



**Robert Senelle, Emile Clément & Edgard Van de Velde**

## **The Road to Political Democracy**

*From Plato to the Charter of Fundamental Rights of the European Union*

Foreword by **Stephen Breyer**, Justice of the U.S. Supreme Court

Post Script by **Herman Van Rompuy**, President of the European Council

## **The Journey on the Road and Its Challenges**

By Prof. Dr. Edgard Van de Velde

*In Homage to the Late Emeritus Prof. Dr. Robert Senelle*

# Content of the Presentation

- **The Underlying Methodology**
- Democracy's Main Actual Challenges

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- **The Underlying Methodology**
  - **The Two Objectives of Democratic Regimes**
    - **The Methodological Starting Point: Plato's and John Locke's Postulates**
    - Properties
  - Aristotle's Four Pillars of Democratic Regimes
  - The Democratic Matrix as a Result
- Democracy's Main Actual Challenges

# The Methodological Starting Point: Plato's and John Locke's Postulates

## Plato

Democratic regimes have two objectives: **equality** and **liberty**.

(Plato (385 B.C.). *The Republic*; see nr. 192)

## John Locke

- Democratic regimes have two objectives: **equality** and **liberty**,
- in order to realise for its citizen the mutual preservation and enhancement “of their lives, liberties and estates, which I call by the general name property”,
- respecting a double proviso:
  - that “there is enough, and as good, left in common for others” and
  - that there is no spoiling as “else he [= the citizen](ev) took more than his share, and robbed others.”

(John Locke (1690). *Second Treatise on Civil Government*; see nos. 332 and 342; Robert Nozick (1974). *Anarchy, State and Utopia*; see nos. 376-378)

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- **The Underlying Methodology**
  - **The Two Objectives of Democratic Regimes**
    - The Methodological Starting Point: John Locke's Postulate
    - **Properties of Equality and Liberty**
  - Aristotle's Four Pillars of Democratic Regimes
  - The Democratic Matrix as a Result
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# Properties of Equality and Liberty (1)

- **Equality and liberty are each other's counterparts:**
  - Increase equality = decrease liberty, and vice versa.
  - Balance between equality and liberty is vital.
  - Extreme equality and extreme liberty are fatal for democratic regimes.

(Montesquieu (1748). *The Spirit of Laws*; see nos. 412 and 424-428)

# Properties of Equality and Liberty (2)

- **Liberty has a negative and a positive objective:**
  - **Negative liberty:** I **AM** free to do what I want.  
-> Coercion is prohibited.
  - **Positive liberty:** One tells me what I should do or who I should be to **BECOME** free.  
-> Coercion is allowed or even necessary.

(Isaiah Berlin (1958). *Two Concepts of Liberty*; see nr. 1099)

# Properties of Equality and Liberty (3)

- **Equality has a negative and a positive objective :**

- **Negative equality** = “liberal equality”.

- I **AM** equal = fair equality of opportunity.

- > Coercion is prohibited.

- **Positive equality** = “democratic equality”.

- I **BECOME** (more) equal to the better off = improvement of the expectations of equality of the least advantaged members of society.

- > Coercion is allowed or even necessary.

(John Rawls (1971). *A Theory of Justice*; see nos. 1186 and 1189)



# Properties of Equality and Liberty (4)

- **Résumé:**
  - Negative liberty: to BE free FROM.
  - Positive liberty: to BECOME free FOR.
  - Negative equality: to BE equal TO.
  - Positive equality: to BECOME (more) equal TO.

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# Aristotle's Four Pillars

- Rule by Turn
- Rule of Law
- Preponderance of the Middle Class over Rich and Poor
- Education

(Aristotle (353-323 BC). *The Politics*; see nos. 2 and 275-280)

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# The Democratic Matrix

Four Aristotelian Pillars of Democracy	Democracy's Objectives			
	Equality		Liberty	
	-	+	-	+
Rule by Turn				
Rule of Law				
Preponderance of Middle Class				
Education				

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# The Democratic Matrix – Examples (1)

