

Reassessing Human Rights VS Democracy of the Public: A Necessary Challenge?

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Today, we are witnessing a profound transformation of the dominant model of representative democracy which is increasingly giving way to a new form of democracy of the public, as Bernard Manin defined it. In a democracy of the public, parties tend to personalise themselves, becoming machines serving one particular person, who embodies public feelings. Participation and social organization within the territory are progressively replaced by a widespread communication and social media framework where the citizens become just passive spectators. To this, we must add that the spectacularisation of the current democratic systems, adopted to satisfy the audience, leads to negative effects on the protection of fundamental rights. This article will analyse the aspects that characterise the democracies of the public, and their social and legal effects on the consideration of human rights. The article goes further without being limited to this issue. In fact, it wants to emphasise the way human rights are crucial to bolstering democracies, rather than merely the other way around. Doctrines and politics have frequently emphasised the need for democracy, and, more specifically, the export of democracies to advance human rights. Contrarily, a shift in perspective is required in order to preserve liberal democracies.

Keywords: democracy, human rights, social media, social transformation, political systems

Introduction. The Dialogue Between Human Rights Implementation and Democratic Systems

The advancement of human rights, and in particular, the state's equal recognition and respect for civil, political, economic, social, and cultural rights, is frequently, and ambiguously, linked with the idea of advancing a more comprehensive conception of democracy which safeguards the interests of all members of society (Kurki, 2011).

Based on this supposition, evaluating a democratic state's strengths and flaws commonly involves taking human rights indices into account. Factors including the upholding of the law, and respect for the rule of law, citizens' access to justice, and the defence and enforcement of internationally acknowledged individual rights, are taken into account while evaluating democracies (WJP, 2018). Starting with this consideration, it is interesting to evaluate how the currently debated forms of democracy are placed within the perspective of

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human rights indicators, and whether there is a contrast, or a positive interaction of development and implementation between them.

One of the fundamental concepts and values of the international community is democracy. Among the core components of democracy are the respect for fundamental freedoms and human rights, as well as the idea of regular, honest elections with universal suffrage. The International Covenant on Civil and Political Rights, which enshrines many of the political rights and civil liberties that support genuine democracies, further develops these values by building on the Universal Declaration of Human Rights. These rights, as well as those covered by later human rights documents which address the rights of particular groups of people (such as women, indigenous peoples, minorities, and people with disabilities), are crucial for a democratic society, because they guarantee everyone's access to information, freedom from fear, participation, and equality and equity.

Today, the vast majority of states around the globe identify as democratic. All nations can gain from continuing to enhance their democratic processes, since democracy is a dynamic social and political system that is neither linear nor irreversible. Building, maintaining, and raising the standard, of democracies are the three challenges we face in the twenty-first century.

The Human Rights Council issued resolution 28/14 in March 2015, continuing a long tradition of resolutions underlining the interdependent and mutually-reinforcing relationship between democracy and human rights. In accordance with this decision, a forum on human rights, democracy, and the rule of law was created, to offer a venue for fostering cooperation and discussion around problems relating to these topics.

An essential element of safeguarding human rights is work to advance democratic governance. At the same time, enforcing the preservation of human rights is a crucial component of democracies. The two elements interact with one another. Public liberties, democratic space, and participatory decision-making are all curtailed when institutions are not open and accountable. Along with this, governments' legitimacy is under attack, and conflicts between groups are escalating and becoming more polarised. These issues need to be investigated within the democratic institutions themselves, rather than focusing on identifying the causes of the downfall of democracies and the effects of the application of human rights in external variables like globalisation, or the threat of terrorism.

The article is divided into three sections. The first examines the collapse of democracies and their current makeup as public democracies in an increasingly dispersed society. The second segment examines the unbreakable and inevitable connection between democracy and human rights. The final section examines how human rights can be used to halt the decline of liberal democracies.

