

Human Rights and Democracy

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The Contradictions of Right and Power

Democracy based on power and democracy based on rights are two very different things. All contemporary democracies are based on power. Theorists of these democracies will undoubtedly dispute this argument and claim that they are based on human rights. However, they can only do so as long as the definition of rights is used synonymously with the definition of power. We must therefore be able to distinguish between these two very different concepts of democracy in order to expose their theoretical contradictions and their consequences for social reality.

Let us first consider the defining conditions and guiding principles of democratic societies, those that make democracy possible and sustainable. These include the existence of a shared territory (such as a country) in which duty-bound citizens – regardless of their ethnic origin or the plurality of their ideas – enjoy equal rights. In fact, human rights must be the basis upon which social life is created in such a society. This common space should contain both a national society and a government that represents it. A democracy must be independent in two important ways – its people must be free from external (foreign) interference in their sovereign affairs, and from internal interference by illegitimate powers (such as non-representative groups) within the country itself. Historical and scientific consciousness emerges collectively in a democracy, and from this a democratic culture becomes the collective consciousness of the people. Development is defined as the possibility for people to activate the dynamic forces of their own society, and for this reason democracy demands an open and flexible social system

that allows people to use their talents to further social development. Justice becomes the measure and scale (*mizan*) of human relations both within and between societies so that all people may develop in freedom while enjoying their due rights and opportunities. Finally, democratic societies should be engaged in a general transition from *representative democracy* to *participant democracy*. The optimal combination of these two political systems will make it possible to increase the direct participation of citizens in governing their own societies.

Many of these principles are not observed in contemporary democracies, primarily because they are defined in terms of power as opposed to rights. In fact, it is only power that gives individuals the possibility to enjoy their rights in these democracies. Furthermore, because people in these societies give authenticity to power and prioritize it over human rights, they fail to see that the economic and political domination of other societies contradicts democracy, or even that their own democracy is dependent on such domination. It is this authentication and prioritization of power that, for example, enables George W. Bush's government to ratify and execute, under the pretext of the 'war on terrorism,' laws that contradict human rights, and to compel other governments to follow suit. This legitimization of power also allows the US government to portray the massacre of war prisoners and bombing of civilians in Afghanistan as simply 'part of the war' without encountering widespread protest from the American people. As Michel Foucault rightly noted, from the medieval period until the present day, power in Western societies has always been cloaked in a mantle of rights, equating itself with law and rights.¹ Is it any surprise that we therefore continue to become more and more distanced from rights themselves?

Thus, it is obvious that we must be able to identify the specific principles upon which rights are defined and understood, and upon which contemporary democracies are founded. Once we can differentiate between different understandings of rights, we will also be able to distinguish between democracies based on power and those actually based on rights. This would be a genuine revolution in our understanding of human rights and democracy. However, this can only become possible if we free our thought and intellect from power. For this reason, the following section is devoted to a discussion and comparison of two principle ways of defining rights – as power and as freedom.

The Limits of Rights as Power

In 1998 I participated in an international, inter-faith conference on cultural dialogue.² During the time set aside for free debate, I asked my colleagues how we could define right, freedom, and power synonymously and still see ourselves as supporters of human rights and democracy. I pointed out that there are at least three definitions of rights:

1. Right is a way of ordering social relations. This order is based on a hierarchy of rights that are determined by those in power and executed by the state. In this definition, the state is the regulator of rights.³

2. Rights are the aggregate of the norms which dominate human behavior in a given society. The state formulates these norms into law and punishes those who violate them.⁴

3. Right is a barrier and method for determining the limits of human behavior. It regulates relations between individuals, and legitimizes and constrains power relations.⁵

In these three definitions – all drawn from different sources – the definition of rights is clearly based on power. In addition, because right is seen as a regulative relation between individuals, it is presumed that rights only emerge *after* human relations – in other words, that right cannot precede relationship. Any free-thinking person, however, is by definition inquisitive and could ask, ‘if rights are relations, reduced to the rules that dominate human behavior and transformed by government into law, then on what basis do *these* relations become regulated, and on what basis can we determine their domain? How are these rules produced, and on what grounds do they control human behaviour? If power creates and defends rights, who bestows this power and takes it away? On the other hand, if rights are not based on power, what *are* they based on?’

