A Theory of Universal Democracy

Ali Khan, Washburn University

Available at: https://works.bepress.com/abu_kashif/56/
A THEORY OF UNIVERSAL DEMOCRACY

Ali Khan

I. INTRODUCTION

Universal Democracy is a concept of government derived from universal values. Contained in international covenants and customs, these universal values represent a broad normative consensus among the nations of the world, which collectively constitute the global society. Scattered over the earth for many centuries, the peoples of the world are now coming together with their distinctive cultures, religions and languages to form a new civilization derived from shared values. An epiphenomenon of interchange among communities is in the offing. No longer may communities hide behind their national borders. No longer may rulers abuse their subjects without global scrutiny. The peoples of the world are increasingly interested in the political affairs of every community. This mutual concern will continue to deepen democratic ties among nations.

While democracy has emerged as a superior form of government, the question remains as to what conception of democracy would be acceptable to the peoples of the world. This article provides a universal concept of democracy that includes, but is not limited to, Western liberalism. Universal Democracy reflects the emerging aspirations of the peoples of the world that governments should be accountable and

---

*Professor of Law, Washburn University. M.A., 1972, L.L.B., 1976, Punjab University; L.L.M., J.S.D., 1983, New York University. This research was supported by a sabbatical grant from Washburn University School of Law. Professors Banks McDowell, Ali Kamali, Myrl Duncan, Justice Harold Herd, Lucille Marino and Rebecca Woodman commented on the initial drafts. Evan Chang, class of ‘95 of Washburn University School of Law, provided useful research assistance.

1 This article employs a synthetic methodology to advance the concept of universal democracy. Accordingly, it draws support from classical literature on democracy, contemporary constitutions of countries with diverse cultures, current dysfunctional democracies, political news from Africa, Asia, Europe and the Caribbean, international law, the human rights movement, judicial cases and the American experience in democracy. This methodology is used both for scholarly and symbolic reasons. From a scholarly viewpoint, a synthetic methodology offers a more comprehensive and contextual analysis. From a symbolic viewpoint, it makes the point that multiple genres of information expand legal imagination beyond national and cultural borders.

2 Many commentators have begun to argue that there is a right to democracy rooted in fundamental principles of contemporary international law. See, e.g., Dankwart Rustow, Democracy: A Global Revolution? 69 FOREIGN AFF. 75 (1990); Gregory Fox, The Right to Political Participation in International Law, 17 YALE J. INT’L L. 539 (1992); Thomas Franck, The Emerging Right to Democratic Governance, 86 AM. J. INT’L L. 46 (1992); Thomas Franck, United Nations Based Prospects for a New Global Order, 22 N.Y.U. J. INT’L L. & POL. 601 (1990). Accordingly, the democratic transfer of power (general elections) in a community may be supervised by international agencies and watch groups to make sure that those in power do not rig the system to perpetuate their rule. No community can claim on the basis of the principle of political independence to close off its borders to global scrutiny.
removable. However, it also respects unique cultural identities and thus promotes a global civilization which is simultaneously universal and diverse. Universal Democracy rejects the oppressive notion that the values of any one culture, tradition or civilization are superior.

There is a common tendency among cultures and communities to assert that their values are closer to truth. Pluralist in essence, Universal Democracy accommodates diverse economic models, moral codes and conceptions of freedom compatible with universal values. Therefore, it does not promote the superiority of any single civilization, culture, ideology or economic model. Nor does it impose a set of uniform values on every community, ignoring their distinctive ethnic, religious and historical backgrounds. Distinguishing between uniform and universal values, Universal Democracy repudiates the notion that homogeneity or standardization of the human condition is inevitable or desirable. Rather, it offers a theoretical framework rooted in the concepts of diversity and universality—presuming that diversity in itself is a universal value.

Associated with communism, militarism and other forms of authoritarianism, elitist rule has been a convenient and efficient mechanism

---

3 Samuel P. Huntington, Democracy's Third Wave, CURRENT, Sept. 1991, at 27. Professor Huntington identifies five major factors that contributed significantly to the latest global acceptance of democracy:

1. The deepening legitimacy problems of authoritarian regimes in a world where democratic values were widely accepted, the consequent dependence of these regimes on successful performance, and their inability to maintain "performance legitimacy" due to economic (and sometimes military) failure. 2. The unprecedented global economic growth of the 1960s, which raised living standards, increased education, and greatly expanded the urban middle class in many countries. 3. A striking shift in the doctrine and activities of the Catholic Church, manifested in the Second Vatican Council of 1963-65 and the transformation of national Catholic churches from defenders of the status quo to opponents of authoritarianism. 4. Changes in the policies of external actors, most notably the European Community, the United States and the Soviet Union. 5. "Snowballing," or the demonstration effect of transitions earlier in the third wave in stimulating and providing models for subsequent efforts at democratization.

Id. at 27.

4 See generally Edgar Owens, The Future of Freedom in the Developing World: Economic Development as Political Reform (1987). The author argues that democracy can become a global force when combined with indigenous values and circumstances of individual countries. This way democracy in the developing world is not perceived as a foreign product. He further argues that the West should welcome such innovations in the democratic phenomena. Id. at 42.

5 Richard H. Pildes & Elizabeth S. Anderson, Slinging Arrows At Democracy: Social Choice Theory, Value Pluralism, and Democratic Politics, 90 COLUM. L. REV. 2121, 2142 (arguing that values in democratic politics are plural and often incommensurable; democratic institutions must play an active role in seeking the expression of these values). The concept of pluralism has many facets: political pluralism may simply mean an open competition among political parties; social pluralism may mean a society of diverse interests, which could exist without political pluralism.

6 See James W. Nickell, Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights 74-79 (1987) (arguing cultural and religious traditions could be preserved by making a few changes dictated by universal values; for example, India could preserve its culture and religion without asserting that the caste system must remain intact.)
to institute ideological structures. Often official ideology encourages and even justifies political oppression. In fact, authoritarian rule is considered inevitable to implement an ideology, which in turn provides a philosophical justification to perpetuate authoritarian rule. Consequently, any organized opposition to the government is considered a direct assault on the ideology. Dissenting views are suppressed for the sake of ideological goals designed to be achieved without social friction or political conflict. Political parties that challenge official ideology are denied access to the electoral process.

This symbiotic relationship between coercion and ideology presupposes that an elitist rule is inevitable for the enforcement of ideology. The dramatic fall of communism in the Soviet Union and elsewhere is often explained in terms of a philosophical failure of Marx's social and economic ideas. However, the Marxist ideology and the attendant totalitarian rule were so inextricably tied to each other that it is hard to tell whether Marxism failed the totalitarian rule or whether the totalitarian rule caused the demise of Marxism.

To subordinate the political process to ideology is by no means the exclusive attribute of communism. Theocracy does the same. In Iran, for example, elections are periodically held to elect members of the national parliament. The Iranian Clergy, however, has assumed the constitutional authority to be the Supreme Executive. The Iranian Constitution forbids alteration of the current state structure. The Clergy supervises the legislative process to insure the conformity of laws passed by the national

---

7 See generally Carol Lancaster, Democracy in Africa, 85 FOREIGN POL’Y 148 (1991-92). See also Eile Abel, The Shattered Bloc: Behind the Upheaval in Eastern Europe (1990). See Samuel P. Huntington, Democracy’s Third Wave, CURRENT, Sept. 1991, at 27. As of 1990, more than one hundred countries lacked the democratic regimes, and were ruled by home-grown Marxist-Leninist ideologies, personal dictatorships, military regimes, one-party system or some combination of these non-democratic forms. Id. at 31.

8 See generally Lynne Henderson, Authoritarianism and the Rule of Law, 66 IND. L.J. 379 (1991). The author highlights two defining characteristics of authoritarianism. First, authoritarianism demands unquestioning obedience to authority; second it is repressive and punitive. See id. at 390. Moreover, authoritarianism may allow private institutions and persons to coerce, exploit and oppress others. See id. at 382. Thus, authoritarianism rejects pluralist forms of democracy, but it is even compatible with token democracy under which certain disfavored groups are oppressed. See id. at 396.

9 See Zach Georgopoulos, Note, Soviet And Chinese Criminal Dissent Laws, Glashov v. Tien Nam, 14 HASTINGS INTL. & COMP. L. REV. 475, 501 (1991) (arguing that the criminal justice system in China is a tool of the Communist Party to apply state sanctions against political offenses).

10 That class warfare is a dialectical necessity and the command economy is the best management of economic resources.

11 See IRAN CONST. art. 62.

12 See id. art. 109 (The Leader of the Iranian Republic must have the following attributes: Scholastic competence to deliver decrees in questions of theology; justice and piety necessary for leading the Muslim Community; correct political and social insight). See Ali Khan, Constitutional Kinship between Iran and the Soviet Union, 9 N.Y.L. SCH. J. INT’L & COMP. L. 293, 307-08 (1988) (comparing the role of the Iranian clergy with that of the Soviet communist party).

13 See IRAN CONST, art. 177.
parliament with the supreme principles of the constitution. Thus, to protect its character as a theocracy outlaws political parties that challenge the system.

Even liberal democracy is an ideology under which the democratic process is inseparable from liberal values. There is no one definition of liberal democracy. In this article, I use the phrase "liberal democracy" to designate a political philosophy primarily rooted in concepts developed in Western Europe and North America. Important attributes of liberal democracy may be summed up in the following key concepts: (1) the power of the state must be limited by legal rules; (2) individual rights and freedoms must be legally articulated and defended against the power of the state; (3) the state should be secular in that it should not actively side with any one religion or even with one denomination within the same religion; (4) individual property must be protected against arbitrary confiscation by the state and the marketplace should, as far as possible, be free from regulation. The United States Constitution, which protects these attributes, is a classical embodiment of liberal democracy.

Thus, liberal democracy is not simply a vehicle for holding elections and permitting elected majorities to implement their campaign promises and policies. It is substantive ideology rooted in secularism, free market values and individual liberties. The ideological content derived from these values is considered to be a major achievement of liberal democracy, and any threat to these values is perceived as a fundamental threat to the very nature of democracy.

Furthermore, the superiority of liberal democracy is asserted both at home and abroad. At home, political parties that challenge the liberal normative order are portrayed as "extremist;' consequently, they face legal and constitutional barriers in gaining access to the ballot. Internationally, any nation that refuses to completely adopt the values of liberal democracy is criticized as a lesser democracy, or no democracy at all. If a party

---

14 See id. art. 94.

15 In a fundamental way, liberal democracy places certain constitutional constraints on the authority of elected majorities regarding what they can and cannot do. To this effect, a classical pronouncement came from Justice Robert Jackson: "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote: they depend on the outcome of no elections." West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624, 638 (1943). But see Kathleen M. Sullivan, Religion and Liberal Democracy, 59 U. Chi. L. Rev. 195 (arguing that liberal democracy has traditions but it is not a totalitarian orthodoxy; and the content of the culture of liberal democracy is subject to continual revision in the crucible of pluralistic politics.) Id. at 201; See Richard J. Neuhaus, The Naked Public Square: Religion and Democracy in America (2d ed. 1984) (arguing that liberal Protestantism has 'sold out' to internally incoherent secularism).

proposes to enforce an alternative ideology through the democratic process—such as when the Algerian Islamic Salvation Front wished to enforce Islamic ideology through the democratic system—many people argue that the democratic process is being abused to impose a nondemocratic system.\textsuperscript{17}

Under Universal Democracy, a political system does not lose its status as a democracy merely because it rejects one or more attributes of liberal ideology. Universal Democracy allows political parties to challenge any prevailing ideology, whether it is socialist, theocratic or liberal, and to participate in the electoral process for obtaining governmental authority.\textsuperscript{18} For example, in market-oriented democracies, Universal Democracy allows socialist parties to contest elections and to form a government if successful.\textsuperscript{19} Likewise, parties advocating a free-market economy cannot be excluded from the political process, even if the current ideology is socialist. In secular democracies, Universal Democracy will let religious parties challenge secularism and the attendant notion of separation of church and state.\textsuperscript{20} In theocratic democracies, Universal Democracy permits secular parties to present an alternative view of social and spiritual organization.\textsuperscript{21}

\textsuperscript{17} Algeria, once a French colony, had been under the one-party rule (National Liberation Front) since its independence. In the first democratic election, the Islamic Salvation Front, a radical Islamic party, won the first round of balloting. The Algerian armed forces intervened and aborted the elections, arguing that the Islamic Front was using the democratic process to install a theocratic regime, similar to one in Iran. Opponents of the Islamic Front used the slogan "one man, one vote, one time" to defend the preventative military coup that halted the Islamic Front from gaining the state authority through the democratic process. Some would say it also stopped Algeria's march toward democracy. The 1997 Algerian elections failed to solve the political crisis. The Front boycotted the elections. Substitute Islamist parties were allowed to contest elections. The killings, however, have not stopped.

\textsuperscript{18} See Larry Diamond, Beyond Authoritarianism and Totalitarianism: Strategies for Democratization, in The New Democracies: Global Change and U.S. Policy 227, 228-29 (Bradley Robert ed., 1990). The author argues that democracy has become a conceptually lose term that signifies many different visions of the "good" society. \textit{Id.} at 228. Many people view democracy "as not only a political but also a social and economic system, while others believe that a free, open and competitive form of government is a valued goal in and of itself." \textit{Id.}

\textsuperscript{19} The 1994 elections in South Africa, for example, were consistent with Universal Democracy. African National Congress (ANC), the major political party headed by Nelson Mandela, has communist roots. Upon winning the elections in April, 1994, ANC was allowed to assume power. In fact, the South African general elections constitute a good specimen of Universal Democracy in that parties with diverse party platforms, ranging from ultra-racist to communists, were allowed to participate in the electoral process. Similarly, after the collapse of communism in Eastern Europe, left-wing parties (in many cases, successors to the communist parties) have remained politically active. In recent elections, socialist parties were victorious in Ukraine, Poland and Hungary.

\textsuperscript{20} In many Islamic countries, for example, religion and politics are often intertwined. (Prophet Mohammed was both the head of the state as well as the religious leader.) Many Islamic States specifically recognize in their constitutions Islam as the state religion. See, e.g., Morocco Const. art. 6; Egypt Const. art. 2; Pak. Const. art. 2; Iran Const. art. 12. Furthermore, some Islamic states prohibit the enactment of any laws contrary to Islamic teachings. See, e.g., Pak. Const. art. 227; Iran Const. art. 4.

\textsuperscript{21} Here, it is critical to distinguish between secularism and religious intolerance. There is a universal value that requires respect for all religions of the world. Article 18 of the Universal Declaration of Human Rights states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in
This does not mean that Universal Democracy is value-neutral. Nor does it make a broad assumption that all values are relative. To understand the normative basis of Universal Democracy, community practices may be distinguished from universal values. Universal values are the values of the global society. These values emerge through a process of consultation and consensus among communities of the world. Each community is bound to respect and enforce universal values through its legal system. Community practices are the values of a specific community. If community practices are contrary to universal values, Universal Democracy requires the community to shape its legal system in compliance with universal values. Each community is, however, free to practice its distinctive values, providing that no universal consensus contrary to community practices has yet materialized.

Universal Democracy assumes that human systems are in a constant normative flux and new values evolve to replace existing ones. No ideology, therefore, is the end of history. When a system is rigidly tied to secularism or theocracy, free market or planned economy, duties to the community or individual liberties, it assumes that its values are no longer subject to the evolution of human condition and creativity. A set of values might be highly esteemed in a given society. To profess any values as the irrefutable truth of human destiny, however, is a claim that Universal Democracy does not embrace. Even if certain values are unimpeachable today, there is no need to define democracy in a way that precludes any future challenge to these values.

