

Liberalism and Democracy: Human Rights and Equality at the Foundation of Human Development

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Abstract

Western liberal democracy is currently responding to the dramatic change in the economic system, the growing discussion between right and left ideologies and the coronavirus pandemic, this raises the following questions: is this a change in Western democracy or is it the end of democracy and what is the role of human rights in this process?

The objective of this document states that by guaranteeing human rights, conditions are created for the flourishing of citizenship, which is essential to promote the development of a nation with a democratic rule of law. The proposals are formulated through the review of the great moments that have been the basis of the constitution and consolidation of human rights. Finally, it is concluded that a liberal political order coincides with human rights by seeking their protection and material guarantee for the benefit of the individual and for the benefit of the citizenry. Social, political and civil rights are something that people have in order to develop capacities and make their lives valuable as individuals, in a democratic context.

Keywords: Liberalism, democracy, human rights, citizenship, development

1. Introduction

At the dawn of the 21st century, democracy, as a form of government, has reinforced institutional measures that give legitimacy to governments and the way of organizing social cooperation. Democracy, as a formal mechanism for integrating a government and removing it from power, is not in question today. However, civil society demands from this regime the unrestricted guarantee of human rights, as a necessary requirement, as something non-negotiable, as a legitimate demand, by virtue of the individual being the basis and essence of this. Thus, human rights are assumed as something substantial in politics, precisely because it is one of the sources of legitimacy of democracy (Burke, 2010).

The document starts from the assumption that for liberalism a democratic political order within a society is desirable so that it can exist, since between the two there is an interdependence for subsistence. There is consensus that democracy is not perfect, but there are ways to improve it: the defense and guarantee of human rights is one of them. On the other hand, for contemporary societies the defense of human rights is an incentive for the strengthening of citizenship, who unrestrictedly demands a role of agent in the public sphere to help redesign the practices that have left consequences for the economic order and by the deficits of democratic governments.

The document concludes that citizenship today should be understood, beyond a sense of belonging to a State, as a status that the State grants to all men who exercise and enjoy a host of rights to self-determine as political agents who work for to make a democratic political order the worthiest for the development of the person. Citizenship should be understood as the full enjoyment of civil, political and social rights, as the condition for the flourishing of human dignity and legitimacy towards an instituted democratic political order.

As long as human rights are guaranteed, there are conditions for the flourishing of citizenship, which is essential to promote the development of a nation. Development appeals to improvement, progress, growth, but this needs to be directed towards the material sphere, that is, towards the improvement of people to promote human development.

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A person can do something valuable for her life, for her nation and for democracy, as long as she develops a wealth of capacities, and these are only developed by guaranteeing the private enjoyment of the family of rights, namely civil, social and political. Thus, human rights are a condition, although not the only one, to build the citizenship necessary for development and democracy.

2. The origin of liberalism

The diversity of the word liberal comes from the ramifications presented at different times; however, these are initially credited to a common trunk, they arise from the notion of freedom (Groethuysen, 1943). The variants of liberalism seek power or theorize about it, they are revolutionary or conservative, both have a practical sense and an antipathy to absolute truths, they have greater clarity in what they reject than what they want. Liberalism does not set an objective, it is not a finalist, it traces a route without setting an end; the finalist character of liberalism through a marked precise objective explains its decline when it arrived. Liberals have two things in common: 1) the acceptance of the fundamental structure of the state and the economy and 2) the approval that progress relies on the liberation of the human mind and spirit from the religious and traditional ties that united them to the old order, the ethos of liberalism is in individual emancipation from all established order (Kofler, 1974).

The formation of what later, in a generic way, would be called liberalism occurred at the same time as the social and economic changes that gave birth to our current civilization. old manor order to find the origin of the new ideology. Freedom is only one aspect in the life of man, the liberal values the mind, it is existence, autonomy and is not subject to any authority, unless the authority is legitimate and diminished by some representation scheme, as a republic could well be (Croce, 1996). In a modern sense, liberalism privileges freedom over authority, sovereignty and the laws emanate exclusively from the people, there is no fixed and immutable norm, the laws are the answers to the needs and the needs change in a historical process of progress. Continental Europeans locate this point in the French Revolution (Ruggiero, 2005). The progressive moves in his vision of the future and fights for change. European liberalism demonstrates different national mentalities, a particular liberal consciousness was created. In the two typical forms of liberalism, the English and the French, we find irreconcilable arguments during the eighteenth century. However, the English process oriented to democratization and rationalization, while the French process inclined to a historical orientation and to particularize its rational content during the course of the 19th century led them to diminish their differences. The first because that raised the need to pacify the conflict is the antithesis that arises between freedom in the singular and freedoms in the plural. Two political systems represented this formula. One makes freedoms a set of franchises and particular dispensations, conquered one by one, with autonomy from any conceptual formula that unifies and relates them to one another (Laski, 1974). The other makes freedom an entity of reason, a concept that wants to reach the essence of the human personality above all historical and empirical contingency. For the French of the revolutionary era, the freedoms of which the English were proud, were nothing more than privileges of a minority, with damage to the whole community, the complement was a slavery that contradicted the true freedom that constitutes the very essence of human personality. For the English, the Declaration of the Rights of Man and of the Citizen in 1789 is an abstract principle and devoid of any guarantee and of any practical sanction, it destroys irrational and unjust privileges, all the guarantees and sanctions that history has created. It makes individuals an aggregate of similar and undifferentiated atoms, over which despotism can comfortably dominate (Morales, 1974).

