The State of Democracy Around the World

David Carroll of The Carter Center describes the international movement toward democracy since the 1970s and the problems that face new democracies.

Comparing Mass Media in Europe and the United States

Communication scholar Daniel Hallin explores how European newspapers and television reflect particular political points of view, while the U.S. media typically seek political neutrality.

Legal and Judicial Reform in the Middle East

How is the legal profession helping to build new and improved legal systems in emerging democracies? Jennifer Lanz describes how the American Bar Association is tackling this issue in the Middle East.

Facilitating Democracy Education

International civic education expert Sondra Myers discusses the challenges for emerging democracies, what the United States can learn, and projects to educate citizens for an active role in new polities.

Perspectives: How Can the United States Nurture Democracy in the Middle East?

Two scholars of Middle Eastern studies, Tamara Cofman Wittes of the Brookings Institution and Nathan J. Brown of the Carnegie Endowment for International Peace, offer analysis of the issues and concrete steps to take.

Students in Action

Read about high school students around the world talking with one another online, as Carolyn Pereira of the Constitutional Rights Foundation-Chicago describes results of the “Deliberating in a Democracy” Project.

Viewpoint

Are women’s rights compatible with Islamic values? Sociologist Helen Rizzo examines this question and provides surprising results from a study of women’s organizations in Kuwait.

Learning Gateways

Caroline Starbird of the Center for Teaching International Relations and Jenny Pettit offer a lesson on comparing democratic practices in the United States with newer democracies in four South American countries.

Notes from the Classroom

Education professor Alden Craddock shares his experiences working with teachers from Ukraine on a new social studies curriculum.

Teaching with the News

Insights reprints an article from The Washington Post on student reactions to the recently imposed head scarf ban in France.

Law Review

Charles F. Williams discusses the use of capital punishment for juveniles in the United States and internationally, reviewing the Roper v. Simmons decision of the U.S. Supreme Court.

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Director’s Note

Democracy is on the rise around the world. This post-cold war phenomenon began in Europe, then spread to a number of countries in South America and Africa. Once the prized possession of a relatively few countries, democracy has now become the common property of much of the world’s population.

The number of countries that hold free and competitive elections (electoral democracies) has risen from only 39 in 1974 to approximately 120 countries today, reports David Carroll, Director of The Carter Center’s Democracy Program, in the opening essay. Obstacles to democratic progress remain, notably in the Middle East and Asia, and not all democracies vigorously protect human rights and individual liberties.

One of the key elements of democracies is a free press, the subject of communication expert Daniel Hallin's essay comparing different traditions in the reporting of political news in European and American media. The rule of law is another key ingredient. Ensuring that the courts are independent, especially from the executive branch of government, and transparent — i.e., open to the public — are critical in supporting new democracies, points out Jennifer Lanz of the American Bar Association, whose work on judicial reform takes place in several regions of the world, including the Middle East. Over the past century, states in the Arab world have built modern, professional court systems, and many of these countries also have written constitutions, notes Middle Eastern scholar Nathan Brown in Perspectives. The challenge may be to achieve democratic political reforms that ultimately lead to an independent judiciary, such as the one in Ukraine that recently ordered a new presidential election. Tamara Wittes of The Brookings Institution maps out concrete steps the United States can take to nurture democracy in the Middle East.

Women’s rights are a contentious but critical part of the agenda for political and legal reform sweeping across the continents, as several of the articles address. In Viewpoint, sociologist Helen Rizzo offers a case study of the growth of women’s political roles in Kuwait, illustrating how one predominantly Islam country has grappled with the movement toward democracy and equal rights for women.

Through a wealth of special features, we offer background materials, lessons, and activities for your classroom. Meet an international civic education expert, learn about a partnership between U.S. and Ukraine social studies teachers, adopt a rich lesson on democratic practices in South America, use a news article reprinted from The Washington Post on the French government’s ban of Muslim head scarves in the public schools, and listen in on high school students as they talk with fellow students from different parts of the world.

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Following the Second World War, and especially after the end of the Cold War in 1989-90, democracy has become firmly established as the only legitimate form of government and the preeminent political ideology. Further, it is now widely recognized that the only acceptable means to establish democratic government is by holding genuinely free and open elections. As a result, countries around the globe are keen to defend their democratic credentials, and where these are lacking, leaders are quick to declare that achieving democracy is their ultimate goal.

Several important forces account for the strength of democracy’s historic surge. Two key factors are the gradual erosion of state sovereignty and the emergence of international norms of democratic government and human rights. The ratification of the 1948 United Nations (UN) Universal Declaration of Human Rights played a key role in establishing the idea that individual human rights, including peoples’ right to select their leaders, are legitimate concerns of the international community.

Another important factor was the end of Cold War. While democracy has long been a rhetorical goal of the United States, power politics and economic interests have often overshadowed democracy. After the Cold War the United States and other major powers have been able to support democracy with greater interest and consistency.

In spite of the impressive march of democracy and freedom, the global state of democracy has begun to stagnate. The number of countries recognized as democracies has stopped growing, and experts are now focusing on the myriad problems facing democracy. Many states are mired in seemingly endless conflict (e.g., Congo, Sudan, and areas of West Africa). Where conflict has ended, states

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by David Carroll

Democracy is a powerful idea that embodies key elements such as free elections, the rule of law, and individual freedoms. In this article David Carroll of The Carter Center analyzes the most recent wave of countries moving to democratic government, identifies problems, and assesses future prospects.

Dr. David Carroll (djcarro@emory.edu) directs The Carter Center’s Democracy Program, which works globally to strengthen democratic institutions and processes. He is the author of several articles and book chapters on issues of democratization and development. The Carter Center was founded in 1982 by former President Jimmy Carter and his wife, Rosalyn, to advance peace and health worldwide; for more information, go to www.cartercenter.org.
are sometimes unable to establish durable democratic institutions (e.g., Angola, Liberia, and Haiti). Autocrats or corrupt elites continue to defy popular demands for democratic government in many countries; in others, fledgling democratic leaders struggle to achieve economic development and welfare, but with limited success. Globally, the picture is one of important progress, but with serious concerns about the long-term consolidation and sustainability of democracy.

**Democracy: What Is It?**

The idea of democracy has a long history stretching back to ancient Greece. In its modern form, there are three core principles: political and civil freedom, popular control of government, and political equality of individual citizens in these rights and powers. Beyond these core principles, several additional dimensions are central to democratic government. These include the rule of law, popular participation, political competition, and responsiveness and accountability of governments to citizens (Diamond and Morlino, 2004).

