

A Review Study about Quality of Democracy from the View of International Law and the Definitions Related to Democracy

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Abstract

If the organized and basic principle of a person is incomplete, proper political Decision by him seems very hard and unlikely. Therefore, recognition about view of international relationship theories to the concept of international cooperation can present an intellectual help to the politicians. Each of the existing theories in the field of international relationships has different views to the international problems and concepts depending on the focused and emphasized factors and the kind of ontology and epistemology. Therefore, to the idea of the author of this paper, the dominating rules should be in a way that philosophic view point includes this message that there are series of rules and principles for the strengthening of a country at the level of international system.⁽¹⁾ These rules and principles should be observed. Furthermore we can analyze the international problems in scientific and systematic way by means of these rules and principles. In the science of international relations and international law, it is tried that measures, definitions and doctrines be recognized and exercised as known principles and rules in a conventional way and with international civility The concept of democracy in the international law is the emphasis on detection of the use of rules and principles of strengthening of a country at the level of international system.⁽²⁾ It means that this course philosophically has this message that there are series of rules and principles for the strengthening of a country at the level of international system. These rules and principles should be observed. Furthermore, we can analyze the international issues in a scientific and systematic matter through these principles and rules.

Since our hypotheses and propositions can be effective in the analysis of international politics problems, our sight from ecology view is effective in the study of behavioral patterns and international events. In this condition, the analysis of profits, national security, contradiction, cooperation, power and basically war and peace subjects present a different view of the international politics which is different from our traditional view on the mentioned subjects. While realism look at the geography as an essential source for the survival of the governments and providing national profits, liberalism has assisted in biological disasters by emphasizing on The need to have free access to sources in the framework of universal economics.⁽³⁾ From the view of extremist ecology, the main line of international relations theory defines international processes and norms in a way that it has contrast with sustainable development law.

Generally, the comprehensive definition of democracy is as followed:

Democracy is a procedure of systematic governmental administration. Among different kinds of democracy, there are differences that are resulted and increased from the view of basic law. Any way if in a democracy, accurate legislation is to avoid uneven distribution ⁽⁴⁾ of political power. In lake of execution of rules and governing of the rules that are necessary to execute, it is certain that right groups of society will be misused. 'De totlite' square elective competitions are one of the main existing trends in distinctive democracies. Furthermore, freedom in speech, freedom in political thought and free press are among other basic pillars of democracy that allow people to elect consciously and knowledgeably according to their personal interest. ⁽⁵⁾

Keywords: International law; Theories; Democracy; Rules of definitions; Sciences of international relations; Policy

Introduction

It can be argued that by means of "cultural turn" in sociology, seeking for new resources of critical theory can be started helpfully by considering share of Interdisciplinary field of cultural studies. This matter can be related to the lessons learned from Frankfort school and then British cultural studies, especially with respect to the concept of adjusting radical critical theory with the needs of politics and execution of culture. To draw this problematic subject, in this paper, the share of these two traditions in cultural theory and subjects related to cultural government is studied. Dialogue subjects related to new-realism and new-liberalism has appeared in 1970s in the twentieth century and continued for two centuries later as the major dispute in the area of International relations and anthropology. ⁽⁶⁾

These two new dialogues could somewhat keep out of the two classical dialogues and by creating new literature in the sight of international politics, Explain and express this area theoretically. Culture is a path that transfers knowledge and gives meaning to our life. Furthermore, culture can be a power tool. "Der Nationalsozia "leader once told that when he heard the word culture, he handled his gun. Once Stalin asked in a scoffing tone, how many parts pop has, however, catholic culture lasted more than the culture of Soviet. In china, the president "[Hu Jintao](#) " had told in the 17th congress of the party that China needs to invest in soft power more. Therefore, Culture is a path that transfers knowledge and gives meaning to our life. Furthermore, culture can be a power tool. A Nazi leader once told that when he heard the word culture, he handled his gun. Once Stalin asked in a scoffing tone, how many parts pop has, however, catholic culture lasted more than the culture of Soviet. In china, the president "Hu Jean Tao" had told in the 17th congress of the party that China needs to invest in soft power more. Therefore, China started to create Confucius Institutes in the world to enhance its cultural position. Here in America, the assistant of foreign minister, "Andre J. Shapiro" who recently said that conscious power means conscious merging of soft and hard power tools, is extremely beloved by president Obama and his foreign minister, Clinton. Joseph Nai tries to show that cultural diplomacy is an important tool of soft power, but first speaks of the meaning of the soft power. Soft power is the power of ability to influence others, so that your wish is converted to their wish. We can have impact on the behavior of others in three methods: threat of force, motivation and money and absorbing others so that their wish is what you want. It is possible that a country attains its wishes in the universal politics because other

