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Discourse on individual rights and democracy: Philosophical foundation and contemporary challenges

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Abstract

The discourse on individual rights and democracy within contemporary states embodies a complex interplay of historical evolution, philosophical perspectives and contemporary challenges. This study navigates through the complex landscape of liberty, tracing its evolutionary trajectory from ancient to modern times and scrutinizing the philosophical frameworks that underpin the conceptualization of rights and democracy. Drawing upon insights from influential figures such as Franklin Delano Roosevelt, Thomas Jefferson and Benjamin Constant, as well as philosophical traditions like contractualism, the study delves into the multifaceted dimensions of liberty and its manifestations within democratic governance structures. It examines the evolving role of the state as both protector and potential violator of individual rights, particularly in the context of totalitarian regimes like Nazi Germany and Fascist Italy. Additionally, the study explores mechanisms for safeguarding individual rights amidst executive power and underscores the pivotal role of civil society in upholding democratic values. Through a synthesis of historical analysis, philosophical inquiry and contemporary observations, this study offers a comprehensive understanding of the dynamic relationship between individual rights, democracy and the contemporary state.

Keywords: Civil Society; Democracy; Individual Rights; Liberty; Totalitarianism.

1. Introduction

Individual rights and democracy are closely linked concepts, and extensively explored across various scholarly contexts. Cabrera (2014) posits that democratic participation should transcend state boundaries to protect fundamental rights and enhance accountability. Stilz (2011) argues that democracy must be understood not merely as procedural but also as substantive, grounding individual rights within democratic values. Kaufmann (2022) examines the ambiguities surrounding freedoms in individualistic-democratic societies, emphasizing the complex relationship between freedom and normative production. Czeglédi (2010) highlights the connection between democracy, individual rights and economic development, suggesting that respecting individual rights and securing property rights are crucial for innovation and economic advancement. Collectively, these papers underscore the centrality of individual rights within democratic frameworks, illustrating how the protection and promotion of these rights are essential components of a functioning democratic system. In contemporary constitutional discourse, liberty holds paramount significance, shaping political ideologies and societal frameworks. Understanding the nuanced essence of liberty presents a formidable challenge due to its complex interplay with intersecting and sometimes conflicting ideologies. This scholarly inquiry undertakes a comprehensive exploration of liberty's multifaceted dimensions as construed by diverse political theorists. The complexities surrounding liberty become particularly evident when contrasting the viewpoints of historical figures such as Franklin Delano Roosevelt and Thomas Jefferson. Roosevelt's advocacy for expansive freedoms, which transcend conventional boundaries to embrace global emancipation, contrasts starkly with Jefferson's

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metaphorical stance on the sacrifices requisite for preserving liberty. These divergent perspectives are further complicated by the distinct conceptualizations put forth by libertarians and civic republicans, each offering unique insights into the perception of liberty.

Moreover, the dichotomy between “positive” and “negative” dimensions of freedom, deeply entrenched in American history and philosophical discourse, significantly influences contemporary interpretations of liberty. Benjamin Constant’s seminal work on ancient versus modern concepts of liberty provides a foundational framework for subsequent philosophical inquiry. Influential thinkers such as Alexis de Tocqueville, John Stuart Mill, Isaiah Berlin and Friedrich Hayek build upon Constant’s insights, catalysing a nuanced examination of liberty’s evolution. This study aims to meticulously trace the evolutionary trajectory of liberty, which straddles a nuanced space between political and personal freedoms. Additionally, it seeks to analyse the inherent limitations of both positive and negative ideals in encapsulating the complex nature of liberty within the evolving role of the state. As the state assumes a more interventionist stance, ostensibly guided by democratic principles, a troubling trend emerges. Despite the active participation of individuals in grassroots politics, their endeavours often fall short in fortifying and safeguarding their own interests. This paradox unfolds as individuals unwittingly sacrifice significant aspects of their rights and liberties to bolster the power and authority of the state. Such dynamics raise pertinent questions about the equilibrium between individual autonomy and state influence, illuminating the complexities inherent in modern governance structures.