In its minimalist form, democracy is an electoral struggle for votes and requires universal suffrage, regular competitive and fair elections, multiple parties, and basic minimum freedoms (speech, press, assembly) needed for meaningful competition and participation. Countries meeting this minimalist definition are generally referred to as “electoral democracies.” Many electoral democracies, however, are rightly criticized as “illiberal” for a variety of reasons. Some lack strong constitutional protections for individual and group rights. Others have corrupt or authoritarian leaders (albeit having won competitive elections), or weak and ineffective political parties, judiciaries, or legislatures.

In contrast, “liberal democracies” are countries where individual and group liberties are well protected, and where there are relatively autonomous spheres of civil society and private life and a system of checks and balances among key political institutions.

**The Cresting of the “Third Wave”**

Analysts tracking the number of countries that have undergone “democratic transitions,” i.e., movement from a nondemocratic authoritarian form of government toward a democratic one, have identified three major waves since the early 1800s (Huntington, 1991). The “third wave” started in 1974 but ebbed around the mid-1990s. The wave was initially sparked by democratic transitions in Portugal, Spain and Greece, and then spread to Latin America in the 1980s as military regimes fell one after another. In the late 1980s and the 1990s, the wave hit Eastern Europe and the former Soviet Union, where former communist states established democratic governments after the collapse of communism. Similarly, in Africa a series of undemocratic regimes with single-party or authoritarian leaders initiated political reforms leading to multiparty elections in the 1990s.

An important impulse supporting the third wave was the growing acceptance of international norms of democracy and human rights, including the norm of democratic elections as the basis for legitimate government. A watershed event was the international community’s authorization of the U.S. intervention in Haiti in 1994 to restore a democratic leader to power.

By the early 1990s, several major regional intergovernmental organizations, including the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU), the Organization for American States (OAS), the Southern Africa Development Community (SADC), and others, had formalized commitments to foster democratic government among their members and to promote democracy in their foreign relations. On a parallel track, the UN, individual states, and a growing number of nongovernmental organizations (NGO) now provide a range of technical support to assist countries’ democratization efforts. International election observers have played an important role, providing an independent assessment of the credibility of elections.

According to Freedom House, a NGO that monitors political rights and civil liberties around the world, the number of electoral democracies increased from 39 to 117 during the third wave between 1974 and 1995. Since 1995, however, the wave has crested and the number of electoral democracies has hovered around 117 to 120. While some countries have become more democratic and held free and competitive elections, others have suffered reversals.

**Problems of Democracy, 1995–2004**

Many countries now face a series of problems that block the consolidation of democracy and threaten to reverse prior gains. The most important problems are economic crises, poor government performance, corruption, crime, and political instability. In Latin America,
these problems have led to lagging public confidence in democracy and several interrupted presidencies (e.g., Ecuador, Argentina, Bolivia, and Paraguay) or other disruptions of constitutional order. Many African countries are plagued with low economic development and the persistence of civil conflict. While several Asian countries have strengthened democracy, including Indonesia and Taiwan, many others retain strong authoritarian systems. China has allowed only modest reform at local levels, focusing instead on managing the economy. Russia, on the other hand, has undergone a significant democratic reversal, with President Putin systematically weakening key institutions.

In the Middle East, there has been almost no progress toward democratic reform. The key exceptions are Afghanistan, Iraq, and the Palestinian territories. Afghanistan and Iraq held elections following U.S. invasions and heavy international tutelage, but in both cases the long-run prospects for democracy are less clear. Elections in the Palestinian territories, which demonstrated broad participation and popular confidence in the democratic process, could prove a more attractive example for the Arab world.

Prospects for the Future
In the last 10 years, the optimism surrounding the third wave has given way to a sober, yet realistic assessment of the challenges facing democratization. It is now clear that democratization is an uneven, nonlinear process that involves a complicated set of factors in a wide range of settings. These include national culture, the level of economic development, the form of political institutions, the nature of contesting political actors, and socioeconomic forces of globalization.

While there is broad agreement about the critical factors involved, there is debate about the best prescription for achieving democracy. The key questions involve the speed and timing of democratic change and elections, the role of political actors and institutions, and the sequencing of economic development and democratization.

There is widespread consensus that democracy is much more than simply holding elections, and also that elections are nonetheless critical aspects of democracy that provide key tests of how well political institutions perform. But some experts believe elections are overemphasized and that many countries are pushed to hold elections and accept democracy too fast, resulting in the growth of illiberal democracies where elected authoritarian leaders trample on the rights of citizens (Zakaria, 2003).

A similar argument is made about post-conflict settings, where elections have sometimes been held before warring parties were fully disarmed or before a broad political consensus was achieved about the future direction of the country.

Other analysts stress the impact of different political and constitutional systems (e.g., parliamentary vs. presidential systems) on democracy or the possible need to achieve a threshold of economic development in order to establish or sustain democracy. Nonetheless, it is difficult to ignore popular demands for democracy. Populations that strive for democratic rule cannot be expected to wait for decades until strong constitutions and developed economies are established.

While there is not a single fixed path for genuine democratization nor many absolute preconditions, it is clear that a number of factors are helpful, including modest economic development. The most important ingredient is popular demand for democratic reforms. Overall, it is important to recognize that no democracy is perfect, and that all countries have room for improvement, including the United States and other established democracies.

For Further Reading


For Discussion

Why did so many countries around the globe move to a democratic government after 1974? What historical events contributed to this?

What are the differences between an “electoral democracy” and a “liberal democracy”? Why are these differences significant?

What kinds of problems face democracies today?
In 1976 a new newspaper, La Repubblica, debuted in Italy. It was an innovative paper in many ways, more market-driven than the traditional Italian press, which spoke, as a top political reporter once expressed it, to 1,500 readers, the movers and shakers of Italian politics. It was more newsy, with an agenda that expanded beyond the traditional narrow focus of the Italian press on party politics, and more accessible, modifying the cryptic insider language that traditionally dominated the Italian press, and, for example, introducing letters to the editor and seeking women readers. It soon became the top-selling Italian paper.

In another way, though, La Repubblica was very much in the tradition of Italian journalism. As its founder said in his first editorial, “it doesn’t pretend to follow an illusory political neutrality, but declares explicitly that it has taken a side in the political battle. It is made by men who belong to the vast arc of the Italian left.” Like the rest of the Italian press and broadcasting, La Repubblica reported the world from a distinct political point of view.

Twenty years later the Fox News Channel debuted on cable television in the United States. Fox News continued a trend that had begun in the 1980s toward more market-driven forms of television news: more sensational, more personality-driven, and more oriented toward opinion and commentary than strictly reporting the news. And like La Repubblica, it announced a political identity, though expressed in very different terms. “For 3 out of 4 Americans who believe the news is biased,” Fox said in a 1997 advertisement, “we present something quite rare: a news network dedicated to providing fair and balanced coverage.” Fox News was innovative above all in the fact that it appealed to its audience on the basis of a distinct political

“At one time, many European newspapers were connected to political parties or … trade unions, … or churches …”

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perspective, differentiating itself from its rivals on the basis of its conservative, Republican slant. Consistent with American journalistic culture, however, it expressed this identity by proclaiming that it would be the only news source to provide exactly the political neutrality La Repubblica eschewed.

