

Conceptual and Theoretical Exposition on Democracy and Human Rights

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Abstract

Liberal democracy as a system of government in theory guarantees; human dignity, equality, social justice, morality, liberty, freedom, rule by the majority, selection of representatives directly or indirectly, popular participation, observance of the tenets of rule of law, separation of powers and fair play. The theory of democracy equally encourages the protection of fundamental human rights of citizens. In practice, the above features of democracy may become unrealistic if elected representatives choose to be doctoral, despotic, totalitarian, authoritarian and anti-democratic at the long run. Therefore, the major thrust of this chapter is to interrogate the connection between democracy and human rights in practice. Methodologically, a qualitative data was obtained in form of content analysis of; extant laws, constitutional provisions, Universal Declaration of Human Rights, empirical Studies, Journals, textbooks and monograph. Valid conclusions were drawn after thorough analysis of secondary data. The findings of the study reveal that the connection between democracy and human rights is debatable since the inability to determine the scope of human right made its universal application an intricate task. On the whole, the study recommends for enlightenment campaigns and political education of citizens about their rights and responsibilities in representative democracy. Also, there is need to define the scope of human right globally in order to enhance its universal applicability.

Key words: Democracy; Human rights; Concept; Theory; Citizens; Totalitarianism; Authoritarianism; Fascism; Military junta

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INTRODUCTION

There is tendency to assume that there is strong connection between democracy and respect for human rights. This may not be unconnected with the fact that democratic principles such as; equality, social justice, morality, liberty, freedom and rule by majority have the tendency of promoting the protection of human rights of citizens than any other forms of government. However, the inability to determine the scope of human rights made the universal applicability of human right laws difficult if not impossible. For instance, what may be considered as human right violation in a given nation may be regarded as a normal way of life in another country due to variation in constitutional provisions? In light of the above, this study interrogates the nexus between democracy and human rights.

OBJECTIVE OF THE PAPER

The objective of this paper is to interrogate the connection between democracy and human rights in practice in comparison with other forms of governments

METHODOLOGY

The sources of data used for this chapter is documentary in nature. Qualitative data was obtained in form of content analysis of; extant laws, constitutional provisions, Universal Declaration of Human Rights, empirical Studies, Journals, textbooks and monograph. Conclusion was drawn and recommendations made after the critical analysis secondary data.

CONCEPTUAL ANALYSIS

Democracy

The term “democracy” is difficult to define; especially that many claimed to be democratic. Meanwhile, the concept of democracy is connected to the people participating in the process of choosing their own leaders. Olawale (1987) defines democracy as form of government in which the supreme power is vested in the people collectively and is administered by them or those elected by them. From the above definition, democracy is seen as a system of government with peoples’ consents. The word “Democracy” is derived from two Greek words of “demos”, referring to “People”, and “Kratos” meaning “rule of or by”. Therefore, demos and kratos stand for democracy meaning “rule by people or rule of people”.

The origin of democracy can be traced to 5th century BC when a political system existed in Greek city-states of Athens under Cleisthenes. Democracy (rule by the people) was to replace Aristocracy (rule by the elite). Then, it was direct democracy where people gathered to take decision on matter affecting their affairs. Over the years, direct democracy switched to representative democracy because of growth in population. The common form of democracy now is representative democracy, where the people elect representatives to deliberate and decide on legislation, it could be presidential or parliamentary democracy.

Dare & Oyewole (1983) define democracy as a system of government in which government is under the control of citizens as a whole. The most popular definition of democracy is the one given by Abraham Lincoln (1864); when he said, democracy is the government of the people by the people and for the people. This means democracy is a system of government where people decide who will lead them; these people possess the power to change their leaders or representative in a peaceful process using constitution provision as a guide. Therefore, democracy suggests the citizens’ endorsement of their leaders through the franchise. It depicts a situation where there is existence of different political parties and groups, an election process and free and fair competition among these parties and groups.

In democratic setting, there is no doubt that supreme power is vested in the people; no wonder peoples’ decisions is paramount in this form of government most importantly through electioneering processes. The basics values of democracy include liberty and equality. Democracy could be direct or indirect. Where all citizens meet together in one place to govern the state is an example of direct democracy such as in ancient small Greek city-state. It is indirect system of democracy where people choose the representatives who will stand for them, defend their opinions, and oversee their affairs according to the wishes of the majority.