Objectives of Democracy		1 <sup>st</sup> Aristotelian Pillar: Rule by Turn
Equality	-	No gender discrimination: men and women are equally fit to rule. (Plato (380 BC). <i>The Republic</i> ; see nr. 179)
	+	Positive discrimination is permitted in order to realise the above mentioned equality: “Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.” (Art. 23 of the 2007 Charter of Fundamental Rights of the European Union; see nr. 1395)
Liberty	-	The State cannot prohibit political pluralism (= a multi-party system). (Raymond Aron (1965). <i>Democracy and Totalitarianism</i> ; see nr. 1145)
	+	The State should support political parties in order to enhance political pluralism. (John Rawls (1971). <i>A Theory of Justice</i> ; see nr. 1204)

# The Democratic Matrix – Examples (2)

Objectives of Democracy		2 <sup>nd</sup> Aristotelian Pillar: Rule of Law
Equality	-	The rule by “promulgated established laws” is a guarantee against abuse of power as it applies to ALL, to rulers and ruled, “for rich and poor, for the favourite at court and the country man at plough.” (John Locke (1690). <i>Second Treatise on Civil Government</i> ; see nr. 346)
	+	<ul style="list-style-type: none"> <li>• The Enforcement Principle : ALL breaches of the law will be punished consistently and indiscriminately (Plato (385 BC). <i>Crito</i>; see nos. 169 and 216).</li> <li>• “Everyone charged with a criminal offence has the following minimum rights: (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require” (art.6.3 of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe; see nr. 1064)</li> <li>• “Everyone shall have the possibility of being advised, defended and represented. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.” (Art. 47 of the 2007 Charter of Fundamental Rights of the European Union; see nr. 1395)</li> </ul>
Liberty	-	<i>Nullum crimen sine lege – Nulla poena sine lege</i> : no crime nor punishment can exist without a previous law expressly prescribing it (Art. 7.1 of the 1950 Convention; nr. 1064).
	+	Obedience to the law means liberty: “Liberty is a right of doing whatever the laws permit, and if a citizen could do what they forbid he would be no longer possessed of liberty, because all his fellow-citizens would have the same power.” (Charles de Montesquieu (1748). <i>The Spirit of Laws</i> ; see nr. 426)



# The Democratic Matrix – Examples (3)

Objectives of Democracy		3 <sup>rd</sup> Aristotelian Pillar: Preponderance of the Middle Class
Equality	-	<p>“1. Everyone has the right to work, ... , to just and favourable conditions of work and to protection against unemployment.</p> <p>2. Everyone, without any discrimination, has the right to equal pay for equal work.”                      (Art. 23 of the 1948 Universal Declaration of Human Rights; see nr. 1063)</p>
	+	<p>Progressive tax rates promote equality: “It is the business of particular laws to level the inequalities, by the duties laid upon the rich, and by the ease afforded to the poor.”                      (Charles de Montesquieu (1748). <i>The Spirit of Laws</i>; see nr. 412).</p>
Liberty	-	<p>“Everyone has the right ... to pursue a freely chosen or accepted occupation.”                      (Art. 15.1 of the 2007 Charter of Fundamental Rights of the European Union; see nr. 1395)</p>
	+	<p>Encourage unemployed to participate at retraining and immigrants at civic integration courses: “The chief object of the laws ... set every poor citizen so far at his ease to be able to work like the rest.”                      (Charles de Montesquieu (1748). <i>Op. cit.</i>; see nr. 413).</p>

# The Democratic Matrix – Examples (4)

Objectives of Democracy		4 <sup>th</sup> Aristotelian Pillar: Education
Equality	-	No discrimination between poor and rich: “The sons of the poor are brought up with the sons of the rich ... to make it possible for the sons of the poor to be educated like them”. (Aristotle (335-323 BC). <i>The Politics</i> ; see nr. 256)
	+	<ul style="list-style-type: none"> <li>The State should support poor parents in order to realize the above mentioned equality. (Thomas Paine (1793). <i>Rights of Man</i>; see nr. 627).</li> <li>“Everyone has the right to education and to have access to vocational and continuing training. This right includes the possibility to receive free compulsory education.” (Art. 14 of the 2007 Charter of Fundamental Rights of the European Union; see nr.1395)</li> </ul>
Liberty	-	No State monopoly on education: “An education established and controlled by the State should only exist ... as one among many competing experiments, ..., to keep the others up to a certain standard of excellence”. (John Stuart Mill (1860). <i>On Liberty</i> ; see nr. 817)
	+	Obligatory education: “The State should require and compel the education, up to a certain standard, of every human being who is born its citizen”. (John Stuart Mill (1860). <i>Op. cit.</i> ; see nr. 816)