The best evidence to support an evolutionary view of democracy comes from the historical past of liberal democracy itself. At various times in the evolution of liberal democracy, slavery was practiced, women were...
denied the right to vote\textsuperscript{24} and socialists were banned from the political process.\textsuperscript{25} This historical hindsight shows that any attempt at any stage in the past to preserve the then existing ideology as sacrosanct would have been a serious mistake. Instructed by these historical insights, the concept of Universal Democracy is inherently dynamic: it opposes sanctification of any normative status quo.\textsuperscript{26}

Before introducing the basic structure of Universal Democracy, I would like to dispel one possible confusion. I do not claim that every community in the world has embraced Universal Democracy. Nor do I present Universal Democracy as a poetic enterprise which sounds good in theory but not in practice. I argue that the concept of Universal Democracy resides in the realm of universal values. In the real world, some communities have embraced Universal Democracy, though in a somewhat flawed form. Others have begun to incorporate Universal Democracy in their political and constitutional systems. Some have not done so, although they should. As such, Universal Democracy is neither a purely prescriptive nor a purely descriptive theory. It exists both in vision and in reality. Universal Democracy is, and ought to be, acceptable to the communities of the world.\textsuperscript{27}

The basic structure of Universal Democracy is derived from the interpolation of two distinct concepts: the right to party platform and the


\textsuperscript{25} For a history of democracy, see generally John Dunn, Democracy: The Unfinished Journey 508 BC to AD 1993 (1992).

\textsuperscript{26} For analytical purposes, the distinction between what is and what should be is important. But the distinction should not be taken too seriously in the case of Universal Democracy. Universal Democracy is in the sense that its conception is rooted in legally recognized universal values. It should be a model for the communities of the world because universal values are binding.
right to recall. Dynamic in nature, these concepts accommodate, advance and defend universal values in the ceaseless evolution of human civilization. Party platforms offer competing social, economic and moral agendas for the welfare of specific communities as well as for the advancement of the global society. The right to recall assures that no political party, ideological group or military junta will entrench its rule by closing all access to the seat of to power. Together, these two concepts build a universal model of democracy which is flexible as well as committed to universal values. It is flexible in that it allows each community to preserve its unique identity. It is committed to universal values as it binds communities to participate in the normative building of a global civilization.

Let me briefly explain the two concepts. The right to party platform prescribes that a party is entitled to formulate its political agenda without any systemic constraints. In its platform, a party may challenge existing values of the community: it may offer to restructure social institutions and amend the constitutional system; it may propose a new economic order and even submit a new moral code. Even if a party platform is unacceptable under the prevailing ideology, the party is allowed to participate in the political process for obtaining governmental authority. Any restriction on the substantive content of a party platform breaches the concept of Universal Democracy. As a general principle, no party is vested with the right to resort to violent means to pursue its party platform; nor is a party allowed to overthrow the existing normative system by force. Such means are inherently offensive to the nature of Universal Democracy, which compels all parties to seek approval of their party platforms through the electoral process and persuade the people through peaceful means.

As a key principle, Universal Democracy rejects all forms of government under which the people lose their right to remove the rulers. Thus, the right to recall is the counterweight to the right to party platform. A party has the right to party platform, but this right may not be exercised in a way to deny the people their right to reject the party platform. When an unpopular party seeks governmental authority, the people reject its platform by not electing it. If the people no longer condone the platform of the ruling party, they must be able to remove the party from government. The right to recall the ruling party enables the people to do so. It is an effective democratic means to put an end to the ruling party platform.

The right to recall the ruling party is non-negotiable. No group has the inherent right to retain political authority forever and under all circumstances. The people have the ultimate authority to choose as well as

I use the phrase the "ruling party" in a very broad sense. It includes military juntas, revolutionary groups that seize power through unconstitutional means. In fact, any group that controls the state machinery is the ruling party.
to repudiate any party platform, including that of the ruling party. The right to recall is inalienable. It is vested in the people. No responsible electorate gives up the right to recall in consideration for any political promise, economic welfare or spiritual advancement.

The right to platform and the right to recall make Universal Democracy a universal theory of government. The purpose of Universal Democracy, however, is not limited to mere democratization of individual communities. It aims at forging a global civilization in which all communities of the world are interwoven into a normative network. Accordingly, transfer of power from one government to another is no longer the internal affair of a community, but is a global event. When a community embraces Universal Democracy, it creates a piece of history in which all peoples of the world have a profound interest. This 29 When a community falls off the democratic track, it is a sad event for all the peoples of the world. And thus under Universal Democracy, national isolation and willful sovereignty cease to exist.

The peoples of the world will no longer tolerate anywhere any government that denies its citizens the right to remove those in power. This normative revolution in the political thinking of the peoples of the world strengthens the concept of Universal Democracy. The peoples of the world have a shared responsibility to ensure that in each community the government is removable, and that the transfer of power from one government to the next is carried out in a fair and democratic manner. Furthermore, no community may lawfully institute a government in violation of universal values. The peoples of the world will welcome the new government only if it demonstrates an unwavering commitment to universal values.

This article is organized in six parts. Part I introduced the concept of Universal Democracy. Part II discusses universal values. This discussion is important for understanding the foundation of Universal Democracy. Part III examines the normative roots of the right to platform, and distinguishes among different types of platforms to evaluate their conformity with universal values. Part IV discusses the right to recall, without which Universal Democracy cannot survive. Finally, Part V explains how a fundamental change of even revolutionary character may be brought about.

29 In April 1994, South Africa held its first free democratic elections, to dismantle apartheid. To celebrate this change from a regressive political system to Universal Democracy, the entire global community rejoiced with South Africans. More than 160 countries sent their high officials to participate in the festivities of transfer of power from a white minority to a democratically elected political party (the African National Congress). At his inauguration as President of South Africa, Nelson Mandela said: "We thank all our distinguished international guests for having come to take possession with the people of our country of what is, after all, a common victory for justice, for peace, for human dignity." Mandela's Address: "Glory and Hope," N.Y. Times, May 11, 1994, at A4.
through the mechanism of Universal Democracy. Part VI states the conclusion.

II. UNIVERSAL VALUES: THE FOUNDATION OF UNIVERSAL DEMOCRACY

The concept of universal values is founded on a simple assertion that certain values are universally shared by the global society. Despite a profound and legitimate aspiration to live in intimate communities, the peoples of the world constitute a single household. In the modern age, global media, interdependent economies and a renewed awareness of our unified existence have brought us together in ways that past generations could only imagine. Furthermore, strong global institutions protect fundamental human rights and duties almost everywhere, and seriously challenge old barriers such as national sovereignty, cultural autonomy and self-righteousness.

A. Precommitment to Universal Values

Universal Democracy requires every community to precommit itself to universal values. This precommitment is essential for the formation of a global civilization. Furthermore, when each community incorporates universal values in its constitution and assumes a global obligation to enforce and protect them, precommitment to universal values is grounded in law. At the global level, precommitment to universal values ties communities of the world into the global society. At the community level, the same precommitment binds individuals to universal values, emphasizing human solidarity and a shared destiny.

To explain the nature of universal values, I make a distinction between dogma and precommitment. Dogma is an assertion of truth that...
exists on its own; it need not have any rational, cultural, philosophical or scientific justification for its origin or existence. It is a belief rooted in faith. Posited as an eternal truth, a dogma cannot be modified or repealed. In contrast, precommitment is a value that derives its legitimacy from broad social approval. It is a relatively stable value, and ordinary majorities are not empowered to discard it. Still, a supermajority can alter and even repeal a precommitment. A universal value is more like a precommitment, less like a dogma. It derives its validity from a broad consensus among the peoples of the world. However, a future global society is free, on the basis of a similar broad consensus, to modify or discard an existing universal value.

Precommitment to universal values raises several questions. Of course, the foremost question is whether there are any values that we all share in the global society. If there are universal values, one may further ask whether these values are timeless, where they come from, and how we identify them. Many important additional questions may also be raised. These questions may be framed and answered from epistemological, philosophical and other viewpoints. From a legal perspective, these questions may be raised to understand the origin and meaning of universal values and to identify methods by which these values are acknowledged at the global level.

Universal Democracy does not engage in the debate whether universal values are rooted in natural law. It neither rejects nor embraces the concept of natural law. The natural law precept that universal values are timeless is not the foundation of Universal Democracy. In fact, Universal Democracy takes an evolutionary view of human values: Learning from history, it argues that values do change and the global society does evolve.

---

32 To understand the legal realm of universal values, it is first important to know what is not the basis of these values. Universal Democracy declines to embrace nebulous notions that universal values may be discovered from the study of the cosmos, supernatural forces, deities or moral imperatives. See, e.g., IMMANUEL KANT, FOUNDATIONS OF THE METAPHYSICS OF MORALS (Lewis Beck trans., 1959) (1788). It is quite possible the values we all share in the global society have a profound cosmic, natural or supernatural beginning. Universal Democracy leaves open the possibility that some day, with the advancement of human knowledge, the question of what is the ultimate origin of human values will be answered. Until then, Universal Democracy does not enter into the irresolvable debate whether universal values are artifacts of the global society, made by human beings for human beings or whether these values exist outside the realm of human intelligence, which human beings can discover through scientific methods, intuition or historical experience of trial and error. Again, this debate is important and should be continued for the enrichment of human knowledge.

33 For many centuries, thinkers and philosophers have groped to discover universal values that transcend geographical, cultural, religious and legal boundaries. Even though modern discourse is no longer dominated by natural law concepts, the history of human civilization is deeply influenced by them. For classical sources of natural law, see ARISTOTLE, RHETORICA; CICERO, DE RE REPUBLICA; JUSTINIAN, INSTITUTES; THOMAS AQVINAS, SUMMA THEOLOGICA; JOHN LOCKE, TWO TREATISES OF GOVERNMENT. For a concise history of natural law, see ALLESEANDRO PASSERIN D'ENTREVYES, NATURAL LAW: AN INTRODUCTION TO LEGAL PHILOSOPHY (1951).
If certain historical values seem permanent, they might well be; but from this observation, there is no need to assert that these historical values must always remain permanent. This leap from "what is" to "what must always be" is somewhat wrongheaded in that it restricts the process of normative evolution and makes the mistake of believing that what is true today will be true for all time.

The stability of universal values comes from their reaffirmation by global society, and not from some a priori postulation. It is therefore unwise for the global society to inhibit normative evolution by becoming dogmatically dedicated to contemporary universal values. This is not to say that the human capacity to create new values has no limits. Regardless of which universal values to which the global society precommits itself, it must do so with an unwavering respect for the future evolution of human knowledge.

Universal Democracy is a form of government rooted in global law. It is not a concept of philosophy or epistemology. Accordingly, it provides a legal method to verify the existence and the content of universal values. To answer important questions raised above, Universal Democracy recognizes global institutions in which universal values are discussed, clarified and drafted into declarations, conventions, covenants and other international instruments, representing a shared will of the global society. Simply put, universal values are to be found in global customs and covenants.\textsuperscript{34}

While global customs and covenants contain universal values, not all international instruments constitute the source of these values. Many international agreements are local and regional in character, reflecting the values of a specific region or culture. Other international instruments are proposed as universal documents, but they fail to muster broad-based world support. Still others are in the formative stage in that nation-states are in the process of formulating universal values. But any global agreement broadly adhered to by nations is a good source of universal values. The International Bill of Rights, for example, represents the normative will of the global society and is a good source of universal values.\textsuperscript{35}

\textsuperscript{34} International customs may be distinguished from international conventions. A custom is an international practice that ripens into a legally binding norm when nation-states or international organizations express their willingness to treat such as practice as a norm of international law. A convention, in contrast, is an international agreement that comes into existence through a deliberate process of negotiating, drafting the text and ratifying the authenticated text. Both are equally authentic methods of creating norms of international law. Accordingly, Universal Democracy relies upon both sources to identify universal values.

It is not required that every nation must ratify a covenant before it lawfully becomes the source of universal values. For example, even the International Bill of Rights has not been ratified by all nation-states of the world. Nonetheless, its universal character cannot be denied given its broad ratification across cultures, religions and legal traditions. As a general principle, the more the consensus among the peoples of the world, the more universal the value is. Sometimes, a value is constantly reaffirmed in global, regional and local international covenants. This extensive reaffirmation of a specific value at different levels may be a good basis to state that the value has attained universal acceptance.

An argument may be made to distinguish between ratification and justification of universal values. Ratification is a political process by which nation-states accept international documents. Ratification may or may not be a moral act. Political representatives may sign international agreements for less than noble reasons. Justification, in contrast, is a moral and philosophical basis for accepting a universal value. It provides a more rigorous rationale for the emergence as well as acceptance of a universal value. The distinction between ratification and justification is important one, but Universal Democracy does not dwell upon it. Universal ratification of a value is its justification. The broader the ratification of a value, the sounder is its justification.

Process-values at the heart of Universal Democracy, for example, have already been affirmed and reaffirmed in global, regional and local instruments. The right to vote without discrimination on the basis of race, gender and status, for example, is a universal value. Likewise, the right to political speech as well as the right to political association are increasingly

---

(1966) [hereinafter ICESCR]. These documents have been broadly ratified by the nations of the world.

---

(1966) [hereinafter ICESCR]. These documents have been broadly ratified by the nations of the world.

---

(1966) [hereinafter ICESCR]. These documents have been broadly ratified by the nations of the world.

---

(1966) [hereinafter ICESCR]. These documents have been broadly ratified by the nations of the world.

---

(1966) [hereinafter ICESCR]. These documents have been broadly ratified by the nations of the world.
recognized as indispensable democratic values. The collapse of communism and the concomitant one-party rule gave a new impetus to values contained in the International Bill of Rights.

In contrast, all attributes of liberal democracy are not universally accepted. For example, there is no universal consensus that the church must be separated from the state. Nor is there any universal consensus that a free market is an absolute prerequisite for the functioning of each democratic community. Even the breadth of individual liberty protected in some liberal democracies is not universally recognized. Thus it is important to study universal documents not only to learn what is universally accepted, but also to understand what is not.

One might argue that values contained in global covenants are not universal, since nation-states and not the peoples of the world make these instruments. This argument is valid to the extent that the method of formulating universal values through nation-states does not directly consult the peoples of the world. A nation-state may not be a reliable representative entity to express the values of the people, particularly if it has a non-democratic government or is removed from the aspirations of its citizens.

With the establishment of Universal Democracy across the globe, nation-states are most likely to evolve into Free States—a concept that I have explored at length in a recent book. Universal agreements made by Free States would represent a more authentic consensus among the peoples of the world.

---

40 See Universal Declaration, supra note 21, art. 19 ("[E]veryone has the right to freedom of expression. . . ."), art. 20 ("Everyone has the right to freedom of association. . . ."); See also ICCPR, supra note 21, art. 19 ("Everyone has the right to freedom of expression. . . ."), art. 22 ("Everyone has the right to freedom of association. . . .")

41 The collapse of communism in the Soviet Union and Eastern Europe was a big victory for the values contained in International Covenant on Civil and Political Rights. Many Republics of the former Soviet Union as well as Eastern European nations have now ratified the Covenant. China is still not a signatory. Being a permanent member of the United Nations Security Council, China should seriously consider joining the regime of the International Covenant. It is hoped the return of Hong Kong to China will be a further reason for China to ratify the covenant. China and the United Kingdom entered into a treaty to return Hong Kong to China. Hong Kong, originally a part of China and Chinese culture, in recent decades developed a liberal political order derived from concepts of a free market economy and individual liberty. To safeguard the market economy and the concept of individual liberty, the United Kingdom precommitted Hong Kong to the International Covenant on Civil and Political Rights. It remains to be seen whether China will allow the liberal political to continue to exist in Hong Kong. See William Rich, Hong Kong: Revolution without Change, 20 H. K. L. J. 279, 315 (1990).