Democracy entails freedom, supremacy of rule of law respect for human dignity, equality, social justice, liberty, rule by the majority, selection of representatives directly

or indirectly, popular participation, separation of powers and fair play. Here, the people control their leaders and change them without the need for a revolution. The features imbedded in democracy according to Olawale (1987) include:

- There must be politic parties competing for power
- Periodic election to elect representatives
- Supremacy of the Constitution
- Rule of law is guaranteed
- Each citizen has the right to contest for office in government
- Election is open, free, fair and credible
- The provisions on fundamental human rights are guaranteed
- Organized opposition to government is allowed.

The above features of democracy may be difficult to realize if elected representatives choose to be anti-democratic, in other words, become despotic, dictatorial, tyrannical or authoritarian. The term “democracy”, according to Abadir (2015) refers to a method of collective decision making characterized by a kind of equality among the participants at an essential stage of the decision-making process. From this definition, democracy is concerns with the collective decision making, which mean people decisions determine those to represent them and their constituencies as well as who to lead the entire people in the government.

Meanwhile, Abizadeh (2008) defines the terms “democracy” is a form of government that encourages the protection of fundamental human rights of citizens. In the same vein, Jon (2007) opines that democracy is a government by the people, exercised either directly or in indirectly the principle of equality of rights, opportunity, and treatment are practice”. United Nation (2015) says democracy provides an environment that respect human rights and fundamental freedom, and in which the freely expressed will of people is exercised. The above definitions clearly emphasized on the objectives of democracy especially as regard to the fundamental human rights. Therefore, the essence of democracy according to the definitions above is to protect human rights which attest to the fact that the best form of government where human rights can be protected is democracy.

Furthermore, Jega (2001) asserts democracy as a form of government in which the common people hold political power to determine who rule them. Mojubaolu (2013) has similar view by succinctly defining democracy as “a situation where political power resides with the people, either directly or through elected representatives.

Finally, Alston (2005) considers democracy as a system where the primary source of political power is with the common people to determine who represent them or rule over them with the principles of social equality and respect for the individual and possess the power to effect change in the political hierarchy through peaceful election and constitutional processes.

There are four types of democracy namely: direct democracy, representative democracy, monitoring democracy and constitutional democracy. This study therefore sees “Democracy” as any political arrangements which involve either direct referenda of the members of a society in deciding on the laws and policies of the society or it may involve the participation of those members in selecting representatives to make the decisions.

Human Rights

Human rights are universal, and are those rights and freedoms belong to everybody which must be protected by the law of the land. Therefore, human rights are inalienable. Right to which a person is inherently entitled to as a result of being a man or woman. Human rights are basic rights of individuals from birth to death; human rights never discriminate on basis of gender, tribes, age, religion, language, and color among others. These rights are based on the shared values such as dignity, fairness, equality, respect and independence. Human rights guarantee citizens to express their opinions, right to private and family life, right to religion, right not to be mistreated or wrongly punished by the state.

The United Nations International Children’s Emergency Fund (UNICEF, 2010) asserts that human rights are standards that recognize and protect the dignity of all human beings. Human rights govern how individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them. From the above submission, human rights can be seen as those civil liberties inherently possessed by citizens from births to deaths because they are human beings and those privileges cannot be taken away from them despite their relationship with each other and the State.

Human rights law obliges governments to do some things, and prevents them from doing others. Individuals also have responsibilities in using their human rights; they must respect the rights of others. No government, group or individual person has the right to do anything that violates another’s rights.

The United Nations International Children’s Emergency Fund (UNICEF, 2010) summarizes human rights as follows:

Universality and inalienable: human rights are universal and inalienable. All people everywhere in the world are entitled to them. No one can voluntarily give them up. Nor can others take them away from him or her

Indivisibility: human rights are indivisible. Whether civil, political, economic, social or cultural in nature, they are all inherent to dignity of every human person. Consequently, they all have equal status as rights. There is no such thing as a ‘small’ right. There is no hierarchy of human rights.

Inter-dependence and inter-relatedness: the realization of one right often depends, wholly or in part, upon the realization of others.

Equality and non-discrimination: all individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind such as race, color, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.

Participation and inclusion: every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, political, economic, social and cultural development, through which human rights and fundamental freedoms can be realized.

Accountability and rule of law: States and other duty-bearers must comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are to institute proceedings for appropriate redress before a competent court or other adjudicator, in accordance with the rules and procedures provided by law.

