

Applied Democracy in Light of the Five “Iso”s of Democracy*

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Athenian democracy, with its five criteria, expresses an understanding and internalization of its components and thus becomes virtue. Modern democracies should strive to maintain a long process based on education for substantive democracy, and those that only emphasize the formal aspect, express a partial application of democracy. In such a situation, damage to democracy occurs. We argue that democracy can be treated as a collection of practices in the polity area by analyzing the politics and strategies of defending democracy as well as human rights. To do so, it is suggested here to integrate the tools of social choice theory with a unique institutionalist perspective that looks at both formal and informal factors. This notion creates the need to develop effective strategies for defending democracy and human rights.

Introduction

In a world of postmodernism, pluralism and tension between values, it seems that everything is allowed and the boundaries to which we are accustomed are blurred. It is no wonder why ‘fake news’ discourse occupies a central place and ‘TV reality’ becomes a substitute for stories of heroism and myth. As a result, the protagonists of the hour are celebrities and bloggers whose talents are often expressed in sharing their private lives online and expressing their opinions on current affairs in a language special to them. The traditional press is undergoing an internet change and the world of cryptocurrencies is becoming the investment arena of a young and rebellious generation. Words like democracy, human rights, separation of powers, poverty, equality, go through a laundry list of definitions until it seems that human discourse is over-invested in the questions of who is the persona responsible for a phrase, how credible it is to the listener or how visual it is on social networks. The content of the phrase is not the scale, the shell is.

It may be an extreme, simplistic description, but the fact that it is prevalent in the international public discourse places it as a phenomenon that has been studied in the academic literature. Yet, at the time of writing this article, Russia has brutally invaded Ukrainian territory in blatant violation of international law, an invasion that sharpens the debate over the democratic idea as a leading value along with the ability to ensure the protection of human rights.

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The literature emphasizes the takeover of democracy by anti-democratic populism. In their book, "How Democracies Die", Levitsky and Ziblatt argue that democracies today are dead. However, this death does not happen in military coups in the dead of night, but in daylight and by leaders elected in free and democratic elections.¹

Procedurally, the regime looks democratic, as it holds free elections and maintains the principle of majority, but it lacks the substantive aspects of democracy - the protection of human and civil rights, restrictions on the concentration of power and balances between the authorities and the protection of minorities.

There is diversity in terms of the case studies; such were done on Poland, Hungary, USA, Russia, Turkey, Israel, China, Singapore, Tunisia, Afghanistan, Iraq, Lebanon, Algeria and more. The studies are also diverse in terms of the political history of the countries, the electoral system, whether presidential or parliamentary, the degree to which the societies are divided with ethnic minorities or homogeneous and so on. The literature discusses many factors for stability and institutional change in democracy ranging from governments, bureaucracies, courts, institutions, weak laws, civil society organizations, parliamentary coalitions, culture, norms, education, and leadership.²

Alleging this phenomenon, the author Prof. Gregory T. Papanikos did well when he chose to return to the depths of history while tracing ancient Athenian democracy and its components, and comparing it to what he calls modern democracy. Papanikos -in two of his articles ought to be read together: "The Bright Future of Democracy is in Education" (*Athens Journal of Education* 9(2): 353-364, 2022) as well as "The Five Ancient Criteria of Democracy: The Apotheosis of Equality" (*Athens Journal of Humanities & Arts* 9(2): 105-120, 2022) - emphasizes the 'desired concept' of an ideal democracy as a philosophical discussion on the meaning of democracy, while criticizing the current reality of today's modern democracies. Papanikos assesses that "Democracy in ancient Athens was different from what is implemented today even in the most advanced democracies."³

Defining Democracy, Papanikos follows Pericles' Funeral Oration: "... and the name is called democracy because not the few but the many rule." Papanikos emphasizes that democracy exists only when all participate to direct (οὐκείν) the politeia.

1. Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018).

2. Andreas Schedler, "Restraining the State: Conflicts and Agents of Accountability," in *The Self-Restraining State: Power and Accountability in New Democracies* (eds.) Larry Diamond Schedler and Marc F. Plattner, 333-350 (Boulder, Colo.: Lynne Rienner, 1999); Alina Mungiu-Pippidi, "The Quest for Good Government: Learning from Virtuous Circles," *Journal of Democracy* 27 (2016): 95-109; Larry Diamond, "Democracy's Arc: From Resurgent to Imperiled," *Journal of Democracy* 33, no. 1 (2022): 163-179.

3. Gregory T. Papanikos, "The Five Ancient Criteria of Democracy: The Apotheosis of Equality," *Athens Journal of Humanities & Arts* 9, no. 2 (2022): 105.