42 No universal document recognizes secularism as a universal value. Nor is there a universal covenant that forbids the fusion of church and state.

43 It might be argued that the principles of international free trade have assumed a universal character. Whether every community is under a legal obligation to shape its domestic institutions in accordance with a Western style free market economy is an entirely different question.

44 In the United States, for example, hate speech is protected. Article 20 of the International Civil and Political Rights Covenant requires members states to outlaw groups that engage in hate speech. See ICCPR, supra note 21, art. 20. The individual right to offend a large majority of ethnic, religious and national groups is a concept of individual liberty that has not been universally accepted.

world. Until that normative stage is achieved, Universal Democracy relies upon existing nations and methods to formulate universal norms. Under contemporary conditions of international reality, the nation-state is the only available mechanism to represent its people at a global conference.

It might further be argued that values incorporated in universal covenants are those of the Western civilization.46 These values appear to be universal, it might be explained, partly because they were universally disseminated through colonialism and partly because Western states play a leading role in the formulation of global covenants. The influence of Western civilization on global living cannot be denied, just as the impact of other civilizations on human history cannot be ignored.47 Each civilization has the right, and indeed the duty, to contribute to the global society. Whether a value is universal should be determined on the basis of its appeal to the global society as a whole; and if this test is satisfied, the value should not be rejected simply because it has originated from a specific culture, religion or community.48

Furthermore, the assertion that universal values are derived from Western civilization is inaccurate. Many universal values have not always been part and parcel of Western civilization, and many values of Western civilization are not universal. The right to vote without discrimination on the basis of gender or race, now a universal value, was for centuries denied in Western civilization.49 Likewise, the value that the people have a right

46 See David P. Forsythe, The Internationalization of Human Rights 2 (1991). The author argues that even though all cultures and societies have tried to limit the authority of those in power, the concept of limiting the state authority through the implementation of fundamental individual rights is a Western notion. See id. The author also points out that some argue that individual rights are incompatible with non-individualistic cultures. Id. See also, Jack Donnelly, Human Rights and Human Dignity: A Analytical Critique of Non-Western Conceptions of Human Rights, 76 Am. Pol. Sci. Rev. 303 (1982); Cornelius Murphy, Jr., Objections to Western Conceptions of Human Rights, 9 Hofstra L. Rev. 433 (1981).

47 No one civilization can solve the problems of the whole mankind. Nor can any one religion, tradition or culture represent all the peoples of the world. See Raimundo Pannikkar, Is the Notion of Human Rights a Western Concept?, DI GENES, Winter 1982, at 75. A. J. Toynbee, a great historian whose work has had tremendous influence, made a serious error in his analysis assuming that the European culture is superior to all other cultures and that any influence of an alien culture on the West represents a "single victory for Barbarism." See A J. Toynbee, A Study of History, at 373. See also Alison Duandes Renteln, International Human Rights: Universalism Versus Relativism (1990). "In the history of Western civilization prior to World War II, there were efforts of various kinds to promote individual rights at the national level. Western nations promulgated such documents as the English Magna Carta (1215), the United States Declaration of Independence and Constitution (1776 and 1787), and the French Declaration of the Rights of the Man and the Citizens (1789)." Id. at 18.

48 See Jack Donnelly, Cultural Relativism and Universal Human Rights, 6 HUM. RTS. Q. 400 (1984) (arguing how certain repressive regimes invoke the argument of protecting the indigenous culture or the inappropriateness of "western" human rights to legitimize their regime even though what they do to their people has the most tenuous connection to the indigenous culture).

49 See Thomas T. Mackie & Richard Rose, The International Almanac of Electoral History (1974). In the United States, the franchise law varied from state to state and from time to time. By 1860 income and property restrictions on the right to vote had mostly been lifted, but blacks did not have the right to vote in many states. See id. at 457. In 1870, the passage of the Fifteenth
to live without foreign occupation or domination is an antithesis of Western colonialism. In fact, many universal values, including racial equality, emerged from the struggle of the oppressed people against slavery, segregation and apartheid, the artifacts of racism practiced in some Western states. Even today, the Western concept of secularism is not universally accepted and many people are unwilling to banish spirituality from their material and political life, even at the supreme level of constitutional organization.

B. Inter-Cultural Formulation of Universal Values

To understand diversity, universal values may be distinguished from uniform values. Uniformity rather than universality will prevail if each community, regardless of its culture and religion, is forced to adopt the same conception of democracy. Human civilization will lose its richness if diverse communities are standardized in accordance with a dominant paradigm. Universal Democracy protects diversity. Each community is free to practice and preserve its unique modes of living within the broad outline of universal values. The global society accommodates human creativity and difference. It does not sanctify any one cultural model as the epitome of human accomplishment. Accordingly, Universal Democracy provides a theoretical framework that cherishes diversity within the framework of universal values and normative evolution.

Under Universal Democracy, the global society embedded in universal values coexists with communities rooted in their distinctive background. Diversity in itself is a universal value, and respect for cultural

Amendment of the Constitution guaranteed the right to vote on equal terms without any distinction on account of race, color, or previous condition of servitude. However, new devices such as the literacy test and the poll tax were created to burden the right to vote. See id. Women did not have a constitutionally protected right to vote until 1920 when the Nineteenth Amendment was passed by which the United States as well as all states were obligated not to deny the right to vote on account of sex. See id. at 458.


91 Many Islamic states, for example, have adopted democratic institutions without embracing secularism. In Pakistan, Islam and democracy coexist, as the Constitution states that "Islam shall be the State religion of Pakistan." PAK. CONST. art. 2. Even in the newly democratized Eastern European countries, the concept of democracy does not embrace all the attributes of western democracy. See Hannan Rose, From Command To Free Politics, 64 POL. Q. 156 (April-June 1993) (arguing that the "values which inspired the great crowds that thronged the squares of Eastern Europe in the closing weeks of 1989 are not western values. They are human values."). Id. at 171.

92 It places, however, one general restriction on diversity claims. It allows no culture, civilization or religion to call off the right to recall in the pursuit of these noble goals.
difference is a goal of Universal Democracy. Communities are often defined in terms of geographical boundaries, religion, language and ethnicity. Derived from their unique historical evolution, specific communities develop distinctive social values that set them apart from other communities. In the past few centuries, the division of human populations in geographically bounded nation-states has created a new sense of community in which groups with different religious, ethnic and linguistic backgrounds join and identify with each other on the basis of nationality. Many nation-states play an effective role in forging a new sense of identity among otherwise disparate groups.

Even in a nation-state that inspires its citizens to dissolve their differences and embrace a uniform identity, constituent groups continue to protect their distinctive characteristics. It appears that people have a strong need to live in small communities in which they can share their lives in a more intimate manner. Moreover, most communities take pride in distinguishing themselves from others; and to satisfy this desire, they develop a distinctive mode of living, giving birth at the same time to a unique set of values.

Universal Democracy protects diversity not only among communities, but also within each community. Each community is under a universal obligation to protect ethnic, religious and linguistic sub-communities so that they can enjoy their own culture, practice their own religion, and use their own language. Any systematic effort to use majority rule to force minorities to assimilate into the dominant culture is offensive

---

53 Cultural pluralism is conceptually opposite to ethnocentrism. Cultural pluralism accommodates different cultural values without judging which are superior. In contrast, ethnocentrism takes the view that one's own values and way of life are better than others. Ethnocentrism may lead to genocide as it did in Bosnia where Serbs wished to cleanse their communities of Muslims and Croats.

54 The United States is a good example to show how populations from different national, ethnic, religious and linguistic background come together and form a new nation-state. "I am proud to be an American" is the mystique of being a citizen of the United States. Nonetheless many would argue that even though the United States is a pluralistic country, the economic and political power is not shared by all. Injustice against disfavored minorities continues and an historically entrenched racism plagues the society.

55 For example, Native Indians in Canada wish to maintain their separate identity and refuse to participate in the Canadian political process. Since a native person could not be registered Indian and a Canadian citizen at the same time, many native people refuse to give up their Indian status and the accompanying right to live on an Indian reserve. See Tony Hall, Election 93: Many Natives Still Regard Elections with Suspicion, CALGARY HERALD, Sept. 28, 1993, at A5, available in 1994 WL 7842317. Similarly, Kurds in Iraq and Muslims in European countries protect their ethnic and religious culture.

56 Quran XLIX: 13 (O human beings! We have created you male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with God is the one among you most careful (of his duty) surely God is Knowing, Aware.) This is a clear recognition of the human aspiration to live in intimate families and communities, but with due regard to other families and communities.

57 The Amish groups in the United States, for example, still preserve their distinctive life style and protect their children from the influence of the mainstream society.

58 See ICCRP, supra note 21, at 27.
to Universal Democracy. This precommitment to diversity at the global as well as at the community level is an integral part of Universal Democracy.

One may argue that Universal Democracy cannot simultaneously espouse both universal values and diversity. The argument has some force since universal values reject the extreme notion of cultural relativity under which all values are relative. Diversity is a universal value, which protects difference. But diversity is not the overriding value. Some universal values require compliance without exception. The fact that the ruling party must be removable through legal procedures is a universal value from which no community may seek exemption. Similarly, no exception is allowed against universal prohibition of genocide, torture, and arbitrary execution. Some universal values are of course flexible and do not mandate a mechanical compliance in every community.\textsuperscript{59} This flexibility does not mean, however, that such universal values submit to cultural relativism.

Diversity protects only those community practices which are not contrary to universal values. A situation can arise in which a community espouses a value contrary to universal values. This might happen if the community has been a consistent objector to the formation of a universal value,\textsuperscript{60} or it refused to ratify a universal covenant,\textsuperscript{61} or it simply backed out on its precommitment to enforce the value through its legal system.\textsuperscript{62} If a community practice contravenes universal values, the global society will put pressure on the community to relinquish its practice. If the community declines to accept a universal value and continues to defend its custom or practice, a normative conflict arises between the community and the global society.

To resolve these normative conflicts, it is important to understand the concept of regressive practices. Regressive practices are the antithesis of universal values. A regressive practice (for example, apartheid) is a value that the global society has considered and rejected. If a community adopts a regressive practice, the global society has a right and a legal obligation to use its moral, economic and even military means to dissuade the community from implementing that practice.

There is great danger, however, in expanding the concept of regressive practices. Only the global society is vested with the authority to

\textsuperscript{59} For example, Universal Democracy requires every community to hold periodic elections. It does not however set a rigid timetable that every community must observe.

\textsuperscript{60} Under customary international law, a state that objects to the formation of a new custom of international law is exempt from its obligation. The state's objection, in order to be effective, must be made in a persistent manner. Moreover, the persistent objection must be made during the formation of the new custom, and not after the custom has ripened.

\textsuperscript{61} A state is under no legal obligation to sign a treaty. But the state continues to be bound by the content of the treaty if the treaty is simply codifying the existing customary international law.

\textsuperscript{62} In this situation, the state continues to be under a legal obligation to carry out its duties under treaties or customs that it adheres to.
determine the nature of a regressive practice in light of broadly recognized universal customs and covenants. A community practice is not regressive simply because it opposes the value of a dominant civilization. A cross-cultural conflict lies within the domain of cultural relativism. When cultures oppose each other asserting their respective values, serious consequences ranging from mutual hostility to war can occur. A robust inter-cultural discourse, conducted with tolerance and mutual respect, however, is a healthy phenomenon which helps the formulation of universal values. It cannot, however, be a basis for powerful communities to impose their values on weaker ones.

Two clarifications are important to understand the scope of inter-cultural discourse. First, traditional values must not be confused with regressive practices. Ancient cultural traditions and religious beliefs are not inherently regressive. In the ceaseless evolution of universal values, old traditions are constantly renewed to shape contemporary values as well as to understand the moral essence of human history. In fact, many such traditions provide a fundamental foundation for the further development of human civilization. Universal values emerge from the concurrence of diverse religions, cultures and traditions. They represent the fundamental vision of the human enterprise—one which composes specific human communities into a human civilization. Moreover, if a cultural or religious practice is found only in a specific community and nowhere else in the world, it does not follow that such a practice is regressive. The concept of universal values does not reject everything that is old or unique; nor does it require the standardization of every community at the expense of cultural and religious diversity.

Second, controversial values must not be confused with regressive practices. A controversial value is still in the process of global discussion and there is no guarantee that the global society will finally accept it. Deeply embedded religious and cultural practices cannot be extricated from the community by a simple moral assertion that they are not universal. From a religious viewpoint, any value contrary to a religious belief may be rejected as a morally degenerative concept. Likewise, a value that conflicts with a long-established cultural practice may be dismissed as a foreign

---

43 Euthanasia and abortion, for example, are controversial values, with strong moral and political arguments on both sides. It is not clear whether the human civilization will arrive at some consensus regarding the voluntary or even involuntary death of a terminally ill patient. See Tom Fennell, To Live or Die: Doctors and Legislators Struggle with the Ethics of Euthanasia, Maclean's, Feb. 24, 1992, at 46. (Growing support for the euthanasia movement in Canada has prompted legislation that would protect doctors from prosecution in the event of the death of a terminally ill patient. The ethics of the policy have raised political and social debate). Similarly, it is not clear how the abortion debate will be resolved in the future.
value. This normative conflict between diverse religions and cultures underscores the nature of controversial values. One culture may accuse the other of promoting "backward" values. This cross-cultural criticism is a controversy. Universal Democracy does not take sides in inter-cultural discourse. It allows each culture to adopt its values, regardless of their disapproval by other cultures.

Furthermore, Universal Democracy does not employ any philosophical criteria to distinguish between controversial values and universal values. Rather, it provides a legal test. A universal value surfaces only when there is a consensus among the peoples of the world that such a value should be recognized. When this consensus is formally endorsed by an international custom or covenant, the universal value assumes a legal status. In contrast, if communities disagree whether a certain value ought to be universal, that value remains controversial and does not acquire the legal status of a universal value. The legal incorporation of a value in global conventions and customs demonstrates that communities with diverse cultures, religions and languages have given their approval. This point is critical for understanding the legal nature of universal values. It further clarifies how diverse communities interact with each other to create a global civilization without sacrificing diversity.

C. The Scope of Universal Values

Universal values are not confined to the political process. The global society creates universal values in many aspects of individual, community and global life. Here, I do not discuss the entire realm of universal values. I do, however, mention a few to show the ever-increasing scope of these values. Social and economic values, for example, are

\[\text{\small 64 "The right to life, liberty and the security of person" is a broadly recognized human value. See Universal Declaration, supra note 21, art. 3; ICCPR, supra note 21, art. 9. The right to physical security may come in conflict with traditional cultural practices. Female circumcision, for example, is an over two thousand years old custom. It is still practiced in many African countries. See Alison Slack, Female Circumcision: A Critical Appraisal, 10 HUM. RTS. Q. 437, 439 (1988). In 1981, a human rights organization presented a well-documented report about female circumcision to a working group meeting of the United Nations Sub-Commission for the Prevention of Discrimination and the Protection of Minorities. The African participants raised the question of cultural practices reminding the working group that female circumcision was a custom with a long tradition in Africa. See Report of the Working Group on Slavery, 7th Sess., U.N. Doc. E/CN/4/Sub.2/486 at 17 (1981), quoted in Katherine Brennan, The Influence of Cultural Relativism on International Human Rights Law: Female Circumcision as a Case Study, 7 L. & INTEG. J. 367, 383-84 (1989). The Sub-Commission in his published report declared female circumcision as a violation of human rights, but did not condemn the practicing cultures. See id.}
\[\text{\small 65 Many authors argue that each culture is equally valid and no one should judge a culture from the outside. See, e.g., RUTH BENEDICT, PATTERNS OF CULTURE 45-46 (1934); MELVILLE HERSKOVITS, CULTURAL RELATIVISM: PERSPECTIVES IN CULTURAL PLURALISM 14 (1972).}
prominent. That everyone has a right "to an adequate standard of living for himself and his family, including adequate food, clothing and housing" is a universal value. Similarly, communities have undertaken to generate adequate socio-economic means to provide citizens with education, medical health, just and favorable conditions of work and social security. This global precommitment to providing fundamental social and economic rights is aspirational in character, since many communities do not have the resources for the full realization of these rights. This aspirational nature of these goals, however, does not imply that communities are free to disregard them. Communities remain under an obligation to work towards achieving these goals "to the maximum of (their) available resources."