Adoption of universal human rights emanated from the terrible events of holocaust that took place during the Second World War among other factors. The Universal Declaration of Human Rights (UDHR) remains the landmark in the history of human rights. The United Nations General Assembly in Paris on 10th December 1948 (General Assembly resolution 217A) proclaimed the Declaration that was drafted and agreed by representatives of many countries of the world. It was first time the world leaders would come together to approved universal fundamental human rights that would protect everybody all over the world irrespective of discriminative factors such as the regions, tribes, languages, colors to mention but few.

However, the declaration consists of 30 articles affirming an individual’s rights. The 30 universal human rights articles include: All human beings are free and equal, no discrimination, right to life, no slavery, no torture and inhuman treatment, same right to use law, equal before the law, right to be treated fairly by court, no unfair detainment, right to trial, innocent until proved guilty, right to privacy, freedom to movement and residence, right to asylum, right to nationality, rights to marry and have family, right to own things, freedom of thought and religion, freedom of opinion and expression, right to assemble, right to democracy, right to social security, right to work, right to rest and holiday, right to social service, right to education, right of cultural and art, freedom around the world, subject to law and human rights can’t be taken away (Human Rights Commission, 2018).

THEORETICAL FRAMEWORK

This study looks into some theories of democracy such as Elite theory of democracy, Pluralist theory of democracy and Liberal theory of democracy, whereas Liberal theory was adopted as theoretical framework for this study.

Elite Theory of Democracy

The assumption of some modern theorists of democracy, called elite theorists was that in light of the problem of democratic participation, there is no complete robustly egalitarian or deliberative form of democracy. Schumpeter is one of the leading exponents of this theory. The theory divides citizens into two groups namely the poorly informed and overly emotional citizens. They therefore argue that uniformity may not be totally achieved in any society as evidenced in many empirical studies. This theory claims that the overly emotional citizens emerged as political leaders and poorly informed citizens become ordinary citizens.

Political leaders make policy and law with little regard for the fickle and diffuse demands made by ordinary citizens. Citizens participate by voting but since they know very little they are not effectively the ruling part of the society. The process of election is usually just a fairly peaceful way of maintaining or changing those who rule (Schumpeter 1942). This view holds that, while ordinary citizens are more likely to cast the deciding vote the political leaders formed the political elites that exercise political powers. On this account, democracy is not rule by the majority but rather rule by coalitions of minorities. Policy and law in a democratic society are decided by minority elites.

Pluralist Theory of Democracy

Pluralist theory of democracy implies a political system where there are multiple levels of powers. It means a society where multiple people, groups or entities share political power. One of the theorists in this school, Robert Dahl (1959) says, "In a rough sense, the essence of all competitive politics is bribery of the electorate by politicians... The farmer... supports a candidate committed to high price supports, the businessman... supports an advocate of low corporation taxes... the consumer... votes for candidates opposed to a sales tax." A pluralism democracy could be found when people of different cultural backgrounds keep their own tradition, yet form a system of government where everybody are recognized and respected. In this theory, no single group dominates politics.

Pluralism theorists argued that in democratic process, each citizen is a member of an interest group with narrowly defined interests that are closely connected to their everyday lives. It is believed that citizens are supposed to be quite well informed and interested in having an influence. This created multiple levels of powers called pluralism which necessitated policy and law

to be decided by means of bargaining among the different groups in a democratic society.

Liberal Theory of Democracy

This study adopts Liberal theory of democracy as a theoretical framework. Liberal theory of democracy infers the political system where there is separation of powers. The theory emphasizes independent judiciary, a system of checks and balances between different organs of government; it guarantees freedom, human dignity, equality, morality. Liberal theory of democracy is favored by public choice theorists such as James Buchanan & Gordon Tullock (1962). Although, it is called western democracy in which representative democracy is allow to operate under the principle of liberalism. It uphold rule of law and protect human rights.

Liberal theory of democracy assumes that many functions of the state ought to be transferred to the market and limit the state to the enforcement of basic property rights and liberties. It assumes liberal society will improve the course of democracy where the tenets of rule of law, separation of powers, selection of representatives directly or indirectly, popular participation are observed.

Like other theories in academic field, Liberal theory of democracy never escapes criticism from some scholars. First, Liberal theory of democracy was criticised for its moderate position especially as citizens in modern societies have more ambitious conceptions of social justice and the common good than are realizable by the minimal state. Secondly, Liberal theory of democracy was accused for grossly ignored the problem of large private concentrations of wealth and power that are capable of pushing small states around for their own benefit and imposing their wills on populations without their consent.