My colleagues at the conference agreed that these questions tore open a curtain that had hitherto obscured our vision about human rights and democracy. The problem was that while we continued to use familiar terms such as *right* and *freedom*, we were defining them in terms of their antithesis, power. When we use a word but reverse its meaning, we transform a pure word into something malignant. As a result of this particular inversion, we have neither developed ideas that are actually based on rights and freedom, nor observed real rights and freedoms in society. This is because we have introduced force into the definition and execution of

rights. This, however, is unnecessary, as power does not exist before power relations but emerges from them. All social relationships can be classified as either equal or unequal; in either case, the distribution of power is a result of these power relations. When free relations become power relations, the parties involved become dependent variables of one another. It is only under these conditions that force becomes the primary means of forging and regulating human relations.

To clarify this point, we can consider one particular manifestation of power relations – the possible relationships between a state (government) and its citizens. If, for example, a minority group monopolizes political power, we call this a *despotic state*, regardless of whether it makes laws or not – for even if it does, it will inevitably violate them in order to maintain its dominant position. If, however, the majority of a society entrusts power to elected representatives, we call that state a *democracy*. In any society, when a despot stands against a people, his or her power is called *force*. When society resists such despotism and punishes the aggression of an individual, these social forces are called *power*, and the punishing act is referred to as the *exercise of power*. Seen from this perspective, the state is nothing but an organization for the execution of power, either by the people or the state itself.

With this example in mind, we can return to our earlier questions about the nature of right. If right is not power, then what is it? At the most basic level, right is anything that exists before power relations. Life (*hasti*) precedes power relations; therefore life is a right. Any phenomenon that emanates from the strength of this existence is thus also a right; however, if we give our life forces a destructive direction, we will alienate them in power and turn our right into a ‘non-right’ (*nahaq*). Of course, we can consider all the various factors that influence the creation of life to ascertain whether power actually impedes the life process. If power were intrinsic to life, would life still come to exist? I have already argued that power is a result of power relations, and that power relations do not themselves exist before we turn our strength (*niroo*) into force (*zoor*) to be used against others. In fact, even if we alienate our strength in power and use it to dominate others, it still remains strength – we simply employ it for destructive purposes. Any time we stop using this strength destructively it will return to its nature. In other words, force is not a naturally occurring phenomenon. A life based on force would never come to be.

The Possibilities of Right as Freedom

While force is not intrinsic to life, freedom is. We can see evidence of this in our own lives. If we were to take an inventory of ourselves and of all our relations that are not power relations, we would verify that love, leadership, justice, life activity, creativity, organization based on love and affection, and development are all part of our lives. Our life is filled with light, intellect, method, love, leadership, justice, and creativity. These nonmaterial qualities point to God – not God as the source of absolute force (*godrate moilaaq*), but God as absolute freedom, as right and love, as an infinite being who in the absence of force provides the conditions for one's absolute freedom. God is right and pure right is God, and to have a relationship with God is to live a life free of power relations and to enjoy total rights.⁶ We develop a relationship with God when we remove the barriers we have built by using force, when live in freedom, taking advantage of our full right to life and development. As long as our life activities do not involve force, our relationship with life will not become a power relation.

However, when we allow power to enter into our relationships with ourselves, with others, and with the environment, it alienates our free relationship with God. God then becomes characterized as absolute force, and God's vicegerents on earth become manifested as absolute powers that have absolute authority over the life and property of the people. When we turn our relationship with God into the sort of religion that we see represented, for example, by the authority of the church or of the clergy in Iran (*velayat-e faqih*, or rule of jurisprudence), we transform religion (freedom) into its antithesis (power). Like language, religion becomes a deadly poison when its meaning is inverted. Is not this alienation of religion (i.e., when religion becomes a discourse of power) the most dangerous type? How many people have lost rights and freedoms due to this particular alienation?

