursues hobbies and goals of her own choosing. As I said above, in the absence of a complete account of the human good, arguments about what constitutes a minimally decent human life must proceed by relying on intuition and example, and it seems to me that the life presented here ought to count as an instance of a minimally decent one.

As I said, these are meant to be *prima facie* arguments against a basic interest in democracy, and I do not wish to push too hard on such examples, since the proponent of an in-principle argument for a human right to democracy will reject them immediately. In order to show that the lives of the people described in the examples above are not minimally decent, a proponent of a human right to democracy must explain how they are deficient. The temptation here will be merely to explain how the lives described above would be better if they were lived under democratic government. But showing that democracy *improves* the quality of human life does not show that participation or access to democratic society is a *necessary part* of a minimally decent life. The difference cannot be overemphasized: human rights are minimal standards of justice; they do not, and are not supposed to describe the demands of ideal justice. In the next section, I turn to in-principle arguments for a human right to democracy—arguments

which purport to show that there is a basic interest in access to or participation in democratic political institutions.

III

One popular normative justification offered for democracy appeals to the value of individual autonomy. Because people can directly influence the structure of their own society through democratic institutions, the argument goes, democracy allows people greater control over their lives than alternative forms of government—to some extent, then, individuals within the context of democratic institutions are self-governing.⁶ Since we have important interests in autonomy, we also have an interest in access to and participation in a democracy. An argument for a human right to democracy would claim that we have a basic interest in democratic institutions because they allow citizens a greater degree of individual autonomy.

While I might concede that there is a basic interest in autonomy, it by no means follows that the increase in autonomy participation in a democracy affords would make the difference to living a minimally decent human life. First, many persons already living under democratic governments appear indifferent to the autonomy those governments provide; many democratic citizens do not even vote, let alone engage in other forms of political activity, and so we have to wonder how big a difference having access to democratic institutions makes to their autonomy. One might respond that it is the opportunity to participate, and not the participation itself, that increases one's autonomy; it seems reasonable to assume that many even among the politically disengaged would care a great deal if their right to participate were threatened. However, second, the actual increase in individual autonomy a democratic society provides is miniscule. It would not be correct to assert, as Allen Buchanan does, that “majority rule, under conditions in

⁶ See for example Carol Gould (1988) *Rethinking Democracy: Freedom and Social Cooperation in Politics, Economics, and Society*. Cambridge UP, pp. 45-85.

which each individual's vote counts equally, *excludes* self-government for every individual,"⁷ since, in a democracy, an individual may partially *constitute* the majority by which she is governed. But Buchanan's point is well taken: the increase in autonomy any particular individual enjoys as a result of participation in a democracy is marginal at best. Although many of us may share an interest in that increase, however small, it is hard to believe that satisfying that interest makes decent human life possible.

Perhaps the best and most popular strategy for justifying democracy appeals to the value of equality. As Thomas Christiano writes, "Each person has a life to live that is as important as anyone else's and since society is constructed to advance the well-being of persons, the principle of equality requires that the institutions be constructed in a way so as to advance those interests equally."⁸ He goes on to argue "the only principle for collective decision making that can guarantee that each can see that he is treated as an equal...is the principle that each person ought to have an equal say in the process of collective decision making."⁹ Likewise, Buchanan writes that the essential moral equality of all persons requires that they "have the same fundamental status, as equal participants, in the most important political decisions made in their societies," and then claims that a human right to democracy is "an important element of the institutional recognition of the equality of persons."¹⁰

There is no little controversy surrounding the proper characterization of the kind of equal participation democracy should or does offer, but most parties agree that the full demands of justice require *some* version of a right to equal participation. Be that as it may, an equality-based

⁷ Allen Buchanan. "Democracy and Secession," in Margaret Moore, ed., *National Self-Determination and Secession*. Oxford UP, pp. 17-18.

⁸ Christiano (2006) "A Democratic Theory of Territory and Some Puzzles about Global Democracy," in *Journal of Social Philosophy* 37/1, pp. 81-107, p. 83.

⁹ *Ibid.*, p. 87.

¹⁰ Allen Buchanan. (2004) *Justice, Legitimacy and Self-Determination*. Oxford UP, p. 143.

argument for a human right to democracy must show not only that human persons are morally entitled to equal participation in political decision-making, but that being denied equal participation undermines our chances for living a minimally decent human life, that is, that human persons have a *basic interest* in equal participation.