In spite of the criticism against Liberal theory of democracy, the theory is applicable to this study in the sense that for democracy to succeed; human rights must be considered as major instrument and for human rights to be functional, democracy must be liberal. The liberalism here means tolerance, the assertion that citizens should allow to engage in open minded discussion with their representatives and those who have distinct morally informed points of view.

Nexus Between Democracy and Human Rights

Looking at the relationship between democracy and human rights seem debatable because of questions such as: the universality of human rights, how democracy as system of government secures majority opinions against the minority, and how human rights protection of all human being will not allow democracy to thrive. Some scholars posit that the concepts of democracy and human rights be separated in order to fully promote universal human rights system. The scholars in the school of taught are referred to as Separationists. This group assumed that human rights should be disconnected from the western

concept of democracy in order for human rights to be fully respected as international norms. In his words, Lin (2001) argues “that the idea to delink democracy and human rights is naive because the two concepts and projects should never have been confused in political discourse in the first place”. It is therefore imperative in this study to say that the two concepts of democracy and human rights should not be delinked because the two concepts are intertwined. The essence of democracy is to promote human rights, a system where everybody will have equal opportunity and enjoy liberty as enshrined in the constitution.

Similarly, Beetham (2007), says “democracy and human rights have been regarded as separate phenomena, bearing little relation to one another. On the one hand, democracy has been denned as a set of constitutional arrangements, comprising competitive elections, multi-parties, the separation of powers and so forth; on the other hand, human rights have always had the individual, not the political order as their point of reference. They have been viewed as universal in their application”.

Meanwhile, the concepts of democracy and human rights are not conflicting; they go hand in hand. There is no way democracy can be discussed without considering the importance of people and by extension the rights of those people. Therefore, the major thrust of democracy is the protection of basic rights of the citizens. The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy (UN, 2015). This is to say that democracy guarantees freedom and respect for human rights. In fact, democracy provides an environment for the protection and effective realization of human rights. According to the Commission of Human Rights declaration (2002) now the Human Rights Council, the components of democracy include the following:

- a. Respect for human rights and fundamental freedoms
- b. Freedom of association
- c. Freedom of expression and opinion
- d. Access to power and its exercise in accordance with the rule of law
- e. The holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people
- f. A pluralistic system of political parties and organizations
- g. The separation of powers
- h. The independence of the judiciary
- i. Transparency and accountability in public administration, and lastly
- j. Free, independent and pluralistic media.

The above components of democracy by Commission of Human Rights declaration (2002) now the Human Rights Council is found in 30 articles of declaration of Universal Human Rights.

For that reason, the connection between democracy and human rights cannot be farfetched due to the fact that human rights are imbedded in democracy. In other words; human rights remain subset of democracy. According to Landman (2013) that there is much overlap between democracy and human rights, as both are grounded in shared principles of accountability, individual integrity, fair and equal representation, inclusion and participation and non-violent solutions to conflicts. In fact, democracy and human rights are two sides of the same coin. Human rights on one hand solicit for equality of all human beings irrespective of country, color, culture, context and class. That all are born free and possess inalienable rights. Democracy on another hand asks for egalitarian society, classless humanity where people’s opinions count. A system where fair play and mutual respect is visible; where individual contributions will build the whole system and bring about political stability and development. To this end, human rights are an integral part of democracy and both concepts remain supportive to each other.

However, the nexus between democracy and human rights is that human rights help democracy to endure and effectively practice; human rights ensure implementation of people oriented decisions. Human rights allowed freedom of expression, freedom of association and popular participation in decision making process which are components of democracy. Democracy is the best system of government where human rights can be adequately protected and promoted. Democracy respects fundamental human rights and the rule of law; democracy as a system of government creates egalitarian society and ensures that constitution remains supreme. These are found in 30 articles of universal human rights. Although, the connection between democracy and human rights is subject to debate since the inability to determine the scope of human right made its universal application an intricate task

DISCUSSION

From the above, it is certain that democracy and human rights are connected in spite of the difficulty to determine the extent to which the human rights scope is applied universally. In contrast, totalitarianism or authoritarianism, fascism and military junta are not responsive to the popular will of the people.