In the context of this religious alienation, freedom is defined as the ability to do or not do something, and this ability is defined as power. There is, however, another way to define ability. In this alternative definition, ability (*tavanaee*) is neither freedom nor power, but a combination of freedom, strength, intellect, and knowledge. Power, on the contrary, transforms strength into force. Instead of enabling the self with freedom, strength, intellect, and knowledge, it destroys its natural environment and every living thing

in it. The more that power changes strength into force, the greater the damage received or inflicted. Force in any form simply adds destruction upon destruction. The first victim of force is he or she who uses it, and thus with each act of external destruction, something else internal is destroyed. The destruction of others begins with the destruction of oneself, and anyone who enters into destructive relations must be unaware that their actions, like living beings, take on a life of their own. Power-worshippers (*zoor parastan*) are well aware of this. If they had, at the very least, the ability to confess it, they would warn others against following their quest for power. They would tell them that chasing power leads only to a mirage, and to one's own destruction.

There is a very enlightening rule about this in the Koran, which states that we cannot destroy others as long as we do not destroy ourselves. Likewise, when we do destroy others, we also destroy a piece of ourselves.⁷ In this way the powerful are weaker than the powerless, and the damage that power inflicts and receives is greater than that of the powerless. Like other religious principles, however, this rule has become alienated from its original meaning. People in positions of power have turned God's ability (*tavanaee*) into the 'wrath' of God (*gahre khoda*), the 'force' of God (*jabre khoda*, meaning in this case the coercion into an inevitable fate), and the 'deception' of God (*makre khoda*). They then use these ideas to legitimize their own positions of power.

Wrath, force, and deception, however, do not exist independently, but are the result of power relations. When humans use force (against themselves, one another, or the environment), they transform their relationship with God into a power relation, thus neglecting their own freedom. I asked my colleagues at the conference, in all fairness, whether we had any choice but to restore religion to its nature (i.e., a discourse of freedom) in order for people to regain all their rights and live in freedom.

A Brief Insight from *Erfan*

It is within this context that we can understand the emergence and importance of Islamic mystic philosophy (*Erfan*). *Erfan* is a belief system based on the conscious awareness of these relationships between force and destruction and freedom and life. The mystic (*aref*) who has acquired this knowledge becomes both self-aware and rights-aware, and his or her life is devoted to being fully conscious of these rights and living according to them. Following

this example, then, can enlighten us about how to observe rights and live in freedom. If we inquire into the principles upon which a mystic bases his or her interactions with power-worshippers, we would see that he or she understands that rights can neither be exchanged with one another nor delegated to someone else. In other words, they know that human rights are inalienable.

A mystic is aware that freedom and rights are intrinsic in human beings, and thus does not allow his or her right of leadership to be usurped by a despot. If we asked whether someone else could live on your behalf, your obvious answer would be, 'no.' Can another individual breathe, eat, or sleep for you? Obviously not. Can they learn, invent, or create on your behalf? Can they make friends or fall in love for you? Can another person make your decisions about these activities? Again, the answer is clearly no. Nevertheless, we allow despots to make decisions for us because we do not see freedom as intrinsic in ourselves. This neglect of our own freedom has enabled the emergence of despots and domination. And yet we complain that our rulers have taken our freedom away! On what grounds do people think they can deny themselves the right of leadership and decision making and relegate it to others? Why do they think that freedom is something to be either given or taken away? Unlike the mystic, they do not see rights and freedom as intrinsic within themselves.

An Alternative Conception of Right

According to the three definitions of rights mentioned above, even the most ambitious expositions on rights such as the Universal Declaration of Human Rights (1948) are based on power and are therefore ambiguous. The limiting and destructive nature of power has led to omissions in this document, in which many rights have not been mentioned. Those that are mentioned have become alienated as they are equated with power.⁸ If we made freedom the basis for human rights, however, we would be able to clarify the ambiguities of this and other statements on rights. The meaning of rights can only become clear and vivid when they are defined on the basis of freedom and understood in the following way.