From the Representative Democracy to the Democracy of the Public and Society's Fragmentation

At the end of the 1990s, Bernard Manin published *The Principles of Representative Government*, which examined what he called the "democracy of the public", a phenomenon that was still in its infancy. Manin's analysis was based on the premise that representative government has always been a synthesis of democratic and oligarchic characteristics. The words 'representative' and 'direct' when applied to democracy are commonly used to differentiate between the two types. Although representative democracy emerged following the English, American, and French Revolutions, the set of institutions that gave rise to it were, at first, not thought of as a kind of democracy or popular governance. Indeed, elections were far from being the democratic

weapon of choice of classical Athenians, or even of Montesquieu and Rousseau: democracy was not the same as a representative system, and the mechanism that best secured the strict equality of candidates was, if anything, extraction by fate. The random aspect of this method would have guaranteed the electoral body more than other voting systems whose operations would have presented a challenge to the idea of equality itself.

Jean-Jacques Rousseau (1762) condemned political representation, considering it as an immense abyss between a free people who make their own laws and a people who elect representatives to make them. Even advocates of representative systems, who made the opposite choice to Rousseau's, saw a fundamental difference between democracy and the 'representative' or 'republican' system. For example, James Madison, who is hailed as the Father of the Constitution of the United States, contrasted representative government and democracy in a similar way. Madison (1787) frequently contrasted the 'democracy' of the ancient city-states, when a small number of citizens met and administered the government in person, with the contemporary republic based on representation. By examining this historical viewpoint, Manin believes that, in democracy's first iterations, representative governments grew to coexist with the mass parties, those that were firmly anchored to ideological blocs, and capable of staying in regular communication with the electorate. They were able to identify 'belly noises' rapidly, and tried to come up with tactics and solutions equally quickly. This was the golden age of mass political parties which defined procedures and a structured contact system with their own base, the best of which were recorded in Western democracies. However, due to the oligarchic tensions that erupted quickly inside them, the political dimension appears to have become sclerotic. After the first era of representative systems, politics started to play on 'personalisms' and in the last few decades, a shift from the leadership of ideologies to the leadership of the leader is marked.

Since then, politics has evolved into a medium that depends on the actions of numerous leaders for its very existence. Authors have begun to discuss what Colin Crouch (2019) referred to as "post-democracy and media dictatorship", which, over time, would have increasingly influenced the sovereign people's voting intentions, based on the theory that the political system is increasingly ineffective the more the media plays a role in influencing voter beliefs.

When there are many possibilities for citizens to actively participate in setting the agenda for public life, and when citizens make use of those opportunities, democracy flourishes. This ideal model will almost never be fully realised, but like all unachievable aspirations, it leaves an imprint, as it can be compared to the current model, which reduces the definitions of the ideal in order to ensure that leaders' self-satisfaction succeeds.

In a post-democratic society, all the democratic institutions are still present, and in use, but they are increasingly used by a tiny number of the political and business elite. Moreover, the leaders' self-satisfaction drives to a lack of concern for identifying the ways that democracy is being threatened. In this framework, over the past 25 years, democracy has become infected and treated unfairly by the ruling classes; politics has been influenced by the economy, while democracy has left its constituents to their fate. In analysing this process, Manin argues that in this structure of democracy, political parties leave their place to the people, and the organization of governance to communication.

When this occurs, two things happen. First, group identities deteriorate and are replaced by the leaders' sole personal trust. Second, social media channels evolve, and quickly and easily spread millions of items of unchecked news and information every day, prompting a fragmentation of the 'public' into a variety of segments that may become polarised as 'bubbles'.

The danger is that the ‘public sphere’, also known as ‘public opinion’, which Jürgen Habermas (1974) defined as the area of social life where matters of common concern are discussed using the method of reasoned argumentation, may disappear in favour of a single public space that is merely a ‘show’. In this context, demagoguery rules, and the manipulation of public opinion through the use of ideological approaches is possible. As a result, it is evident that citizens are susceptible to being persuaded by the alluring influence of social media. This is the process that takes place in the contemporary ‘post-truth’ period, as defined by Ralph Keyes (2004), in which individuals create their own vision of the world and their own political ‘truth’ without actually engaging in social interactions and dialogues. Therefore, Manin’s context makes it simple to transition to another context that is significantly different from both party democracy and public democracy. In fact, the proliferation of new media has sparked the division of the population into a number of self-referential ‘bubbles’ that may not be anchored in an intersubjective sphere of communication. According to a term used by Damiano Palano (2020), we can today refer to a ‘bubble democracy’ in which the ‘public’ dissolves into a myriad of largely self-referential ‘bubbles’ while the mechanisms of polarization are strengthened.