Christiano provides what appears to be just such an explanation.¹¹ He argues that citizens have “fundamental” interests in the equal participation characteristic of democracy for three reasons.¹² First, democracy allows people to protect their own interests in the face of significant and biased disagreement regarding the demands of justice. Second, it allows them to feel “at home” in a society at least partially structured around their own interests. Finally, it allows them to see themselves as, and be seen by others as, possessing the status of full moral personhood, as opposed to the second-class status of children or the insane. Perhaps these are fundamental interests in some sense; but are they basic interests in the sense necessary to ground a human right?

I do not think so; I concede that the interests Christiano picks out are important for the *best* human life, but I am not convinced that they must be satisfied in order to meet *minimal* standards of welfare. I said above that the question of whether some interest is basic or not can be settled by asking whether the failure to satisfy it would render minimally decent human life impossible, even if all other interests were satisfied. So let us assume, for the sake of argument, that all of our interests are satisfied, and then ask whether any of the interests picked out by Christiano undermine the possibility of a minimally decent human life.

¹¹ As far as I know, Christiano does not defend a *human right* to democracy, though he offers arguments for why we have fundamental interests in democratic government. Buchanan *does* defend a (nominally interest-based) human right to democracy on grounds of equality, but does not explicitly connect equality to basic interests. I assume that Christiano’s arguments, if successful, would fill this gap in Buchanan’s position.

¹² Thomas Christiano. (2004) “The Authority of Democracy,” in *The Journal of Political Philosophy* 12/3, pp. 266-90, at 271 and following; these arguments also appear in “A Democratic Theory of Territory and Some Puzzles about Global Democracy,” cited above.

The first explanation for an interest in the equal participation characteristic of democracy is that we have an interest in institutions that allow persons to protect their own interests, that is, we have an interest in self-protection. A person whose interests are already satisfied, however, has no need to protect those interests herself. It is unclear, therefore, how the failure to have one's interest in self-protection satisfied makes it impossible to live a minimally decent life. If, instead of assuming that *all* other interests besides self-protection are satisfied, we assume only that all other *basic* interests are satisfied, that would mean the missing basic interest in self-protection must be justified by its role in satisfying non-basic interests. But if the only thing self-protection is good for is for protecting interests that are not necessary for a minimally decent human life, then it remains unclear why the interest in self-protection itself should be considered basic.

Second, Christiano holds that our interest in equal participation is explained by the fact that it allows us to feel "at home"—to have a sense of familiarity with our moral environments—in a society partially structured around our own moral judgments. He writes, "To the extent that a person sees himself as being treated as an equal, he has that sense of being properly at home in an egalitarian world."¹³ But, first, it is implausible to think that, in a society in which one's basic interests are satisfied, one's judgments about justice would so totally diverge from the norm that one would feel totally out of place. And again, while I agree that this sense of "at-homeness," whatever it is, may play some role in human welfare, I doubt that the lack of this somewhat amorphous feeling could render one's life less than decent.

Finally, Christiano maintains that we have an interest in the public recognition of our status as full moral persons, and that the equal participation characteristic of democracy is uniquely capable of satisfying this interest. There is some doubt as to whether democratic

¹³ Christiano, "The Authority of Democracy," p. 273.

institutions really are unique in this regard; Christopher Wellman has argued, for example, that “one can imagine a constitutional monarchy in which the monarch is chosen by lottery. As long as the constitution effectively prohibits inegalitarian laws and the lottery gives each subject an equal chance to be monarch, it is unclear how one could object that this political order fails to respect the fundamental equality of its citizens.”¹⁴ But even if Wellman’s argument does not convince—democratic theorists are likely to claim that representation by lottery does not satisfy the ‘participation’ aspect of equal participation—we have some reason to think that the recognition of status Christiano has in mind does not constitute a basic interest.

What Christiano’s argument points out, I think, is best captured in terms of respect, both self-respect and the respect of others. The two are mutually supporting, and each plays a significant role in human welfare. But before jumping to the conclusion that such respect is a basic interest, it is important to note that both forms of respect are a matter of degree. I have serious doubts that someone who had no shred of self-respect or the respect of others could live a minimally decent human life. On the other hand, not only do some people manage to get by on very little of either, but most of us probably harbor some helpful delusions about the breadth of our virtues and the gravity of our faults which may, more or less, make up for some lack of respect. That said, I agree with Christiano that democratic institutions may encourage a culture of respect among moral equals. However, the fact that many oppressed peoples have found sources of pride within their cultures and communities is evidence that equal participation in the political process is not necessary for self-respect or the respect of others—at least, not to the extent that it undermines the possibility of living a minimally decent human life.