3. On human rights

According to the foundations of the liberal political program, the origin of human rights would have to place them as a derivation of liberalism as this is the doctrine of defense of the individual against any arbitrary condition that emanates from political power, and to that is added the constitutionalism who fights for the division of powers to prevent power from attacking the individual and may violate their rights inherent to the human condition (Espejel & Flores, 2012).

In this sense, one of the achievements that modernity inherited to the individual is human rights as that component to build and make humanity last. The twentieth century was decisive for human rights because it was the time in which they were debated, criticized, betrayed and triumphed after the 1940s, especially after the establishment of democratic political regimes in the world. From that moment on, they ran as an imperative of every regime. In this regard, Ronald Dworkin (Magee, 2008) considers that rights are trump cards because where a basic right is applied nothing can limit it. And then he points out: “the institution of rights rests on the conviction that the violation of a relatively important right ... is a grave injustice” (Campbell, 2008: 80). Jorge Madrazo (1993)

points out that human rights are the result of a “historical necessity” because they have been vindicated from different times and spaces.

“They are inalienable and inherent moral rights that all human beings possess by the mere fact of being men. These rights are articulated and formulated in what today we call human rights and have been embodied in legal rights, established in accordance with the legislative processes of societies, both national and international” (Levin, 1999: 15).

The underlying element of these rights is the universality of the values of “dignity” and “equality” for all humankind regardless of culture, cult or philosophical tradition. The form of defense of these are supported by a body of rules (constitution) ad hoc to each society. These rules, after intense deliberative practices, were the product of a consensus among the interested parties to recognize and protect these rights, since the protection of the individual is the source of state legitimacy.

The first steps of man around the conquest of rights, irrefutably refers to June 15, 1215 with the Magna Carta issued by King John “without Land” of England in which rights are recognized to the nobility British, such as: no man can be detained in prison, cannot be dispossessed of his belongings, his freedoms, exiled or molested if before having been subjected to a legal trial. (Madrazo, 1993). Gradually, in the Spanish-American sphere, the Old Charter of Castile emerged in 1394, drawn up by Alfonso VIII, which was drawn up based on the Books of the Fueros. In this noble document, the Castilian aristocracy tries to remove the content of it is privileges from the local fueros. On the other hand, in this same text “the rights to life, to bodily integrity, to the inviolability of the home, as well as the right to a hearing were recognized” (Madrazo, 1993: 16). Later, in England the Declaration of Rights was raised on February 13, 1689 (its full name is Law to declare the rights and freedoms of subjects and to determine the succession of the crown), which represents the act of concession that the English monarchy grants the parliament legislative power and recognizes the public liberties of the subjects (Levin, 1999; Madrazo 1993).

In a strict sense, according to Jorge Madrazo (1993), a true “declaration” of human rights occurs in the 18th century with the Virginia Declaration of Rights of 1776, written by George Mason, and ratified by the Virginia Convention on June 12, document in which Thomas Jefferson participated directly. This document recognizes that, by nature, all men are free and independent, in addition to being depositories of a host of rights that cannot be private. This declaration, historically, is part of the American revolution of the thirteen colonies of the British crown; and philosophically, it shows how liberalism and constitutionalism manage to translate for the construction of a democratic and republican political order (Carbonell, 2012).

The social discontent of certain societies, with respect to the way in which political power was exercised and social cooperation was directed, throughout history was a determining factor in the demand for certain basic rights that will help maintain the human condition. This was the paradigmatic case of France at the end of the 18th century. Indeed, after the beginning of the French Revolution (1789-1799), the National Constituent Assembly approved on August 26, 1789 one of the fundamental documents of this revolution against the absolute monarchy of Louis XVI, social inequality, the old regime and the feudal estates: The Declaration of the Rights of Man and of the Citizen. With this document, sovereignty passes from the monarch to the people, declares the creation of republican institutions legitimate, as well as legitimate the revolt of the deputies against the structures of the ancien régime.

Despite the fact that this Declaration was inspired by the Virginia Declaration, it is 17 articles focus on making sense of the essential rights to configure a new model of society based on individualism. In this sense, the Declaration allows the structuring of a political order and a new model of society, appealing to the values of liberalism, constitutionalism and republicanism.

The event with the greatest impact on human rights, for the world and for citizens, occurred in the 20th century, especially when humanity had experienced the atrocities of the First World War (1914-1918) and the aftermath of genocides. perpetrated by totalitarian regimes at the end of the Second World War (1939-1945). In the post-war period, the 58 member states of the United Nations (UN) in the General Assembly decided to vote for a document whose norms and principles seek to offer guarantees to the individual against political power. Within this framework, in Paris the Universal Declaration of Human Rights is issued on December 10, 1948. (UN, 2014).

This Declaration, despite not being a mandatory document for the various States, did help to outline a framework for the defense of fundamental rights, as well as give legitimacy to the bodies in charge of safeguarding these rights. On the other hand, it served as a prelude for the United Nations (UN) in General Assembly to declare the International Covenant on Civil and Political Rights on December 16, 1966, entering into force on March

23, 1976. It also declared the International Covenant on Economic, Social and Cultural Rights on December 16, 1966, entering into force on January 3, 1976.

4. The origins of liberalism and human rights

The origins of liberalism lie in the optimistic ideas of the Enlightenment and in the individualistic conception of society—in a generic way it appeals to the need for human rights and not to the proper utility of society and the State— some authors who exemplify liberal thought are: John Locke (1632-1704), Charles Louis de Secondat and Baron de Montesquieu (1689-1755), François Marie Arouet (1694-1778), better known as Voltaire and Denis Diderot (1713-1784), to mention a few (Lassalle, 2010).