The Democracy of the Public and Human Rights Protection

In a democracy of the public, and moreover in a ‘bubble democracy’, questions arise about the construction of a critical public opinion which is based on the right to freedom of expression, participation, information, and education.

The weakness of the public sphere and the media manipulation of a society leads to several consequences, including the fact that, inevitably, the participation of citizens inside the community’s life and the debate on citizens’ rights are undermined. Indeed, the opportunities for civil society to operate are being reduced in many nations, and the spaces available to it are not only dwindling, but are already closed in a large number of them. Also, the absence of a meaningful social debate may easily feed populism, which is also driven in part by feelings of resentment and fear, which frequently don’t match up with the reality. According to Jan-Werner Müller (2012), populism’s illiberal components genuinely pose a threat to democracy. Populists frequently disregard both restrictions on government power that they believe hinder the ‘will of the people’, and the rights of individuals who are not seen as ‘the people’—typically ethnic or sectarian minorities. In other words, populist inclinations undercut fundamental elements of democracy, including freedom of association and political expression for all individuals, as well as independent governmental institutions capable of ensuring fair competition between the ruling party and the opposition.

Similarly, Larry Diamond (2018) had stated that when populists reject the idea of pluralism and favour cultural exclusion, populism might, at the very least, endanger liberal democracies—those that uphold the highest democratic norms for the protection of civil liberties. Diamond contends that, for the first time since the worldwide ‘third wave’ of democratisation began in the mid-1970s, there is a chance that advanced liberal democracies could fail, and that illiberal populists could be the actors behind these backsliding dictatorships. Indeed, populist parties of the twenty-first century have frequently increased the executive’s control over the legislative branch, while dividing the population into exclusive groups and co-opting or stifling civil society. With its emphasis on ‘the people’ rather than ‘the elite’, populism provides the possibility of more representative democracy. Yet, populist parties usually prioritise their charismatic leaders over party institutionalisation. Furthermore, the return of autocracy has frequently been preceded by populist weakening of important executive authority checks, even in the wealthiest democracies.

Threats to democracy posed by populists have also been fuelled by post-9/11 security concerns, some of which have been seamlessly merged with a genuine or imagined fear and hatred of immigrants or minorities. The ensuing worries have been used as justification for significant human rights protection compromises. These include the undermining of democratic institutions and processes, such as when judges' independence is interfered with, media plurality is reduced, the legal and political space for opposition parties is constrained, or when autocratic regimes pretend to be democratic in order to gain legitimacy.

Cas Mudde and Cristóbal Rovira Kaltwasser (2017) had emphasised that populism is a legitimate reaction by people against some of the undemocratic aspects of liberal institutions, not a threat to democracy *per se*. According to this perspective, far too many decisions have been taken away from democratic discourse by elected officials and transferred from legislatures to courts or bureaucracy, giving the impression that 'there is no alternative' for some policies.

For instance, the resentment and fear coming from populism are frequently connected to the idea that social security, which is unquestionably a human right, can be granted through a limitation of other human rights. On this topic, the theory of 'enemy criminal law' is very illuminating. The term '*Feindstrafrecht*' (enemy criminal law) as opposed to '*Bürgerstrafrecht*' (criminal law) was created by Günther Jakobs in 1985. *Feindstrafrecht* seeks to reduce the threat posed by dangerous individuals, who are seen as sources of risk rather than as citizens. This would apply to anyone whose unlawful behaviour meant that the judicial system as a whole was being denied, such as terrorists. Jakobs claims that the purpose of criminal law is to safeguard the relevance of norms. Traditional liberal criminal law, in contrast to *Feindstrafrecht*, is intended to create zones of freedom for the citizen; until those zones intrude on the (legal) sector of another citizen, one is free to do as he/she chooses. Contrarily, *Feindstrafrecht* intervenes far earlier, even during the planning stage of a crime, as it is designed to safeguard lawful goods (Jakobs, 1985). As a result, the requirements for having a fair trial may not be met, due to the misuse of legal instruments, such as Article 6 of the ECHR, which states that every citizen must retain all of his civil rights, including the right to be assumed innocent, until found guilty. Guantanamo, extraordinary renditions, and various immigration laws and policies, are some examples of the way the Günther Jakobs theory works. In a 2016 opinion poll, undertaken by the International Committee of the Red Cross (ICRC), a mere 30 percent of American respondents considered it to be unacceptable to torture a captured enemy combatant 'to obtain important military information' (In the same poll, taken in 1999, the figure had been 65 percent). In Nigeria, 70 percent supported such torture, and in Israel, the figure was 50 percent (ICRC, 2016, p. 10). The majority of people feel they have little interest in the human rights movement, and that human rights organisations mainly represent asylum seekers, criminals, and terrorists, who are typically viewed as a threat.