It is common today to talk about the creation of a global media culture, mainly based on the American model, which would overwhelm national differences in media systems. In many ways, this is correct. La Repubblica is but one example of a general shift in European media toward more market-driven forms of journalism that first emerged in the United States. But as the example of Fox suggests, change isn’t only going one way. Fox is one example of a general trend in American media toward the reemergence of partisan journalism—long characteristic of European media systems, but mostly absent in the United States through the twentieth century. Partisan talk radio and Internet bloggers also reflect this trend. And considerable diversity remains among media systems, even in countries as similar as the United States and those of Western Europe.

Key Differences
Politics and the Media. Political differentiation of the media is one of the most important differences among media systems and is something that generally divides the United States (and Canada) from most of Europe. Ask a European to give you an overview of the press, and the first thing you are likely to get is a map of its political diversity: the Frankfurter Allgemeine is right of center, the Süddeutsche Zeitung left of center, the Frankfurter Rundschau far left, the Bild far right. At one time, many European newspapers were connected to political parties or to other organized social groups—trade unions, for instance, or churches—whose views they represented in the public sphere. These kinds of papers remained important through the 1970s, but have mostly died out since then. Most national newspapers in Europe, however—and many broadcast stations as well—still have at least general political tendencies, which are reflected in their content, in the kinds of journalists they employ, and in the political orientations of their audiences.

The United States had a strong partisan press in the nineteenth century, but it died out in the twentieth century, partly because of shifts in political culture—there was a strong reaction against political parties in the Progressive era, an important period in the formation of journalistic culture—and partly because of media economics. The American press, unlike that in most of Europe, is primarily a local, monopoly press. In the midtwentieth century, competition among a dwindling number of papers in each city led their owners to avoid identification with particular political orientations. It is no accident that it is in the electronic media, with their increasingly fragmented national audiences, that partisanship is reemerging in American media. In this context, product differentiation becomes a viable market strategy. The reemergence of partisan media also comes at a time when partisan competition is closer and more passionate than it has been in many years in the United States.

The Newspaper. Another important difference among media systems lies in the culture of newspaper reading—or lack thereof. Here the biggest difference is between northern and southern Europe, and North America falls in a middle position. La Repubblica may have been more market-oriented than earlier Italian papers, but an average American reader would find it difficult—sophisticated in its writing style and demanding in the level of political and cultural knowledge it assumes. The newspaper has never been a mass medium in Italy or anywhere else in southern Europe. It has always been oriented to an elite audience engaged in the political world. This audience has expanded modestly since the 1970s. But by the time a more market-oriented press began to emerge in southern Europe, electronic mass media were already a reality, and the day of the mass newspaper had passed.

In northern Europe, by contrast, strong traditions of newspaper reading developed at the end of the nineteenth century, partly because of the strong connection between newspapers and
communities, not only local communities but also the kinds of ideological and socioeconomic communities that once had their own presses in that part of Europe. Still today, more than 700 newspapers are sold per 1,000 people in Norway, as opposed to about 120 in Italy (and about 260 in the United States).

**Government Regulation and Subsidies.** Another important difference has to do with the role of the state. The most obvious difference here is the strong role of public broadcasting in Europe, compared with its very marginal role in the United States. Broadcasting was exclusively a public utility in most of Europe until the 1980s, and even if commercial media have expanded dramatically since that time, public television still captures 30% to 40% of the audience or more across most of Western Europe, as opposed to 2% in the United States. More generally, Europeans have long seen the media as a social institution for which the state had a positive responsibility; many, for example, have state subsidies to the newspaper industry, which are intended to keep a moderate degree of pluralism alive in the press.

The U.S. government subsidized newspapers quite heavily in the first half of the nineteenth century. But since that time, the dominant philosophical tradition—connected, of course, with the evolving interpretation of the First Amendment—has emphasized the idea that press freedom means minimal state involvement with the private operation of the press. That difference in philosophical traditions is also reflected in many differences in media regulation between the United States and Europe. Most European countries, for example, have substantial regulation of communication in election campaigns; many ban paid political advertising and grant free air time to political parties instead.

**Journalism as a Profession.** There are also many interesting differences in the development of journalism as a profession in Western democracies. In southern Europe, journalism evolved as a kind of adjunct of the worlds of politics and of literature, and has remained less professionalized. This does not at all mean that journalists in southern Europe have been poorly educated or are bad at what they do—the quality of writing and of political analysis is often very high indeed in southern European media. But journalism has had less autonomy from the world of politics and less consensus on its own standards of practice. The Italian journalists union, for instance, first devised a code of ethics in the 1990s and still can’t get Italian journalists—with their wide-ranging political perspectives—to agree on it.

In both North America and northern Europe, by contrast, journalistic codes of ethics have been around since at least the early twentieth century, and consensus on them is relatively high. Journalists there have been able to bridge political differences to agree on common standards of practice.

Journalistic professionalism in Northern Europe is different from that in the United States in some ways. It has traditionally placed less emphasis on separation of news and commentary, since the role of the press has been seen in terms of expressing a point of view. It is also more formally organized. Most northern European countries have Press Councils, for instance, which don’t exist in the commercialized context of American media (or the politicized context of southern European media). At times, too, journalistic autonomy—an important component of professionalism—is more formalized and, with some countries having laws intended to protect “internal press freedom” (the rights of journalists vis-à-vis media owners), and some media at least partly controlled by associations of journalists (e.g., *Le Monde* and *Libération* in France).

**The Media and Democracy**

Is it possible to say which media system is most conducive to a healthy democracy? Probably not. Political systems are differently organized in different countries, and each media system serves the particular kind of democracy in which it evolved. Italian democracy, for instance, has for most of the post-World War II period been based on a process of bargaining among the leaders of diverse political factions, and newspapers have served effectively to facilitate that process of bargaining. Each

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**FOR DISCUSSION**

How are newspapers in Europe and the United States different in their approaches to reporting about politics and political news?

Why do European countries have such a strong tradition of public broadcasting on television? Why do these same countries also provide financial support to commercial newspapers?

Compare the benefits and drawbacks to “market-driven” journalism. In your opinion, does this kind of journalism support or undercut democracy?