¹⁴ Christopher Heath Wellman (2005) *A Theory of Secession: The Case for Political Self-Determination*. Cambridge UP, pp, 178-79.

IV

Another kind of defense for democracy appeals to its instrumental value. Amartya Sen, for instance, has demonstrated that people in democratic societies usually do not suffer from famines.¹⁵ This fact is widely attributed to the way in which democracy allows people to hold their representatives accountable for policy decisions through the threat of removal in elections. Since governments can often avoid famine through reallocation of resources, and since democratic political institutions provide the government with the incentive to do so, democracy is conducive to the protection of the basic human interest in avoiding famine. Similarly, some scholars maintain that democratic societies are usually more peaceful, that is, less likely to go to war with other states, especially when those other states are also democratic. There are different versions of the so-called Democratic Peace Hypothesis, but the argument is similar in structure to the argument about famine: democracy is instrumentally valuable for the promotion of the basic interest in avoiding war.

Assuming that the relationship between democratic political institutions and avoiding famine and war can be empirically verified, such instrumental arguments lend powerful normative support to democracy. However, such arguments cannot show that there is a basic interest in democracy itself, since they cannot, and do not purport, to demonstrate that it is constitutive of human welfare. But on the account of human rights I presented above, it is still possible for instrumental arguments to provide support for a human right to democracy, if they can show that democracy is a practically necessary condition for the satisfaction of one or more basic interests. We must be careful with these arguments, though, because this is a much harder task than it may first appear.

¹⁵ Amartya Sen (1999) *Development as Freedom*. New York: Anchor Books.

The problem is that it is not enough to show that democracy is *conducive* to satisfying basic interests; nor is it enough even to show that democracy is the *best* way to satisfy them. In order to show that democracy is a practically necessary condition on satisfying some basic interest, it must be shown that democracy is the *only* way to satisfy it. Put another way, the proponent of the instrumental case for a human right to democracy must show that no set of nondemocratic political institutions stands a reasonable chance of satisfying the basic interests. The standard of proof here is high, but I concede that, as Rawls puts it, “Should the facts of history, supported by the reasoning of political and social thought, show that hierarchical regimes [what I have been calling nondemocratic governments] are always, or nearly always, oppressive and deny human rights, the case for liberal democracy is made.”¹⁶

Nonetheless, I should go some way towards explaining why I think it unlikely that democracy can be shown to be a practically necessary condition for satisfying basic interests. First, although much more work would have to be done to make such a case, I believe that there are some examples of nondemocratic states that adequately protect the basic interests of their constituents. Jordan, for instance—a constitutional monarchy—may be a good candidate. Of course, any purported counterexample will be controversial, not only because I have not here put forward a complete list of the basic interests a state would need to satisfy, but also because of disagreement over matters of fact, as well as over what level of satisfaction should count as “adequate.” On the other hand, if we found a nondemocratic state that came close to satisfying all the basic interests of its constituents, but fell just short of adequacy, it would fall to the proponent of the human right to democracy to explain why the state in question could not meet its obligations through institutional changes other than democratization.

¹⁶ John Rawls. (1999) *The Law of Peoples*. Harvard UP, p. 79.

In this paper, I have argued that there is no human right to democracy. I set out an account of human rights grounded in basic interests and their practically necessary conditions, and described what the content of a human right to democracy would be like. I presented *prima facie* reasons to reject the view that there is a basic interest in democracy, and I argued that while human persons certainly do have some interest in political autonomy and equal participation, appeals to these values fail to show that these interests are basic in the sense required to ground a human right. Finally, I argued that instrumental arguments for a human right to democracy are unlikely to succeed, because it would be difficult to show that nondemocratic governments are practically incapable of protecting the basic interests of their constituents.

The conclusion that there is no human right to democracy may have some significant theoretical implications. For instance, the existence of a moral human right is often thought to buttress, if not completely support, the case for an analogous legal human right. The absence of a human right to democracy could damage or even undermine completely the normative justification for democratic rights already enumerated in various international legal documents. Likewise, many scholars believe that human rights are core elements in any plausible theory of political legitimacy, and if there is no human right to democracy, it may be that some nondemocratic states are entitled to the same normative status as their democratic counterparts. Finally, the widespread or systematic violation of human rights are often thought to constitute just cause for humanitarian military intervention; insofar as that is the case, the absence of a human right to democracy may provide a *prima facie* case against forcible democratization. At the very least, the close association democracy and human rights have enjoyed in contemporary political rhetoric and theory deserves some serious, and skeptical, reconsideration.