The main initiators of the Enlightenment are registered in the sphere of the rising bourgeoisie, but its promoters were not all the bourgeois layers, nor only these. On the one hand, it had its adversaries in certain sectors of the commercial upper bourgeoisie and on the other hand, in certain elements of the lower clergy or the court nobility, and even the state apparatus of enlightened despotism itself—Federico II, Catalina II and José II—. They supported it, although in the latter case, as a simple instrument of international politics (Ruggiero, 2005). However, the sudden change did not come entirely due to the Enlightenment, partly because only the wealthy minority could read and had the time to do so and because the Enlightenment was more reformist than revolutionary, it longed for a perfect system, scientifically organized, regulated by the reason and ruled by generous tyrants. The Enlightenment wanted to collect all scientific knowledge and make it accessible to all social circles. Philosophy in the Enlightenment was satisfied with the results of natural science and the empiricist doctrines of the English; is the dissemination of the less metaphysical part of Cartesianism and British thought, the Historical and Critical Dictionary of Pierre Bayle (1647-1706) and the 28 volumes of the Encyclopedia or reasoned dictionary of the sciences, arts and crafts of Denis Diderot (1713 -1784) and Jean Le Rond D'Alembert (1717-1783) are a clear example (Bonazzi, 2015).

The conditions born in England in the middle of the seventeenth century, between the civil war (1642-1651) and the glorious Revolution of 1688 formulated arguments against the absolute power of the monarchy represented by James II from 1685 to 1688 and by William III and Mary II of 1689 to 1702 and against the power of the church and its religious truth, as well as the demand for religious tolerance to the domination of Calvinist Protestantism and Roman Catholicism. During the mandate of Oliver Cromwell (1599-1658) the recognition of different Protestant sects was presented: Calvinism, Lutheranism and Unitarianism. The demand for religious tolerance and the claim for a concept of political community founded on the free agreement of its members are the arguments that John Locke (1632-1704) resorted to develop the idea of the first English liberalism (Santirso, 2014).

The Revolution (1789-1799) gave France its first political party beginnings. Napoleon Bonaparte, according to the plebiscitary idea of Caesarism, had not wanted parties. For him, the French should manifest themselves unanimously in love for the country and its government. The safeguard of French liberalism is on the assumption that individuals find their recognition, not in popular sovereignty, but in the extension of its limits and ultimately, in the political guarantees vis-à-vis the sovereign, the monarch or the people. The French Revolution (1789-1799) was the first European bourgeois liberal revolution, it represents the end of the Old Regime, the abolition of serfdom and the feudal system. French liberalism will seek to develop an opening of the monarch's power through centrifugal nationalism and the consolidation of civil liberty. Political freedom is consolidated in a constitutional Charter, all citizens are guaranteed their rights and obligations. Two Chambers were created that were granted the right to vote taxes and to collaborate in the approval of laws. Suffrage remained a privilege for the largest contributors, the electoral body was still limited (Lomba, 2014).

The division of powers was accompanied by guarantees for freedom of the press, expression and thought. One more guarantee against despotism was provincial and municipal autonomy. For the French of the revolution, municipal power played a fundamental role in the traditional division of public powers. Yet French liberalism ratified traditionalism with the contact of a rationalist mentality. After a revolutionary crisis, they felt the need to consolidate the conquests already won, not to carry out new ones. At the end of 1803 the secondary or collateral current of Juan Bautista Say (1767-1832) influenced the thinking of French economists. Say spread the nascent ideas of the young economics science, explained the decline of physiocracy, the benefits of industrialism and anti-statism (Fernández, 2012).

The intellectual foundations of English liberalism were further developed by the contributions of Scottish liberal philosophers, including David Hume (1711-1776), Adam Smith (1723-1790) and Adam Ferguson (1723-1816). The contributions on human understanding, the vision of a self-regulating order that forms spontaneously

if individuals are controlled by adequate legal norms, and the reflection on the history of civil society, are some examples. Scottish liberalism took the rationalist and humanistic criteria of the English, French and German Enlightenment, especially the French principles were preponderant.

The originality of Scottish liberalism lies in the importance given to reason and the denial of any kind of authority that was not justified in it. There is an optimistic perception of the individual's ability to improve society and nature only by using their human understanding (Marías, 2008).

German liberalism offers a historical interest in the appearances of its doctrinal expressions and in the development of the complex influences that have diverted and hindered its orientation. The French Revolution offered Germany the small and medium property, the agricultural society already freed from feudalism, and a spiritual culture prepared for the birth of the common law that constitutes the essence of liberalism. The ideal bond that had been formed during the modern age by the Holy Roman Empire, imposed the need for the Germans of a new bond, liberalism with it is feeling of autonomy and independence awakened a strong nationalist consciousness, the idea of homeland, nation German, constituted the new bond that replaced the battered imperial bond. Germany as a people lacking a unitary political tradition, only freedom offered them the idea of a common citizenship capable of holding down and dominating political disintegration. For the Germans this citizenship was completely ideal, and their nation was a nation culture. Their freedom lies essentially in thought. However, if this ideal and literary unity compensates for the spirits in the first moment of Romanticism, the painful experience of the Napoleonic epoch shows, on the other hand, the little benefit compared to the potentiality of it is force, and to what extent the fractionation in States it exerts a shadowy influence on all individual and public activities. The idea that the cultural nation has it is complete realization only in the political nation begins to make it its way into German consciousness, in the course of the generation of Alexander von Humboldt (1767-1859) and Johann Gottlieb Fichte (1762-1814) it is possible to convert naive cosmopolitan patriotism into a national state system (Strauss, 2007).