The Five “Iso”s of Democracy

On the subject of democracy, the ancient Greek literature has identified five criteria of democracy of which Papanikos deals and then applies them to ancient Athens and modern advanced democracies.⁴ All five criteria of democracy start with the word “iso-” which means “equal”:

Isegoria - In a democracy, isegoria means the right of every eligible citizen to speak freely and frankly only before a political body that matters, i.e., the ecclesia of demos, at a specified time and place, with a specific agenda and a well-determined audience (eligible citizens).

Isonomy - Isonomy means that all citizens must be equal before the law.

Isoteleia - Isoteleia requires that all citizens ought to contribute to public spending proportional to their income and wealth (property), but a politeia can find other revenue sources as well.

Isocracy - Isocracy implies that every eligible citizen must have the same probability to be selected as an archon.

Isopoliteia - deals with the notion on how to treat the other politeia. If they are treated equal, then this system of international relations can be called isopoliteia.

The author claims that democracy today satisfies some, but not all, of the five criteria. This was also true for the ancient (Athenian) democracy.⁵ In his claims, the author marks the desired value direction as a measure to be strived for: “Democracy requires education and virtue, or to put it in one word, it requires pedagogy”.⁶

As such, the Athenian democracy becomes a scale, a kind of virtue, that must be pursued for its fulfillment. In his two articles, the author does an excellent job of making the reader think and reflect on the essence of democracy, on the threats that lie at its doorstep, and on the ability to realize it. Moreover, these five criteria may serve as a benchmark for measuring and comparing modern democracies.

The author's reference to the five criteria is profound, emphasizing the process for democratic socialization as an essential part of democratic realization. The tension between the desired philosophical direction and the ability to exercise democracy in daily life is also characterized by the discussion in the literature dealing with the liberal-communitarian debate.

4. Ibid.

5. Ibid.

6. Papanikos, “The Bright Future of Democracy is in Education,” *Athens Journal of Education* 9, no. 2 (2022): 353.

The Liberal-Communitarian Debate: Towards a Concept of Applied Democracy

In general, it can be said that liberalism, with an emphasis on individualistic ontology, is currently being challenged by communitarian ontology. It was Michael Sandel⁷ who criticized the individualistic ontology that underlies John Rawls'⁸ theory of justice and proposed it under a communitarian ontology. Other thinkers have criticized the individualistic ontology of liberalism, which has shown that liberalism is capable of relying on communitarian ontology.⁹

It was Charles Taylor¹⁰ who wrote that when we are dealing with political theory, it is good that we ask two questions: What is the ontology that the theory assumes? And what are the policy recommendations of the theory? Indeed, the dilemma in everyday life is what happens when liberal practices are threatened by communitarian practices? What is the policy recommendation to be applied in these contexts?

Larry Diamond¹¹ argued that shallow democracy renders a country more susceptible to a total breakdown of the constitutional order, and that democratic regimes cannot become secure unless they broadly respect human rights and institutionalize constraints on the power of key political actors.

The literature on the implementation of human rights protection examines the complexity of everyday reality and attempts to trace the social processes underlying human behavior. To understand how policy regarding human rights can be implemented in a reality in which countries choose to enact human rights laws, but fail to protect human rights in practice, as well as implement public policy that violate human rights is what makes understanding true democracy so complex.

Jack Donnelly analyses the tension between natural rights, universal rights and community rights, and cultural relativism. He chooses to adopt the scale of

7. Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge University Press, 1982).

8. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

9. Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12, no. 3 (1984): 315-330; Linda Barclay, "Autonomy and the Social Self," in *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (eds.) Catriona Mackenzie and Natalie Stoljar, 52-71 (New York: Oxford University Press, 2000); Will Kymlicka, "Community," in *A Companion to Contemporary Political Philosophy* (eds.) Robert E. Goodin and Philip Pettit, 366-378 (Malden: Blackwell Publishing, 1993).

10. Charles Taylor, "Cross-purposes: The Liberal-communitarian Debate," in *Liberalism and the Moral Life* (ed.) Nancy Rosenblum, 159-182 (Cambridge, MA: Harvard University Press, 1991).