Political liberty and individual rights are fundamental components of governance, shaping the relationship between individuals and the state. Political liberty grants individuals the right to engage in governmental processes, such as voting and holding public office, providing them with a voice in decisions that affect their lives. Conversely, individual rights safeguard inherent freedoms from government interference, ensuring protections like freedom of speech, religion, privacy, due process and equality before the law. The evolution of political liberty encompasses historical shifts from a focus on political participation to broader considerations like economic opportunity and security. In modern contexts, political liberty intertwines with economic and social rights, reflecting a comprehensive understanding of individual freedoms within society. This evolving landscape prompts a reassessment of citizens’ roles in governance, diverging from historical perspectives. Individual rights are crucial in preventing government overreach, acting as safeguards against potential abuses of power.

1.1. Ideas of right: emergence and its evolution

The interplay between political liberty and individual rights is complex and multifaceted. While political liberty enables individuals to engage in governance processes, individual rights provide a framework for protecting personal freedoms from governmental intrusion or majority rule. The balance between political liberty and individual rights is essential for maintaining a democratic society where both active participation in governance and protection of personal freedoms are upheld. Liberty refers to the ability of individuals to exercise control over their lives and choices, free from undue constraints imposed by the state or other authoritative bodies. This concept encompasses both negative and positive aspects of liberty. On the negative side, liberty ensures that individuals are free from arbitrary interference, coercion, or oppression by the government. On the positive side, it entails the creation of conditions that enable individuals to develop their potential, engage in meaningful activities and participate in decision-making processes that impact their lives. Historically, the concept of political liberty evolved significantly from the ancient Greeks to modern times. In ancient Greece, political liberty revolved around the entitlement of free citizens to engage in the political process, notably within Athens. Nevertheless, the emphasis leaned more towards the collective welfare of the polis rather than on individual autonomy. In contrast, the Enlightenment period saw the emergence of a stronger emphasis on individual rights and freedoms, culminating in the ideologies of liberalism and democracy (Chamberlain, 1990). Modern conceptions of political liberty include the protection of civil liberties, such as freedom of speech, religion, association and movement, as well as the promotion of economic and social welfare. Noteworthy figures in the development of political liberty include Thomas Hobbes, John Locke and John Stuart Mill, who emphasized the importance of individual freedom and the limitations of government power (Lawrence, 2002).

Additionally, Benjamin Constant highlighted the differences between the liberty of the ancients—focused on political participation—and the liberty of the moderns—centralizing the right of the individual to live freely without interference from the state. In summary, political liberty represents the capacity of individuals to govern themselves and determine their destinies, protected by laws and institutions that safeguard their rights and promote their well-being. This concept continues to evolve, reflecting changing societal values and aspirations. The seeds of individual rights and personal liberty were sown in the ancient Greek landscape, albeit in a rudimentary form compared to modern conceptions (Finley, 1983). While Benjamin Constant (1988) referred to the political rights held by citizens as ‘ancient rights’, the predominant focus was on the well-being of the community rather than individual entitlements. The democratic system of the Athenian city-state, revolutionary in its era, demonstrated a pioneering approach to governance. However, it did

not fully encompass the extensive individual liberties highly valued in contemporary society. The city-state prioritized the collective welfare of its citizens, sometimes at the expense of individual freedoms (Ober, 1996). In this context of ancient Greek society, individuals recognized as citizens possessed a certain degree of political autonomy, actively participating in public affairs and contributing to the governance of their city-state. This participation was rooted in a shared sense of civic responsibility, where the overall well-being of the community took precedence over the individual aspirations of any resident. The initial manifestation of political rights played a pivotal role in laying the foundation for subsequent philosophical and political ideologies, ultimately exerting a profound influence on the development of individual rights, liberty and democracy in the following centuries.

However, it is imperative to acknowledge that by current standards, the concept of personal autonomy and individual liberties was still in its early stages of development. The full realization of the scope of rights, as we understand them today, had not yet materialized. Conversely, the dominant ideology prioritized communal well-being, establishing a nuanced balance between the interests of the individual and the broader welfare of society. During this developmental phase, the democratic Athenian city-state served as an innovative experiment, pushing the boundaries of political structure and citizen involvement. Nonetheless, it is crucial to recognize that the extent of personal liberties and individual entitlements, highly valued in contemporary democratic societies, was not entirely achieved in this historical period. The enduring influence of ancient Greece, however, stands as evidence of the foundational strides made toward the formation of political liberties and the acknowledgment of individual agency within the broader context of governance.