The ideals of the French Revolution were initially welcomed by the most important exponents of German culture. In the assertions of Johann Wolfgang von Goethe (1749-1832), Immanuel Kant (1724-1804) and Friedrich Schiller (1759-1805), they recognize the more important historical foundations of those same German ideals of spiritual and autonomous life than their own knowledge had been granted.

Just over a dozen years before the French Revolution, the United States War of Independence (1775-1783), marked the birth of the first organized republic based on a written Constitution and a federal system—in Europe there were republics, although small: Venice, the provinces of the Netherlands and Portugal in the 16th century and for a time Catalonia—. The progressive novelty lay in offering it its citizens a shared sovereignty organized by a government. The independence of the United States was not the first offense that monarchies received, but it was the first preaching that all men are created equal, that all are endowed by their Creator with certain inalienable rights, such as life, liberty and the pursuit of happiness. These principles inherited by the will of God, will be legal equality, security, freedom and the right to property for natural law (Santirso, 2014).

The liberalism of the United States is considered, from the time of Alexis de Tocqueville (1805-1859), as democratic liberalism. The American Revolution had a predominantly political, social and economic character. He did not overthrow a stately regime that had never settled in North America. First of all, the anticipation by inheritance of real estate was disabled, with the exception of Massachusetts, Delaware and Rhode Island. Slavery was not put to a complete end; it remained the most serious contradiction of the regime and the main cause of conflict between the states. The liberalism of the United States recovered the liberal values of the English and French, the very exceptional of North American liberalism was present from Benjamin Franklin (1706-1790), John Adams (1735-1826), Thomas Paine (1737-1809), Thomas Jefferson (1743-1826), James Madison (1751-1836), Alexander Hamilton (1755-1804) and John Louis O'Sullivan (1813-1895), among others (Hamilton, Madison and Jay, 2001). The Political Constitution of the United States alludes to the key pieces of liberalism, all human beings have natural rights, and the purpose of the government is to defend those rights, happiness and dignity must be developed as fundamental goals by all individuals. In *The Federalist* Hamilton, Madison and Jay develop the blueprint for a republican and federal government. The monarchy and the republic are distinguished as evil and divine, as evil and good, God is on the side of the divine and good, on the side of American liberalism, from the love of honest work and the aggrandizement of the community to through hard work (Touchard, 2006).

The genesis of human rights is situated in the immediate vicinity of the seventeenth century when historical conditions demanded special recognition of the human condition as a product of the overwhelming force of political power by the absolute European monarchies. The king, being the omnipotent figure within a State, limits the human condition of the subjects to leave them as mere objects within the territory. On the other hand, the social stratification of that time privileged the members of the court society with special rights and recognitions,

while the subjects were only subordinated to the upper strata and to the arbitrariness of power as they were classified as individuals without basic rights and freedoms. Within the political order of feudal society, therefore, an inequality exacerbated by the presence of strata and a tacit ignorance of basic rights was glimpsed.

As a result of human becoming, in the 18th century three historical phenomena converged in the consciousness of the West to observe some glimpses of what today are known as human rights.

In the first place, with the arrival of modernity, the building of the modern state was a requirement whose purpose was to overcome the remnants of feudalism through new rational mechanisms of political organization: the bureaucracy. The distinctive feature of this state was the monopoly of political power to give way to the secularization process necessary to make it the great architect of the modern world. With that eagerness, the monarchy was adopted as a form of government to control sovereignty (or supreme power that exists on earth) (Bodin, 1997). However, the status of sovereignty attacked the human condition by revolting it unrestrictedly against political power or the will of the monarch, which was also assumed as a source of law. For Thomas Hobbes (2000), the justification for the unconditional obedience of the individual towards the state entity was that it was by human and divine agreement in this world to care for the individual's safety.

Second, a "founding event" that helped improve the condition of the human being as a moral agent and lay the foundation for the contemporary prevailing economic order, was capitalism. The trigger for this form of organization is found in the industrial revolution of the 18th century, which, moreover, showed nations the power of capital and commerce. According to Adam Smith (2004), the new logic of the wealth of nations was trade, motivated by the moral individualism of the invisible hand and the limitation of the State in the management of the economy (through the maximum *laissez faire, laissez passer*). In this sense, capitalism qualified the relevance of the freedom of the individual since the individual interest is the agent that promotes progress, growth and trade. So that freedom of choice (as an intrinsic right of man) in the face of the market is the prelude to the optimal functioning of capitalism (Mises, 1996).

