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Democratic Rights: Decision-Making by Law Makers and Law Enforcers

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ABSTRACT

The court of law is often adversarial; the more usual question, after all, is binary: guilty or not guilty? The parliament which makes the law, however, need not subject complex questions to dichotomous judgements, or a series of dichotomies: indeed, the corresponding debate should consider all relevant options on an equal basis. Accordingly, this article questions the propriety of a majoritarian polity, considers a less adversarial voting procedure, and contemplates a more inclusive political structure, in order then to argue that human rights legislations should be far more specific on the subject of democratic rights. Such a development may depend less upon the politician and more upon the lawyer.

KEYWORDS

Consensus; Power-Sharing; Modified Borda Count

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