countries follow it. To change others, we should absorb them, not to force them to change through threat of force or using economic or military weapons. Soft power -having effect on others as you want- is the accepting of others' cooperation rather than forcing them.

Soft power is the ability to form preferences and priorities of others. In the human level, it is the ability to absorb and tempt others. Political leaders, has considered power the ability to adjust agenda and specify the framework of the discussion for a long time. Soft power is the daily pillar of democratic politics. The ability to create priorities is attained through intangible privileges such as personality, culture, institutions, political value, and juridical and legal politics that have moral power. Culture is source of soft power:

It creates absorptions that are evaluated through the election of people or central groups. Whether these absorptions created IDEAL politics should be judged in special cases. The gap between the evaluated power as the power of sources and the judged power as the behavioral power is not limited to the soft power; rather, it occurs in all the forms of power. The difference between power of sources and behavioral power is important in the understanding of the relationship between the soft power and cultural diplomacy. In international politics, the sources, which create the soft power, are resulted from the values of an organization or a country that apply in its culture, for example through its interior acts and politics and the style of behaving with other Countries in its relations. Cultural diplomacy is one of the general diplomacy tools, which the governments use to renew these sources so that they can absorb the people of those countries more than they absorb other countries' government. If the content of culture, value and politics of a country is not absorbing and appealing, the general diplomacy that they publish is not able to create the soft power; rather, it might just create opponent. ⁽⁷⁾

Discussion & Achievement:

Increasing the positive image of a country is not a new thing, but the condition of enhancing the soft power in recent years has changed significantly. Information is a kind of power and today a greater part of the world has access to this power. Technological improvements have resulted in the significant decrease of the expenses related to the process and transmission of the information. The result is that an information burst and several paradoxes are produced. The information's abundance has resulted in the lack of attention. Therefore, the attention to this information is low, more than the information is rare, therefore those who can recognize the valuable information can attain the power. Editors and advisors are more requested. Moreover, this affair is a power source for those who can tell us where to focus our attention. Among editors and advisors, credit is an important source. Governments compete not only with other governments but also with wide set of alternatives including news media, institutes, nongovernmental organizations, inter governmental organizations and networks of scientific societies for credit attainment. In this new situation of the era of information, software elements might be more effective than hardware ones. Without emphasis on the national credit, general diplomacy tools aren't able to import cultural sources to the soft power "i.e. the culture of a country is considered the soft power that country has national credit in international scope" The efficiency of general diplomacy is evaluated with the thoughts not changed by expending dollars. Skeptics, who consider general diplomacy just as a good word for advertisement, have not understood the main subject. Most simple advertisements don't

have credit and therefore are introduced as non-constructive general diplomacy. A combination of direct information of government and long term cultural relations changes with three dimensions of general diplomacy. The first and most important dimension is the daily relations; the second dimension is the strategic relations, and the third dimension of general diplomacy is development of sustainable relations with effective people through seminars, education, interchange conferences and access to media. All the three mentioned dimensions have major role in general diplomacy in assisting to create an absorbing image of a country and are effective in developing the perspective of the attainment of ideal results for that country.