In a world where political parties have ceded to the personalism of the political leader, the media plays a key role in promoting these personalisms, and public spheres are limited. Political language seeks to win over the public, not on a long-term political agenda, but on citizens' temporary feelings and desires.

Not all authors consider that the empowerment of the figure of the leader is negative. According to Ernesto Laclau (2005), the role of the leader is to maintain society as a whole, but to step in only when the system has already been disrupted. The 'name' becomes the cornerstone when this occurs. However, focusing on the way populism-politics fosters cohesion through individuality prevents comparison with those who claim that following a leader can all too easily turn into a cult of personality, or who perceive unflattering characteristics

in the populist mode of unification, such as the leader's infallibility, his being beyond good and evil, and the role of the chief mediator as unquestionable.

It is simple to advance a popular consensus on the achievement of social security in the current geopolitical context, where borders have been overridden by globalisation, and where the meeting of cultures frequently results in a clash, whether actual or perceived. The development of insider threats in recent years has ushered in a new era that is making emergency measures, such as major compromises in the areas of personal freedom, privacy, and anti-discrimination laws, more widespread. This does not in any way mean that the identified threats and emergencies are not significant; rather, it presents an understanding of how the rules of a rule of law can be absorbed. States must analyse how the compression of human rights can constitute a vulnerability to the growth of democracies, which are also influenced by the developments of globalisation. Consider, for example, the development of the economic influence of transnational corporations on national decision-making processes, which has also been a result of globalisation. Such influence raises questions about the independence and capacity of liberal democracies. States often apply restrictions imposed by international financial institutions in order to maintain the conditions for growth of the global economy, which can hamper the state's ability to effectively promote human rights. In particular, according to economist Dani Rodrik (2015), international economic agreements, and the bureaucracy they entail, too often undermine the democratic discourse by limiting alternative political solutions. There is a connection between the implementation and defence of human rights and the deterioration of the tools that enable the public sphere to be an actual forum for dialogue, where citizens can participate without being isolated, where parties don't renounce their positions in favour of personalism, and where social media doesn't have the authority to skew the truth. How then, can we address the weaknesses of our current societies? How can we put into practice the development of a critical public opinion, the cornerstone of a democratic system that is truly centred on the needs of the people?

Reassessing Human Rights VS Democracy of the Public

The decline of public participation in modern society must be seen in the context of human rights.

Democracy and human rights are inextricably interwoven. Respect for human dignity, the main political tenet of the EU, is applied via the prism of human rights. Democracy is a system for organising and governing society that is based on fundamental liberties such as the right of assembly, association, and expression. There is little likelihood that fundamental human rights will be upheld in countries where the democratic notion is not employed as a foundation for the creation of governmental institutions and processes. Human rights do have a methodological purpose, keeping in mind the tenet that no right may be exercised at the expense of other rights or the dignity of others. As a result of this principle, when taking into account the balance between power and any form of resistance, the latter must be strong enough to alter the power without exceeding it and leading to anarchy. In this sense, human rights have a role in establishing a society's power balance and preventing anarchy. Furthermore, human rights can act as a counterweight to the externalization of power, seen as something other than the public sphere *tout court*. In fact, the implementation of human rights prevents 'popular sovereignty', which implies a limitation of public powers through the affirmation of human rights, from becoming 'sovereignty', which presupposes that whoever is elected by the people, precisely because he is 'elected', can benefit from omnipotence, and therefore have access to the legal system as he prefers, without considering any respect for individual rights. Speaking of human rights, of course, also implies taking into account how

globalisation has increased the conflicts between liberal democracy and its commitment to promoting human rights for all.