Third, as a reaction to absolutism, a theory of the State (immersed in the tradition of contractualism in which Thomas Hobbes and Hugo Grotius is also found), called liberalism, appears, represented by John Locke. Thus, with John Locke, at the end of the seventeenth century, liberalism was established as the philosophical political doctrine in charge of building a political order in which the individual is the main focus, automatically avoiding the protagonists of yesteryear: the church and the monarch. This doctrine is deeply individualistic, but it is also assumed as the theory of the State that fights for the defense of man against political power. The rights of man, therefore, are part of the liberal argument and the new task entrusted to the liberal State, represented by a constitutional monarchy as a form of government (Strauss, 2007). In effect, liberalism is the theory of the minimal State in which political power has checks and balances so as not to violate the rights of man. And what are those intrinsic rights, which for no reason can be violated? In Locke's (1973) thought, as a convinced liberal, they are the safeguard of life, property and freedom. Therefore, the State, as advocated by liberalism, being the product of the intersubjective will, has the duty to safeguard these rights. For this purpose, the only institutional way to do it is through a constitutional monarchy. This form of government would be the first step to control power against the individual, precisely because of the presence of the different powers: executive, legislative and federative. It is here where liberalism is intertwined with constitutionalism, and when they merge, they fight for the defense of the rights of the people and the control of power. Here is the liberal principle according to which "authority is divided to keep power limited" (Merquior, 1993: 17) and does not interfere with the private life of individuals.

5. Democracy: guarantor of human rights

Norberto Bobbio (2018) qualifies democracy as ancient and liberalism as modern, they begin to walk the same path when their ideals are recognized as compatible. On the one hand, the possibility of the individual to intervene to guide the course of society, that is, equality, and on the other, the independence of the individual to choose a destination, that is, freedom.

What happened in the nations of France, England and the United States of America is paradigmatic to show how the exercise of power materialized with different nuances (Russell, 2009). In the case of France, the monarch's power encompassed, controlled, dominated everything: the law emanated from his will, justice was imparted based on his criteria, people were exploited, taxes were unilaterally levied, it was declared war at the will of the monarch. In England, at least the exercise of controlled power was appealed to between the monarch and Parliament; this allowed respect for the individual. In the case of the United States of America, power and respect for the rights of the people were very clear from a moment, and for this it is enough to observe how that republic was founded on a democratic government with a range of rights on the part of the citizens.

Democracy, as a form of government, is as long-lived as Western civilization itself, however it became clear in the 5th century BC in Greece, as a way of organizing political life. This form of government, despite being labeled “elitist” and “discriminatory” (Held, 1996), offered the Greek citizen the conditions for isotopy (right to life), the practice of *isonomia* (equality before the law) and *isegoria* (freedom of expression in the public square):

These Three elements are essential to recognize and enhance human dignity. In this sense, they are the first steps of democracy in favor of the defense of the person and their fundamental rights.

After the splendor of Greece, democracy did not enjoy good health throughout the centuries (Bobbio, 2018), both in political thought and in political practice. It was not until the eighteenth century when in the United States of America, farm democracy first achieved success and served as a political model for other nations to organize political activity, hence the amazement of the French jurist Alexis de Tocqueville (2010), since in those years’ democracy was seen as an unprecedented political novelty. In this country, democracy managed to establish itself with the help of the presidential political regime. The union of these was a determining factor for the recognition and guarantee of individual rights, such as civil rights (freedom of thought, movement, expression, worship, office, among others) and political rights (freedom of association, right to vote, and right to be voted), mainly. This was a second historic triumph for democracy.

It seems that democracy as a form of government already presupposes human rights, since the holders of these are the ones who give foundation and validity to democracy itself. Therefore, the holders of rights are assumed as citizens who design and mold democracy as a way of managing public life; for this reason, democracy is a form of political organization in which the citizen (exercising a human right: political right) renews his government without bloodshed by virtue of resorting to a more effective method: the vote (Popper, 1999).

Unfortunately, in the 20th century, democracy was undermined by totalitarian regimes in various parts of the world: in Latin America, Africa and Europe. This phenomenon represented a setback for the achievements of humanity: the exercise of political power based on legality and backed by legitimacy was suppressed to be sustained by force and unilateralism, human rights were subsumed, the population was controlled with outpouring of blood, the rule of law was unknown, the political parties were eliminated, the opposition disappeared, and even (the most serious) acts of genocide were perpetrated. Francoism in Spain, Stalin’s totalitarianism in Russia, fascism in Italy, National Socialism in Germany and the dictatorships in Chile and Argentina were an example of this.

Human rights, like those edifying achievements of the West, which would allow “progress towards the best” (Kant, 2005: 195) were held back by totalitarian or despotic regimes, that is, by those who controlled all sectors of public life and private through force, violence and repression (Bodei, 2005). This political order, directed by an omnipotent State, stopped any initiative of civil society and with it the enjoyment of human rights in all it is range: citizens were replaced by subjects or objects, according to Hannah Arendt (1997).

The presence of these regimes, with their overwhelming nature of human rights and democracy, was one of the most important reasons for the outbreak of two world wars, and a third that was never fought (the cold war). However, Norberto Bobbio (2006) asserts that these wars were won by countries that championed the value of equality and freedom, as well as democracy. Therefore, this jurist and philosopher pointed out: “Human rights, democracy and peace are three necessary moments of the same historical movement: without recognized and protected human rights, there is no democracy, without democracy there are no minimum conditions for the peaceful solution of the social conflicts” (Paniagua, 2006: 14). This denotes the “demanding character” of Norberto Bobbio regarding a democratic political order: the unfettered guarantee of human rights and peace.

After the Second World War, various totalitarian regimes transitioned to democracy as an imperative of civil society, but also as a product of international pressure to democratize domestic public life and international relations. And with it, again democracy emerged as that civilizing political method that serves to integrate the government through very clear rules of the game (elections) in which the largest number of stakeholders participate with the guarantee of “freedom of association, of expression and vote” (Dahl, 2009), with the aim of ensuring respect for human rights, guaranteeing civility, peace, economic development, guaranteeing the rule of law, promoting political values: equality, tolerance, freedom and solidarity were swift.