What are the key elements of a free press in a democratic society?
The ABA works to strengthen legal systems and promote the rights of women.

by Jennifer Weinman Lanz

The Middle East is a large and diverse region now in the midst of political transformation. In this article, Jennifer Lanz discusses some of the approaches and programs that the American Bar Association has developed to promote and strengthen the rule of law in a number of Middle Eastern countries, including Iraq, Jordan, and Morocco.

A democratic system, no matter where in the world, stands for certain principles — freedom, liberty, equal rights for all people, public participation in government, the rule of law, and access to justice. There are many countries where these protections are absent, or where they may exist on paper but not in reality. Nowhere is the support for these protections more important than in the Middle East.

To promote the rule of law around the globe, the American Bar Association (ABA) undertakes technical legal assistance projects. The ABA has programs in central and eastern Europe, Asia, Latin America, Africa, and the Middle East. While these regions differ in many regards, our objective of supporting and strengthening democratic institutions that promote justice and the rule of law remains the same everywhere.

The Middle East is a region rich with historical, cultural, and religious traditions. The ABA’s programs are designed to be responsive to the needs and priorities of the region’s countries, characterized by various forms of political governance including monarchies, Islamic and presidential republics, and tribal systems. In the Middle East, perceived influence from the West is something that heightens sensitivities among governments and the public. In providing technical legal assistance, the ABA is guided by certain principles that account for this sensitivity. While drawing upon its familiarity with U.S. legal systems and utilizing U.S. legal experts, we recognize that American jurisprudence is not the only model. The real strength of the ABA’s programs stems from its commitment to provide comparative information and expertise on a wide range of legal topics. Hence, the importance of utilizing experts from other countries, particularly from the region, cannot be understated. Only with this array of information and options can gov-

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ernment leaders and members of civil society make informed decisions about what types of reforms and developments are most appropriate for their country.

To implement its assistance programs, the ABA establishes offices in host countries staffed by both international and local legal professionals. The international legal experts often are volunteers who are committed to public service work, while the local staff provides the indigenous expertise needed to make these initiatives successful. In addition to implementing legal reform programs, these offices seek to build substantive program management capacity among the local staff so that the benefits of our programs can last long after they have been completed.

The ABA’s legal reform work in the Middle East has focused on three main areas: judicial reform, women and the law, and public education.

**Judicial Reform**

A key method of ensuring equal justice for all is to have an independent, transparent, and fair judicial system. An independent judiciary is one that operates outside of the political realm, independent from the control of the executive power, and makes judgments based on the law and facts of a case rather than external influences such as bribery or personal influence exerted by friends and family. Equally important is a commitment to transparency, meaning that rules regarding court procedures are well promulgated, court sessions are open to the public (with some exceptions such as cases involving juveniles), and decisions and sentences are recorded in the public record. Strengthening countries’ systems for judicial selection, training, promotion, and discipline can lead to a skilled and professional cadre of judges. Improvements in such areas as the computerization of court administration and the introduction of case management systems can also have significant impact. For example, when a judicial system allows for random case assignments, the ability of internal and external actors to unfairly influence the system is diminished.

In Jordan, the ABA is working closely with the Ministry of Justice and a committee of judges to draft a judicial code of ethics and develop methods of enforcement. A code of ethics not only sets out conduct standards for judges, but establishes a public expectation as to the quality and professionalism of the courts. A set of standards requiring competency and independence of judges also provides the foundation to address larger systemic problems, such as corruption or a lack of continuing legal education.

In September 2003, justice sector representatives from all across the Middle East gathered in the Persian Gulf country of Bahrain for the Arab Judicial Forum to discuss the many issues and challenges that they confront. While underscoring the importance of reforms at the national level, the participants concluded that much could also be accomplished through regional cooperation. Through the pooling of resources and the sharing of lessons learned, the delegates felt coordination could truly advance judicial development across the region. The ABA is currently working with justice sector participants of the Arab Judicial Forum to establish a regional justice institute, which can serve to support this type of regional cooperation and serve as the first resource center of its kind.

**Women and the Law**

The rights of women in the Middle East are a topic of ongoing debate. The status of women varies greatly across the region; in some countries a woman can serve as a judge, whereas in other countries a woman is not even permitted to vote. Promoting equality for women in the Middle East is one of the ABA’s primary objectives. Specifically, we work both to promote women’s participation in the legal profession and to look more generally at women’s legal rights.

The topic of women’s rights, or a woman’s role in society, is also one of the most sensitive issues in the Middle East because there are implications not only for the professional and political realms, but also for family structures and social units. Changes in these areas can be slow, and small successes build upon each other toward the end goal of true gender equality.

One example of a small success comes from a workshop organized by the ABA in support of women in Iraq. The workshop, designed to foster discussion on basic principles of democracy and constitutional law, included a session on women and the law—i.e., whether women could serve as judges. Many differing viewpoints were expressed, ranging from the notion that Islam forbids women from serving as judges to those who quoted citations in the Koran that pointed to women in decision-making roles. The real importance of this discussion, however, was not necessarily the substance or the views being expressed, but the fact that men and women were sitting around a table freely discussing these pressing issues. This was a significant step forward in the long path toward equality for women.

**Public Outreach and Education**

Increasing public confidence and trust in the legal and judicial systems is a crosscutting theme throughout all of the ABA’s programs in the Middle East. A significant part of this work involves educating people about their legal rights.
Facilitating Democracy Education: A Conversation with Sondra Myers

Civic education is a key part of the work of new democracies.

In this interview, civic education consultant Sondra Myers discusses programs, publications, and new approaches for building democracy education abroad and at home.

Q: How did you become involved in civic education issues abroad?

Myers: I was drawn into the field by the sheer power of two epiphanies and the extraordinary political change in the late 20th century. The first epiphany came on August 9, 1974, the day that President Nixon resigned. I was sitting in the living room of my cousins in Bucharest, watching television. When the news came across, my husband and I cheered rowdily, while my cousins were silent and utterly amazed. They liked Nixon because he was the American president, and his wrongdoings seemed inconsequential to people who lived under the iron rule of a leader who was a brutal, sadistic, and absolute dictator. Furthermore, they could not imagine a regime change without bloodshed.

The other “moment of truth” came when I was reading an article about Adam Michnik, a leading force in the (Polish) Solidarity trade union movement. Michnik instructed his fellow dissenters to “act as though you live in a free society.” He advised them to speak the truth as they saw it, conduct discussions on public affairs around their kitchen tables, and speak out against injustice. He warned them not to be violent, lest they see violence as a solution to their problems and ultimately replace one form of tyranny with another. The article was the introduction to Michnik's book, *Letters from Prison and Other Essays* (University of California Press, 1986). Not surprisingly, under the Communist regime, Michnik's formula for revolution caused him to spend a good deal of time in jail.