However, it seems that policies that are presented hardly or proudly undermine the soft power rather than create it. In best situations, long-term friendly relations might make others a bit more lenient in their reactions. Sometimes, friend will doubt about you or have more enthusiasm. This is enabling or disabling the environment for policies. General effective diplomacy is a two way street that includes listening and speaking. If you want others to want what you want, you should know how they listen to your message and thus accept it. Advising the strangers isn't the best method to change them. Most political leaders simply think that others don't have information and if they know what we know, they will understand our method. All the information transfers through cultural filters and statements which are rarely desired to listen, even when politics and relations are coincident, again managing the sources of the soft power in the area of information is different. Governmental relations are just a small part of the whole relations between societies in an era that is full of information. The long term developing relations is not always useful and therefore its simple leaving might result in the decrease of investment. While they might prepare more education for themselves and nonprofit organizations can help, some of the interchanging programs will decrease without the support of government. At the same time, post moderns generally doubt about power and are frequently pessimistic to the government. It is often necessary that governments protect secret issues and work with private actors. Some of NGOs are more reliable than governments and although their control is difficult, but they can be useful relational channels. Furthermore, companies support some of the general diplomacy projects financially and would be pioneers in supporting these projects. Another advantage of indirect citizen diplomacy is that it is often able to accept more risks to present set of viewpoints. Sometimes from the inner view, it is difficult for government to support the will of those viewpoints, which are their sensitive policies. Yet, criticism is often the most effective method to create credit. Some of the soft power of USA has grown out of the society and its open politics.

In addition, this is true that courts, congress and free press can modify the criticism and policies. When governmental tools avoid criticism, not only they decrease their credit, but they are also Unsuccessful in absorbing foreign elites who are important sources of investment. Finally, it is wrong to understand the general diplomacy simply with adverse terms. Sometime there is a competition between my information and your information, but frequently it can be useful for both sides. Political leaders might have similar and bilateral aims; for example development of democracy and human law, in this situation we can take advantage of general and cultural diplomacy programs. Furthermore, general constructive diplomacy can be helpful in decreasing doubts of small national motives. Cultural diplomacy is an important tool in the arsenal of smart power, but general smart diplomacy needs the realization of the credit role self-criticism and the role of civil society in creating soft power. General diplomacy that declines

to the limit of advertisement is not only unsuccessful in convincing, but it can also decrease the soft power and lessen its value. Soft power depends on understanding the thoughts of others. The best cultural and general diplomacy is a two-way road.⁽⁸⁾

In international politics, the studying scope is focused on the legitimacy of the behavior, rules and international civility, but in international law, it is focused on legal behaviors. The aim of international law is to study norms and musts governing international relations, however in the principles of relations, it is the matter of play of power whether it is according to the law or not. The first rostrum of international relations was established in Wills university of Britain in 1919. The most important event influencing the international relations in the 20th century was the appearance of nuclear weapons⁽⁹⁾ (Sling). Each country acts in the format of abilities and troubles. Super powers have more abilities and minor powers have more troubles. Evolution in the nature of power has resulted to its complexity. Military power is overcoming but not common. Cultural power is penetrative and common but not overcoming. Philosophical insight is ordering the human's worldview.

This factor causes the human's acting or not acting. Philosophical insight is divided into two

Nature of philosophy:⁽¹⁰⁾

- a- Originality of nature
- b- Secularism
- c- Originality and necessity of essence
- d- reputation of philosophy
- e- Optimistic and idealistic
- e- Pessimistic and realistic

In Islamic thought, power is in moral originality and originates from a sacred and absolute entity. However, from the view of balancing of power, it is originally posteriori and is the same as material power. The term international indicates that the kind of exchange in the international relations is originally political and here national means political. Heterogeneous combination of international society, existence of nongovernmental actors, existence of numerous variables, rapid change in conditions and circumstances, unquantifiability of qualitative factors, security of information increase the problems. To Martin Wight's idea, dependency of the field of international relations to international law prevents from the development of the field of relations. Hanrider considers the success of foreign politics in the internal consensus and International compatibility.⁽¹¹⁾ Of course Hanrider discusses it from the view of an American and USA has many abilities in abroad and little trouble and its only basic problem is to achieve consensus in inside. The concept of adjusting or compatibility does not make difference for super powers like USA; however, it is very different for small powers. There are a few cases that third world countries can adjust their goals through haggling. In recent decades, a new view is gradually formed through evolutions and complexity of relations that is general like classical view and pays attention to all life's sights but has structure. According to⁽¹²⁾ Leo Eshtrous, East decided to reduce its measures through⁽¹³⁾ Machiavel to make the proper social discipline possible. Machiavel is the guiding of transforming priori values to posteriori ones.