11. Larry Diamond, "Democracy's Arc: From Resurgent to Imperiled," *Journal of Democracy* 33, no. 1 (2022):

universal - natural rights, when the exercise of communitarian rights will be possible as long as the natural rights are not violated.¹²

A similar equation seems to be suggested by the author. Athenian democracy, with its five criteria, expresses an understanding and internalization of its components and thus becomes virtue. Modern democracies should strive to maintain a long process based on education for substantive democracy, and those that only emphasize the formal aspect, express a partial application of democracy. In such a situation, damage to democracy occurs, and democracy then has a duty to defend itself for the benefit of its citizens. The substantive view corresponds with the discussion on political culture—a concept that needs to be defined in order to test its realization. The author chooses to define the characteristics of democracy according to the five criteria as characteristics that more so serve as a definition. They express values that, in an educational process, become beliefs and preferences in terms of substantive democratic political culture. Take for example the first criterion: Isegoria.

In a democracy, isegoria means the right of every eligible citizen to speak freely and frankly only before a political body that matters. Freedom of expression is not generally meant here as a definition of the right granted in a system that is democratic. Following the Pericles discussion, the author emphasizes the word “Freely” and thus gives a deeper, inner meaning to the course of action. The internalization of the meaning of action gives democracy its special power. The internalization is also reflected in the listening side that actually listens. This substantive thinking corresponds with the perception of Jürgen Habermas’ Public Sphere¹³ as well as to the term “substantive democracy”

12. Donnelly focuses on the political realism and cultural relativism which are challenging the international theories of human rights. Donnelly distinguishes between three different approaches to moral relativism. One such type is radical relativism, which considers culture, history and economy to be the source of all values. This approach contradicts the concept of human rights, since it maintains that there are no rights to which all people are entitled. The problem with this approach lies in the fact that we have shown that there are rights that every person possesses, simply by virtue of being human. On the other side of the argument lies the radical universal approach, which maintains that all values are universal, so that there is no room for any changes or adjustments based on a country’s specific culture or history. The problem with this approach, which contradicts moral relativism, lies in the ability to apply the rights in each distinct country. There is also a middle-of-the-road approach which distinguishes between strong and weak relativism. According to strong relativism, values are determined, in principle, by the culture or circumstances, and the rights serve as a tool for the control of specific values. The focus is on types of values and relativism. Weak relativism turns the argument around, placing the emphasis on the rights as the main component and viewing the culture and circumstances as a tool of control. According to Donnelly, such an approach explains moral relativism in the clearest manner. Jack Donnelly, *International Human Rights* (New York: Westview, 1998).

13 . The public sphere is an area in social life where individuals can come together to freely discuss and identify societal problems, and through that discussion influence political

rather than “procedural democracy”¹⁴ and to Samuel Huntington’s definition of the term “civilization”.¹⁵ In all of them, the emphasis is on internalization, on the inner voice that directs the course of action.

Scale is undoubtedly important. The ability to internalize the values that underlie democracy is important. But what happens when, on a daily basis, reality provides events that express democratic violations; events that include threats to democracy as such. Threats stemming from many factors and complex interests of several political and social players in the political and social sphere, threats stemming from the powerful variability of players, or from the power attributed to a group of players that some call “elite”.

It seems that one should stop for a moment and look inward at the formal and informal structural components of modern democratic systems —to the various players, to the interests, to the cultural conditions that shape beliefs and that shape preferences in the political and social arenas. It is necessary to diagnose the process by which a reality that encourages democracy or a reality that blocks democracy is determined, and trace the factors that explain it.

As the author points out, Plato’s Ideal Politeia is superior, but when Plato himself had the opportunity to implement it, he ended up in prison. For this reason, it was not an ideal after all if it cannot be implemented.¹⁶

In a modern turbulent world, it is essential to emphasize the study of **Applied Democracy**. A study that will answer the question, **why is there such a large gap between the declarations that countries make about democracy and human rights and their imperfect implementation of them? Or, why do states that have enacted laws about Democracy and human rights choose not to enforce these laws in daily life?**¹⁷

In that respect, democracy can be treated as a collection of practices in the polity area by analyzing the politics and strategies of defending democracy as

action. A “Public” is “of or concerning the people as a whole.” Public Sphere is a place common to all, where ideas and information can be exchanged. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a category of Bourgeois Society* (Cambridge, Mass.: MIT Press, 1991).

14. As such, a minimalist model i.e., Procedural democracy, can only serve as a foundational opening, but the ultimate goal has to be building substantive democracy, based on what have evolved as fundamental principles of classical liberalism. Obviously, the institutional mechanisms and processes for achieving a minimalist model and progressing beyond it can vary from country to country, depending on the country’s traditions and circumstances. Amin Saikal, “Democracy and Democratization,” in *Encyclopedia Princetoniensis* (Princeton University).