The medieval period, spanning roughly from the fifth to the fifteenth century, was characterized by notable disparities and complexities in the advancement of rights and democracy (Tierney, 1997). This historical period witnessed a diverse array of kingdoms, empires and feudal domains, contributing to a complex socio-political landscape. Within this context, there were instances of progress as well as prolonged periods of limited growth in the realm of political and individual rights. The prevalence of feudal systems and hierarchical structures deeply entrenched in the socio-political fabric was a defining feature of this era (Berman, 1983). These systems primarily allocated power and authority to a privileged nobility, establishing a rigid social hierarchy that dictated the rights and responsibilities of different segments of society. At the apex of power resided monarchs, often viewed as rulers with a divine mandate, exercising significant control over their domains. Beneath the feudal aristocracy, there existed a substantial degree of control, while the broader population, comprising serfs and peasants, possessed limited agency and scant enforceable rights.

The prevailing socio-political structure exhibited a significant lack of institutions or mechanisms that fostered the development of robust rights frameworks. The existing power dynamics exhibited a bias towards the established interests of the ruling elite, thereby imposing additional constraints on the potential for individual assertions and freedoms (Berman, 1983). The concept of rights, particularly in the contemporary context of personal autonomy and agency, remained an elusive goal for most of the populace. Nonetheless, within the context of this prevailing state of stagnation, there emerged sporadic instances of progress exemplified by the Magna Carta in 1215. This significant document served to limit the discretionary authority wielded by King John of England, while also establishing fundamental principles that would profoundly influence subsequent legal and constitutional advancements. Although the advancements may appear relatively minor when juxtaposed with the subsequent emergence of comprehensive rights frameworks, they nonetheless serve as pivotal landmarks in the gradual progression towards societies that prioritize inclusivity and the protection of individual rights. The medieval period is a multifaceted segment within the larger discourse on rights and democracy, marked by a combination of stagnation and gradual advancements. The period established the foundation for significant changes that would occur in subsequent eras. This was accompanied by the emergence of philosophical and political ideologies that questioned the existing societal structure and advocated for a fairer allocation of rights and freedoms.

1.2. Contemporary rights in post enlightenment period

The Enlightenment period, spanning from the late 17th to the 18th century, is widely regarded as a significant turning point in the development of rights and democracy (Kramnick, 1995). This era marked the onset of a profound intellectual movement that reverberated throughout Europe and the Americas, resulting in a fundamental reconfiguration of conceptions surrounding individual rights and personal freedom. During this historical epoch, notable philosophers such as Thomas Paine, John Locke and Jean-Jacques Rousseau emerged as influential figures in the intellectual discourse surrounding the concept of rights (Ashcraft, 1986). Through their writings and passionate advocacy, these individuals played a pivotal role in initiating a significant shift in perspective, urging society to acknowledge and safeguard personal rights and liberties as essential and inherent components of human existence. The concepts they propagated permeated the societal fabric, inciting a widespread surge of intellectual contemplation and subsequent behavioral responses.

At the core of Enlightenment philosophers' ideology was the resolute affirmation of the self-governing capacity and independent action of the individual. They argued that everyone possessed intrinsic rights that were not contingent on the benevolence of a governing body or the consensus of society. This event marked a significant departure from prevailing societal norms, which often prioritized collective benefits or the interests of the ruling class over individual rights. Enlightenment intellectuals played a pivotal role in elevating the prominence of rights within the collective consciousness of society, thanks to their innovative and influential contributions. Their writings served as a powerful plea for societies to recognize the necessity of protecting these rights. This event marked a substantial shift in the prevailing understanding of the state's role. The perception of the state evolved from being solely a wielder of authority to being an institution responsible for safeguarding and upholding the rights of its populace (Tuck, 1993).

