



## Why Democracy Does Not Always Improve Human Rights

**Courtenay R. Monroe**, University of California-Merced

Democracies are less likely to violate the human rights of their citizens than non-democracies, as scholarly research on government repression documents. But democracy is not a panacea. My research on government torture suggests that democratic institutions intended to limit state repression do not always prevent violations of human rights, and they sometimes actually make them worse.

In its Convention Against Torture, the United Nations defines torture as the purposeful inflicting of extreme mental or physical pain by government officials or their agents. Under this definition, torture includes everything from beatings, electrocution, and water boarding to the withholding of food and water. Of the human rights to physical integrity – the rights not to be tortured, killed, or politically imprisoned by your government – torture is the most common, and according to some reports, has increased over the last three decades. I draw upon my own research and other scholarly studies to explicate three conditions under which democratic institutions fail to constrain government torture.

### When and How Democracies Fall Short

Democratic governments have institutions such as contested elections, freedom of expression, institutional separation of powers, and independent courts that, on average, tend to decrease violations of human rights. However, when democratic governments face violent dissent, these institutions fail to have any limiting effect on torture. Facing violent opposition, governments of all kinds almost always respond with rights violations that include torture. Leaders who feel threatened turn to torture to obtain information from and to intimidate the opposition. That may not seem surprising – but it is surprising that the potential of democratic institutions to prevent abuses goes away when governments face dissent.

Basic realities of democratic governance help make sense of this failure to prevent or stop torture.

- In a democracy, ordinary citizens who themselves feel threatened may be less likely to hold the government accountable for human rights violations. For example, preliminary survey research suggests that Americans are more accepting of government torture when it is directed at an individual with an Arabic name.
- Torture as a government practice is difficult to contain once it gets off the ground. A country that starts down this path is likely to continue even when it faces domestic and international criticism for its behavior. From 1981 to 1999, over 90% of countries that were reported to have used torture in one year continued to use it in the following year. Executives do not have full control over the use of torture because they delegate its implementation to agents like members of the military and the police. To eliminate the use of torture in the United States, therefore, top-level executives – the president, governors, mayors – would need to monitor and control every member of the military, every police officer, and every intelligence agent. Such a high level of oversight is very difficult to achieve, especially in a decentralized federal system where executives have limited powers.

### Separated Powers and Divided Authority

Many democracies – and certainly the United States – are marked by institutional divisions of governing authority even at the national level, and such separated powers can stand in the way of efforts to stop or prevent repressive practices.

- When Barack Obama ran for office in 2008, he promised to close the detention camps at Guantanamo Bay, which nonetheless remain open. As President, Obama may very well want to close the detention camps, and if he were a dictator, he would be able to make such a decision unilaterally. If he were a prime minister, he might have been able to carry parliament with him. But in U.S. democracy, Congress

has a separate say in policymaking. In general, the more people and institutions that have a say in making a policy, the harder it is to make changes to that policy. So once human rights violations like torture begin, they are more likely to continue in countries with institutionalized separation of powers.

- Countries with effective domestic courts are less likely to engage in repressive violations than countries with ineffective judiciaries. But effective courts also inadvertently encourage executives and their agents to *hide* torture rather than stop it completely. Torture techniques fall broadly into two categories. "Scarring torture" – like beating – marks the victim's body, while "stealth torture" – like water boarding – is executed so as not to leave visible marks on the victim. Allegations of scarring torture are hard for states to deny. But stealth torture provides the government with plausible deniability because it doesn't leave marks to substantiate claims by victims. Unlike elections that protect the majority, courts are anti-majoritarian institutions, protecting even the most marginalized individuals, including people who are or may be tortured. Even so, effective courts cannot entirely prevent repressive practices that cannot easily be detected. So countries with effective courts may still engage in torture and just look for better ways to hide it.

## The Need for Additional Safeguards

In short, although democracy is associated with increased protections for most kinds of human rights, democratic arrangements are not a magic bullet against torture and can unintentionally make it quite difficult to prevent or root out such practices. What can be done, then, by human rights groups and leaders who want to enhance protections against torture? Understanding what can go wrong is the first step. From there it may be possible to develop new safeguards – such as improved training programs and independent monitoring programs for police officials, prison officials, and intelligence officers. Such steps will likely need to be discussed and institutionalized at times when democratic officials and citizens are not facing immediate threats – because we know that democracies under stress will not automatically prioritize the protection of human rights.

**Read more in Courtenay R. Conrad and Will H. Moore, "What Stops the Torture?" *American Journal of Political Science* 54, no. 2 (2010): 459-476.**