What struck me about both of these experiences is how different life is in a free society; how freedom expands your capacities and vastly enlarges your ability to live a more varied, interesting, and productive life. Most important, freedom allows you to think beyond yourself and your own security to work for the good of one's whole society.

The end of the Cold War and the collapse of communism opened a door that I wanted to enter. I realized how disbelief and lack of trust, very appropriate responses

“[L]iving as a subject in a totalitarian state does not prepare you [for] … democracy.”

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to a dictatorial government, needed to be replaced if people who had been subjects were to become citizens.

Q: What are the “Democracy is a Discussion” handbooks? Why did you develop them?

Myers: The “Democracy is a Discussion” handbooks are two manuals that I conceived and edited under the auspices of Connecticut College. They contain readings by distinguished scholars and public leaders, discussion questions, historical documents, and bibliographies. The first, published in 1996, Democracy is a Discussion: Civic Engagement in Old and New Democracies, focuses on the basic elements of democracy with a strong emphasis on the role that citizens play in making democracy work. The sequel, Democracy is a Discussion II: The Challenges and Promise of a New Democratic Era, deals with some of the obstacles encountered on the way to democracy and strategies for addressing them. They were inspired by my realization that we are not born citizens—we are educated to be citizens; that living as a subject in a totalitarian state does not prepare you to be citizens; that living as a subject in a totalitarian state does not prepare you to enjoy the rights or accept the responsibilities that are required in a democracy.

Soon after the first handbook was in print, I got a call from the publication department of the former United States Information Agency, now known as the State Department’s International Information Program. They asked to buy the nonexclusive rights to print the book abroad, translate it, and make it available in U.S. embassies worldwide. We agreed, and it transformed what might have been a project with modest impact to one that has affected people in every part of the world. They bought the rights to the second handbook after its publication as well. More than a quarter of a million handbooks are now in circulation in about a dozen languages. [For more information about the handbook, contact Sondra Myers directly.]

Q: What new challenges in civic education do you foresee for the emerging democracies?

Myers: Civic education, like all education, is a work in progress. It requires patience and tenacity, reinforcing the ideas and behaviors that are essential to democracy, reinforcing trust and optimism. Surely I underestimated the number of obstacles that would be encountered. For example, the culture of corruption, both inside and outside of government, is a chronic problem. How do you develop trust when you know others are cheating? It’s hard to convince newcomers to democracy that it is their problem to find a solution to the problem of corruption. Students should be prepared for backslides and be ready to cope with them. They should examine the example of nonviolent protest in Serbia and, more recently, in the Ukraine.

Q: We often think of exporting the “lessons of democracy” to other nations. Which experiences of new democracies can we, in the United States, learn from?

Myers: When I conceived the first handbook I thought of it for use in emerging democracies; in fact the title was, at first, “Democracy is a Discussion: Civic Engagement in Emerging Democracies.” I changed it in the second printing because I found that we Americans have forgotten, ignore, or simply haven’t learned what the basic elements are. We have a good handle on rights, but not on responsibilities.

I personally blame the commodification and the commercialization of virtually everything—politics, religion, the nonprofit world—for the decline of the civic spirit. In emerging democracies we are cultivating and educating the civic spirit, as when Michnik implored his people to “act as though you live in a free society.” Here, I believe, we are reawakening the public spirit and reminding people that the most precious right that we have is the responsibility for the public good. We live in an interdependent world.

Q: What new projects are you currently working on?

Myers: I have two very exciting projects on the front burner. The first is the institutionalization of Interdependence Day. On September 12, 2003, the Democracy Collaborative launched the first annual Interdependence Day at the American Philosophical Society in Philadelphia. Benjamin R. Barber was the chair and I the director of the project. The aim of establishing this new day on the commemorative calendar is to acknowledge the realities (both good and bad) of interdependence and reflect on the civic implications of those realities. We had an inspiring program in Philadelphia in 2003 and a main stage event in Rome in 2004. Now, we need an exponential leap in awareness in 2005 and beyond. We would like to see Interdependence Day have the same impact on the global civic movement as Earth Day has had on the environmental movement. We have developed an Interdependence Handbook—a comprehensive guide to the substance and the logistics of Interdependence Day, edited by Ben Barber and me—but there’s much more work to be done.

Also on the front burner, to be published in summer 2005, is a third “Democracy is a Discussion” handbook on democracy and religion. There has been considerable interest in this effort, and my coeditor, Patrice Brodeur, Professor of Islam, Pluralism, and Globalization at the University of Montreal, and I are working feverishly to get the book into print.
Promoting the Rule of Law in the Arab World
by Nathan J. Brown

The United States has embarked upon an ambitious project to promote reform in the Arab world. The word “reform” can mean many things, but when the term is used both by American leaders and by Arab intellectuals—despite the deep distrust between the two—discussion turns quickly to the rule of law. Most within the Arab world would agree that their political and legal systems undermine judicial independence and allow leaders to mold the law without binding them to it. Without the rule of law, democratic mechanisms designed to hold rulers accountable to the people and the constitution may operate in theory but will have no effect in practice.

This image of governance in the region long predates the attacks of September 11, 2001. In the Arab world, battles over the rule of law were fought in many countries in the 1980s and 1990s. American efforts moved more gingerly into the field in the 1990s. But in some sense, the issue is far older: the originators of the Western liberal tradition—writers like Montesquieu and Rousseau, for instance—often used the “Orient” or the “Turks”—a reference to the Ottoman Empire that ruled most of the Arab world—as examples of despotic and arbitrary government unfamiliar with the rule of law.

Yet Arab legal systems are not barren ground as this history of criticism implies; when we survey the terrain we find a more complicated—and perhaps hopeful—story. But if the glass is only half empty, it must also be added that the process of filling it will be far from easy.

The Arab world shows some strong common characteristics in the legal field. Over the past century (and even longer in a few countries such as Egypt), states have built modern, professionalized court systems with clear, regularized, and fair procedures. Rights of appeal are guaranteed, judges hew closely to legislated texts, and litigation is often far less expensive than in the United States.

But what of the content of the laws? Most legislation in the Arab world would be surprisingly familiar to a Western lawyer—at least one trained in France. Egypt led the Arab world in adoption of civil-law codes in the late nineteenth century, and most Arab states followed suit in the twentieth century. Criminal, commercial, and civil law are generally based on imported European codes. A small number of countries show some influence from English common law as well. Personal status law (covering matters such as marriage, divorce, and inheritance) is generally based on religious sources. For the vast majority of the region’s inhabitants who are Muslims, that means that Islamic law holds sway over such matters, though generally the precise content of the law has been legislated by a parliament that has worked to draw on Islamic sources. Only a small number of countries (such as Saudi Arabia) use Islamic law outside of matters of personal status. And the Islamic legal tradition is certainly not wholly antithetical to the rule of law—for most of Muslim history, it has been scholars, not rulers, who have determined the law, leading to a partial separation of law and state.