First, rights are intrinsic in life, universally enjoyed by all living beings, and like life itself, cannot be 'given' or 'taken away.' The process of 'give and take' is an effect of power relations, while the exercise of rights does not require force. Thus the absence of force in relation to self and others is an indication that a person

enjoys his or her rights. We as living beings can, however, become neglectful of rights and in doing so become destructive to life itself. People must realize that when they take anything from another person by force, they are neither exercising a right nor acting in freedom, but rather destroying life itself. To alienate strength in force is to destroy life – of ourselves, of others, and of the environment.

Secondly, definitions of rights based on power (such as the three mentioned above) are ambiguous. Within them, *right* and *freedom* are defined as *power*, and the observation of rights is reduced to the observation of dominant rules established within power relations. Power, however, does not have a life of its own. This is why the definitions of rights become ambiguous when they are equated with power. Right, on the other hand, as intrinsic in life, does have an independent existence and can therefore be clearly and vividly defined. By clarifying the definition of rights and power, we see that rights are inseparable from life and non-transferable (inalienable). It is only through the language of deception that the definition of rights becomes ambiguous and equated with the definition of power, and it is only in this definition that rights can be exchanged.

Third, the exchange of one right for another necessitates discrimination, while a free individual who enjoys his or her full rights is free from discrimination. Anyone who reflects on his or her own life will realize that neglecting one's own freedom deprives us of other rights, and makes us a slave to power. The most obvious sign of this is the limitation of our own vital activities. Just as we cannot exchange rights, nor can we prioritize them. Within power-based definitions of human rights, some rights are considered more important than others. In other words, it is deemed legitimate to sacrifice some rights in order to enjoy others. We can see this, for example, in G. W. Bush's 'war on terrorism,' in which an increasing loss of freedoms has been legitimized for the sake of securing another right, security. However, according to the principles of rights based on freedom, the deprivation of any single right leads to the deprivation of others as well.

Fourth, the less conflict there is in society, the more freedom can exist, and the more people can enjoy their rights. A way of life that enables an individual to activate his or her talents in complete freedom and to enjoy rights in their totality does not create antagonism between people. Thus we must always question whether our particular relationships to our environment put individuals in contradictory or antagonistic relations with one another. If we live

in order to exercise our total rights, we would not destroy nature because we know that doing so would ultimately be the destruction of ourselves.

Fifth, in order to live in complete enjoyment of our total rights, our goals and ways of life must become reflections of these rights. When we set goals that are incompatible with rights, however, we are bound to violate them. We can see this, for example, at the level of the state. Presently, even states that are ostensibly organized to protect human rights systematically violate them because their ultimate goal – the preservation of the state – is often incompatible with the observation of human rights. States that operate according to power-based definitions of human rights do, on the one hand, have a duty to protect people's rights. On the other hand, they have also created a separate domain for themselves *outside* of these rights, and call it 'state interest.' They allow themselves to neglect human rights in order to make 'expedient' decisions – even if these contradict the principles of human rights. We should therefore not be surprised if we observe an increase in the amount of destructive activity dominating our world.

Sixth, the most obvious peculiarity of right is that it does exist. Independent existence is a defining factor that differentiates between rights and non-rights. Whatever happens as a result of power relations is not a right and does not have its own independent life. Consider, for example, a lie. First, a lie has no independent existence of its own and can only be created by a liar. In other words, a lie needs a liar in order to exist. Secondly, a lie is merely a camouflage for a truth – it also requires the existence of a truth to be obscured. Third, in order for a lie to come to be, it requires the creation of a power relation between the liar and those who are deceived.