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# The Democratic Matrix – Its Influence on the Content

The Three Forms of Democratic Regimes:  
Formal (F), Liberal (L) and Political (P)

Four Aristotelian pillars of democracy, our engine	Democracy's objectives, our GPS			
	Equality		Liberty	
	-	+	-	+
Rule by turn	F, L, P	P	F, L, P	P
Rule of law	F, L, P	F, L, P	F, L, P	F, L, P
Preponderance of the middle class	L, P	P	L, P	P
Education	L, P	L, P	L, P	L, P

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# Tolerance – There Is No such Thing as One Whole Truth

- “The exclusive pretension, made by a part of the truth to be the whole, must and ought to be protested against.”  
(John Stuart Mill (1860). *On Liberty*; see nr. 790)
- “The belief that some single formula can in principle be found whereby all the diverse ends of men can be harmoniously realised, is demonstrably false.”  
(Isaiah Berlin (1958). *Two Concepts of Liberty*; see nr. 1124)
- “Tolerance in democratic societies becomes the defining virtue.”  
(Francis Fukuyama (1992). *The End of History and the Last Man*; see nr. 1340)

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# Some Principles (1)

- Warning against unbridled liberty: “The manufacturing aristocracy which is growing up under our eyes is one of the harshest that ever existed in the world. If ever a permanent inequality of conditions and aristocracy again penetrates in the world, it may be predicted that this is the gate by which they will enter.”

(Alexis de Tocqueville (1840). *Democracy in America – Vol. II. Democracy and Society*; see nr. 734)

- Warning against extreme equality: “By equality, we should understand, not that the degrees of power and riches are to be absolutely identical for everybody.”

(Jean-Jacques Rousseau (1762). *The Social Contract*; see nr. 518)



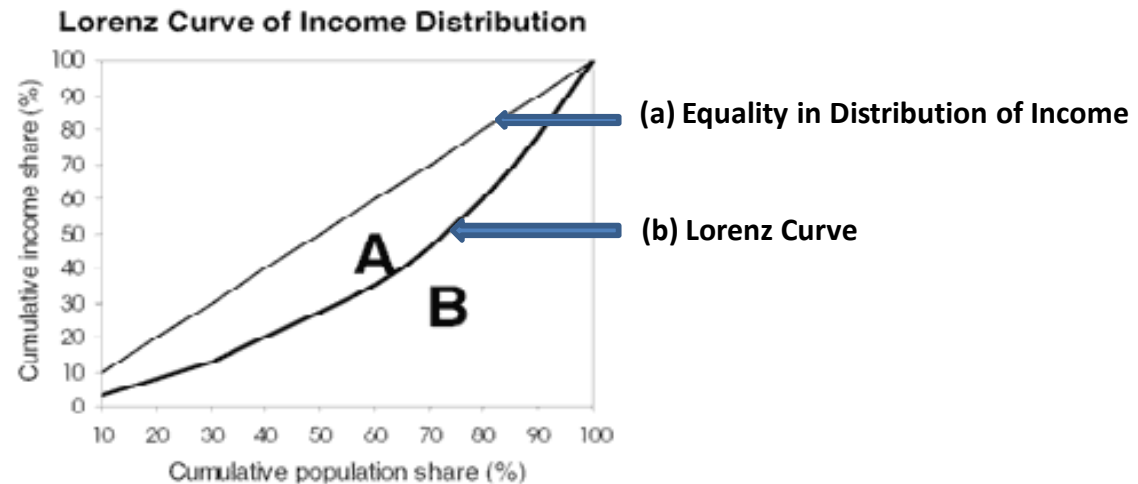
## Some Principles (2)

- “All inequality in democracies ought to be derived from the principle of equality.”  
(Charles de Montesquieu (1748). *The Spirit of Laws*; see nr. 412)
- “The social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate.”  
(John Rawls (1971). *A Theory of Justice*; see nr. 1189)
- “Organize societies so as to maximize the position of whatever group ends up least well-off in the society.”  
(Robert Nozick (1974). *Anarchy, State and Utopia*; see nr. 1305)

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## For Introduction: the Measurement of Actual Inequality – the Gini-ratio