Finally, it must be noted that all the states of the Arab world have written constitutions that guarantee rights, specify procedures, and define authorities. Constitutional violations occur, to be sure, but for the most part, Arab rulers operate within plausible interpretations of their countries’ constitutions. And those constitutions are often based heavily on European models.

So why is there so much concern over the rule of law in the Arab world? The portrait just presented is accurate, but omits mention of significant gaps. First, in many countries the problem is not that people do not trust the courts, but that they turn to them too frequently;

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Take Concrete and Credible Steps Toward Freedom
by Tamara Cofman Wittes

Long before September 11, 2001, before President George Bush linked tyranny to terrorism and thus embraced democracy promotion as part of the war on terrorism, Arabs across the region were beginning to question whether the governments ruling them could meet the challenges of the twenty-first century unchanged. But the events of 9/11 produced a renewed interest by Americans in the conditions that breed extremism in the Middle East and what, if anything, we could do about it. So today, the United States has embarked on a policy to promote democratic reform in countries from Morocco on the Atlantic coast to Oman on the edge of the Indian Ocean.

Some argue that this policy is naïve, foolhardy, and destined to backfire against us. America’s support for Israel, its invasion of Iraq, and its long-standing ties to Arab dictators and kings have helped to produce widespread resentment of America in the Middle East and what, if anything, we could do about it. So today, the United States has embarked on a policy to promote democratic reform in countries from Morocco on the Atlantic coast to Oman on the edge of the Indian Ocean.

Ongoing American involvement in the Middle East is a foregone conclusion—therefore, the question is not whether U.S. actions ought to impact Arab political development, but in what way. There are concrete and meaningful steps the U.S. government can take to further the growth of democracy in this critical region.

Keep using the “Bully Pulpit.” Speaking out in favor of democracy and against abuses of power lets dictators, even when they are our allies, know that we notice the way they treat their own citizens and that we expect improvements over time. The president’s rhetoric alone over the past year has encouraged (and provided some safety net for) Arab liberals who have been pushing their governments to open the media, approve new political parties, or simply govern according to their constitutions rather than ruling under “emergency laws” that give them broad and unchallengeable powers. It was, in part, President Bush’s bold talk of freedom that led Lebanon’s former prime minister, Rafik Hariri, to resign in protest at Syrian interference in his country—and pay with his life in a targeted bombing in February. At a local level, too, groups like the National Democratic Institute and International Republican Institute report that demand for their democracy-building programs in Arab countries is higher than ever, despite their American origin.

Support Arab reformers. Long-suppressed Arab liberals have found their voice in the past few years, holding conferences, writing studies, and issuing numerous calls for specific reforms of economics, education, and politics in their home countries. While America has well-grounded priorities for regional change—especially in Iraq, where it has special responsibility—it should wherever possible build on the demands of these indigenous reformers. In addition, the continued on page 16
U.S. government should help these home-grown democrats network with one another and learn from their counterparts in newer democracies such as Serbia, Georgia, and South Korea.

**Emphasize political rights.** Open elections don’t do much good if citizens aren’t free to form political parties, publish their views, and demonstrate publicly to press their demands. That’s why the president of Egypt’s recent move to allow competitive presidential elections, while maintaining a state of emergency, is symbolic at best. In most Arab states today, the political landscape is dominated by ruling parties and by the Islamist opposition, which can use mosques to organize even when political meetings and demonstrations are banned. In order to create a level playing field in which liberal alternatives can compete, the United States must press Arab leaders to lift emergency laws, stop persecuting opposition politicians, and protect free press, free association, and free speech.

**Promote free trade.** Arab governments are desperate for foreign investment that can create new jobs for their burgeoning cohort of young unemployed men. But these regimes also know that the global trading system requires a strong rule of law to enforce contracts, as well as clear and reliable exercise of government regulation. Trade agreements can promote democracy by enhancing government transparency, requiring improvements in judicial independence, and improving equal protection—all changes that increase government’s accountability to citizens and reduce the scope for corruption. Arab governments that rely on foreign investment and trade for economic growth are more likely to accede to these important legal reforms.

**Increase the reward for change and sharpen the pain of standing still.** In order to move our autocratic allies in the region in the direction of democratic reform, America must be willing to put its significant leverage to work. New aid should be made available for democratizing Arab governments, just as the Millennium Challenge Corporation gives money to poor countries who embrace good governance. In addition, America must communicate to its traditional Arab allies that those who move forward toward democracy will enjoy better relations with us than those who do not. High-level state visits, U.S. Navy port calls, and other “symbolic” aspects of bilateral ties can all be used to make this point. Finally, the United States should be prepared to respond when regimes backslide in their commitments to reform, possibly by cutting assistance or otherwise downgrading relations.

Without American support for democratic development in the Middle East, there is no reason to assume that the region’s current ferment will not instead produce civil strife, revolution, or simply increased repression. But America cannot promote democracy in the Arab world unless its strategy is credible. That requires clearly stating our expectations for change, building partnerships with Arab reformers both in and out of government, and putting America’s strengths to work in the service of real reform. Only then can the United States help the peoples of the region achieve their goal of forging their own political future.

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**Resources on the Middle East**


Editor’s Note: These resources complement the article on “Legal and Judicial Reform in the Middle East” and the essays in Perspectives.
Courts are clogged with large numbers of cases and starved of the resources necessary to adjudicate them quickly. And while courts are independent in most cases, they are not trusted in sensitive political matters; governments either bring the judiciary under control or set up special courts to ensure that political cases are decided in accordance with the ruler’s wishes.

Similarly, the legal framework has a sound and modern foundation, but is often excessively formal and in some key areas (such as commercial law) outdated. The problem is not that it is totally arbitrary but instead too rigid; it is generally more similar to Latin America than the Stalinist Soviet Union or the pharaoh’s Egypt. And the constitutions, if honored, effectively concentrate almost all authority in the president or king. They sometimes do so explicitly, by allowing him some legislative authority, emergency powers, and power over the courts. And sometimes they do so by their silences, by failing to provide for fair elections, or by robbing vaguely stated rights of any meaningful content.

Thus, the problems are not that the rule of law is alien to the region. But the legal flaws are deeply embedded in the political order. Legal reform in the Arab world is therefore not merely a technical matter but a core political problem. It is difficult to imagine real reform taking place without a fundamental change in the political environment.