15 . An advanced state of human society, in which a high level of culture, science, industry, and government has been reached. Samuel P. Huntington, “The Clash of Civilizations?” *Foreign Affairs* 72, no. 3 (1993): 22-49.

16. Papanikos, “The Bright Future of Democracy is in Education,” 2022, 354.

17. Assaf Meydani, *The Israeli Supreme Court and the Human Rights Revolution, Courts as Agenda Setters* (Cambridge: Cambridge University Press, 2011).

well as human rights. To do so, it is suggested here to integrate the tools of social choice theory with a unique institutionalist perspective that looks at both formal and informal factors.¹⁸

This notion creates the need to develop effective strategies for defending democracy and human rights. Ruth Gavison discusses two such strategies: the legal and the political. While the literature emphasizes a dual struggle between both the legal and political fronts in the international arena as well as the domestic arena, Gavison draws an important distinction between narrow and broader defenders of human rights who act via the legal or the political channel respectively. The narrow strategy of defending human rights via the legal channel may prove ineffective in cases where there is no public consensus regarding the importance of human rights.¹⁹

Democracy in the Process of Policy Making

The analysis suggested here is based on institutional theory and social choice²⁰ which aims to develop a theory that explains the political aspect of human rights and policies oriented in democratic values in general, as well as the functions of several players in the political arena; particularly politicians, bureaucrats, interest groups and the public.²¹ These political players operate amid two structural variables.

The first is *non-governability* which is the inability of the political system to formulate and implement systematic policy plans. Non-governability arises in an environment with a sectarian electoral system that is restricted to a particular group and a traditional public management system that is not oriented towards outcomes and/or efficiency.²² Under these conditions of constant instability and uncertainty, players adopt strategies that will maximize their self-interests. One

18. See for example: Todd Landman, *Studying Human Rights* (London and New York: Routledge, 2006).

19. Ruth Gavison, "Human Rights," in *Human Rights and Civil Liberties In Israel – A Reader* (eds.) R. Gavison and H. Shneidor 1, 25-30 (Tel-Aviv: Frizer Communication Ltd (Hebrew), 1991); Michael W. McCann and H. Silverstein, "Rethinking Law's Allurements," in *Cause Layering: Political Commitments and Professional Responsibilities* (eds.) A. Sarat and S. Scheingold (New York: Oxford University Press, 1998).

20. Itai Sened, *The Political Institution of Private Property* (Cambridge: Cambridge University Press, 1997).

21. Michael Howlett, M. Ramesh and Anthony Perl, *Studying Public Policy, Policy Cycles and Policy Subsystems* (Toronto: Oxford University Press, 2009); Philip Robins, "Public Policy Making in Turkey: Faltering Attempts to Generate a National Drugs Policy," *Policy & Politics* 37, no. 2 (2009): 289-306.

22. Yehezkel Dror, *The Capacity to Govern: A Report to the Club of Rome* (London: Frank Cass, 2001).

result is the harm done to human rights, even though, ironically, the main strategy utilized is intense litigation with the expectation that the International Court Justice – the ICJ which has its seat in The Hague - the principal judicial organ of the United Nations or the European Court of Human Rights, will provide policy decisions about human rights. Non-governmental organizations turn to the Court because it succeeded to promote the concept of HR more easily rather than the alternative of enacting laws within the parliaments as well as to implement those laws. The activity of non-governmental organizations is part of a global process that has been at work since the 1970s in which non-governmental organizations have been shaping human rights as a legal, political and social product.²³

Indeed, Francis Fukuyama claimed that *good governance*—or at least initially decent, as opposed to predatory, governance—is key to democracy's long-term prospects.²⁴ Non-governability refers to the inability to make consistent and stable public policy—to design and implement quality public policies, goods and services.²⁵ It also leads to the entrenchment of traditional public management systems that are not oriented towards outcomes and efficiency through improved management of the public budget and do not focus on the role of public agencies in working with citizens.²⁶ Thus the result could reach economic and political instability.

The second characteristic is a *political culture* that serves short term calculation over the long term. In its extreme form, this culture gives rise to alternative politics, a semi-legal pattern of do-it-yourself behavior that favors outcomes over process.

These alleged variables enable us to explain the processes through which democracies are struggling to promote human rights within a specific institutional environment in general, thus determining the scope of human rights within the notion of substantive democracy in particular. From this twofold analysis we draw conclusions about the future of democracies and its attitude towards human rights.

Thus, we elaborate on the processes of social learning and their impact on the institutional setting. We also discuss the place and role of policy makers in defending human rights in light of cultural and structural variables. The politics of defending human rights within a substantive notion of democracy is a complex realm consisting of several actors who are motivated by different means and interests. Thus, policy makers must consider the input of these actors if they want to determine a suitable policy.