The impact of the Enlightenment extended far beyond the intellectual realms of its time. The catalytic nature of these events gave rise to transformative political movements, such as the American and French Revolutions, which sought to embed these newly acknowledged rights into the very foundations of their respective societies. The enduring testament of the American Declaration of Independence lies in its proclamation of unalienable rights to life, liberty and the pursuit of happiness, serving as a profound demonstration of the profound influence of Enlightenment ideals on the course of historical events. The Enlightenment era can be characterized as a significant departure from previous periods, as it brought the concept of rights to the forefront of political and philosophical discussions. The concepts put forth by Paine, Locke, Rousseau and their peers served as a catalyst for a movement that would have a lasting impact on the development of rights and democracy. This movement played a significant role in shaping the ongoing trajectory of human rights and the responsibilities of the state in safeguarding them.

The intellectual milieu of the Enlightenment period experienced enhanced enrichment due to the significant contributions made by philosophers adhering to the contractualist school of thought, most notably Thomas Hobbes, John Locke and Jean-Jacques Rousseau. These philosophers played a pivotal role in shaping the development of rights and democracy, leaving a lasting impact on this evolutionary process (Hampton, 1988). The profound insights offered by the author regarding the essence of political authority and the dynamics between the individual and the state have established a fundamental basis for contemporary understandings of rights. The concept of the 'social contract' was a fundamental element within their respective philosophical frameworks. The authors proposed that the emergence of political authority can be attributed to a theoretical consensus, commonly referred to as a social contract, among members of a society. According to Simmons (2002), individuals in this hypothetical agreement willingly relinquish specific freedoms and entitlements in return for the safeguarding and administration offered by the state. The theoretical framework constituted a significant paradigm shift in comprehending the dynamics between individuals and the entities responsible for governance.

According to these philosophers, the social contract serves as the fundamental basis for establishing legitimate political authority. It encompasses the moral and legal foundations upon which states are founded. The statement suggests the existence of a mutually beneficial connection between those who are governed and those who govern, wherein the state undertakes the duty of protecting the rights and freedoms of its inhabitants in return for their loyalty and compliance with established legal frameworks. Consequently, the state assumes the role of safeguarding the well-being of individuals and upholding their rights. The significance of this conceptual framework cannot be exaggerated. The concept of political authority underwent a profound transformation, wherein the prevailing notion of rulers possessing an inherent, divine right was replaced by a new understanding that emphasized a consensual agreement between citizens and their government. This ground-breaking concept laid the foundation for the development of representative democratic principles and the conviction in the intrinsic value and autonomy of each person. The emergence of the equilibrium between state intervention and individual autonomy became a prominent topic in political thought due to this shift in paradigm (Christman, 2002). This event prompted a reassessment of the appropriate extent and boundaries of governmental authority. The inquiry into the suitable degree of state intervention in the lives of individuals, as well as the preservation of individual autonomy, has engendered fervent deliberations within the realms of philosophy and politics.

The legacy of contractualism has thus established a philosophical basis upon which contemporary democratic societies have been constructed. The concepts put forth by Hobbes, Locke and Rousseau have had a lasting impact on modern political theory, offering a theoretical structure for comprehending the complex connection between the individual and the state, as well as the pivotal significance of rights within this complex interaction. The enduring impact of their influence is readily apparent in the fundamental principles that serve as the foundation for numerous contemporary democratic societies.

2. Individual rights and state powers

The 20th century was marked by a notable period of political upheaval, characterized by the emergence of totalitarian regimes that greatly influenced debates on rights and democracy (Arendt, 1951). Amid a tumultuous environment, the regimes of Nazi Germany, led by Adolf Hitler and Fascist Italy, under the leadership of Benito Mussolini, emerged as prominent examples of authoritarian rule, significantly altering the fundamental principles of civil liberties and individual rights for their respective populations. The flagrant transgressions of individual rights committed by these regimes have had a lasting impact on the collective memory of humankind. During the era of Nazi Germany, Adolf Hitler's totalitarian government implemented a genocidal campaign in pursuit of creating a racially homogeneous society, which they perceived as superior. This campaign resulted in the methodical oppression and annihilation of millions of individuals, primarily targeting Jews, as well as other marginalized communities including Romani people, disabled individuals, political dissidents and LGBTQ+ individuals. The Holocaust, referred to as genocide, serves as a poignant testament to the profound extent of human moral degradation. The rights of individuals were systematically revoked, resulting in their forced displacement, compulsory labor and ultimately, the tragic demise of millions within extermination camps.