The challenge for outsiders seeking to promote the rule of law in the region is therefore considerable. It is often possible to design programs that make courts more efficient, modernize codes, train personnel, and improve access to legal information. Indeed, American and European donors have begun significant activities in precisely these fields. American programs might be more effective in this regard if they were coordinated with European programs. While the American legal system is often much admired, Arab systems tend to more closely resemble those on the European continent.

There is a limit to what technical assistance can accomplish. Building the rule of law will require not simply money and expertise, but also a strong political commitment from senior leaders—and thus is unlikely to move forward in serious ways without concerted diplomatic and political attention. And with an ambitious American agenda in the region—covering issues from weapons of mass destruction, terrorism, oil, and Arab-Israeli peace—the rule of law often gets lost in the shuffle.

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Legal and Judicial Reform continued from page 11

and how to exercise those rights through participation in society vis-à-vis legislative advocacy or the courts.

One example of the importance of this type of public education comes from Morocco, where in 2004 the country adopted a new family code, the Mondawana, which gave women equal rights in the areas of divorce, custody, and marital property obligations. In order for this new code to be truly an historic development as well as a model for other countries in the region, Moroccan women must have the ability to understand their new rights and know how to exercise them. As part of the ABA’s upcoming programs, education for women, particularly those in the rural areas, is a key component. Education for the judges, lawyers and others who serve as advocates for women is also critically important.

Educating select members of the public about their rights is not enough. It is equally important to train the public at large to support this type of dialogue, discussion, and information sharing in their own communities. Nowhere is this principle more evident than in the case of Iraq and the ABA’s programs to raise the awareness of Iraqis about basic principles of democracy and constitutional law. Given the many challenges that international organizations face when conducting programs in Iraq, the ABA has emphasized building indigenous capacity for education. By working with and training community leaders on this important issue, we help to provide these leaders with the skills necessary to organize locally led public education campaigns.

Democratic legal reforms that respect the history and culture of the Middle East are underway. While the process is slow, the impact is great.
Students Practice Deliberating in a Democracy

by Carolyn Pereira

“To deliberate is to examine, within a specific context, the complex interplay of means and ends in order to choose wisely and responsibly amongst competing goods. Often, this must be done even if the consequences of choice are not clear.”

—Joseph J. Schwab*

In a democracy governmental officials have to make choices about public issues, and citizens need to decide whether or not the choices merit continued support of the government. Hopefully, if the choices that governments make are based on good information and sound reasoning, citizens will recognize that and reelect their officials. However, civic deliberation—weighing opposing views, deciding difficult issues, and accepting majority decision while honoring dissent—is not natural behavior for either the citizen or elected officials.

Thanks to funding from the U.S. Department of Education, almost 3,000 students in the metropolitan areas of Chicago, Washington, D.C., and Los Angeles, and in the emerging democracies of Azerbaijan, the Czech Republic, and Lithuania, are learning how to deliberate, as part of a new international program, Deliberating in a Democracy (DID). The Constitutional Rights Foundation Chicago (CRFC), in partnership with the Constitutional Rights Foundation in Los Angeles (CRF) and Street Law, Inc., launched this major five-year initiative to improve the teaching and learning of democratic principles and the skills of civic deliberation.

In both the United States and in newly emerging democracies, existing strategies for educating students about democracy—whether they are more traditional, text-based, or experiential—often do not incorporate discussion and deliberation.

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Deliberating in a Democracy focuses on several key components:

- **Deliberations on the Web.** All teachers participating in this project are eligible to have their classes engage in online deliberations with classes in their country and classes from another country.

- **Staff Development Sessions.** All-day meetings will be held for teachers in every site to involve them in a substantive deliberation, one for which they will have been given readings in advance. Teachers will also receive training on conducting a classroom deliberation.

- **Classroom Civic Deliberations.** A minimum of three classroom deliberations will be convened as a platform for engaging students in discussions of substantive content.

- **Exchanges between U.S. and Partner Countries.** Teams of five from U.S. sites will visit one of the partner countries, and teams of five from the partner countries will visit the U.S. sites. These exchanges will include visits to classrooms participating in deliberations, meetings with teachers, meetings with officials and scholars, and seminars on democracy.
Student Civic Deliberation Conferences. At each of the six sites, students from each participating class will gather to deliberate. Students will discuss their ideas, hone their arguments and deliberate on the issues. At the conclusion of the conferences, students will share their ideas and questions with governmental officials and community leaders and their counterparts at another site through a video teleconference.

Students finished their first deliberation in February 2005 on the topic of “What role, if any, should the government have in regulating violent video games?” All of the sites, with the exception of Azerbaijan, reported recent incidents where young people had committed violent acts and also had a history of playing violent video games. Thus, it was an authentic issue for at least five of the sites—Azerbaijan has not yet reached the point where students play violent video games but is concerned about policies the government may adopt for the media.

(For a direct link to a lesson on “Violent Video Games” developed by CRFC, go to the Insights Web site at www.insightsmagazine.org).

There was consensus on at least one point—video games should be rated. However, a poll taken by representative students from all of the sites indicated that 64% thought that government should not have a role in regulating violent video games. Students gave several reasons, including (1) no conclusive evidence links violent video games to violent acts—many of the students indicated they played violent video games with no violent effect; (2) regulation is the job of the parents, not the government; and (3) the various proposals, particularly the proposal to attach a fine and even a prison sentence to those selling violent video games, would be ineffective. Thirty-two percent of the students disagreed, however. Many of them indicated that while parents should be the ones to monitor this activity, parents frequently are too busy. As one student said, even if the law prevents one violent incident, it’s worth it.

Teachers also offered some interesting insights. One teacher was surprised to see students who usually don’t get along agree with one another. She also remarked that the methodology used—structured academic controversy—provided structure and discipline, so that students really did analyze the issue.

Teachers and students can’t wait to continue. Each site will deliberate two other issues before the end of this school year. The issues have been selected from issues currently facing each of the governments and from an initial survey of teachers and students in these countries and cities conducted under a prior civic exchange program. Problems facing all of these sites include: lack of informed citizen participation; majority and minority rights; crime and corruption; education; the environment; substance abuse; and terrorism. Each issue is related to larger democratic and governance principles, such as the rule of law, liberty, equality, and safety.

Barriers to the global trend of democratization, especially in Muslim countries, have been widely debated in the past fifteen years. Scholars disagree as to whether Islam is compatible with democracy; part of the controversy stems from questions pertaining to the extension of citizenship rights to women. Debates over whether women’s empowerment is compatible with Islamic values have intensified.