International Law owes the results of Machiavelli and Hubs. Instead of perfection, they emphasized on power. Generally, there are three patterns:⁽¹⁴⁾

- I- Countries willing to preserve the power and not to change it
- II- Countries with the aim of attaining de facto power with changing the existing condition, imperialistic policy.
- III- The aim is to attain prestige.⁽¹⁵⁾ Hulesti considers politics the field for providing safety through power attainment.⁽¹⁶⁾: Jack Huntsinger “the aim of national policy is to protect the country, preserve its entity and permanence and ensure domination of its own destination”. Joseph Frankel: the government is the institution of providing values through power. Values can be divided into two categories, priori, and posteriori, for modernist Muslims, the priori is a principle, and the posteriori is a necessity. The posteriori should not have an opposition with the priori. From the point of proof, desirable values are divided into two fields: general advice inside and national profits abroad. Safety and freedom are the highest goals inside. Independence determines the direction of movement and signifies the mutual independence to it. Freedom of independence is one of the goals of government’s establishment. To achieve to these goals, we should have strategy and tactic. Long term (long domain) strategy of a

Country is that it continually changes the balancing of power in its profit. Sometimes it is possible that apparently tactic is not in line with strategy. We should not pay attention and cite to the appearance, but we should think of the goal. In secular view of Hegel, “power is right”.⁽¹⁷⁾

From the monastic view, world is the place to pass and not to regard. From the Islamic fundamentalist view, the divine caliph has a fundamental and a necessity. Power and authority is a necessity but not to the cost of losing the original value of perfection. The monastic says we should combat the sole, the religious fundamentalist divides the sole into three parts: carnality (Instinct) which should be trained through intellectual tool in order to become the background to achieve love.⁽¹⁸⁾

The whole value is declined to material morality. Finally, we mention theories of masters of political law about democracy briefly:

Socrates: he was an enemy of Athens’s democracy,⁽¹⁹⁾ since he did not believe in equality of human beings and would tell: in these councils, those who speak well overrule people, not those who speak of good things. He would tell: people in Athens’s democracy are like sheep that promulgate ignorance and egotism.⁽²⁰⁾

Aristotle: a democrat government is when governors are the designee of general mass of people and the poverties of the society.⁽²¹⁾ Such government is more thoughtful of the profits of the commons of people. Therefore, the government changes to a common government. The way for development of science and excellence is closed and scientists and the educated will stay at home. He considered the government of the honorable and jus average class as the mild democracy and praised it.⁽²²⁾

Montesquieu considers the goal of establishment⁽²³⁾ of the government to preserve personal freedoms. He also says: the real freedom does not mean that one can do anything he wants,

since in this case he will turn in to an incubus and opinionated one. In his idea, democratic governments surely need honest and righteous people who have political piety; because all the actions and behaviors of staffs are exposed on the people's sight and criticism. Only the pious can work and if the dishonorable and the scoundrel reach to government, he will soon lose his prestige and will have to leave the scene. He was the first one who increased the separation of forces from two to three and in fact separated the judicature from the executive.⁽²⁴⁾

Habermas:⁽²⁴⁾ Supports of the illustrative intellect. Because he believes that during the last 3 decades, the illustrative intellect has not been realized and the modern society could not either realize justice, freedom and social adhesion together. He greatedened development of science but⁽²⁵⁾ criticized the instrumental reason; because he wants to avoid encroachment of instrumental reason to other fields of intellectual cognition. Habermas argues that scientism should not penetrate in all fields of philosophy and cognition. Habermas seeks the process of scheme of humankind's release in criticizing the abstract cognition. Instrumental reason changes the structure role and human interest. He believes that science and technology have changed to tools for⁽²⁶⁾