There should be at least two globalisation-related difficulties mentioned. First, is the dispute over whether human rights are universal in democracies, and whether their application is subject to cultural differences. In many nations, cultural relativism is frequently employed as a defence for either upholding or undermining the fundamental human rights of minority groups, depending on which portion of the theory is being applied. Second, technical advancements have aided in the emergence of new transnational relationships that challenge the territorial bounds of democracy while widening the world's free market of products, services and finance (Evans, 2001). The human rights difficulties are therefore not solely 'national' problems, despite the fact that the human rights framework is predominately state-centric. Hence, it's important to define state accountability in this context while discussing state democracy, to analyse the loss of democracies and the rise of populism using a method that takes into account international legal instruments.

National Democracies and International Human Rights Law

Democracies' flaws pose a threat to international human rights law and the guiding ideals of the whole international community. The growth of populism has been cited as a severe threat to human rights, democracy, and the rule of law by both the UN Secretary-General and the UN High Commissioner for Human Rights (2018). The populist principles of UN States including Bolivia, Ecuador, Hungary, the Philippines, Poland, Russia, Turkey, and Venezuela, are included in this challenge to international law. Furthermore, populist movements have been quite influential in France, the Netherlands, the United Kingdom, and Israel (Huq & Ginsberg, 2018).

Distrust and mistrust of international institutions will increase the likelihood of breaking international laws, whether intentionally or unintentionally. Every foreign decision should be viewed as competing with a government's pursuit of the national interest if it solely acts in accordance with a policy of national self-interest. In the Centre for Strategic Studies in The Hague (2017), 10 out of 18 countries argued that "national law takes priority over international law and denies the jurisdiction of international courts". Through its influence on national courts, a populist government will also have an impact on the development of the international judiciary. Concepts of international human rights and civil rights will be impacted by this influence. For instance, in a 2016 decision, Hungary's Constitutional Court cited the idea of national identity to support the government's decision to oppose the EU's refugee resettlement plan. The Russian Constitutional Court is another instance. The Constitutional Court of Russia is now deemed competent to declare international court judgements 'unenforceable' if they are determined to be inconsistent with the "foundations of the Russian constitutional system", according to the 2015 modifications to the Constitutional Law relating to the Court.

Weaknesses in democracies' agendas has the potential to change not merely the effectiveness of international institutions over time, but also, more particularly, the context in which those institutions operate. The risk is that a populist agenda is reshaping international law, which will directly affect how international decisions are made, and the international legal system. The environmental position of the populist regimes in the US and Brazil, as well as their disagreement over how to regulate emissions, must serve as an example and a warning (Tutton, 2019). Other instances include the International Criminal Court (ICC), which is in danger as a result of African nations persistently attempting to leave the Court's purview, and the US and Russia who have never ratified the Rome Statute. The legitimacy of international law on human rights is seriously

threatened by the ambivalence towards it displayed by the current governments of what are generally regarded as democratic nations. This ambivalence affects the international relations system. These concerns are about governments eroding the laws limiting the use of force. The US/UK coalition's 2003 invasion of Iraq served as one warning of this. At the same time, along with maintaining its threats, using force against Ukraine, and undermining international law, Russia has continued its populist rhetoric (Alston, 2010).

In light of this framework, it is essential to emphasise the effectiveness of legal instruments.

With regard to the European Union, for instance, the most recent EU Action Plan on Human Rights and Democracy for the years 2022-2024 stressed the importance of fostering a global system for human rights in opposition to any techniques that might be used to manipulate citizen participation as agents of change in their social dimension. This goal is in line with the European Convention on Human Rights, which in Article 18 states that restrictions on rights "cannot be applied for any purpose other than those for which they have been imposed". Article 18 is meant to stop governments from taking steps that undermine democratic institutions or ideals on the pretence of protecting rights that are legitimately restricted by other articles of the Convention. These legal tools appear to be a potential method for identifying and denouncing human rights abuses carried out by governments whose democracies are experiencing leader personalism, media manipulation, and limitation of public spheres.