In recent decades, there is a new realization among global communities that the environmental health of the planet is critical for sustaining life. Accordingly, communities have undertaken to coordinate their efforts to balance social and economic development within the context of environmental concerns. Likewise, there is a broadly-shared awareness that "the scourge of war" impedes the progress of human civilization and that global peace and cooperation are preconditions for "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."

Universal values promote the noble goals of human civilization. A concerted effort to proximate these goals is a monumental task. Even legalization of universal values does not guarantee world-wide compliance. Setbacks are bound to occur. Genocide, for example, is illegal; but it still occurs. Millions of men, women and children still die of famine, disease

---

46 See ICESCR, supra note 35, art. 11 (1). A similar value has been included in Art. 26 of the American Convention on Human Rights. See American Convention on Human Rights, supra note 36, art. 26. See also African (Banjul) Charter on Human and People's Rights, supra note 36. The United Nations Charter also states that the "United Nations shall promote (a) higher standards of living, full employment, and conditions of economic and social progress and development. U.N. CHARTER art. 55, para. 1.

47 Each state party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. See ICESCR, supra note 35, art. 2(1).


49 See Stockholm Declaration of the United Nations Conference on the Human Environment, U.N. Doc. A/Conf. 48/14 (1972), reprinted in 11 I.L.M. 1416 (1972). "Man is both a creature and mould of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth." Id. l(1). "The protection and improvement of the human environment is a major issue which effects the well-being of peoples and economic development throughout the world: it is the urgent desire of the peoples of the whole world and the duty of all Governments." Id. l(2).

50 U.N. CHARTER, preamble.

51 Id. art. 1, para. 3.
and political conflicts. Ethnic cleansing is the new face of fierce ethnocentrism. Serious international tensions continue to impede regional and global cooperation. These pathologies, however, should not be construed to denigrate universal values as being "full of sound and fury, signifying nothing."72 Shunning the voices of cynics, pessimists and naysayers, we all share the responsibility for nurturing conditions under which Universal Democracy will prosper in all communities across the world, establishing a peaceful and prosperous human civilization. In this regard, all the peoples of the world must defend universal values in all communities including their own.

III. THE RIGHT TO PARTY PLATFORM

The right to party platform is a fundamental principle of Universal Democracy. To win general elections and obtain state authority, a party offers to the public a manifesto or a platform containing principles and policies that would guide the party, if voted to power, in its governmental activities.73 The party platform is a public pronouncement of the party's overall ideals including its economic philosophy, its views on civil and political rights, its attitude towards church and state, its outlook on foreign relations and its commitment to bring about a needed social change that the party believes is in the best interest of the community.

A party platform provides a basis for evaluating whether the party meets the moral and political expectations of the people.74 In a vigorous democracy, diverse party platforms generate a national discussion in which parties participate to criticize each other's programs and defend their own. A serious issues-oriented debate among parties and their candidates clarifies comparative strengths and weaknesses of proposed platforms. It also allows the people to make a more informed political judgment before casting their votes. Party platforms uphold and stimulate reflective democracy. Accordingly, the right to party platform is the key to secure a transparent

72 WILLIAM SHAKESPEARE, MACBETH act 5, sc. 5.
73 Party platforms are not always great documents of lasting political philosophy, but they shape the image of the party, set the tone for an election, give a voice to major interest groups within the party. They are often characterized as "pro-labor," or "pro-business," "liberal" or "conservative." See THOMAS W. MADRON & CARL P. CHELF, POLITICAL PARTIES IN THE UNITED STATES, 274-75 (1974) [hereinafter POLITICAL PARTIES].
74 Winning elections is a complex process and the victory does not exclusively depend upon the party platform. A number of factors including the charismatic qualities of the leaders of the party and the funds at the disposal of the party influence the outcome of the elections.
political process.  

One may attack the significance of party platforms, arguing that parties are not inspired by high ideals to serve the community. Some parties lack even the basic understanding of how government is run; some outwardly seek power for unjust enrichment; some wish to impose a discarded ideology on the masses. In addition, a victorious party may ignore its platform in making governmental policies. Whether a party has the skills to run a government and whether it will do what it says are legitimate questions. A responsible electorate considers the competence and credibility of a party before casting votes. 

The political art of winning elections is complex, and parties adopt a number of strategies to obtain governmental authority. Universal Democracy, however, inculcates a new political culture in which party platforms assume pivotal significance. Political parties appeal to the electorate on the basis of their platforms. Voters take these platforms seriously. The national as well as global media play a critical role in exposing lies, deceptive policies and corruption practiced by the ruling party. To cleanse the political process, the media and the people hold parties accountable to their platforms. This gives birth to a new political culture in which party platforms assume the status of a contract. If voted to power, the ruling party is under a contractual obligation to carry out its part of the agreement. A breach of the platform is a breach of the contract, and voters may exercise their right to recall the party.  

---

75 It might be shown that party platforms are mere political concoctions to win elections and that a party platform is often modified, even totally ignored, when the party wins the elections. This allegedly deceptive character of political platforms, however, does not diminish their importance, particularly if a political party is banned or denied access to the political process on the basis of its party platform. The right to party platform is derived directly from the nature and purpose of political association. 

76 In the United States, a serious undertaking of platform making did not begin until 1840. See NATIONAL PARTY PLATFORMS, 1840-1972, vi-vii (Kirk H. Porter & Donald B. Johnson eds., 5th ed. 1973). The platforms of major political parties are often long, evasive, and even silent on matters of vital concern to the nation. Party platforms are made to obtain the widest possible support. Nonetheless, it would be inaccurate to assert that party platforms are meaningless. They reflect political trends, reveal weaknesses in the program of opposition parties and provide a basis to judge party behavior during an administration. See id. at vi-vii. 

77 See POLITICAL PARTIES, supra note 73, at 170. See also, Note: Read My Lips: Examining the Legal Implications of Knobblingly False Campaign Promises, 90 MICH. L. REV. 428 (arguing that political candidates are inclined to make false promises, knowing that the legal system could not punish them; demanding that law should forbid the use of a deliberate lie in the world of politics). However, if law begins to punish candidates for false promises, it would chill a vigorous political debate affecting the right to speech and weakening the very spirit of democracy. 

78 POLITICAL PARTIES, supra note 73, 185-229. 

79 See Joel Levin & Banks McDowell, The Balance Theory of Contracts: Seeking Justice in Voluntary Obligations, 29 MCGILL L. J. 24, 53 (1983). The authors argue that although campaign promises are serious, they are not legally enforced, "but are left to political...enforcement through subsequent elections, lobbying, referenda, and removal from office." Id. at 53. Although I generally agree with these authors, I do not wish to totally rule out the possibility of developing a future
A. Classification of Party Platforms

Universal Democracy examines party platforms to verify their precommitment to universal values. Accordingly, it classifies party platforms into three broad categories: normative, regressive and visionary. Normative platforms adopt universal values as their guiding principles and undertake to shape communal institutions in accordance with these values. A normative platform preserves the existing community system in harmony with universal values. If the laws of a community oppose universal values, a normative platform criticizes these laws, proposing at the same time new laws in conformity with universal values. If a community law, for example, denies women the right to vote, a normative platform will propose to change it in light of universal values, under which the right to vote cannot be denied on the basis of gender. In a community aspiring to become part of the global civilization, a normative platform acts as a progressive force for bringing the community into harmony with universal values. Conversely, if community laws already uphold universal values, a normative platform acts as a conservative anchor to maintain and defend the existing legal system.

Regressive platforms espouse policies and principles that have been universally rejected. A platform is regressive when it advocates social policies contrary to universal values. A regressive platform may or may not reflect sentiments of the community. If the community is a part of the global civilization and its laws are in harmony with universal values, it would likely recognize a regressive platform for what it is. This recognition occurs because a regressive platform proposes to change the existing community system by adopting policies contrary not only to universal values but also to the community's precommitment to them. In contrast, if the community opposes the existing or a future precommitment to universal values, a regressive platform mirrors the community sentiment. In this scenario, the community will refuse to acknowledge the regressive nature of the party platform.

Regressive platforms may derive vitality from the community culture or religion. If an established community practice is incompatible with universal values, regressive platforms may further sharpen the dilemma, assuming that the community, by the sheer force of inertia, would retain the old and the familiar rather than choose the universal value. However, regressive platforms may have nothing to do with the culture and religion of the community. Instead, they derive ideas and energy from

jurisprudence under which some legal relief for a serious breach of a party platform will be available.

Nor is it a pejorative term to condemn platforms that defend the community culture or religion.
base human emotions such as fear, envy, anger and hatred. Party platforms that advocate the persecution of ethnic groups, forcible suppression of religious beliefs, mass eviction of immigrant populations or racial supremacy are clearly regressive.

Visionary platforms offer new ideas to shape a better society. Poised at the cutting edge of human consciousness, visionary platforms foresee the direction which the global society should take to reach the next moral stage. These platforms may or may not challenge universal values, but they do offer the vision of a future society founded upon better moral, economic and social principles. By allowing political parties to challenge the normative consensus even at the global level, Universal Democracy does not edify value-skepticism. Rather, it embraces each stage of human evolution, without dogmatic attachment to any one stage. Furthermore, this approach leaves open the possibility for further evolution, inviting future generations to guide the human civilization.

Both regressive and visionary platforms are similar to the extent that both may diverge from universal values. But the difference between them is clear. Regressive platforms deviate from contemporary human consciousness in adopting policies that human experience and wisdom, have rejected. Visionary platforms do not reintroduce mistakes of the past, nor do they recommend a clear break from universal values. Firmly rooted in the strong historical sense of normative evolution that led to the creation of universal values, visionary platforms offer a creative course of action to reshape a better community as well as to re-imagine a better global society.

The above classification of party platforms into three distinct categories may be important in understanding the moral status of a certain community. By embracing a specific platform, the community reveals its conformity to, or divergence from, universal values. In reality, however, not all party platforms fit into one of the categories. A party platform may be a complex mix of regressive, contemporary and visionary values. On a given issue, for example, the principles incorporated in the party platform may be in harmony with universal values; but on others, the platform may simply reflect regressive policies of the past. In fact, a party platform rarely falls into only one of the categories.

These observations, however, do not diminish the significance of the above classifications. Even if a party platform offers a mixed set of values, it might nonetheless show a certain bias in favor of one of the three categories. In determining the nature of a party platform, it is not sufficient to simply read the document that a party presents to the public. Voters must pay attention to the emphasis that the party places on certain issues not only in the document but in the actual political campaign. By carefully assessing the party platform in the context of the past record of the party as well as the way in which it conducts its election campaign, voters can usually form a
good idea about the core values of the party.

Ordinarliy, political parties reflect predominant sentiments of the community in their platforms. To get votes, parties promise to deliver what voters want. This strategic linkage drives the enterprise of democracy. Political parties that challenge entrenched sentiments of the community and offer revolutionary agendas are often dismissed as fringe parties. In a democratic culture where parties respect wishes of the majority, the community develops a certain amount of normative stability. Parties respond to the people to get their votes; and the people prefer parties that reflect their choices. This mutually favorable relationship between the people and the parties provides a solid foundation for building stable institutions.

Universal Democracy promotes trust between the people and political parties. But it is not a theory of status quo. It views the electoral process not only as a political means for the people to recall the existing government and elect a new one, but also as a valuable opportunity for the entire community to engage in an extensive dialogue for critically assessing the social, economic and spiritual policies implemented by the government as well as those offered by the opposition. In this way, the electoral process is, and should be, a learning experience for all in the community. It encourages a social discourse based on party platforms by allowing the opposition to challenge the government, secular forces to contest religious views, and spiritual forces to dispute the material vision of human destiny. In addition to these normative questions, party platforms educate the people on how to solve basic problems of the community in a practical and efficient manner. Freely disseminated party platforms discuss major problems of the community as well as the means to solve them.

Many factors influence the way voters choose candidates and parties. Leadership cult, name recognition of candidates, political credibility and the past record of parties sway the popular vote. In fact, party platforms may or may not play a decisive role in shaping voters' choices. To counter this phenomenon, Universal Democracy creates a political culture in which party platforms assume central significance. It condemns the regressive notion that party platforms are manipulative tools used to garner votes. Universal Democracy views party platforms as serious ethical documents that expose real issues facing the community and offer solutions in a bold and honest manner.

A politically mature electorate, nurtured in the norms of Universal Democracy, may no longer emotionally swayed by the charisma of a candidate or popular slogans. It develops a keen sense of recognizing dishonest, evasive and duplicitous party platforms. It seriously weighs party platforms against each other before electing a party and holds the victorious
party accountable to its platform. Moreover, electoral competition in any community is an event in which all peoples of the world have an interest. Therefore, global information and news agencies play a critical role in exposing political parties that advocate regressive platforms, government policies that deny universal suffrage, and community practices which are no longer in harmony with universal values. Political critics, journalists and international observers also scrutinize party platforms to expose their core values and to judge their essential nature in light of universal values. If any political parties are barred from contesting elections or if their right to association or freedom of speech is restricted, global news networks bring these violations to the attention of the global society, which has a shared responsibility to oversee that the democratic process in each community is carried out in a manner consistent with Universal Democracy.

B. Political Discourse Through Party Platforms

Universal Democracy sets up a dialectical struggle between precommitment to universal values and the freedom to offer party platforms. Ideally, parties will promote universal values and offer social and economic policies that advance the material and spiritual needs of the community. In reality, however, some political parties will offer regressive platforms. It would be too simplistic to insist that only normative platforms that defend universal values should be allowed the freedom of dissemination, and that regressive platforms should be banned. Universal Democracy rejects such a pre-censored view of the political process. Holding on to the paradox of precommitment and freedom, Universal

---

81 But cf. Frank Bealey, Democracy in the Contemporary State 264 (1988). The author argues that ordinary citizens may not obtain correct information about important issues, since politicians distort each other’s positions, conceal their real motives and manipulate the information for their own benefit. Even the media might misrepresent the views of the candidates for a host of reasons ranging from bias, political tilt and commercial profits. Id.

82 A new global practice is in the making. In many countries, particularly the ones where there have been previous allegations of vote-rigging, international inspection teams visit to verify the authenticity of the voting process. This trend is consistent with Universal Democracy.

83 There is a common tendency among some people to reject paradox as a set of contradictions. They further want to resolve the paradox by selecting one aspect of it over the other. Universal Democracy does not seek to resolve every paradox. In fact, it takes the view that the ultimate human reality is anchored in a cluster of paradoxes that must not be resolved in any simplistic manner. Self-identity and respect for others, freedom of speech and sensitivity, faith and tolerance, ethnic pride and mutual coexistence, all these and many other facets of human life constitute paradoxes. Understood in the metaphor of a rounded object, a paradox cannot be reduced to a single linear dimension. So the best way to understand and act upon a paradox is to respect the seemingly irreconcilable aspects of its reality. Its incomprehensible roundness contains more than one truth. The ultimate wisdom to understand the spherical reality of a paradox lies in comprehending the many competing truths that the paradox contains within itself.
Democracy allows even regressive platforms to participate in the political discourse of specific communities as well as that of the global society.