23. Gerald M. Steinberg, Anne Herzberg and Jordan Berman, *Best Practices for Human Rights and Humanitarian NGO Fact-Finding* (Martinus Nijhoff Publishers / Brill, 2012).

24. Francis Fukuyama, "Why is Democracy Performing So Poorly?" *Journal of Democracy* 26 (2015): 11-20.

25. Gideon Doron and Michael Harris, *Public Policy and Electoral Reform: The Case of Israel* (Lexington, MA: Lexington Books, 2000).

26. Itzhak Galnoor, *Public Management in Israel: Development, Structure, Functions and Reforms* (London: Routledge, 2011).

An important branch of public choice theory is the study of institutions and constitutional arrangements within the discipline of new institutionalism. Understanding institutions as the rules of the game, this field studies the ways in which institutions evolve and their impact on political and economic outcomes. In many democracies, many of the processes are informal in the sense that special behavioral conduct becomes part of the reality without being formally institutionalized in the rules of the game.

For example, the expression of human rights in the constitution of a country is part of a wider issue concerning their relationship to other features of constitutionalism. Galligan and Sandler (2004) refer to constitutionalism as the recognition of and respect for the values of respect for persons, democracy, the rule of law, and related ideas within a country, and the existence of institutions and mechanisms for upholding them. Such a situation implies an institutional structure that reflects these values in a general way and provides mechanisms for their protection in particular cases.²⁷

Analyzing the Reality for Modern Democracies and Human Rights

The protection of a substantive democracy and human rights is a product of the activity of several players: politicians, bureaucrats, non-governmental organizations and the general public. These groups act against the backdrop of structural as well as cultural conditions, both local and international. In his book, *The Third Wave*, Huntington demonstrates the crucial impact of the international context of prevailing norms, ideas, models, and trends, and how the policies and actions of powerful democracies—and their power *relative* to autocracies—shaped the global fate of democracy.²⁸ This hypothesis allows us to make comparisons between countries. In countries where the structural and cultural conditions are not outcome-directed, the viewpoint of the players will be long-term.

It is apparent that the meeting point between the state, which often represents the body that violates human rights, and the non-governmental organizations is not as contentious or challenging as one might expect. This identity between human rights NGOs and the state institutions is evident in the cooperation between the organizations and certain politicians with liberal agendas. For these politicians, the promotion of human rights could be translated into electoral capital, maximizing these politicians' chances of re-election. In this context, sometimes results are emphasized over progress. Indeed, in an environment of non-governability

27. Dennis Galligan and Deborah Sandler, "Implementing Human Rights," in *Human Rights Brought Home: Socio-Legal Perspectives of Human Rights in the National Context* (eds.) Simon Halliday and Patrick Schmidt, 23-57 (Oxford: Hart Publishing, 2004), 50.

28. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

characterized by the quick turnover of politicians in ministerial positions and the agendas they hold, organizations must move swiftly to realize their goals. The short window of opportunity works against the promotion of thoughtful, long-term goals. Such an environment also favors lobbying over more lengthy procedures that involve pilot projects, public hearings and education. Furthermore, non-governability results in the struggles of being transferred to the organizations and the courts. Therefore, lawyers at both the NGO level and the political and bureaucratic level spearhead initiatives. Even though representatives of human rights NGOs are interested in promoting long-term proposals, short-term considerations, namely, the maximizing of immediate results will shape their political perceptions and force them to narrow the scope of their proposals to ensure success.

Behaving in accordance with personal interests is a natural part of all human behavior.²⁹ A British parliamentary committee sums up this phenomenon as follows: "The essence of the problem...is that the balance of advantage between Parliament and Government in the day-to-day working of the Constitution is now weighted in favor of the government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy."³⁰

Nevertheless, public systems in the modern world, especially the new public management reforms recently adopted in many developing countries, are based on and seek to increase the checks and balances intended to prevent players from acting solely in their own interests. Indeed, in some cases they might even benefit from acting in the interests of the public.

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29 . Aaron B. Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston, MA: Little, Brown, 1979).

30 . First report from the Select Committee on Procedure (1977-1978) HC 588 par. 1.5. quoted in Gavin Drewry, "Select Committees and Back-Bench Power," in *The Changing Constitution* (eds.) Jeffrey Jowell and Dawn Oliver, 136 (Clarendon Press, Oxford, 1985); and in András Sajó, *Limiting Government. An Introduction to Constitutionalism* (CEU Press, Central European University Press, 1999), 199.

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