In a similar vein, it can be observed that during the tenure of Benito Mussolini, Fascist Italy implemented measures that restricted the exercise of individual freedoms and liberties. The primary objective of the regime was to establish a totalitarian form of governance, with a central focus on the glorification of the nation and the supremacy of the state. The suppression of dissent was carried out in a severe manner, resulting in the forceful elimination of opposition parties in a systematic fashion. The populace was subjected to extensive surveillance measures, which significantly restricted their capacity to voice dissenting opinions or participate in any manner of political resistance. Both Nazi Germany and Fascist Italy utilized propaganda, censorship and state-controlled media as mechanisms to manipulate public sentiment and stifle opposition. The establishment of such an environment instilled a sense of apprehension and coercion, effectively suppressing any possible opposition. Furthermore, both totalitarian regimes employed paramilitary entities, such as the Gestapo in Nazi Germany and the Blackshirts in Fascist Italy, as instruments to uphold their respective ideologies and exert authority over the general population. Within the context of these totalitarian regimes, the primacy of the individual was systematically diminished in favor of the state's interests and ideologies. The populace became ensnared within a complex network of governmental authority, wherein individual liberties were suppressed, and any form of opposition was met with severe repercussions. The state, which was originally perceived as a protector of individual rights, underwent a significant shift and now operates as an institution that exercises authority to promote its own interests, often at the detriment of the fundamental freedoms it was originally intended to safeguard (Hayek, 1944). The heinous acts perpetrated within the context of these totalitarian regimes served as a poignant and enduring testament to the grave and lasting ramifications of unbridled governmental authority. The enduring impact of genocide, political purges and the extensive suppression of dissenting voices has profoundly marked the collective consciousness of humanity. The periods of historical significance serve to emphasize the utmost importance of protecting the rights of individuals from the excessive intrusion of a state that exceeds its boundaries.

Following this somber reality, there has been a resurgence of discussions surrounding the role of the state in modern democracies. Intellectuals, scholars and political theorists have engaged in a rigorous examination of fundamental inquiries pertaining to the optimal equilibrium between governmental power and personal freedom. In democratic societies, the challenge lies in striking a balance between safeguarding individual rights and upholding the stability, development and security of the state. This delicate equilibrium necessitates careful consideration and implementation of measures to achieve both objectives concurrently. Prominent scholars such as Isaiah Berlin, in his influential publication concerning political liberty, have engaged in contemplation regarding the complex dynamics that exist between individual autonomy and societal cohesion (Berlin, 1958). These individuals have endeavored to formulate a conceptual structure that would serve as a safeguard against the resurgence of authoritarianism, while simultaneously maintaining the principles of a fair and impartial society.

3. Protecting individual rights and navigating executive power

In democratic societies, a persistent challenge arises when elements within the executive branch seek to constrain or violate individual rights for perceived political advantage. The manifestations of this challenge include the suppression of dissent, constraints on freedom of expression, or the utilization of executive authority to circumvent established legal processes (Kohl, 1997). Such actions undermine the fundamentals of democracy and subvert the very rights and freedoms that constitute the foundation of a just and inclusive society. Essential for democracies is the implementation of robust checks and balances within their political systems to prevent abuses of power. This entails the establishment of an independent judiciary, a vigilant legislature and an engaged civil society that jointly works to hold the executive

branch accountable for its actions. Additionally, a free and independent media plays a pivotal role in exposing any attempts to violate individual rights for political ends, serving as an essential safeguard against such abuses.