The international community, at present, is aware of the essential of democracy for the protection and guarantee of human rights. For this reason, the UN (2014), within its campaigns in favor of human rights and democracy, has emphasized since 1948 in the Universal Declaration of Human Rights: “The will of the population must constitute the basis of government authority; this will be expressed in regular and genuine elections that will be by universal and equal suffrage and will be held by secret ballot or by equivalent free voting procedures”.

In the recent past, the UN, through the general assembly and the former Human Rights commission, has promoted the norms, principles and values of democracy among the member states with the aim of forming a tradition of democratic institutions that promote development. and human rights.

As a result, various resolutions on this matter have been approved, for example in 2000 the human rights commission through resolution 2000/47 recommended legislative, institutional and practical measures for the consolidation of democracy. And in 2002, the same international body declared the following as the essential elements of democracy (UN, 2020b):

- Respect for human rights and fundamental freedoms.
- Freedom of association.
- Freedom of expression and opinion.
- Access to power and its exercise in accordance with the rule of law.
- The holding of periodic, free and fair elections by universal suffrage and by secret ballot as an expression of the will of the population.
- A pluralistic system of political parties and organizations.
- The separation of powers.
- The independence of the judiciary.
- Transparency and responsibility in public administration.
- Free, independent and pluralistic media.

Democracy, in this sense, is the common denominator of political activity within and outside the nations. However, with the international pact on economic, social and cultural rights (1976), the rights of groups (minorities, indigenous peoples, people with disabilities) gain relevance in the protection of their human rights, especially because a democratic regime is “inclusive” and appeals to the value of “equality”. Thus, the proposal to complement human rights with special group rights is *sine qua non* to give space to those minorities who demand to live according to their uses and customs (Kymlicka, 1996).

Alluding to development implies “improving” something, specifically the standard of living of the population by modifying the social structure and with the help of institutions. Although in a strict sense, development has a multifaceted character, namely: it interprets the historical and structural dynamics of capitalism; understands the organization and management of the production process; economic growth and the process of wealth distribution and the improvement of people’s quality of life; the role of the State in shaping society and the role of institutions for development; and the identification of the agents that intervene in the process of development and public policy decisions (Enríquez, 2009).

In another guideline, it is a task of the State and of the institutions to promote development because it does not happen in nothing, and much less in the face of weak institutions. “The developmental state fulfilled its functions, but this does not mean that it has done it efficiently and fairly. The errors in which he made could not be corrected, simply because the institutions to monitor state intervention had not been created” (Ayala, 2000: 20). In this sense, it is a condition *sine qua non* for the development of democratic institutions that promote the scenarios for modernization in the economy, in education, in public administration, in public works, in the management of urban development, to mention Some.

As a corollary, development can be understood as a favorable condition, generated by an institutional framework that gives certainty in the promotion and guarantee of human rights to raise the individual’s capacity to improve their standard of living in the different sectors, both in the public as well as the private sphere.

The progress of democracy in different nations is evident, as well as its basic requirements so that it can function under favorable conditions. Despite this, “democracy is not perfect” because it is situated in contingent contexts, yet it shows notable progress in the preservation of human rights, something that another type of political regime would ignore. Now, the challenge lies in promoting development, within nations, through the enjoyment of basic freedoms and human rights.

6. Human development: the capabilities approach

Human development beginning in 1990 was addressed as an unprecedented concern by the UN through UNDP. This company from its genesis had the claim to aspire to a new horizon in which the human condition was the center of development, in which the person had the conditions of possibility to improve her life through the exploitation of freedoms. For this reason, in the 1990 Human Development Report, it considers human development as “... a process through which opportunities are expanded for individuals, the most important of

which are a long and healthy life, access to education and education. enjoy a decent standard of living. Other opportunities include political freedom, the guarantee of human rights and self-respect..." (UN, 1990: 33). The capabilities approach offers a different framework for the study and measurement of inequality, very different from that of utilitarianism, which focuses mainly on access to goods and services.

His proposal focuses on the instrumental nature of access to goods and services, thinking of them only as means to achieve a life plan, that is, how access to goods and services become real options for individuals, and how the choice of these options is transformed into a level of individual satisfaction (UN,2020a).

For this reason, the evaluation of individual well-being has to be considered according to the singularity of the cases and in the context in which it is developed; the use of goods and services is determined by personal circumstances. For example, an old man will surely need more resources than a young man for both to be equally capable of being healthy; a person with basic knowledge about health and hygiene will be more capable of being healthy, with the same resources, than one who lacks such knowledge (Cejudo, 2007). Thus, the capacity is complemented by the possibility that individuals have to control them according to their needs. On the other hand, "... the idea that growth and development are related, but different, concepts are accepted. Therefore, to speak of human development is to emphasize that development is not explained solely by the income of the population and that this single dimension does not represent the total sum of a human life" (Ibarrarán & Robles, 2003: 4).

Amartya Sen (1999) has proposed human development as a mechanism for evaluating the human condition that is located in the capacities of people and not in the resources available to society as a whole. Capabilities imply reformulating the notion of well-being, in which the freedom to lead a life with a higher level of quality is privileged (health, education, income, social and political freedoms). "From this new perspective, the quality of life depends on what the subject is able to achieve, on the ways in which he is able to live, and not on his income, availability of social services or satisfaction of basic needs" (Cejudo, 2007: 11).