The following discussion highlights some fundamental aspects of the right to party platform. The right to party platform is a composite right, made up of several universal norms such as the right to association,\(^4\) the right to free speech\(^5\) and the right to vote.\(^6\) As a general principle, any political party is entitled to offer a party platform. A party is essentially an association of persons formed for the purpose of contesting elections and winning political offices vested with the authority to make public policy.\(^7\)

As such, parties offer their platforms to inform the public about their proposed plans to run the affairs of the community. These platforms could range in scope and content. They may build a community consensus by appealing to most voters in the community. They may be ideological in character, for the chief purpose of making an ideological point or for influencing the entire community to adopt a new way of thinking.

1. Ideological Party Platforms

Universal Democracy allows parties to present ideological platforms. A party may present a platform according to the unique nature of its association. A socialist party, for example, may propose to regulate the free market and redistribute national wealth to provide food, clothing and shelter to every resident.\(^8\)

In contrast, a liberal party may advocate

\(^{4}\) See ICCPR, supra note 21, art. 22(1). ("Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.").

\(^{5}\)See id. art 19.

\(^{6}\) See id. art 25. See also Universal Declaration, supra note 21, art. 21 (3) ("The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

The election laws may define a political party differently. They may require, for example, that a party will have no access to the ballot in the current election unless it has polled a certain percentage of the entire vote cast at the previous election.

\(^{8}\) See, e.g., NATIONAL PARTY PLATFORMS, supra note 76, at 562. "The Socialist party of the United States is dedicated to building socialism in this stronghold of capitalism, because, even at its greatest, capitalism fails to satisfy the finest aspirations of its people." Id. "The new society for which the Socialist Party strives would organize the American economy to produce for the welfare of the many at home and abroad rather than the profits of the favored few." Id. at 563. "Capitalism fails to guarantee basic security to the people. We would establish social insurance with adequate provision for
capitalism, the separation of church and state and the protection of individual liberties. Deriving its ideals from some religious text, a religious party may inspire to institute a religious republic in which religion is not separated from the state and in which spiritual advancement of all is the end of social living. A racial party may wish to establish the superiority of a specific racial group over the entire community: it may propose to segregate races and to deny certain racial groups the right to live free from discrimination and hostility.

Universal Democracy condemns regressive platforms. Nonetheless, it does not place any prior restraints on the formation of political parties, even if their platforms are regressive in content. Nor does it ban them from participating in the democratic process. A party does not lose its status as

unemployment compensation, old-age pensions and death benefits, and provide for medical care, family allotments and sickness insurance." Id.

99 See JOHN L. ESPOSITO, ISLAM AND POLITICS (3d ed. 1984). The author argues that since the political ideology of an Islamic state centers around God, many Islamic states distinguish between Islamic and Western democracy. Accordingly, many Islamic candidates and parties have participated in democratic elections, challenging the conventional wisdom in the West that Islam is incompatible with democracy. Despite the fact that some Islamic movements speak out against democracy, most Muslims accept the democratic process as an Islamic way to gain and transfer power. Id. at 285-86.

100 See International Covenant on the Elimination of All Forms of Racial Discrimination, GA Res. 2106 A (XX), Dec. 21, 1965 (entered into force: Jan. 4, 1969). The preamble states: "Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial differentiation, in theory or in practice, anywhere." Id.

99 See, e.g., The Platform of the Christian Nationalist Party, in NATIONAL PARTY PLATFORMS, supra note 76, at 420-21. The platform states how the power of the Jew has become America's problem; arguing that since all Jews in America are committed to political Zionism for establishing a separate Jewish state, they cannot be loyal Americans. The platform seeks deportation of all supporters of the Zionist movement. See id. at 420. The platform further states that all immigration of the colored races must be stopped by law. See id. at 421. The platform seeks a constitutional amendment for a permanent segregation of black and white races. See id. at 421-22. It asks the United States to withdraw from the United Nations, "a Jewish-Communist instrument for the destruction of the sovereignty of all nations." See id. at 422. It is ironic that the great ethics and human values embodied in Christianity were completely subverted by the Christian Nationalist Party. Note also that in 1948, the United Nations General Assembly passed a resolution to declare certain fundamental human rights. Known as the Universal Declaration of Human Rights, the resolution is an authentic source of universal values. See Declaration of Human Rights, supra note 21. Furthermore, the platform states: "In the light of the historic fact that the intermarriage of the black and white races invariably spells the destruction of a civilization, we Christian Nationals shall support an amendment to the Constitution of the United States which would require the segregation of the black and white races and which would outlaw intermarriage and make of same a Federal crime. Pending such a time as the American people can atone for the crime of slavery by the establishment of a Negro homeland, immediate steps must be taken to prevent the destruction of our Nation by mongrelization." See id. at 421-22.

100 The International Covenant on Civil and Political Rights, for example, prohibits hate speech. Article 20(2) states: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." See ICCPR, supra note 21, art. 20(2). A carefully drafted statute may implement this article of the Covenant. An expansive enforcement of this article might directly impinge upon party platforms. Universal Democracy strikes a balance between the right to party platform and the need to suppress hate speech that causes discrimination, violence or hostility. It might be interesting to note that the United States ratified the Covenant with a declaration stating that it will not limit the right to free speech. David P. Stewart, U.S. Ratification of the Covenant on Civil and Political Rights: The Significance of the Reservations, Understandings
a political association simply because its party platform is socialist, liberal, religious or racial. The critical test to hold an association as a political party is its purpose to seek power; it is not the nature of its vision, ideals or platform.\textsuperscript{93} The ultimate right to scrutinize and accept party platforms belongs to the electorate. Any \textit{a priori} suppression of party platforms must be discouraged, as far as possible, to save the political process from unlawful censorship. Political prior restraints diminish the right of the people to form political associations and contest for power. When the ruling party places prior restraints on party platforms, the very essence of Universal Democracy is threatened.

Party platforms lose political authenticity if laws coerce parties to change their associative nature. A political party is a voluntary association of like-minded people and the party platform may be inextricably bound to its nature. Party autonomy is seriously impaired if law forces an individual to become a member of a political party, or if law compels a party to accept an individual as its member. The question remains whether a party may exclude from its membership an entire social group on the basis of race, gender or religion. The concept of Universal Democracy allows a party to define its membership according to its nature and it may therefore exclude social groups it deems incompatible.

In a two party political system, such as in the United States, any political exclusion from either of the two dominant parties on the basis of gender, race or religion would most certainly be unacceptable. Courts in the United States have rightfully decided that party membership cannot be denied on the basis of suspect criteria such as race. The two party political system, however, breeds hypocrisy and confusion since members with different and even irreconcilable agendas join the same party. Consequently, party platforms lack translucence and honesty. In these circumstances, it remains unclear what the party would in fact do if voted into power. In recent years, there has been a growing frustration with the two party system in the United States. Many political pundits have argued for the need of a

\textit{and Declarations}, 14 \textsc{Human Rights LJ.} 77, 79-80 (1993). Furthermore, the United States urged Parties to the ICCPR to refrain from exercising the limitations on free speech permitted by the ICCPR. \textit{See S. Exec. Rep., No. 102-23, at 9 (Mar. 24, 1992).} This United States reservation to Article 20 might be called a controversy between the United States and other Parties to the ICCPR. An argument may also be made to show that the United States reservation to Article 20 constitutes a regressive value, since hate speech has no intrinsic value. The United States can easily give effect to article 20 of the ICCPR without overly burdening the freedom of speech, as many other countries have done.

\textsuperscript{93} The Basic Law (Grundgesetz) of the Federal Republic of Germany, which serves as Germany's Constitution, declared that any political parties "which by reason of their aims or the conduct of their adherents seek to impair or to do away with the free democratic basic order . . . shall be unconstitutional." \textsc{Grundgesetz [Constitution]} [GG] art. 21. (F.R.G.) \textsc{Constitutions of the Countries of the World} (Albert P. Blaustein & Gisbert H. Flanz eds., Press and Info. Off. of the F.R.G. trans., 1994).
third party. In a multiparty political system, any exclusion from a political party on the basis of race or religion, for example, poses a less serious problem. In fact, if parties deny membership on the basis of questionable criteria, they expose their nature more so than they do through party platforms. If a racial party, for example, excludes certain racial groups from its membership, it becomes obvious that the very nature of the party is derived from racial classification. The party will lose the basis for its existence and the rationale underlying its platform if laws coerce the party to accept members from all racial groups. Likewise, the nature of a religious party is directly impaired if laws force the party to open its doors to secularists and atheists. The unique associative nature of a party as well as the distinctive character of its platform will be difficult to preserve if the party loses the right to define and control its membership. Universal Democracy does not offer any ready-made formula to strike a balance between the freedom of political association and the right of disadvantaged groups to participate in the political process. Each situation will demand an appropriate analysis and response, depending upon a host of political and social factors.

Ordinarily, a party may deny membership to a group for many reasons. If the group is small and impoverished, the party may have no political or financial incentive to seek such membership. If the group is opposed to the party platform, its exclusion might be justified. If there is a fierce community-wide prejudice against the group, the party will have reasons to construct a platform harmful to the interests of the minority group. Pandering to majority voters, the party will define its association to exclude minority groups without any fear of political retribution. In such a scenario, one might ask whether the party should be forced by law to open its membership to politically weak minority groups and whether such a constraint on the right to association is compatible with the concept of

---

94 Ross Perot, a rich man from Texas, has been able to establish a third political party, called the Reform Party. In the 1996 Presidential elections, however, the party seems to have only a limited following.

95 In the United States, however, the Courts ruled it unconstitutional for a state to authorize a political party to exclude a racial group from voting in the primary. But see Smith v. Allwright, 321 U.S. 649 (1944); Terry v. Adams, 345 U.S. 461 (1953).

96 Donna E. Arzt, Soviet Anti-Semitism: Legal Responses in an Age of Glasnost, 4 TEMPLE INT’L L.J. 163 (1990). The author analyzes the populist manifestations of Soviet anti-Semitism, particularly those generated by right-wing nationalistic groups such as “Pamyat,” which means “memory.” Id. at 164. In France, the “extreme right-wing National Front Party, headed by Jean Marie Le Pen,” which has the following of “anywhere from 10 to 60 percent of the French public,” advocates for “mass expulsions of North Africans and other immigrants.” Id. at 179.
Universal Democracy. 

At the community level, there are legal ways to protect minorities lacking electoral power. Minorities may be allotted special seats in the legislature. This mandatory representation allows minorities to have a guaranteed voice in the making of governmental policies. If special minority representation is politically unacceptable, the community may institute constitutional provisions that protect the civil and political liberties of vulnerable groups. The community may also undertake international human rights obligations to give otherwise helpless minorities direct access to international bodies before which they may highlight their grievances and seek the protection of the international community. A morally conscientious community will find several social and legal means to protect the minorities without restricting the right to party platform.

A serious problem occurs when a community, as a whole, loses its moral anchor and turns its wrath against a specific group. This moral breakdown of the entire community causes a systemic pathology under which domestic law fails to protect the target group. 

---

97 Small minority groups living in a homogeneous community are often at a constant risk of discrimination, hostility and mistreatment. Protecting the vulnerable is an old axiom of global society and many communities attempt to protect their defenseless minorities with additional care. In just and noble communities, voters will refuse to elect a party that denies membership to powerless minorities or champions a party platform antagonistic to their rights. In the real world, however, such noble communities are hard to find. Universal Democracy does not lose faith in the normative evolution of human civilization, and its inherent optimism challenges the global society to create a human culture in which all groups are safe.

98 Some Islamic countries provide special seats for minorities in their legislature. Iran, for example, allows Zoroastrians, Jews, Assyrian and Chaldean Christians to each elect one representative to the National Consultative Assembly. See IRAN CONST. art. 64. Similarly in Pakistan, the national legislature consists of Muslim and non-Muslim members. Ten seats are reserved for Christians, Hindus, Sikhs Buddhist and Parsi communities. See PAK. CONST. art. 51. These special seats in the legislature may be criticized on the ground that the right to political participation is vested on the basis of religion. On the other hand, this special representation may be praised as a protective constitutional device as these minorities will have little chance of getting elected in predominantly Muslim districts.

99 See Donald J. Boudreaux & A.C. Pritchard, Rewriting the Constitution: An Economic Analysis of the Constitutional Amendment Process, 62 FORDHAM L. REV. 111, 123 (1993) (explaining the idea of societal precommitment through a constitution which allows a supermajority to introduce hard to amend provisions in the constitution, foreclosing thereby certain choices that a simple majority might wish to realize).

100 The community, for example, may accept the jurisdiction of the Human Rights Committee, established under the International Covenant on Civil and Political Rights, to receive individual complaints for the violation of human rights listed in the Covenant. See ICCPR, supra note 21, art. 28. This precommitment to international agencies will constrain future governments from violating the rights of the minorities.

101 The genocide in Rwanda, ethnic cleansing in Bosnia, political killings in Cambodia and Somalia are more recent examples of the breakdown of communities. See generally GENOCIDE IN PARAGUAY (Richard Arndt ed., 1976) (the genocide of Ache Indians by the government of Paraguay); KALYAN CHAUDHURI, GENOCIDE IN BANGLADESH (1972) (the genocide of Bengalis by the Pakistani army in 1970s during the creation of Bangladesh); THOMAS P. MELADY, BURUNDI: THE TRAGIC YEARS (1974).

102 A Serb-dominated Bosnia, for example, is unlikely to protect the rights of Muslims. For a jurisprudential analysis, see HERBERT LIONEL ADOLPHUS HART, THE CONCEPT OF LAW 114-20 (1961).
regressive community to respect universal values would require a concerted international effort. It is tempting to argue that in such a failed community, political parties should be forced by law to accept the victim group in their fold, and furthermore, that legal restrictions should be placed on regressive party platforms. This approach, except in extreme cases of imminent or certain harm to an identifiable group, is incompatible with Universal Democracy for several reasons. First, parties may simply ignore the laws. Second, even if they open up their membership to the victim group, the group would have no influence within the party to shape its party platform. Third, legally coerced political parties would begin to practice deceit in the framing of their political platforms, augmenting social hypocrisy.\footnote{See Ali Khan, Lessons from Malcolm X: Freedom by Any Means Necessary, 38 How. L. J. 79, 94 (1994). In this article, I articulate the concept of duplicitous democracy, which embraces formal equality in its laws but continues to discriminate against disfavored groups. Party platforms will mimic systemic duplicity in order to preach without any intention to practice. This cultural pathology must be corrected by exposing the hypocrisy of the system at the global level.}

Just because parties are legally forced to take prejudice out of their party platforms does not assure that they have indeed abandoned it for good. After attaining power and responding to demands of the regressive community, the victorious party may begin to persecute the victim group. When moral pathology overwhelms a legal system, not even constitutional provisions can safeguard the target group from the rage of the majority. If, on the other hand, no legal burdens are placed on the right to political association and to party platform, the victim group as well as the international community might be able to see what is coming and prepare accordingly an appropriate response to prevent the moral collapse of the community.

From the above analysis, it may not be concluded that Universal Democracy advocates the proliferation of parochial, racist or fringe political parties. A politically stable and morally mature community discourages social fragmentation. Its citizens refuse to join political parties that restrict membership on the basis of questionable characteristics such as race or religion. Parochial parties are most likely to flourish in an ethnically, racially or religiously diverse community, particularly if constituent groups are divided and their respective interests are in conflict. But in precisely such a community, diversity itself acts as a natural deterrent against parties that solicit narrow constituencies. To win votes across ethnic, racial or religious boundaries, it is in the self-interest of political parties to appeal to the entire electorate and propose a party platform that joins discordant groups in support of common goals.