The justice delivery system, particularly the judiciary, functions as the ultimate protector of individual rights and liberties in a democratic society. It plays a critical role in interpreting and upholding the constitution, ensuring the respect and enforcement of the rights enshrined therein (Friedman, 2005). However, access to justice can be a complex issue, especially for marginalized and underprivileged populations who may encounter barriers such as financial constraints or lack of legal representation. Efforts to enhance access to justice, including legal aid programs and initiatives to streamline legal processes, are essential to ensuring that all individuals, irrespective of socio-economic status, can assert and defend their rights in a court of law. Additionally, initiatives promoting legal literacy and awareness can empower individuals to navigate the legal system effectively.

Within the complex fabric of democratic societies, civil society plays a pivotal role in upholding individual rights and ensuring that state authority remains under scrutiny. Encompassing diverse non-governmental organizations, community groups and individuals, civil society collectively advocates for human rights protection and the promotion of democratic values. Although not sponsored by the state, civil society entities assume the critical responsibility of acting as a watchdog, holding the government accountable and advocating for policies that safeguard individual liberties (Keane, 1998). This role is especially vital in contexts where power imbalances exist, or government actions may encroach upon citizens' rights.

Civil society organizations engage in a broad spectrum of activities, including advocacy, public awareness campaigns and legal actions, to ensure that individual rights are respected and protected. They serve as a critical voice for marginalized and vulnerable populations, advocating for their inclusion and representation within political and social spheres. Through their endeavors, civil society organizations contribute significantly to sustaining a vibrant and inclusive democracy. However, it is important to note that civil society's role in protecting individual rights should not be misconstrued as a substitute for the state's responsibilities. Rather, civil society functions as a complement to state functions, providing an additional layer of accountability and representation. In healthy democracies, the relationship between the state and civil society is characterized by cooperation, dialogue and mutual respect for their respective roles in upholding the principles of democracy.

4. Conclusion

As we analyze the complex relationship between individual rights and the authority of contemporary democratic states, a critical examination reveals a concerning reality. Lessons drawn from history, particularly the distressing atrocities perpetrated under totalitarian regimes, serve as stark reminders of the ongoing necessity to protect individual rights from government overreach. Achieving the delicate balance between upholding individual liberties and fulfilling the state's obligations is an enduring challenge that strikes at the core of democratic principles. Civil society, characterized by its independent stance and vigilant oversight, emerges as a vital force in this endeavor. It diligently endeavors to hold the government accountable and advocates for policies that safeguard personal freedoms. However, it is crucial to emphasize that civil society's vigilance stems from the state's potential to exceed its boundaries, underscoring a fundamental tension inherent in contemporary democracies.

In the present landscape, the executive branch holds considerable power and the risk of its misuse for political gain is a stark reality. Acts such as the suppression of dissent, limitations on free expression and circumvention of established legal processes are not merely theoretical possibilities; they represent challenges that democracies must confront directly. When left unchecked, such encroachments undermine the very foundation of democratic ideals. The justice delivery system, primarily embodied by the judiciary, serves as the final safeguard for individual rights. However, accessibility to justice remains a pervasive issue, particularly for marginalized and disadvantaged populations. Economic and systemic barriers create stark inequalities in the ability to assert one's rights within the legal framework. It is a glaring indictment of democratic societies when a significant portion of their citizens face disadvantages within the system designed to protect them. Considering these realities, it is essential to scrutinize contemporary democratic states with discernment. While they serve as bulwarks against the resurgence of authoritarianism, they are not immune to their own potential for transgression. The noble ideals of democracy are often compromised in the crucible of political expediency and power dynamics. Acknowledging these challenges candidly is crucial for democracies to evolve and improve. This necessitates a renewed commitment to the foundational principles of democracy, unwavering respect for individual rights and a steadfast dedication to justice that transcends social, economic and political divisions.

Compliance with ethical standards

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All authors have disclosed that there are no possible conflicts of interest or competing interests related to the publication of this manuscript, institutions, or products mentioned in the study. There are also no conflicts of interest with any products that compete with those mentioned in this manuscript.

Statement of ethical approval

The present research work does not contain any studies performed on animals or human subjects by any of the authors.

Statement of informed consent

Informed consent was not applicable as the study did not involve any individual participants, such as in case studies, surveys, or interviews.

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