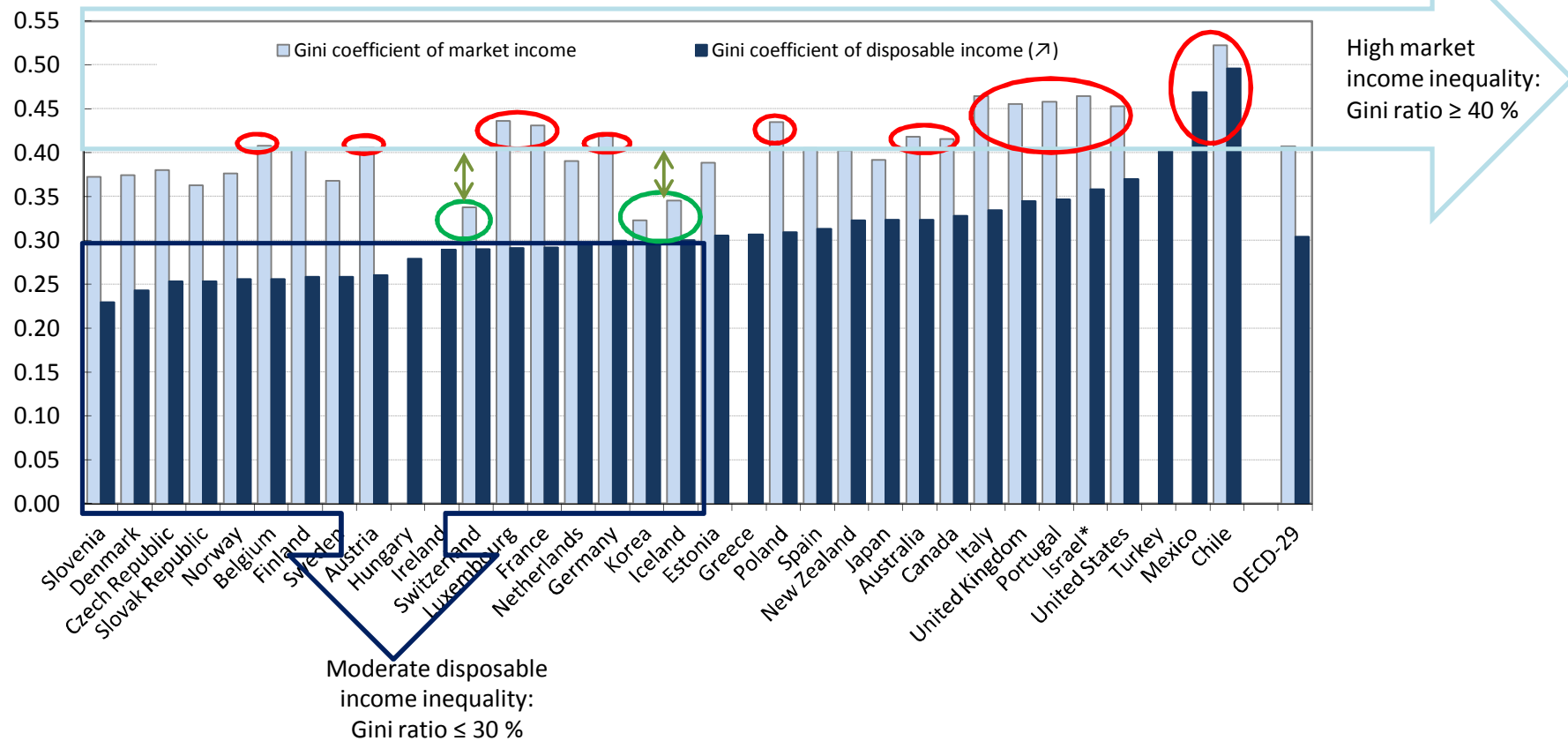
- The Lorenz curve (b) maps the cumulative income share on the vertical axis against the distribution of the population on the horizontal axis.
- The Gini ratio is calculated as the area A divided by the sum of areas A and B:
  - If income is distributed completely equally, then the Lorenz curve (b) and the line of total equality (a) are merged and the Gini coefficient is zero.
  - If one individual receives all the income, the surfaces A and B would be similar, leading to a value of one for the Gini-coefficient.