A party platform good for the entire community draws a larger pool of voters in favor of the party. A party that is serious about obtaining power
refrains from creating a divisive platform. If the political culture is oriented towards party platforms and if the people begin to take party platforms seriously, it is quite likely that factionalism will dwindle. If a political party is serious in obtaining control of the government, it should design a party platform to unite the factions and fuse as many interest groups as possible to develop a workable consensus. Thus party platforms act as internal dialogues among different factions and interest groups and force them to develop ideas that unite them, de-emphasizing conflict.

If a party deceitfully adopts an open-minded platform to win elections, it may resort to regressive policies after obtaining power. Against such dishonesty, however, there is yet another deterrent: the party would lose its credibility and may even lose the next election. Universal Democracy creates a political culture in which party platforms are taken seriously and divisive politics discouraged in the interests of shaping a well-informed polity. In a well functioning democracy, therefore, there is no need to enact laws to force political parties to alter the nature of their association or shun their parochial platforms. If the electorate is vigilant and the global society remains alert, dishonest and regressive political parties will have difficulty hoodwinking communities on a regular basis.

It might be argued that since the right to party platform is derived from the right to association, the members of a party must be consulted for the formulation of party ideals, principles and policies. The right to party platform is not exclusively vested in the party leadership; it belongs to the entire membership. Hence, one might argue, there should be some sort of internal democracy within the party.\textsuperscript{104} If views of the members are not incorporated in the party platform, the right to association is directly impaired. In such a case, a party is no more than a vertical organization consisting of leaders and followers.

A politically astute party will have some internal procedures to consult its members before preparing the party platform. From a practical standpoint, if for no other reason, a party whose members voluntarily support the party platform will generate more enthusiasm among the members for winning the elections. But even if the party leadership is authoritarian and does not consult members for drafting party principles and policies, the party retains the right to platform as well as the right to communicate the platform to the people. Universal Democracy prefers a democratic structure within the party. The ruling party, however, may not invoke the authoritarian nature of an opposition party as a basis to deny it

\textsuperscript{104} The German Basic Law required that the internal organization of political parties "shall conform to democratic principles." GO, art. 21 (1). See supra note 93.
the right to party platform or access to the media.105

2. Dissemination of Party Platforms

Party platforms will be meaningless without vigorous freedom of speech. To participate in the democratic process, a party needs to convey its platform to its members as well as to the public. The right to party platform cannot be effectively exercised if a party is denied access to the media or if its platform is suppressed or censored.

There are two important communicative aspects of the right to party platform. First, internal communication among members and leaders of the party is indispensable for the formation of party principles and political goals and for building a consensus within the party with respect to the party platform. Internally, the party platform acts as a unifying mechanism and provides a philosophical basis for members to design political strategies and to consolidate their efforts for attaining state authority. If members of a party or its leaders are prevented from communicating with each other or if their internal communication is censored or impeded, the party would fail in a significant way to exercise its internal right to party platform.

Second, external communication is an equally important aspect of the right to party platform. A party needs to communicate its party platform to the people in general and to voters in particular.106 Even if the associative nature of a party is generally known and even if there is common knowledge that its platform contains certain principles and policies, the party needs access to the public media for disseminating its views to the electorate. A party with a small following may be denied equal access to public media on the ground that the media would be overwhelmed if access is granted to every party irrespective of its strength. But if a party with a sizable following is denied access to the media or if it is prevented from establishing a regular contact with voters, its right to party platform is seriously injured.107 Any external censorship of a party platform impairs the

105 The State may use an external test to deny the party access to the public media. For example, if the party has failed to obtain a required following, it may be refused funds for contesting elections and even equal access to the public media.

106 See Frank Bealy, Democracy in the Contemporary State 263 (1988) (arguing that democracy without information is flawed and that institutional decision-making as well as popular discussion is hampered when information is withheld); see also Jeffrey A. Levinson, Note, An Informed Electorate: Requiring Broadcasters to Provide Free Airtime to Candidates for Public Office, 72 B.U. L. Rev. 143 (1992).

107 An election campaign is an effective means for a party to appeal to the like-minded citizens, and any exclusion of a candidate from the elections directly affects the right to vote as well as the right to association. See Illinois State Bd. of Elections v. Socialist Workers Party, 440 U.S. 173, 184 (1979).
relationship between the party and the public.\textsuperscript{108}

The right to party platform must be exercised in public for the benefit of the entire electorate. No party may claim to exercise this right in secrecy. The right to party platform is not a party's private right vested only in its leadership or in its membership. The party leadership and members may play an active role in determining the party platform, but they may not lawfully refuse to share the platform with the general public. A party is an agency by which the people govern themselves. When a party enters the democratic process, the voters are entitled to know the party platform. In fact, the party may be brought under a legal obligation to disclose its party platform to the electorate so that voters may make an informed choice. Secret party platforms breed suspicion and may offer subversive programs to overthrow existing institutions through non-democratic procedures.

The right to disseminate party platforms is directly related to the right to vote. If the will of the people is the source of governmental authority, voting in an electoral competition provides a practical medium to translate this will into an elected government. But not under every constitutional system is there a strong right to vote.\textsuperscript{109} The right to vote under one-party rule is much weaker since it can be exercised only to elect a new government from within the same ruling party. A strong right to vote presupposes the existence of plural political parties. If voters have the choice to cast their votes for different political parties and if they may also expel the ruling party from power, the right to vote gathers strength and becomes much more effective.\textsuperscript{110}

A weak right to vote diminishes the significance of party platforms. If voters are restricted to elect successive governments from the same ruling party, the party platform loses its importance as a critical concept. The official platform under one-party rule is often an ideological document that


\textsuperscript{109} Universal Democracy does not mandate any one system of electing representatives. As a general principle, Universal Democracy favors a system of representation that maximizes the political power of each vote. Each community must take into account its unique social, ethnic, ideological and geographical factors to design a representative system that maximizes the political effect of each vote. Single member districts drawn under legally defensible geographical criteria are compatible with Universal Democracy. If the existing geographical criteria minimize the voting power of certain groups, Universal Democracy mandates that geographical districts be fixed in a manner that empowers disfavored groups. Under certain social and political conditions, the concept of proportional representation might be a more useful system than the "winner-take-all single member districts." See Note, \textit{The Constitutional Imperative of Proportional Representation}, 94 \textit{Yale L.J.} 163 (1984).

\textsuperscript{110} See generally Anderson v. Celebrezze, 460 U.S. 780 (1983); Illinois State Bd. of Elections v. Socialist Workers Party, 440 U.S. 173; Williams v. Rhodes, 393 U.S. 23, 31 (1968); Republican Party of Connecticut v. Tashjian, 770 F.2d 265 (2d Cir. 1985). These cases recognize the connection between the right to association and the right to vote. The right to association and the right to vote are directly diminished if a party is not allowed to contest elections and win votes.
may be applauded but not criticized. Since voters must choose their representatives from among the candidates of the ruling party who share the same ideology, party platform does not play a major role in differentiating between the candidates. The candidates may still contest each other on the basis of their respective character and public service. But their adherence to the official platform functions as a critical unifying force in that it identifies them as belonging to the ruling party.

A strong right to vote fortifies the concept of party platform. In a multiparty system, party platforms provide useful information to the electorate and serve to differentiate parties from each other.\textsuperscript{111} The absence or suppression of party platforms directly affects the right to vote. If voters do not know what the political parties stand for, they would have no programmatic basis to prefer one party over the other. A political circumstance could be imagined in which all party platforms sound identical, without providing a sufficient basis to distinguish between the parties. Nonetheless, generally, the right to party platform serves the right to vote.

Few would disagree that mainstream political parties should have a general right to party platform. Under Universal Democracy, however, this right may not be denied even to fringe or unpopular political parties. A strong right to vote implies and requires a strong right to party platform. When any platform is censored or suppressed, voters lose their corresponding right to consider that particular party for their vote. Some may still vote for a fringe party. But to cast their vote in an informed and politically effective manner, voters must be given the opportunity to hear all views including those of unpopular parties and to study all platforms including the ones that challenge mainstream ideas.

\section*{IV. RIGHT TO RECALL: THE KEY TO UNIVERSAL DEMOCRACY}

The right to recall is the most important aspect of Universal Democracy. No party, if voted to power, has any legal or moral basis to suspend the very procedure that enabled it to acquire the authority to rule.\textsuperscript{112}

\textsuperscript{111} The mere existence of a multiparty system does not guarantee that voters have a real choice in electing a party of their choice. A multiparty system loses its effectiveness if political parties are legally coerced not to have platforms or if they are not allowed to publicize their platforms.

\textsuperscript{112} John Stuart Mill explains that the struggle between liberty and authority is a constant theme of political history. In ancient Greece, liberty was defined as protection against the tyranny of the rulers. There was a widespread assumption that since the interests of the ruler and those of the ruled are in conflict, the relationship between authority and liberty is essentially adversarial. See John Stuart Mill, \textit{On Liberty}, 10 (1859). A time came in the progress of human affairs, Mill further states, when the people realized that the holders of authority "should be their tenants or delegates, revocable at their pleasure." This idea that the authority should be revocable and rulers recallable superseded the previous
A. The Meaning of Right to Recall

At the outset, the right to recall a public official may be distinguished from the right to recall a government. The right to recall an official is often exercised when a particular official has been convicted of a felony, is incompetent, has failed to perform his duties prescribed by law or engages in a conduct incompatible with obligations of the office. This right can be invoked any time during the tenure for which that public official was elected and can be exercised by the people who elected that official. The right to recall a government is a broader political right. The right to recall a public official is important, but the right to recall a government is critical to the democratic process. It allows the people to remove the entire government, thereby changing basic social and economic policies that the government has followed.

A legal order continues to exist when governmental authority is lawfully acquired in accordance with the procedure laid down in the constitution or some other legal document.\textsuperscript{113} Rules containing such a procedure are called the succession rules, and they play a pivotal role in transferring power from the existing government to a new government. In a parliamentary democracy, for example, general elections are periodically held to give eligible voters the opportunity to retain the existing government or choose a new one. Although the idea of choosing a government through general elections is simple, the democratic succession rules are often complex and technical.\textsuperscript{114} These rules lay out the time, place and manner in which elections are held; they may describe qualifications and eligibility criteria under which political parties and their candidates may contest elections; and they may also require the minimum number of seats a party or a coalition of parties must win in the parliament to form a government.

To fully understand the critical significance of democratic succession rules, a distinction must be made between the right to elect a new government and the right to recall an existing government. Ordinarily, the distinction does not draw much attention because both rights are inseparable and one presupposes the existence of the other. For example, no democratic process can function if there is a right to remove an existing government, but no elections are held to elect a new one. Similarly, the democratic

\textsuperscript{113} See Ali Khan, \textit{A Legal Theory of Revolutions}, 5 B.U. Int'l L.J. 1, 2-3 (1987) (in this article, I explain the significance of succession rules and their relationship to a revolution in the legal sense).

\textsuperscript{114} See id. at 18-19. Even the election laws could be quite complex in imposing age, education and residency requirements on candidates.
process will fail if the people elect a new government but the existing
government is under no legal obligation to relinquish power.

A functional democracy makes the two rights simultaneously
available to ensure that state authority is peacefully transferred from the
existing government to the new one. The distinction is nonetheless
important because it clarifies that the democratic process confers upon the
electorate two distinct rights: the right to elect a new government, and the
right to recall an existing government.

In fact, it might be argued that the democratic concept of recalling
a government is a great contribution to the political process. Many forms
of government do not have a lawful procedure to remove those in authority.
The normative flaw in an absolute monarchy, for example, is not that every
monarch fails to institute a just legal order. Its main defect lies in the
absence of a lawful procedure to remove a bad monarch. Similarly, military
rule is not inherently malevolent; it might be inevitable in a community
faced with unmanageable social upheaval. It is nonetheless a poor form of
government because it suspends all lawful methods by which the military
government can be recalled. 112

The right to recall those charged with authority is so fundamental
that any form of government without it is inherently undemocratic.
Although this right is derived from the democratic process, it can
qualitatively transform even other forms of government. A monarchy will
become a new form of government if the people can effectively exercise the
right to remove the monarch, even though they do not have the
corresponding right to elect one. In contrast, the right to elect a monarch
would be ineffective if the people do not have the critical right to remove
the one in power.

The right to recall the government may be distinguished from the

112 In defining a good government, Jean-Jacques Rousseau raised an interesting question: "What
is the goal of the political association?" JEAN-JACQUES ROUSSEAU, ON THE SOCIAL CONTRACT, CHAP.
IX. in THE COLLECTED WRITINGS OF ROUSSEAU (Rogers D. Masters et. al. eds., Judith R. Bush et. al.
trans., Univ. Press of New England (NH) 1994) (1762) at 185. Rousseau argued that since preservation
and prosperity are the goals of a polity, a government under which citizens become populous and
multiply is the best government, and the government under which a population diminishes and dies out
is the worst. Id. at 184-85. This is an argument that many dictatorial governments make to justify their
rule. Universal Democracy rejects Rousseau's definition of good government as being insufficient. Id.
It obliges the community to preserve the right to recall, the right to party platform, and its
precommitment to universal values. A government that establishes such a social contract is a good
government. Moreover, Rousseau argued that democracy does not suit to all countries, since liberty is
not within the reach of all peoples. In advancing his argument, Rousseau entangles himself more with
a metaphor than with an argument. Id. at 181. Using the metaphor of "climate" to explain liberty, he
concludes that barren and unproductive lands are peopled by savages; and places which produce more
than people can consume require a monarchical form; and only those places where the surplus is
moderate are suited to free people. Id. at 181-84. Universal Democracy rejects Rousseau's notion of
liberty. Given the technological advance, even barren places can produce plenty, and even places that
produce plenty can institute stable democracies. Id.
right to recall the ruling party. If succession rules allow removal of the
government but mandate that the new government must be elected from
within the ruling party, the democratic procedure is subject to one-party
rule; the people have the right to recall the government but they do not have
the right to recall the party.

