

# HUMAN RIGHTS ARE TO PROTECT PEOPLE FROM GOVERNMENTS

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Ronald Dworkin

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■ *In your opinion, when lawyers talk of principles of democracy and democratic rule, do human rights activists accept their reasons (or even understand them at all)? Furthermore, do lawyers use the same terms as those within the political system when speaking about democracy? Can these differences and identities be classified if they really exist?*

It is difficult to give a simple answer to this question. **When Americans and Russians talk about democracy they are no doubt referring to completely different conceptions of this system.** Even within individual cultures people differ in their theories of what genuine democracy means: most Americans would think that an essentially one-party state cannot be democratic, for instance. But if we define democracy in a minimal way – a

society in which a majority of adults can decide who will lead the government – then the difference between democracy and human rights is evident. This is because, if democracy is so defined, a majority could democratically approve a government that limits freedom of speech and the press, or jails political opponents, or practices imprisonment without trial, or tortures in the name of security.

■ *Should lawyers proceed from common standards of democracy taking into account the national and cultural peculiarities of a nation? That is to say, some ‘canonic’, ‘positive’ idea of freedom, on the basis of your theory, or should lawyers adapt these standards to the local conditions, taking into consideration the requirement of state order and the national interests of their countries?*

This is a widely misunderstood issue. **But the most basic principles that define human rights must be the same everywhere,** otherwise real human rights could not exist in principle. If you think that the “canonical Western understanding” is correct, as I do, then this must be the basis of human rights theory. Of course I may be wrong, but the fact that it is not shared across the world does not in itself show that I am wrong. It is a further question, of course, as to how local circumstances and traditions affect what these basic principles require in different nations. And it is a question still further as to how these circumstances and traditions should figure in the strategies that some nations should use to persuade others to sign and respect human rights treaties.

■ *In your opinion, what is the most typical threat for the modern human rights movement? Is it marginalization in the political field, or excessive involve-*

*ment in politics? And though their reasons are different, why does the majority in Russia, the USA, and China not see the human rights activists as the mouthpieces of their interests?*

**Human rights are designed to protect people from governments** who, for their own security of power, are ready to censor unpopular opinion, lock up radical protesters or non-system politicians, or torture suspected terrorists. Governments are often able to persuade the majority of people that it is in the majority’s own interests to shut or lock these people up or torture them. Often this is indeed in their interests, when understood narrowly. People may want the economic progress, political stability or personal safety that human rights violations can secure. If, as I think, these violations compromise the dignity of the people as a whole and destroy their self-respect, then the people must choose. They must choose between courage and honor or cowardice and indignity. People do not always make the right choice, and in that case human rights activism will be very unpopular. ■

*Ronald Dworkin was speaking with Nikita Kurkin*