Source: World Bank (2011). *Poverty Reduction & Equity – Measuring Inequality*; URL : <http://go.worldbank.org/3SLYUTVY00>

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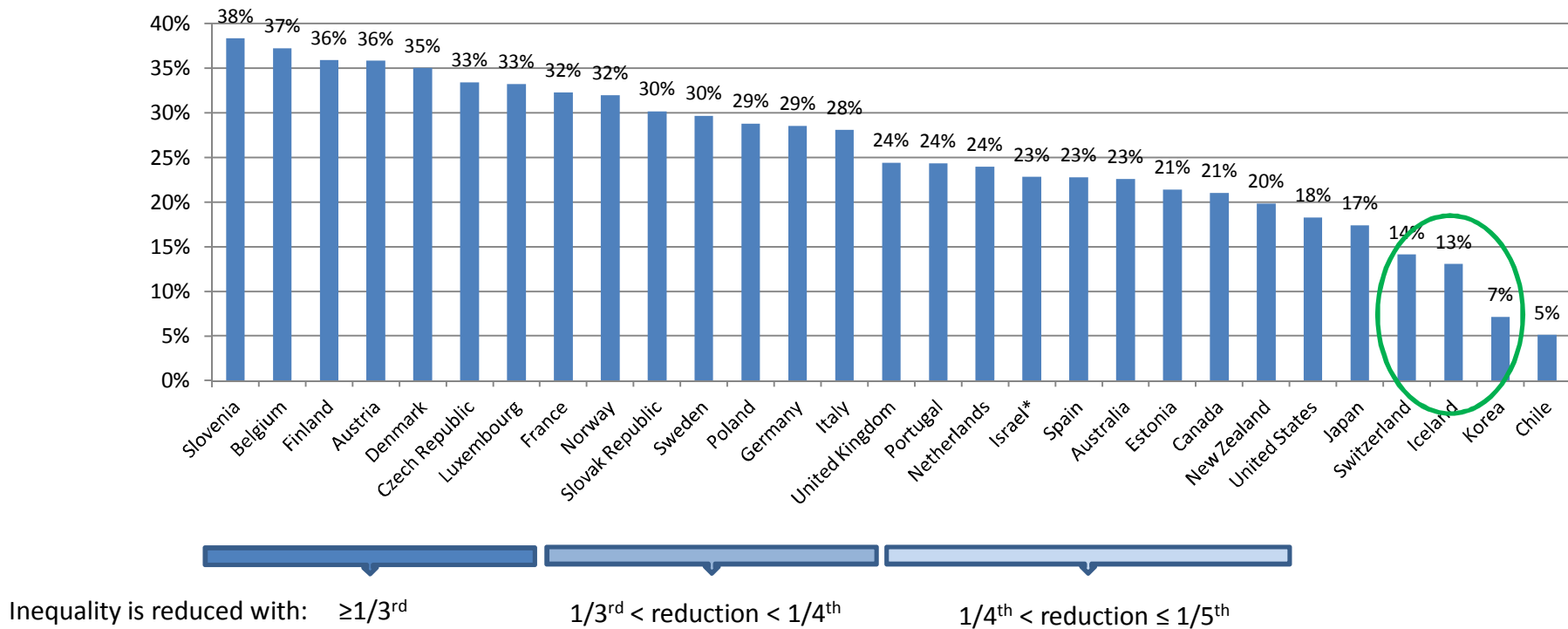
# Democratic Regimes Can Reduce Actual Inequality (1)



Source: OECD (2011). *Divided We Stand – Why Inequality Keeps Rising - An Overview of Growing Income Inequalities in OECD Countries – Main Findings*;  
 URL: <http://www.oecd.org/els/socialpoliciesanddata/49499779.pdf>

# Democratic Regimes Can Reduce Actual Inequality (2)

Reduction of inequality in % (market income -> disposable income)



Source: OECD (2011). *Divided We Stand – Why Inequality Keeps Rising - An Overview of Growing Income Inequalities in OECD Countries – Main Findings*; URL: <http://www.oecd.org/els/socialpoliciesanddata/49499779.pdf> - Own calculations.

## Democratic Regimes Can Reduce Actual Inequality (3)

- “Public cash transfers, as well as income taxes and social security contributions, played a major role in all OECD countries in reducing market-income inequality. Together, they were estimated to reduce inequality among the working-age population (measured by the Gini coefficient) by an average of about one-quarter across OECD countries.” <sup>(1)</sup>
- The application of negative and positive equality enhancing measures results in:
  - a reduction of the initial income inequality with at least one fifth in 23 out of 27 observed OECD-countries;
  - a reduction of the initial income inequality with at least one third in some European democracies as Austria, Belgium, Czech Republic, Denmark, Finland, Luxembourg and Slovenia.