B. One Party Rule

One may ask whether one-party dominance is compatible with
Universal Democracy. Many arguments support the notion of one-party
rule. The most powerful argument is derived from two distinct and perhaps
opposing views of social order. The first view contemplates a "state of
conflict," assuming that in some communities the people have irreconcilable
visions about how life ought to be lived; consequently, they propose
differing social policies for the good of the community.116 The other view
contemplates a "state of consensus," assuming that in some communities the
people dislike a conflict-prone approach to solving problems. This occurs
in those communities in which the people generally agree about how life
should be lived, and about which social policies should be adopted for the
good of the community.117

A one-party system, it is argued, suits communities which are in a

---

116 See Adam Przeworski, Democracy as a Contingent Outcome of Conflicts 59, in
CONSTITUTIONALISM AND DEMOCRACY (Jon Elster & Rune Slagstad eds., 1988) (arguing that
"democratization is a process of subjecting all interests to competition and institutionalizing
uncertainty.") Id. at 63. Even at the philosophical level, attempts have been made to derive social order
from the weakest possible assumptions. In this regard, a common assumption is made that individuals
have selfish ends, "which are either competing or independent, but not in any case complementary." See
JOHN RAWLS, A THEORY OF JUSTICE, 521 (1971). Furthermore, as all private ends are interdependent,
their attainment is possible only through what Hegel calls a "civil society." G. W. FRIEDRICH HEGEL,
PHILOSOPHY OF RIGHT, 122-23 (Thomas Malcolm Knox trans., 1942). In exploring the basis of the state,
Karl Marx argues that when a society accumulates irreconcilable antagonisms, it needs a power to
moderate the conflict within the bounds of "order." See KARL MARX, ON SOCIETY AND SOCIAL CHANGE,

117 Ancient Chinese philosophers, for example, stressed obedience, sacrifice, non-egotism and
virtue in social living. A community built upon the ethics of Confucius, for example, detests
insubordination to the Emperor who represents Heaven and Harmony. Through the benevolence of the
Emperor, the people construct a community of love. See ELBERT THOMAS, CHINESE POLITICAL
THOUGHT, 151-71 (1968). Even though the sayings of ancient Chinese philosophers still permeate the
Chinese culture, the very imposition of a communist state over the Chinese society reveals how a
bewildering mix of basic assumptions regarding social order—ranging from ethics of Confucius to
dialectical materialism of Marx and Mao—may be put into use without philosophical agony. See also
LIN MOUSHENG, MEN AND IDEAS, 32-33 (1942) (stating how for Confucius, tatung, the great common-
wealth, is a state of moral perfection). Id. at 32. The author further compares the ideas of Mencius,
Hsun-tzu, Rousseau and Hobbes, pointing out that Mencius, just like Rousseau, assumes that human
nature is good; whereas, Hsun-tzu, just like Hobbes, contends that the nature of man is evil. Id. at 49.
These opposing basic assumptions may have a critical effect on how social order is constructed and
perceived and how disputes are resolved.
state of consensus, but a pluralistic party system is more appropriate for communities which are in a state of conflict. Universal Democracy does not take a position on the differing nature of social order. Even if the distinction between the two types of communities is empirically defensible, Universal Democracy does not assume that a community which is in a state of consensus would always remain so, or that a community in a state of conflict would never attain a state of consensus. The state of a community might change, as all communities are in a ceaseless process of evolution.\footnote{Tracing the origin of civil society, Adam Smith argues that property is the rationale for instituting a civil society. "Where there is no property, or at least none that exceeds the value of two or three days' labour, civil government is not so necessary." \textit{Adam Smith, The Wealth of Nations, Bk. 5, Chap. 1, Part 2} 670 (Edwin Cannan ed., The Modern Library Pub. 1937) (1776). However when the people acquire unequal amount of property, a new dynamic of subordination is introduced the maintenance of which requires a government. \textit{Id.} at 670. One may disagree with Adam Smith that unequal acquisition of property is the root cause of subordination in all communities. Many conflicts in social life are caused by factors having no bearing upon property. Whatever the causes of conflict are, human history shows tendencies both to create dispute as well as to resolve them. \textit{Id.} In fact, resolution of disputes is as much an attribute of human civilization as is the creation and even celebration of conflict. \textit{Id.} To what extent will a society generate conflict depends on a host of factors, which vary from society to society and even from time to time even within the same community.} All too often, both conflict and consensus are present in each community. It is the degree of conflict and consensus that might distinguish one community from another.

Even if a community is in a perfect state of consensus, Universal Democracy does not permit those in power to prohibit the formation of opposition political parties.\footnote{Article 25 of the International Covenant on Civil and Political Rights provides every citizen the right and the opportunity "[t]o vote and to be elected at genuine periodic elections which shall be universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of electors" \textit{ICCPR, supra} note 21, art. 25. A question might be asked whether the phrase "genuine periodic elections" in Article 25 mandates party pluralism. For an excellent examination of this issue, see \textit{Gregory Fox, The Right to Political Participation in International Law,}, 17 \textit{Yale J. Int'l L.} 539, 557-59 (1992) (arguing that the principle of multiparty elections is gaining widespread support in the international community.)} The consensus prevailing within the community might result in de facto one-party rule, particularly if voters abhor the idea of political conflict. Universal Democracy does not oppose political consensus, provided the people are free to form parties and parties are free to contest elections. Any law that repudiates the right to party platform or the right to opposition is impermissible under Universal Democracy. The freedom for parties to participate in electoral competition safeguards against tyranny, injects new ideas into the political process, and leaves open the possibility of challenging de-facto one-party rule.

To understand the significance of the right to recall, two distinct types of one-party dominance may be noted. The first type occurs when law prohibits the formation of more than one political party and restricts the electoral competition to an officially recognized party. This constitutes a classical example of the one-party system, generally found in communist
states. In contrast, the second type of one-party dominance occurs when law allows the formation of multiple political parties, which freely participate in the electoral process. However, despite fair and free competition, a single party succeeds in winning each election over a substantial period of time, and forms many successive governments. From a practical viewpoint, the difference between the two types may be small; in each case, the dominant party sets state policies, provides leadership in solving social problems, imprints its ideology on the community life and determines to a large extent the identity of the state in the eyes of the international community.

Nevertheless, the two types of single party rule are not always the same. A legally mandated one-party system—under which law forbids multiparty competition—distorts the meaning of Universal Democracy. The right to recall the government still allows voters to remove incompetent and unsuitable high officials. But since all candidates contesting new elections belong to the same ruling party, the right to recall the government loses its efficacy; it denies the people an opportunity to bring about fundamental change through election. In contrast, the right to recall the party in power, particularly in a multiparty system, is a much more effective right since the people can resort to the democratic procedure not only to remove the government, but the ruling party.

Moreover, a legally-mandated one-party system denies the people's right to form political groups offering alternative party platforms; it diminishes the people's right to effectively reject the official platform of the ruling party; it discards the right to opposition; and, most importantly, it takes away the people's right to an effective vote because the people have no choice but to elect candidates of the officially recognized party.

A de facto one-party rule—under which multiparty competition is allowed but the same party succeeds in forming each successive government—may also reduce the role of opposition forces. The people may indeed feel that they have lost the right to effective vote, particularly if the same party manages to stay in power not because of its platform, but due to its superior resources, organization and political skills. Despite all this, however, even the theoretical possibility that such a party can indeed be defeated at the polls introduces an element of democracy, challenging opposition forces to come together in the next election. In many cases, parties that dominated the political scene for decades have eventually been brought down by electoral means. In contrast, peaceful means may not be available to change a legally mandated one-party system.

\[120\] See T.J. Temple, Introduction. Uncommon Democracies: The One-Party Dominant Regimes, in Uncommon Democracies: The One Party Dominant Regimes, 1, 1-2 (T.J. Temple ed., 1990). In Japan, for example, the Liberal Democratic Party (LDP) has ruled as a single party form its formation in 1955 to 1989. For long periods, a single party ruled Israel, Sweden and Italy.
Some communities might defend a legally required one-party system for distinct socioeconomic reasons. In an ethnically fractious community without any democratic tradition, a one-party system may be instituted to create political unity by discouraging historical animosity between factions, and to provide an efficient government based on national interest. 121 A multiparty system will not work if each tribe or clan forms a distinct party promoting narrow tribal interests, thereby disabling the community as a whole from achieving economic prosperity and political maturity.

This justification for the one-party system seems appealing, but upon reflection, it is inherently flawed. If the purpose of the one-party system is to create unity by stifling opposition, the system no longer complies with the principles of Universal Democracy. Moreover, the resulting authoritarian rule may fail to accomplish the intended political unity because "oneness" achieved through compulsion rather than mutual understanding is often temporary and superficial. In reality, the one-party system often brings into power one specific clan in the community, generating resentment among other clans, which do not share power and which are not allowed even to voice their opposition. In some cases, the failed one-party political structure is replaced by military rule. In other cases, the community held together by an authoritarian political mechanism becomes socially and economically stagnant. In still other cases, the suppressed hostility between clans erupts into civil war causing starvation and death.

A potentially fractious community would be wise to embrace the concept of Universal Democracy. Although Universal Democracy does not allow a legal ban on the formation of any political party, it does not require that every party must be permitted to contest elections. Lawful restrictions for valid reasons may be placed on electoral competition. 122

121 James Madison, a founding father of the United States Constitution, discussed the mischief of factions who advance their parochial interests adverse to the rights of other citizens and to even those of the community. Distinguishing between a democracy and a republic, Madison argues that one way to deal with factionalism is to institute a republic in which the people elect representatives and delegate the democratic authority to them. Madison argues that the public passion and local prejudices are moderated when they pass through the medium of a chosen body. He further argues that in each republic, the representatives must be raised to a certain number to guard against the cabals of a few and the confusion of a multitude. See The Federalist, No. 10, at 16-23. (James Madison). See also Baron de Montesquieu, The Spirit of the Laws, Bk. II, Pt. 2, Chap. 6, 159 (Anne M. Cohler et al. eds. and trans., Cambridge Univ. Press 1989) (1748). (stating that the great advantage of a representative government is that the representatives are able to discuss public business.)

standard, for example, under which a party must obtain a certain number of signatures of support from eligible voters before its candidates are placed on the ballot, is a lawful restriction to discourage small factions from cluttering the electoral competition. Likewise, the public funding standard, under which a party must obtain a certain minimum number of votes to receive public funds, is another lawful method to weed out small factions having no roots in the broader community. Of course, these standards may not be imposed in such a manner that only one party is left in the field.

In addition, serious efforts must be made to educate voters about the dynamics of Universal Democracy. The purpose of Universal Democracy is not only to form a government in accordance with the will of the people, but to foster a sense of community in which disciplined opposition and responsible government go hand in hand. Party leaders, intellectuals, journalists and educators are under a special obligation to bring factions together to form political parties. This can be done by identifying common interests among disparate groups, deflating the personalistic politics of factional leaders, presenting economic and social issues facing the entire community, and encouraging merger between like-minded political parties. Again, it must be noted that Universal Democracy does not force by law the merger or extinction of any party. However, it does not follow that Universal Democracy encourages fragmentation of the community. Universal Democracy prefers the use of education, rather than coercion, to


124 The electoral process, as noted earlier, is a grand social conversation in which the people and the parties participate to teach and to learn from each other in order to bring the community in harmony with universal values. This approach to weld social and political factions together into a community may be distinguished from Hobbes's commonwealth. See Thomas Hobbes, Leviathan, in Encyclopedia Britannica Great Book Series 101 (William Benton ed., 1980) (1651). Hobbes describes two kinds of Commonwealth: a Commonwealth by Institution, which is voluntarily instituted by citizens; and a Commonwealth by Acquisition, which is established by war and conquest. In each case, the people surrender their will to a single man or an assembly of men who then conduct the affairs of the state. Even though Hobbes's "commonwealth by institution" may be at some level compatible with the concept of Universal Democracy, there is no need to find similarities between the two. The assumptions underlying the commonwealth by institution are radically different from those founding Universal Democracy. Universal Democracy does not embrace Hobbes's premise that each man is at war with every other man, and that a civil society is not possible without a strong sovereign. Id. at 84-85. This seventeenth century assumption, however, might remind us of its continued validity when we examine the breakdown of authority in Somalia. Nonetheless, Hobbes's theory, as a general principle, is no longer defensible under contemporary conditions of human civilization.
encourage community forces to form major political parties. 125

C. Democratic Dilemma: One Man, One Vote, One Time

A difficult situation arises when an ideological party participates in the political process to obtain state authority but shows no commitment to the right to recall. 126 Several scenarios may be considered. For example, the party may make a public pledge that, upon achieving power, it would maintain the democratic procedure and would allow opposition parties to contest future elections. The question arises whether the party may be excluded from the political process on the ground that it has deceived the electorate regarding its intentions to take away the right to recall. 127 However, a mere allegation of dishonesty is not a sufficient basis to exclude a party from the political process. Universal Democracy is directly threatened when parties are denied access to the ballot on an unsubstantiated accusation of unbeliavability.

Much abuse will occur if the party in power assumes the primary responsibility to show that a popular party is lying with respect to the right to recall. If the party in power itself is undemocratic, it may use the charge of lying as a pretext to postpone or rescind the democratic process. No ruling party whose own power originates from a nondemocratic source may claim to have a legally superior right to judge which party is trustworthy and which is not. Universal Democracy is severely impaired when the party in power is vested with the authority to exclude others, as such exclusions entrench the hold of the ruling party. In the final analysis, the people should judge which party is believable and which is not. 128

125 Montesquieu offers an interesting thesis to assert how education plays a different role in each form of government. See generally MONTESQUIEU, supra note 121. Education in despotist states, Montesquieu argues, is used to still fear in the hearts and to teach the people the dogma that supports the government. Real education is suppressed as it seeks to dismantle despotism. Id. at 34. Education in a republican democracy is fully needed, since it teaches the individual to recognize a continuous preference of public interest over one's own. Id. at 35-36.

126 Alexis de Tocqueville argues that in democratic communities the majority of the people are afraid of revolutions because they are afraid they would lose their property protected under the democratic system. See 2 ALEXIS DE TOQUEVILLE, DEMOCRACY IN AMERICA, BK.3, CHAP. XXI (Phillips Bradley ed., Henry Reeve trans., Vintage Books 1990) (1863). Tocqueville's foresight seems defensible at least in view of relative stability of the system in the United States. 1, however, suggest that even if a democratic community decides to abolish private property, it should still resist a revolution that forever disables the community from recalling those in power.

127 "When political representatives or entire government arrogate to themselves the right to lie, they take power from the public that would not have been given up voluntarily." SIEBELA BOK, LYING: MORAL CHOICE IN PUBLIC AND PRIVATE LIFE 175 (1978).

128 See John P. Entelis & Lisa J. Acone, Algeria in Turmoil: Islam, Democracy and the State, 1 MIDDLE E. POL'Y, 23, 23 (1992) (arguing that the Algerian democratic reforms are being hindered by the military government which continues to hold on to an authoritarian position, harassing opposition groups such as the Islamic Salvation Front); Fear of Fundies, THE ECONOMIST, Feb. 15, 1992, at 45.
Two situations may be considered when a party is publicly committed to abolishing the right to recall and wishes to use the democratic process to obtain state authority. The first situation arises when the party has a small constituency and is projected to win few, or no seats in the parliament. If the party poses no danger to the democratic system, it may be allowed to participate in the elections on the principle that fringe parties with no or little support among the people deflate more rapidly through participation in electoral competition rather than by exclusion from the political process.\textsuperscript{129}

The second and more difficult case arises when a party has a large following and is certain to win the election, despite its public declaration that if voted to power it would abolish the right to recall to perpetuate its party platform. This is the clearest threat to the democratic process, succinctly expressed in the maxim: "one man, one vote, one time."\textsuperscript{130} Such a scenario, some scholars would argue, would justify a ban on the party since Universal Democracy should not allow a party to use the process in bad faith with the clear intent to abolish democracy.

Before discussing whether the proposed ban is consistent with Universal Democracy, I first examine the arguments that might be made to abolish the right to recall. A party may insist that a community has the inherent right to change an existing form of government through the democratic process, arguing that revolutionary means to institute a new form of government are often bloody and may force the community to undergo a massive upheaval. The democratic process, in contrast, offers a peaceful and efficient method to change the existing form of government. A community may use the democratic process to shift from monarchy to democracy or from presidential democracy to parliamentary democracy. A

\begin{quote}
(Governments in Asia and the Middle East try to keep fundamentalist Moslem candidates out of the election process. Algeria canceled the second part of its elections when it became obvious that the fundamentalists would win. Details of how several countries have handled this situation are given; Michael C. Dunn, Revivalist Islam and Democracy: Thinking About the Algerian Quandary, J Middle E. Pol’y, 16 (1992) (stating that secularists welcomed the voiding of the Islamic Salvation Front’s victory in Algeria’s first free multiparty elections while others viewed the move as a contradiction of the democratic process).\textsuperscript{129} Steam From The Mosque: Islamic Military Cannot Be Extinguished As Algeria And Egypt Are Trying To Do, THE ECONOMIST, Nov. 6, 1993, at 15. Direct repression of fundamentalism has led to thousands of arrests and deaths in Algeria and Egypt; The King Decides for Pluralism: Jordan (King Hussein Backs November 8, 1993 Election), THE ECONOMIST, Oct. 2, 1993, at 44 (allowing the fundamentalists to contest the general elections); Shooting or Voting for Islam (Dealing with Militants in Algeria, Egypt and Jordan), THE ECONOMIST, Aug. 28, 1993, at 39 (Arab countries are using different strategies to handle Islamic militants. Algeria has opted for total repression, Jordan has incorporated fundamentalists into the democratic process and Egypt is trying a combination of democracy and crackdown).\textsuperscript{130} This phrase was coined by the United States Assistant Secretary, Edward Djerjian, at the time the Algerian armed forces intervened to postpone the elections that Islamic Salvation Front was certain to win. Many western countries supported the military preventative coup to keep out the Islamic Salvation Front.\textsuperscript{129}
\end{quote}
community has an equally powerful right, the party may further argue, to use the democratic process for moving away from democracy to a new form of government under which the people have no right to recall. To argue otherwise would mean that the democratic process denies the will of the people to evolve from democracy to any other form of government. Moreover, such a limitation on the democratic process will force the people to use revolutionary means to adopt a new form of government.