Eliminating the legitimating tension in recent bourgeoisie and justifying the existing system ideologically. Instrumental reason has dominated on the modern thought. Habermas emphasizes on historical and cultural and sociology elements which are hidden in the essence of cognition. He defines the position and limits of experimental-analytic science to advocate rationalism as the essential part of the project of humanity's release. For this job, he analyzes the link between cognition and humankind affection and reforms it. According to Habermas, criticizing language, custom, and strength are necessary as branches of criticizing ideology system. To recognize relations based on profit and domination and understand its role in distorting and repressing the meaning and conversation. We can only understand social act when we have studied it in the common field of work and language and strength, i.e. it is work and language and strength that have built human acts. Habermas criticizes the book of cognition and humankind affections and from this point, he considers lingual rotation. He Says: today, the language issue has supplanted the traditional issue of awareness.

Language is what separates us from nature. We are prepared with independence and responsibility through language. Habermas's aim and the kind of his thought have not been changed throughout his life. He has been verifying his thought all the time and removes the mistakes of intellectual system. Thus, unlike thinkers like⁽²⁷⁾ Paul Michel Foucault; Karl Heinrich Marx, We cannot divide habermas's life into different intellectual periods. His aim is that we can Achieve a society free of domination through intellect. Habermas explains reforming sciences in his criticism on the book cognition and humankind's affection.⁽²⁸⁾ Reform means to analyze the theory and then combine it in a new format in order to gain the theory's aim better and more completely. Relational act theory is among the reforming sciences and seeks for discovery of rules of human relation. Habermas calls this kind of reforming science general pragmatic.⁽²⁹⁾

The function of general pragmatic is the distinguishing and rebuilding the possible conditions that are easy for general understanding or general preconditions of relation.⁽³⁰⁾

Thomas Samuel Kuhn: each theory in democracy should answer these questions:

- 1- What is the nature of democracy?
- 2- What are the preconditions of democracy?

- 3- What are the democracy tools?
- 4- What are the necessary conditions for the success of democracy?
- 5- What reasons should be presented in support of democracy?
- 6- What are the perspectives of democracy? (See, Overview ;,Footnote.: Thomas Samuel Kuhn*)

In this paper we answer these questions in summary from the view of Dewey and then criticize his opinion, since views of Tomas Kohan is in line with the views of John Dewey: ⁽³¹⁾ there are different remnants of him about democracy. The morality and personality is especially dedicated to this subject. He expresses the thoughts that exist in democratic society in another work, democracy and education. Furthermore, he expresses the relationship between these thought and education in it, discusses the positive aims and methods that are appropriate for democratic society, criticizes moral theories that are common in apparent democratic societies, and prevents from realization of ideal perfection of democracy.

[*Thomas Samuel Kuhn: Copernicus complained that in his day astronomers were so 'inconsistent in these [astronomical] investigations ... that they cannot even explain or observe the constant length of the seasonal year.' 'With them,' he continued, 'it is as though an artist were to gather the hands, feet, head and other members for his images from diverse models, each part excellently drawn, but not related to a single body, and since they in no way match each other, the result would be monster rather than man.' Einstein, restricted by current usage to less florid language, wrote only, 'It was as if the ground had been pulled out from under one, with no firm foundation to be seen anywhere, upon which one could have built.' In addition, Wolfgang Pauli, in the months before Heisenberg's paper on matrix mechanics pointed the way to a new quantum theory, wrote to a friend, 'At the moment physics is again terribly confused. In any case, it is too difficult for me, and I wish I had been a movie comedian or something of the sort and had never heard of physics. (Kuhn, 1962)All crises begin with the blurring of a paradigm and the consequent loosening of the rules for normal research. .. Finally, the case that will most concern us here, a crisis may end with the emergence of a new candidate for paradigm and with the ensuing battle over its acceptance. (Kuhn, 1962)It is, I think, particularly in periods of acknowledged crisis that scientists have turned to philosophical analysis as a device for unlocking the riddles of their field. Scientists have not generally needed or wanted to be philosophers. (Kuhn, 1962)Thomas Kuhn demonstrates a profound truth about the limitations of academic education, which necessarily infects students with the popular beliefs of their time. Usually the men who achieve these fundamental inventions of a new paradigm have been either very young or very new to the field whose paradigm they change. (Kuhn, 1962)... the puzzles that constitute normal science exist only because no paradigm that provides a basis for scientific research ever completely resolves all its problems. (Kuhn, 1962)]