The capacities can be dissimilar or analogous, and are formed, on the one hand, by the fundamental freedoms, considered as the unavoidable to attend to the bodily needs, such as the ability to avoid starvation and malnutrition, they also include the enabling opportunities offered, for example, education, or the freedom and economic means to move freely and choose a place of residence (also known as social rights). On the other hand, for social freedoms such as "the ability to participate in the life of the community, join the public debate, participate in political decision-making and even the basic ability to appear in public without feeling ashamed" (UN, 2000: 20).

"The expansion of capacities, the expansion of individual freedoms, constitutes the central aspect of human development. This process involves creating an environment in which people can live productively and creatively in accordance with their needs and interests" (UN, 2009a: 2). That is, individuals should have the possibility of accessing means and resources that allow them to obtain socially recognized capacities. Therefore, it is necessary that social and political institutions provide access to goods such as power, self-esteem, autonomy, among others, and that these goods be equal among all individuals.

This vision of Sen was materialized in 1991 in the First Human Development Report (HDI), considering life expectancy, knowledge and levels of quality of life (per capita income), as essential indicators of human life (UN, 1990). The HDI is not the empirical expression of the concept of human development, but rather an instrument (given technical and informational limitations) for comparing progress in promoting human development in as many countries as possible. In effect, raising the human development of the population of the various countries implies creating the conditions for this purpose, amalgamating political resources, financial resources, human talent, guaranteeing human rights, respecting the rule of law and encouraging democratic practices in the public sphere. What is relevant in human development is to make people unfold an accumulation of capacities with the aim of achieving better standards of living. In other words, as long as human rights are fully respected within a democratic political order, people can develop capacities to aspire to a decent standard of living (Table No. 1).

Table No. 1
Liberalism, democracy and human development

Index	Categories	Upper country	Lower country
Human rights	1.- political rights 2.- civil rights	Canada	Syria
Economic freedom	1.- Rule of law 2.- size of the government 3.- regulatory efficiency 4.- open market	Hong Kong	North Korea
Democracy	1.- electoral process and pluralism 2.- political participation 3.- political culture 4.- civil liberties and basic human rights	Sweden	North Korea
Human development	1.- life expectancy 2.- schooling 3.- dignified life	Norway	Niger
Electoral participation (voluntary)		Singapore	Jordan
Coronavirus deaths		USA	Occidental Sahara

Source: own elaboration with data from (IDEA, 2020); (EIU, 2020); (Miller, Kim & Roberts, 2019); (PUND, 2020); (Statista, 2020).

To achieve human development, it is always necessary to consider other factors of the first order. These are contemplated by the UN itself through the Reports issued through the UNDP. For this reason, capacities and freedoms combine to make people grow as long as they find the right climate for it. This is how human development becomes relevant through sustainability and equity (UN, 2011); human development and the wealth of nations (UN, 2010); human development and mobility through migration (UN, 2009b). Whatever it may be, human development has multiple challenges to make people flourish throughout their lives (Valcárcel, 2006).

The HDI is a type of capital income, that is, money does not generate wealth or inequality, these are the result of the use of money, of the utility that the individual uses to access health, education or quality of life.

So far, the line of reflection on freedom and human development is established as a correlation, in a context of security and an ascending order where the presence of rights and development legitimizes a democratic order. Through democracy, just economic and social conditions can be generated that allow increasing people's capacities and consequently human development. However, contingent policy, not legitimate to the actions of the government, does not generate social capital, does not reestablish the relationship between trust-legitimacy-government, does not promote trust networks, does not generate institutions, does not create instituting value. In the opinion of Claude Lefort (1990), political and administrative efficiency cannot be reduced to legal institutions or mechanisms that legitimize decision-making by the majority or the minority in government. The idea and the democratic context of legitimacy presuppose and are legitimized in the face of words such as respect for individuality, representation, institutions, political parties, participation, human rights, tolerance or sovereignty. The idea suggests the assumption that democratic, transparent, legitimate or homogeneous institutions subordinate the individual to social cohesion. The search for political and administrative legitimacy, through the defense of national sovereignty, to maintain social harmony, a defense of individual rights and freedoms, remains inconclusive if it is not equivalent to the common interest, that is, to political freedom. For Lefort (2007), the essence of the political is revealed in individual freedom and political freedom, by the individual and the citizen, by civil and civic values. The integrality of the argument is the ultimate foundation of legitimacy in a modern democracy.

When human actions are constituted by experiences based on individual freedom and political freedom, a new adventure begins, a new way of feeling and knowing, certainties are nuanced, knowledge is put into question. The institutionalist of society is questioned by a law, by a power or in a State. A new idea arises, a new experience, new principles that transcend customs, traditions, the heterogeneity that accompany the domination of the individual by law, by society, by the State, by all organizations that impose an instituted value. Legitimation in a modern democracy is constituted as a process without beginning or end, the indeterminacy of legitimacy, is far from

any empirical fact, from any quantification of the satisfaction of demands or the percentage of compliance with certain obligations.

The determination of society, the society with a history, the society with unique references, the determination of empirical facts reduce democracy to totalitarianism. The indeterminacy of power exalts individual freedom and political freedom, preserves the questioning of any single explanation of legitimation: in modern democracy legitimation is born in each act, it cannot be reduced to political, administrative, economic, cultural, social, or otherwise. For Claude Lefort (2007), legitimation is a symbolic mutation, a space that no one can occupy once or forever. Legitimation is a circumstance that is inaugurated with modern democracy, in the early nineteenth century, democracy more than a form of government is a form of society. According to Lefort, the great challenge of democratic society is the dissolution of certainties, the collapse of the indicators that determine the man with good or bad behavior. Democracy leads the individual, encourages him, subjects him to the challenge of creating his own foundations that recognize his own institution: in this case democracy.