(1) OECD (2011). *Divided We Stand – Why Inequality Keeps Rising - An Overview of Growing Income Inequalities in OECD Countries – Main Findings*, p. 36;  
URL: <http://www.oecd.org/els/socialpoliciesanddata/49499779.pdf>

## Democratic Regimes Can Reduce Actual Inequality (4)

- Other democratic countries as Iceland, Korea and Switzerland have the lowest market income inequality of all observed OECD-countries ( $\leq 35$  %). Also they apply the necessary equality enhancing measures to obtain a moderate disposable income inequality of  $\leq 30$  %.
- However, a minority of observed democratic countries, i.e. Turkey, Mexico and Chile, do not manage to reduce their disposable income inequality below 40 % and have Gini coefficients of disposable income inequality that are 25 to 60 % higher than OECD-average.

Source: OECD (2011). *Divided We Stand – Why Inequality Keeps Rising - An Overview of Growing Income Inequalities in OECD Countries – Main Findings*;  
URL: <http://www.oecd.org/els/socialpoliciesanddata/49499779.pdf>



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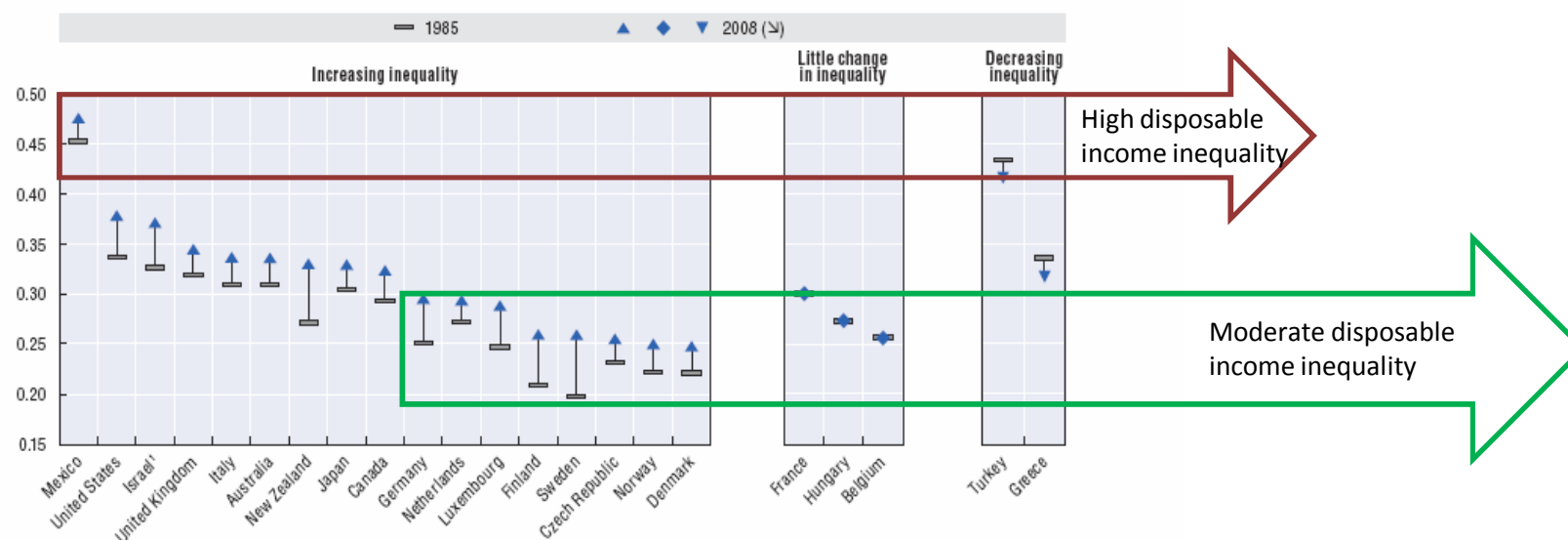
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# The Combat Against Inequality Remains an On-going Task (1)

AN OVERVIEW OF GROWING INCOME INEQUALITIES IN OECD COUNTRIES: MAIN FINDINGS

Figure 1. **Income inequality increased in most, but not all OECD countries**

Gini coefficients of income inequality, mid-1980s and late 2000s



Note: For data years see Table 1. "Little change" in inequality refers to changes of less than 2 percentage points.

1. Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

Source: OECD Database on Household Income Distribution and Poverty.

StatLink <http://dx.doi.org/10.1787/888932535185>

## The Combat Against Inequality Remains an On-going Task (2)

- The evolution of income inequality after income taxes and social security contributions according to the Gini-index between 1985-2008 resulted in 22 observed OECD-countries in :
  - an increase of disposable income inequality in 17 countries,
  - a standstill in disposable income inequality in 3 countries,
  - a decrease in disposable income inequality in 2 countries.
- Even some West- and North European democracies as Finland, Germany, Luxembourg and Sweden, that have great notoriety on behalf of equality enhancing policy, did not manage to keep the increase of inequality below five points of the Gini-index.

Source: OECD (2011). *Divided We Stand – Why Inequality Keeps Rising - An Overview of Growing Income Inequalities in OECD Countries – Main Findings*;  
URL: <http://www.oecd.org/els/socialpoliciesanddata/49499779.pdf>

## The Combat Against Inequality Remains an On-going Task (3)

- In the 22 observed OECD countries the ratio between the income of the richest and the poorest tenth of the population is<sup>(1)</sup>:
  - average ratio: 9 to 1;
  - in Israel, Turkey, and the United States: 14 to 1;
  - in Mexico and Chile: 27 to 1.
- The proportion of families living under the poverty threshold in former communist iron-curtain states increased since the democratization in one decade (1990-2000) from 7 % (31 M citizens) to 20 % (97 M citizens) of the population.

(Geert Mak (2007). *In Europa*; see nr. 166)

(1) Source: OECD (2011). *Divided We Stand – Why Inequality Keeps Rising - An Overview of Growing Income Inequalities in OECD Countries – Main Findings*;  
URL: <http://www.oecd.org/els/socialpoliciesanddata/49499779.pdf>

## The Combat Against Inequality Remains an On-going Task (4)

The 10 % best well-off citizen in the United States increased their part of national income in half a century (between 1952-2002) from one quarter to one third to the detriment of the 90 % less-off<sup>(1)</sup>:

% of population :		0 – 89 %	90-95 %	95-99 %	99-100%
Part of national income in	1952	75 %	9 %	10 %	6 %
	2002	66 %	11 %	13 %	10 %

(1) Piketty T. & Saez E. (2004). *Income Inequality in the United States 1913-2004*, University of California, Berkeley;  
URL: <http://elsa.berkeley.edu/~saez/piketty-saezOUP04US.pdf>

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# The End

- “Great then is the good fortune of a state in which the citizens have a moderate and sufficient property.”  
(Aristotle (335-323 BC). *The Politics*; see nr. 258)
- “When it shall be said in any country in the world, my poor are happy, neither ignorance nor distress is to be found among them; my streets are empty of beggars; the aged are not in want, the taxes are not oppressive; ... then may that country boast its constitution and its government.”  
(Thomas Paine (1792). *Rights of Man*; see nr. 623)
- “Citizens have a belief in their own dignity, and want that dignity to be recognized, above all by the government of the country they live in.”  
(Francis Fukuyama (1992). *The End of History and the Last Man*; see nr. 1337)

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# Pride and Education

- “The best laws will be of no avail unless the young are trained by habit and education in the spirit of the constitution, if the laws are democratic, democratically.”  
(Aristotle (335-323 BC). *The Politics*; see nr. 262)
- “To inspire the love in a republic ought to be the principal business of education; but the surest way of instilling it into children is for parents to set them an example.”  
(Charles de Montesquieu (1748). *The Spirit of Laws*; see nr. 407)
- “The role of education is to enable a person to enjoy the culture of his society and to take part in its affairs.”  
(John Rawls (1971). *A Theory of Justice*; see nr. 1193)
- “For democracy to work, citizen must develop a certain irrational pride in their political system and come to love democracy, because it is *theirs*.”  
(Francis Fukuyama (1996). *The End of History and the Last Man*; see nr. 1340)

Thank You for Your Interest

Question Time