Rewriting Social Tools

A longer-term plan to empower the public spheres requires a rewriting of the social tools designed to raise public knowledge of human rights and how they can protect against the threat of reducing public spheres and the city community to the coexistence of people who wander like 'bubbles'.

Social work on the understanding of people's human rights and how they can balance democratic abuses should be focused on developing several specific steps, such as: (1) ensuring that everyone has the chance to participate and have a say in how they will be governed; (2) promoting free, transparent, and fair political competition so that citizens' preferences are represented; and (3) strengthening justice institutions, holding those institutions and individuals accountable to the rule of law, and providing access to justice.

More investigation is necessary into the widely-held concept that democracy is a form of government based on the ideals of freedom and equality between people, where authority is held by elected officials who reflect the majority's interests (*Cambridge Dictionary*, 2019). There is disagreement regarding what should be the priorities of a democracy, and numerous governing structures have developed to put it into practice. For instance, a social democracy is based on the concept of a welfare state that acknowledges social rights (such as access to excellent housing, healthcare, education, and social security) together with possibilities for employment (Esping-Andersen & van Kersbergen, 1992). Political power must be exercised in accordance with the supreme principles, laws, and procedures set down in the nation's constitution, and social, economic, and political relations must be managed in this manner (Tully, 2002). In a parliamentary democracy, voters choose representatives to serve in the legislative body that will enact laws that will directly serve the voters' interests (Baron, Diermeier, & Fong, 2011). Each of these democratic government structures complies with the broad definition of a liberal democracy. The underlying presumptions that characterise a liberal democracy include the creation of a territorial state governed by a constitution that: spells out the parameters of the rule of law for its citizens; accepts the accountability guarantee, which aims to uphold a core set of civil liberties, including the freedoms of speech, assembly, expression, and the press; ensures a separation of powers between the executive, legislative, and judicial branches

of the state; and places an emphasis on individual rights. Also, a democratic state acts to enhance the interests of all citizens within its borders, not just those of a specific group (Evans, 2001).

It has been demonstrated how the fundamental set of civil freedoms is undercut, if not already restricted or violated, by analysing the existing democracies, which, as previously noted, are democracies of the public as well as bubble democracies. Can the enjoyment of human rights be impacted by new social awareness of these rights? The answer is unquestionably affirmative. Can a new social awareness of human rights flourish in democracies where participation from the public and the citizens is encouraged? In this instance, the response is also favourable. We can escape democratic tendencies only if states enable individuals to be engaged and conscious of their critical role in constructing the formative processes of a government. But if all the most fundamental human rights, are not upheld, then this is not possible.

Conclusions

The decline of democracies is transforming them into democracies of the public, where parties tend to individualise, and turn into machines supporting a specific person who embodies public sentiment, and where social media is controlled in favour of the interests of that leader. It is a relatively small step from this type of democracy to a 'bubbles' democracy, where citizens are isolated individuals not allowed to communicate or participate in public spheres. When this happens, the fundamental rights and freedoms that liberal democracies rely on to function are compromised. Human rights and democracy are inextricably linked, since they depend on one another. Regardless of cultural, political, social, or economic differences, democracy is a generally acknowledged concept founded on shared principles. Democracy is based on the freely expressed choice of the people to establish their own political, economic, social, and cultural systems, and on their full participation in all aspects of their lives, as acknowledged by international legal tools, such as the Vienna Declaration and Plan of Action of 1993. Respect for human rights and fundamental freedoms, progress, the rule of law, and democracy, all depend on, and reinforce, one another.

If it is true that democracy as a form of government is a universal point of reference for the protection of human rights, it is equally true that human rights themselves provide the basis for the protection and effective realization of human rights. It is this aspect that this article develops, thus changing the general theoretical and political orientation, which instead focuses on how democracies, and the exports of democracies, are essential for human rights.