The foundations of democracy present foundational features that make it indeterminable, uncertainty is inherent in all forms of democratic society. Democracy and its legitimation have a symbolic order, a political order, which is made and remade by individuals.

No truth, no justification is immutable, since the origin of power will have to be thought about, because it no longer belongs to someone. Power belongs to democratic society; power potentially belongs to everyone and cannot be personified by any subject or group (Maestre, 1994). Power is an empty place, it is unoccupied by a single person, it is a symbolic place that only occupies and controls the vote. In the paradox of the argument, in the ultimate indeterminacy, in the dissolution of certainties, lies the foundation of power. On the contrary, when power takes shape, when the search for truth is replaced by truth, when the people are replaced by the prophet, when power becomes something particular at the service of a few, democracy is assumed as totalitarianism.

Accountability, transparency, legitimacy, legality, will have to be rethought in their civic value, in their character and foundational nature of the constitution of political rights as human rights, that is, not as actions or government policies, even more as inherent to the form of society, as parts of a social question. In a democratic society, human rights appear linked to an integral conception of society, they are not only individual rights, natural rights, social rights, citizen rights, constitutional rights or individual guarantees, they are rights that express the dignity of man, of political rights, that when questioned, the form of society is questioned.

Lefort's argument (2004) rejects the idea that human rights are reduced to individual rights, since the nature of the individual is constitutive of the form of society, the rights of man define and value the type of regime. The political meaning of the rights of man is what differentiates a totalitarian regime from a democratic one, since the political nature of democratic societies gives the generating responsibility of democracy to the rights of man. Human rights are generators of democracy, because in them legal materialization is amalgamated, which regulates the behavior of individuals and affection, the adhesion that is provoked between men. The relationship between the institutionalization of law and the consciences of men is a problematic and complex relationship, it is a relationship that takes the form of a political regime.

Nowadays, the countries where human rights are more or less cultivated do not coincide with the countries where the defense of these originated. Furthermore, there is a kind of exchange between political rights, human rights or human development. Democracy is a form of government in which society can participate in all links of the decision-making process. The idea of citizenship considers that today's citizen must access and integrate their civic, social, economic and cultural rights, in a whole for which they make up an indivisible and articulated whole (Grynspar, 2007).

7.- Conclusion

The coronavirus pandemic has called into question the stay and growth of the State (Loewe, 2020). During much of the 20th century, its leading role was extended to offer the material conditions for the development of the population, the route to carry out this task lay in the implementation of populist policies whose immediate consequence was translated into public indebtedness and practical loot policy. Critics of John Maynard Keynes' economic and political recommendations came from a conservative sector arguing that the economic and political unfeasibility of welfare practices. However, the ideologues of the new liberalism, mainly members of the Austrian School of Economics such as Ludwig von Mises and Friedrich von Hayek, shared in the inalienable work of the State in development: The State has the mission of offering the conditions so that the economy is released from it its benefits and the individual can boost their skills. Nowadays, a set of approaches to support the State in its arduous task of encouraging development, such as the proposal by Amartya Sen (2002), are continuously breaking out.

When democracy is a reality and the individual enjoys a host of fundamental rights, the idea of development is linked to quality of life. If normatively John Rawls (2006) in his philosophical project aspires to a just and orderly society, it must necessarily be founded on equal rights and freedoms among all members of a political community. And lately the exploitation of freedoms has been pointed out as the mechanism to boost capacities to find real skills that have a significant interference in the life of the person. A person with greater freedoms is better able to exploit their capabilities through real skills to achieve valuable functions that improve their life (Sen, 2002).

In conditions of freedom, the individual decides what type of life to lead based on their abilities with the sole purpose of finding advantages that have an impact on a greater well-being of the person. And well-being is associated with quality of life. You can aspire to a certain quality of life when issues such as nutrition, education, recreation, culture or health are satisfied without restrictions, which together brings happiness.

This denotes that even the State remains as an agent of the first order to promote development so that individuals have access to the minimum margins of quality of life or can become a decent society.

Faced with a scenario where society becomes more heterogeneous and differentiated, the republican idea of citizenship of belonging to a State is blurred; now it is associated with a status of citizen with democratic rights and freedoms (Habermas, 2005). In this sense, all men have democratic (human) rights which they cannot renounce and one of them are social: the right to health, education, food, and housing. The quality of life implies that the inhabitants of a community are universalized and guaranteed these rights with the aim of not being excluded and being disadvantaged, which in the end cannot develop capacities that have an impact on their standard of living. When the institutional framework offers the conditions for development, the standard of living cannot be avoided in the deployment of capacities: food, health, housing, longevity and level of income of all those who have citizen status. Something similar happens in an emerging country: The Republic of Mauritius, a country where there is a quality of life despite being African: "In Mauritius, a path has been chosen that leads to higher levels of social cohesion, well-being and economic growth. a lower level of inequality" (Stiglitz, 2020).

Part of the development agenda of the United Nations is for all member countries to guide all types of public policies to offer a favorable framework for the development of each people. Governments are responsible for working on behalf of the population to eradicate development challenges and thereby lay the foundations for the population to develop their capabilities, and ultimately empirically achieve a quality of life or a "decent" way to live. Everything indicates that nations have until 2015 so that with their public policies they can achieve the Goals set out in the 2030 Agenda (UN, 2020a).

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