Although, the connection between democracy and human rights appear to be one of the difficult political issues facing clinical exercises from different political analysts. It raised diverge opinions and created divisions among the scholars. According to Samantha (2011), the relationship between human rights and democracy is among the most classical questions of political and legal theory. Many considered the position of law and others looked into the pure political arrangement which seem to

be at variance with each other. For example, democracy as a form of government that allows people to participate in the political process and to enjoy certain freedoms such as association and expression, protect lives and property may find citizens taking such freedoms for granted. If government consequently chooses to resist such action, it may lead to litigation where law will be applied making it to look as if the government violates human rights. This question is that, can individual rights and freedoms be curtailed in the name of democracy? Samantha (2011) declares that the recent boom in international law theory and in human rights theory in particular, makes it particularly pressing to redefine both concepts in their relationship to one another, but also in relationship to broader concepts such as global justice and legitimacy.

Any system of government that failed to recognize the importance of people cannot observe human rights principle. Totalitarianism or authoritarianism, fascism and military junta are such systems of government that disregarded human rights. No dictator will accept anybody to challenge his authority; such autocratic leader will not allow insubordination. Therefore, human rights are more likely to be supported in democracy system of government than in autocratic system of government. Obviously, military rule, autocratic, totalitarian political systems violated human rights more and these military rule, autocratic, totalitarian systems of government lack democratic principles. For example, military governments in Africa, autocratic governments in Asia are at variance with democracy government in Europe and American. Similarly, democracy practice in Africa and Asia never agree with sophisticated democracy operates in Americas as regard to the human rights.

In the words of Mehrdad (2019), "Human rights guarantee free and fair elections under conditions of political equality. Human rights ensure open communication and a free process of opinion formation. Human rights secure the implementation of democratic decisions and thereby help democratic government to become effective". To him, human rights and democracy are not opposite, but joint preconditions for the success of a political community. Unlike other forms of government where principles of democracy are not obtainable, it is always difficult to uphold human rights.

It is imperative to note that any system of government that parade itself as democracy but illiberal, conducted election but not free, fair, and credible. Violate concepts of human rights and disregard laws enshrined in the constitution is democracy only by name and not indeed. Take look at military government, the military leader takes decisions without the practice of democracy or without requesting for the inputs of the people. There is no correlation between human rights and other forms of government but in democracy, human rights are essential part of it.

Despite the fact that democracy thrives, claimed to be the best form of government and adopted or practice by many countries of the world, it is obvious that human rights are still violated by many of these governments on daily basis. People continues to facing the challenge of inequalities, flagrant disobedient to the rule of law by the governments, human trafficking/modern slavery, crimes, misuse of state power and apparatus to intimidate citizens, civil wars, genocide and so on.

Democracy and human rights notwithstanding are linked through values that are fundamental to people existence, those values such as freedom of association, free press, the rule of law, freedom of expression, and equal right for all people they are the foundation on which strong institutions, responsible and accountable government are built. Finally, this work opines that democracy best promoted human rights than any other political system of government. Therefore, the nexus between democracy and human rights are not accidental nevertheless debatable.

CONCLUSION

Subsequent to the universal declaration of human rights in 1948 and the popularity gained by democracy as preferred form of government ahead other forms of government such as military junta, totalitarianism, and fascism, this article looks into the concepts of democracy and universality of human rights which makes it imperative to establish a common ground about the relationships between these two concepts.

This work has highlighted the theoretical development of different understanding of types of government. Based on the mutual relationship between democracy and human rights, this work carefully examines the features of democracy namely equality, promoting social justice, morality, liberty, freedom and rule by majority, separation of power, popular participation, protection of human rights of citizens among others, and relate it with the components of human rights which suggests nobody should be discriminate against because of regions, religion, tribes, languages, colors to mention but few. This article therefore concludes that democracy and human rights go hand in hand.

Finally, the findings of the study equally reveal that the connection between democracy and human rights is debatable as a result of internationalization of human rights. This study concludes that the universal application of human rights remains an intricate task because of inability to determine the scope.

RECOMMENDATIONS

Having examining the conceptual and theoretical exposition of democracy and human rights, this study hereby made the following useful recommendations:

- That the principles of democracy and that of human rights be harmonized to reflect the features of the two concepts as one. By so doing, democracy will stand more grounds and justify the application of human rights.

- This study discovers enlightenment campaigns about human rights are pitiable. Therefore, it recommends that there should be wider enlightenment campaigns and political education about the rights and responsibilities of citizens in representative democracy. The campaigns should be taken to the schools, markets, worship and religious centers and other available places to educate all citizens.

- Finally, there is need to define the scope of human rights globally in order to enhance its universal applicability.

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