Finally, the difference between rights and non-rights can be established by the observation of twelve characteristics. First, right is intrinsic in life and therefore intrinsic in any living being. In fact, as right has an independent existence, all living beings are themselves rights. Thus, while we may exchange the products of these intrinsic rights, we cannot exchange the rights themselves. Secondly, rights cannot be separated from one another, nor can they be prioritized one over the other. Individuals in free relations have the opportunity to take advantage of their full rights and to develop. Human beings can only develop when our six talents – leadership, love, knowledge, intellect, creativity, art, and economics – function

together in freedom and harmony. Individualism has failed to realize that these talents can be activated only as long as we do not neglect our freedom and rights, and if all our material and spiritual rights are defined or based on freedom. In addition, they must be activated not independently, but through interactions based on mutual friendship. In such relations, the meaning of life becomes to exercise human rights and further development. Third, exercising a right does not require force; in fact, force prevents us from exercising our rights. While rights are free of force, however, they do have strength. Fourth, there is no place for contradiction within right, nor do rights contradict one another. This is contrary to non-right, which emerges as a result of contradictory relations. Fifth, right is clear, vivid, and uncomplicated, while non-right is ambiguous and complex. Sixth, a right only interacts with other rights and with reality (*vage'eyat*); it does not seek non-right or virtual reality (*majaz*). Seventh, right actively negates all forms of discrimination, as these are reflections of dominant relations and force and thus incompatible with rights. Eighth, rights are eternal and infinite, while force is spatially and temporally bound. Ninth, right cannot be confined, nor does it attempt to confine. It knows neither boundaries nor compulsion. Force and its products, on the other hand, tend to constrain and become limited. Tenth, rights can neither destroy nor be destroyed, as he or she who seeks to destroy others will first destroy him or herself. Therefore if destruction were intrinsic to rights, right would not come to exist. Eleventh, the methods and goals of right cannot be divorced from it. Even within a dichotomistic paradigm, for example, methods and goals must be compatible with guiding principles that reflect the authenticity and priority of power. Therefore, when rights are neglected for the sake of expediency, then decision-making becomes the law of force and leads to corruption. Finally, every right is also a duty. Any person loses the right to live in freedom and development if his or her life is not based on exercising total rights, or dedicated to defending others' right to do so.

Human Rights, Democracy, and Development

By defining right in this way – as freedom as opposed to power – we will be liberated from that great deception that in order to enjoy human rights we must authenticate power and prioritize it over some or all of our rights. This definition also provides us with an opportunity to define the guiding principles of democracy based

on freedom and rights instead of power. It will enable us to cultivate cultural freedom at the levels of the individual, family, nation, and global society, which is one precondition for the emergence of democracy based on freedom. Ultimately, if there is a way to save our environment from destruction and our world from domination, this is it.

References

Note: All English references from the Koran have been extracted from A. Yusuf Ali's translation and commentary, published in the UK by WIPE International ([1934] 1993).

- ¹ Michel Foucault, *Histoire de la Sexualité. Vol. 1: La Volonté de Savoir* (Paris: Gallimard, 1976).
- ² This conference, held in Italy from 21-22 February, was organized to bring together leading representatives of various religious and secular faiths.
- ³ *Encyclopaedia Universalis*.
- ⁴ Jean Gicquel, *Droit constitutionnel et institutions politiques* (Montchrestien, 1999), p. 18.
- ⁵ Jean-Jacques Vincensini, *Le livre des droits de l'homme. Histoire et Textes* (Laffont-Archimbaud, 1985), pp. 10-14.
- ⁶ Koran, 23/116: 'Therefore exalted be God, the King, the Reality: there is no god but He, the Lord of the Throne of Honour!' See also Koran, 22/62: 'That is because God – He is the Reality; and those besides Him whom they invoke; - they are but vain Falsehood: verily God is He, Most High, Most Great.'
- ⁷ See, for example the Koran, 41/46: 'Whoever works righteousness benefits his own soul; whoever works evil, it is against his own soul: nor is they Lord ever unjust (in the least) to His servants;' 22/10: [in relation to one's own suffering], 'This is because of the deeds which Thy hands sent forth, for verily God is not unjust to his servants;' and 3/182: 'This is because of the (unrighteous deeds which your hands sent on before ye: for God never harms those who serve Him.'
- ⁸ For a more detailed discussion of human rights see the English-language edition of A. H. Banisadr, *Human Rights in Islam* (Arab Encyclopedia House, no date).