From the Dewey's view, democracy has different meanings "but from the moral view it means determinability of this belief that final criterion of all political installations and industrial organizations is their positive effect on the balanced growth of each of the members of the society" According to his statement, development of democracy is attached to the development of the experimental method of Sciences and currency of natural evolution theory and development of industry and the set of these factors caused a great change in the subject and method of education.

The most important features of democracy in John Dewey's view:

Democracy is a way of life that is controlled through the belief in the facilities of humanity nature Belief in usual and common human is a familiar topic in democratic belief.

It means human talent and strength is represented in each person, regardless of color, race, nationality, family, culture, sex... democratic belief in human equality says that each person has the right to exploit equally in order to develop what is gifted to him. ⁽³²⁾ Democracy is a way of personal life which not only believes that human nature is generally the same, but it also believes that if a similar condition is considered for all, the capacity of humans To judge intellectually is also the same.

Democracy believes that although ends and needs or results are different for every person, the habit of friendly cooperation exists like sport in life. ⁽³³⁾ Democracy is not something to have relation with institute; rather, it is a foreign affair and is a way of personal life. Democracy is a moral ideal. Democracy is the belief in the ability of the human's experience to produce goals and methods by which further experiences grow with more richness. The duty of democracy is to always create a more free human experience in which all are shared. ⁽³⁴⁾ Thus, democracy is not only a kind of social life among other forms of social life; rather, it is the precondition of the complete application of intellect in solving social issues. Concerning the features, which were enumerated by Dewey about democracy, it has been observed that democracy never means governing of the majority on minority; rather, it means the active association of all the people of the society. ⁽³⁵⁾

Since Dewey oppose with the abstract thought, democracy is not excluded from this principle. The methods of developing democracy or avoiding from its retrogression depend on the situations of each environment. ⁽³⁶⁾ And will change with the changes of situations, policies, institutions and proper democratic activities. Carl Kohan writes: Democracy as a theory about human government relies on the thought of no ultimate theorist and there is no single order from which democracy is arisen.

The theory of Noam Chomsky (OP):

Democracy has different meanings in dictionaries. However, briefly societies are democrat in an extent that people have meaningful opportunities to cooperate in forming the general policies. There are different ways to realize democracy but a society ruled by people is just democrat on the basis of applicability of ruling by people not on the basis of claims. It is possible to be democratic nominally while there is no democracy. Former Soviet had elections too! USA has a Nominal democracy through elections and referendum... However, what is the content of such democracies with regard to the real association of people? ⁽³⁷⁾ When you see to the longer range of time, ⁽³⁸⁾ the amount of the real association of people in planning and organizing general policies were little. USA is a society ruled by commercial financial owners. Political parties has been represented the benefits of this part for a long time. Like many primary terms of politics science, democracy is originally a Greek word composed of Damous and Cratus. Both terms have different meanings: "**Damous**" can be referred to all citizens living in police or government-city and is referred to the servitor groups. "**Crates**" can have both meaning of "**Sovereignty**" and "**legislation**" which does not have the same meaning, since we can consider groups or people who have power without governing formally and obviously.

Thus, in a nominal democracy which seems that People or their representative govern, the real distribution of power might be completely non-democratic. May be this fact isn't obvious that the real power is at the hands of people. Minimalism is a subordinate or governmental method in which citizens grant the right of governing to a group of political leaders through periodical election. This theory is called "Polyarchique". D'agrégation of democracy confesses that government should codify law and policies which are very near to the view of middle of people, a half from the right side and a half from the left. Deliberative (Délibératif) democracy is stable on this principle that democracy is the government with discussion. The important point is that in "Direct" democracy, citizens have associations directly and not through the council.

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