As a general principle, no form of government is above and beyond the will of the people. Each community has the right to political independence and may, therefore, freely adopt a form of government according to the wishes of the people. However, the argument that the people may use the democratic process to renounce their right to recall is without merit. No far-sighted community will voluntarily renounce its right to remove the party in power. Even if the ruling party's platform is impressive and its leadership of high moral character, no responsible community will conclude that the party in power will always remain the most competent political organization to run the affairs of the state. A community which gambles away the right to recall may be subject to revolutions, social unrest, economic mismanagement and even spiritual decadence.

More significantly, the right to recall is an inter-generational right. It must devolve without any encumbrance upon the future electorate. Universal Democracy preserves the right of present as well as future electorates to retain or modify the existing form of government according to the needs of time. Each electorate has the democratic right to choose a government, as well as a system of government. However, no electorate may claim a morally superior right to act on behalf of all future generations and install a form of government that the people will not be able to change through democratic procedures. In practical terms, periodic elections preserve the right to recall and pass on the right from one generation to the next.

To what extent may the concept of democracy, itself derived from the will of the people, reject the choice of the people to abolish democracy? In view of universal values, the revolutionary party cannot defend the

---

131 Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, drafted in an identical language, recognizes: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." ICCPR, supra note 21, art. 1; ICESCR, supra note 35, art. 1. It might be argued that under Article 1 of both covenants, since the people have the right to determine their political status, they might renounce the right to recall and establish an irremovable government. This argument, however, must fail because the Civil and Political Covenant, in another article, grants each citizen the right and the opportunity to vote and to be elected at genuine periodic elections. See ICCPR, supra note 21, art. 25(b). Thus the Civil and Political Covenant, read as a whole, may not be construed to defend the abolition of the right to recall.
position that any choice the majority makes is lawful and must be enforced. Universal values, for example, prohibit the majority from taking away rights of the weak, the disadvantaged and the minority. No state may lawfully commit genocide against a minority even if there is a strong majoritarian sentiment for such an action. The revolutionary party cannot defend its desire to abolish the right to recall based upon the simplistic assertion that the majority of voters agree to surrender the right.

This ban on revocation of the right to recall may not be used to suppress revolutionary parties that oppose the existing system. The present electorate has the right to vote a revolutionary party to power, but it would do great harm to Universal Democracy if in doing so it surrenders the right to recall. Likewise, a revolutionary party may rightfully participate in elections and seek power from the existing electorate, but it has no moral basis to demand an irremovable government. The right to recall is vested in the next electorate. Neither the present electorate, nor any present party may lawfully claim to abolish it or render it ineffective.

If it is lawfully proven that a party plans to abolish the right to recall, a question arises whether the party should be excluded from the electoral process. As a general principle, Universal Democracy opposes any ban on the formation of a party as well as any exclusion of a party from electoral competition. But pathological situations do arise for which no clear prescription is available. Such a pathology occurs when a popular party is determined to abolish the right to recall.

The dilemma is clear. If a party is allowed to contest elections and if it wins and abolishes the right to recall, Universal Democracy will cease to exist. If a party certain to win the elections is excluded from the electoral process, Universal Democracy is bereft of its spirit and rationale. If the party is banned altogether, it is denied even the right to platform, demolishing the conceptual linchpin of Universal Democracy. Furthermore, if elections are held without the participation of the party, the electoral contest loses credibility. If no elections are held, the party in power cannot be removed, resulting in a de facto revocation of the right to recall. Either way, Universal Democracy fails to protect the right to recall and the right to party platform, its fundamental conceptual structure.

To avoid this no-win situation, Universal Democracy obligates communities to prepare a political culture in which the right to recall is considered supreme. As a matter of principle, Universal Democracy outlaws perpetuation of power as a prerequisite for social revolution, since no substantive ideology is superior to the right to recall. Accordingly, revolutionary parties must be accountable to the people through periodic elections. It is hoped that over time the people would realize the significance of the right to recall and will not sacrifice the right.

If the right to recall is seriously threatened in a certain community,
Universal Democracy does not offer any one particular solution to resolve the crisis. Each case must be considered in its full complexity to find an appropriate response. From a theoretical viewpoint, Universal Democracy does not recommend banning any party, nor does it allow the party in power to perpetuate its rule by nullifying the democratic process. From a practical viewpoint, Universal Democracy places an obligation on international institutions as well as the global society to intervene, to impose sanctions if necessary, and to restore the democratic process in accordance with universal values.\textsuperscript{132}

V. REVOLUTION THROUGH UNIVERSAL DEMOCRACY

Universal Democracy allows communities to bring about major social change, even revolution in a peaceful and orderly manner. The right to party platform and the right to recall set in motion a dynamic mechanism which provides tremendous flexibility for social and economic organization. The right to platform protects revolutionary agendas, while the right to recall guards against the perpetuation of any official ideology. Together, these two rights safeguard both what a community aspires to change as well as what it wishes to retain.

Elsewhere, I have examined two types of revolution.\textsuperscript{133} A revolution in the legal sense occurs when power is seized in violation of existing succession rules.\textsuperscript{134} A revolution in the sociological sense occurs when major social and economic institutions are radically changed. The two types may or may not occur simultaneously. "If a government attains power through existing succession rules, no revolution in the legal sense occurs even if the new government has a revolutionary manifesto and intends to revolutionize the society."\textsuperscript{135} In contrast, if a military junta seizes power, a revolution in the legal sense occurs, even though the junta brings about no socioeconomic change. Thus, a revolution in the legal sense should not be confused with a revolution in the sociological sense.

The right to recall preempts the need to wage a revolution in the legal sense. A revolutionary group that wishes to unseat the party in power

\textsuperscript{132} Haiti is a good example. In Sep. 1991, the military ousted the democratically elected president. Several thousand Haitian men, women and children left Haiti in poorly-built boats to seek refuge in the United States. The United Nations Security Council unanimously passed a resolution to impose economic sanctions on Haiti, to restore democracy. The UN sanctions will remain in force until the military rulers hand over power to the elected officials.

\textsuperscript{133} See Khan, supra note 113, at 18.

\textsuperscript{134} See id. at 18-19. Succession rules facilitate transfer of power from one government to the next. "An orderly transfer of power through legal procedures preserves legal and governmental institutions." Id.

\textsuperscript{135} Id. at 4.
must use the right to recall. If the right to recall is unavailable and if the ruling party is determined to entrench its power, a revolution in the legal sense may be inevitable. Here, I do not restate the criteria for the legitimacy of a revolution in the legal sense. As a general principle, however, a revolution in the legal sense is legitimate if the community accepts new succession rules proposed by the revolutionary party. From the viewpoint of Universal Democracy, it is further required that the new government establish the right to recall as well as the right to platform in compliance with universal values.

The right to platform protects revolutions in the sociological sense. The foremost significance of the right to platform is the freedom of a party to oppose the official platform of the party in power. If the party in power presents its platform as something beyond criticism, the right to opposition is directly diminished. If laws are made to prohibit other parties from challenging the official platform, the right to opposition is seriously injured. Communist rule often makes it legally punishable to challenge the ideology of the communist party.\(^6\) Likewise, a theocratic party couches its platform in religious doctrines, making it difficult for others to criticize the official platform because any such criticism is construed as contrary to the word of God.

To preempt sanctification of any official platform, Universal Democracy condemns constitutional attempts to enshrine the party in power as the ultimate custodian of values. The right to platform is meaningless if ruling party's policies cannot be challenged. Every party has a right to platform, but no platform is beyond analysis and review. Every party including the party in power has a right to disseminate its platform. However, every platform, including that of the party in power, may be criticized and opposed.

This does not mean, however, that Universal Democracy opposes the idea of a constitution. Every community is free to constitutionalize its precommitment to both community and universal values. Furthermore, a community may require a supermajority to amend constitutional precommitments. A precommitment lodged in constitutional provisions that are difficult to amend, however, is not the same as a dogmatic devotion to a set of values. Universal Democracy does not foreclose amendments to any value. Constitutional provisions that cannot be amended are incompatible with the spirit of Universal Democracy. This is so because Universal Democracy, as noted above, participates in the ceaseless evolution of human civilization. From a pragmatic viewpoint, a value that cannot be amended in a lawful manner invites unlawful methods to exact

---

\(^{6}\) John H. Hazard, The Soviet System of Government 290 (1980); See also 1973 Konst. SSSR art. 6 (stating that the Communist party is the leading and the guiding force of the Soviet society);
change.

To fully ascertain the critical role that Universal Democracy plays in social transformation, a fundamental change may be distinguished from a mainstream change. Mainstream change corrects existing institutions, while fundamental change proposes to create new institutions. Mainstream change acquires its validity from what is; fundamental change derives its legitimacy from what ought to be. Rooted in prevailing normative values, mainstream change does not alter the existing social, political or moral institutions but seeks their periodic fine-tuning to adjust balance, correct direction and secure efficiency. Furthermore, mainstream change reflects what the people need in the short-term and it does not challenge them to alter their social outlook, moral perspective or economic habits in the interests of building a long-term new society.

Mainstream change is, by definition, conservative since it aims to preserve more than it changes. Accordingly, it rejects the so-called "fringe ideas" and "extremist views" and whatever else it perceives to be a threat to core values and institutions. When a community is doing well and its inhabitants are generally satisfied with their socioeconomic condition, party platforms tend to be conservative. They adopt the concept of mainstream change and offer to protect what the society has already achieved.

In contrast, fundamental change aims to alter in radical ways the basic structure of the society. It is indeed a revolution in the sociological sense. One need not assume that fundamental change is always a complete social revolution. A fundamental change is partial in scope if it proposes to replace some existing social facts; it is a revolution in the sociological sense when it offers to root out major institutions. A partial fundamental change, for example, occurs when a political system lifts its previous ban on the voting rights of a racial group and allows them to participate in the electoral process. However, a shift from theocracy to secularism accompanied by a simultaneous move from one-party rule to pluralistic democracy is a fundamental change since it transforms in a significant way the social structure of the community.138

137 In 1932, seven parties offered candidates for the presidency of the United States. They also offered their party platforms. The Communist Party Platform proposed a revolutionary change, asserting that capitalism has failed to feed the people. It highlighted how workers' wages were drastically slashed; how political meetings, demonstrations and picket lines were smashed; how over 150 Negroes had been lynched. See NATIONAL PARTY PLATFORMS, supra note 76, at 325-27.

138 See Oleg Vla., Stagnation Era as the Precursor to the Market, MOSCOW NEWS, June 21, 1992, at 11 (The shifting of the Russian economy from marxism to a market economy involves more than just the creation of a new system. It contradicts the past historical experience involving the formation of a socialist state); The collapse of communism in East European countries constitutes a fundamental change. See Paul Hollander, Why Communism Collapsed in Eastern Europe, 30 Soc'y, Jan.-Feb. 1993, 43, n2. (A variety of political, economic and social factors motivated citizens of Eastern European countries to create a new governing systems that would give them individual liberties and financial reward. Public faith in the ability of socialist systems to take care of their population dissipated); S.N.
Universal Democracy recognizes the right of every community to bring about a fundamental change through the democratic process. It provides a peaceful process for the community to examine the existing values, policies and institutions and to change them without a disruptive and bloody revolution. If a community wishes to preserve its present ideology and is willing to make only mainstream changes in the existing system, it may of course do so—but without banning party platforms that advocate a fundamental change. No longer is the idea of a sociological revolution contrary to the concept of democracy. No longer is democracy an impediment to a social revolution. Universal Democracy empowers the people to bring about a fundamental change through peaceful means.

Generally, social evolution is a slow process since most communities are by nature reluctant to change their views in a dramatic manner. Nonetheless, Universal Democracy is a dynamic theory of universal values. If a certain community is regressive, Universal Democracy supports party platforms that propose a sociological revolution in compliance with universal values. Furthermore, it requires the global society to inspire, favor and protect normative platforms in all communities. In its role as protector of universal values, however, the global society should avoid self-righteousness and leave room for visionary platforms, which will continually guide human civilization through new and uncharted routes.

---

Eisenstadt, The Breakdown of Communist Regimes and the Vicissitudes of Modernity (The Exit from Communism), 121 Daedalus, Spring 1992, 21, n.2. (One of the most dramatic events in history was the collapse of communism in Eastern Europe. The social process that led to this change was similar to that of such 'classical' revolutions as the American and French revolutions).

A fundamental change is not always a forward-looking change that embraces new social, political and moral concepts; nor is it always morally uplifting. It might well be a backward-looking change that aims to revive what has been lost through the centuries, good and bad. For example, if a party platform recommends to reinstitute religion in a secular society it offers to bring about a fundamental change, perhaps looking into the past for guidance. A party platform may advocate a fundamental change couched in the superiority of one group over the other: it may accordingly propose re-establishment of racial segregation, re-domestication of women, or even the suppression of weaker social groups. The following examples show how political forces may invoke racial and religious bases to suppress disfavored groups. See, e.g., The Neo-Nazi Scourge, The Economist, June 5, 1993, at 16 (race-based parties engaging in terrorism targeting refugees and Turks in Germany); Nothing to Lose But Your Chador, The Economist, Aug. 7, 1993, at 43. (Women are still punished for showing any hair or wearing makeup and perfume. Men still have the final say over what women can and cannot do); Nahid Yeganeh, Women, Nationalism and Islam in Contemporary Political Discourse in Iran, Feminist Rev., Summer 1993, at 3. (Iran has distorted the Islamic doctrine to relegate women to a lesser public role); Karan Makiya, The Anfal: Uncovering an Iraqi Campaign to Exterminate the Kurds, Harper's Mag., May 1992, at 53. (In 1988, a systematic campaign exterminated a large part of the Kurdish population of Iraq); Stuart Weir, Ready to Live Long, With Dignity, New Statesman & Sunday, May 29, 1992, at 12 n.204. (About 3.5 million Kurds have been in rebellion against the government in Baghdad, which has ruthlessly persecuted them in turn).
VI. CONCLUSION

Rooted in universal values, Universal Democracy presents a theory of government for the communities of the world. It provides a fair and free competition among political parties on the basis of two concepts, the right to party platform and the right to recall. In doing so, it creates a political culture in which a mature electorate pays careful attention to party platforms, scrutinizing them in light of universal values. Transfer of power in any community is no longer a domestic affair. It is a global event in which all the peoples of the world have an interest. Furthermore, Universal Democracy encourages global enmeshment. Accordingly, the global society assumes the primary responsibility to promote and defend Universal Democracy in all communities. The global media exposes political parties which advocate regressive practices anywhere in the world. Universal Democracy, however, does not foster uniform values in each and every aspect of life. It encourages normative platforms, but without diminishing diversity. Communities are free to be secular or religious, free market or socialist. They may adopt different conceptions of individual rights and duties within the framework of universal values. Universal Democracy protects diversity because competing conceptions of social organization and inter-cultural conversations enrich human civilization. Beauty lies in diversity, not uniformity, as truth lies in creative tension, not in self-righteous stillness. Therefore, Universal Democracy welcomes change from regressive practices to universal values. It encourages visionary platforms that wish to further advance the normative evolution of the human species.