Because of this, the only solution to the decline of modern democracies is the required affirmation and enforcement of human rights. How can this be achieved? After examining the factors contributing to the decline of democracies, and the inextricable link between democracy and human rights, this article makes the case that two factors should be prioritised. The first is on a regulatory level; it is necessary to invest in strengthening the rules of international law on human rights. The second is on a social level; it is necessary to increase social awareness of the role of human rights.

References

- Alston, P. (2010). Does the past matter? On the origins of human rights. *Harvard Law Review*, 126(7), 2043-2081.
- Baron, D. P., Diermeier, D., & Fong, P. (2011). A dynamic theory of parliamentary democracy. *Economic Theory*, 49(3), 703-738.
- Crouch, C. (2019). Post-democracy and populism. *The Political Quarterly*, 90(S1), 124-137.
- Democracy. (2019). In *Cambridge Dictionary*. Retrieved from <https://dictionary.cambridge.org/dictionary/english/democracy>

- Diamond, L. (2018). Illiberal, nativist populism: Is economic insecurity the cause? Proceedings from the *International Studies Association Annual Meeting*. San Francisco, April 7, 2018.
- Esping-Andersen, G., & van Kersbergen, K. (1992). Contemporary research on social democracy. *Annual Review of Sociology*, 18, 187-208.
- Evans, T. (2001). If democracy, then human rights? *Third World Quarterly*, 22(4), 623-642.
- Habermas, J. (1974). The public sphere: An encyclopedia article (1964). (S. Lennox & F. Lennox, Trans.). *New German Critique*, (3), 49-55.
- Hague Centre for Strategic Studies. (2017). *The rise of populist sovereignism*. Den Haag: Hague Centre for Strategic Studies.
- Huq, A., & Ginsberg, T. (2018). How to lose a constitutional democracy. *University of California Los Angeles Law Review*, 65, 78-169.
- International Committee of the Red Cross (ICRC). (2016). *People on war—Perspectives from 16 countries*. Geneva: International Committee of the Red Cross.
- Jakobs, G. (1985). Kriminalisierung im Vorfeld der Rechtsgutverletzung. *Zeitschrift für die gesamte Strafrechtswissenschaft*, 97(4), 751-785.
- Keyes, R. (2004). *The post truth era*. New York: St. Martin's Press.
- Kurki, M. (2011). Governmentality and EU democracy promotion: The European instrument for democracy and human rights and the construction of democratic civil societies. *International Political Sociology*, 5(4), 349-366.
- Laclau, E. (2005). Populism: What's in a name? In F. Panizza (Ed.), *Populism and the mirror of democracy*. London: Verso.
- Madison, J. (1787). The Federalist 10. *New York Daily Advertiser*. Serial and Government Publication Division, New York.
- Manin, B. (1997). *The principles of representative government*. Cambridge: Cambridge University Press.
- Mastropaolo, A. (2005). *La mucca pazza della democrazia*. Torino: Bollati Boringhieri.
- Mudde, C., & Kaltwasser, C. R. (2017). *Populism: A very short introduction*. Oxford: Oxford University Press.
- Müller, J.-W. (2012). Towards a political theory of populism. *Notizie di Politeia*, 107, 19-29.
- Palano, D. (2020). *Bubble democracy*. Brescia: Schol é
- Rodrik, D. (2015). *Economics rules: Why economics works, when it fails, and how to tell the difference*. Oxford: Oxford University Press.
- Rousseau, J.-J. (1762). *The social contract*. Amsterdam: Marc Michel Rey.
- Tully, J. (2002). The unfreedom of the moderns in comparison to their ideals of constitutional democracy. *Modern Law Review*, 65(2), 204-228.
- Tutton, M. (2019). Why Brazil's Jair Bolsonaro has environmentalists worried for the Amazon. *CNN*, January 5, 2019.
- United Nations High Commissioner for Human Rights. (2018). *Opening statement of the 37th session of the Human Rights Council*. Geneva: UN Office of the High Commissioner for Human Rights.
- World Justice Project (WJP). (2018). *WJP rule of law index 2017-2018*. Washington, D.C.: World Justice Project.