My research focuses on Kuwait, a country that has gone the furthest in the Gulf region towards democracy. It has a freely elected Parliament, a constitution that protects civil liberties and freedom of the press, a well-developed civil society, and the majority of its citizens prefer democracy over other forms of government. But the head of the executive branch, the emir, is a hereditary position that has the power to dissolve the constitution (with its protections) and the Parliament when he deems it necessary. Political parties are banned. Furthermore, only male Kuwaiti citizens over the age of 21 have the right to vote and run for national political office. Kuwait is an interesting case study for examining the compatibility of Islam with democracy and women’s rights.

There is growing evidence that Islamic values are compatible with gender equality. Women activists (secular, religious, and Islamist) in Egypt and Iran are using Islamic principles, such as the Qu’ranic teachings that all are equal before God and that men and women are equally responsible for their own sin, to justify women’s empowerment, access to resources, and participation in social and political life.

My research on Kuwait builds upon this evidence by investigating the effects of women’s organizations and their interpretations of Islam on their members’ political participation and attitudes toward expanding citizenship rights to women. I focused on women’s voluntary associations because they are an important base for women’s social participation and involvement. I examined a range of women’s groups, ten in total. The leaders of these associations were interviewed, and a sample of 125 members was surveyed between January and March 1998. The leaders were identified by colleagues at Kuwait University; these leaders distributed the survey to their active members. The leaders provided information about the background, goals, structure, and activities of their organizations, especially on the issue of women’s political rights. Both leaders and members were asked about their perceptions of women’s problems, descriptions of their activism and routine political participation, and their attitudes toward including women more fully into Kuwaiti society and politics.

A divide between the more numerous service organizations and the professional women’s groups emerged. Service groups tend to promote welfare through charitable activities, while professional groups aim to achieve equity for women within professions and the larger society. For the leaders of the Kuwaiti professional organizations, achieving women’s formal political rights is an important goal. The leaders of the service groups are more concerned with religious and social service activities than obtaining political rights for women. A few are even opposed to granting such political rights because of their religious interpretations.

Despite certain points of contention between the service and professional groups, my research indicated that following Islamic principles was not inherently incompatible with democratization or gender equality. Religious beliefs and practices did not serve as barriers for members of both types of groups in either their political participation or in their support for women’s citizenship rights. Instead, holding strong Islamic beliefs was compatible with the desire to extend political rights to women even after controlling for other factors.

Moreover, most of the members saw the necessity of women’s education, wanted more rights for women in divorce, and recognized that women had problems balancing work and family obligations. Some of the service organization members even agreed with the professional members that the lack of political rights for women was a problem, and that
Learning Gateways

by Caroline Starbird and Jenny Pettit

Democracy in South America

In this lesson, students compare democratic practices in South America and the United States. They learn about the key characteristics of democracies and the challenges faced by newer democratic governments, focusing in particular on four South American countries—Brazil, Chile, Paraguay, and Peru—whose transition to democracy generally occurred during the 1980s.

Objectives & Materials

As a result of this lesson, students will:

■ Understand what democratic institutions are.

■ Learn the difference between democracy and authoritarian rule.

■ Learn about the twentieth century political history of South America.

■ Compare civil society in the United States and South America.

Target Group: Secondary School Students (Grades 9–12)

Materials (student handouts):

■ What Is a Caudillo?

■ Democracy in Latin America: How Far Have We Come, Where Do We Go from Here?

■ The Spectrum of Types of Government

■ Checklist of Democratic Institutions (Brazil, Chile, Paraguay, Peru)

To download these student handouts, go to the Web site of the Center for Teaching International Relations at: www.du.edu/ctir/

Target Group: Secondary School Students (Grades 9–12)

Procedures

1. Read about authoritarianism in South America. For homework to prepare for class, have students read “What Is a Caudillo?” This reading gives students a quick background on the modern political history of South America and the transition from authoritarian rule to democratic rule. Discuss the positive and negative aspects of authoritarian rule.

2. Read about democracy in South America. Distribute “Democracy in Latin America” to students. Have students read the speech given by the former president of Costa Rica about the struggles Latin American countries are experiencing.

As a class, make a list of barriers to democracy in Latin America that the author identifies, and a list of positive supports for democracy. Based on the lists, ask students to formulate a generalization about what South American countries need to smooth the transition between authoritarian rule and democratic rule.

Guide students to the idea that one of the main reasons the transition to democracy has been difficult is the lack of democratic institutions. What are democratic institutions? Democratic institutions are the procedures, organizations, systems, and shared values that help ensure that no single group rules above the others, but that the people have the ultimate power.

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3. Have students brainstorm a list of democratic institutions. Some democratic institutions are:

- **Adherence to a rule of law.** The laws and punishment are the same for everyone—those in authority as well as ordinary citizens. Laws are meant to protect the people. All democratic systems rely on a constitution to provide the foundation for their government.

- **Giving a voice to the people.** The freedoms of speech, press, and religion are important to democracy, as are free and fair elections that ensure that the voice of the people is heard.

- **Political organization.** The judiciary, legislative, and executive branches share power under a system of checks and balances. State, municipal, and local governments help to create a balance of powers, limiting the power of the federal government.

Discuss the fact that many of these institutions are lacking in South American nations. As a class, discuss why the weaknesses of these institutions would make it difficult for a country to transition to democracy.

4. Discuss the spectrum of types of government. Organize students into pairs or small groups. Distribute “The Spectrum of Types of Government” handout to each group. Explain to the students that the spectrum runs from a theoretically perfect authoritarian dictatorship on one end to a theoretically perfect representative democracy on the other end. As a class, discuss where the U.S. would fall on the spectrum.

Even though the U.S. has a very strong democracy, it is not a perfect representative democracy. For example, democratic institutions such as free speech and freedom of the press have limits within the U.S. Enforcement of laws and punishments are not always meted out equally for every group of people. And different branches of government at times reach out and grab powers that are beyond their actual authority (for example, the executive branch trying to influence the judiciary). Have students place the U.S. on the spectrum.

5. Analyze case studies and place governments on the spectrum. Distribute “Checklist of Democratic Institutions.” Have students read about the four South American governments described on the handout. Instruct students to place each government somewhere on the spectrum between “Authoritarianism” and “Representative Democracy.”

[Note: The information on the handout is from the National Democratic Institute for International Affairs, the CIA World Factbook, and the Freedom House, a nonprofit, nonpartisan organization founded by Eleanor Roosevelt to promote peace and democracy in the world.]

6. Write a paragraph about each country, justifying where that country was placed on the spectrum. Have students write one paragraph for each country, justifying where they placed the country on the spectrum. They should include a discussion about the importance of institutions in a democracy. Have a few students share their responses with the class.

[Note: For further study on the issue of corruption, visit Transparency International’s Web site at www.transparency.org. Transparency International is an international, nongovernment organization that seeks to combat world corruption in political and public life.]
Checklist of Democratic Institutions

The culminating student handout for the lesson is “Checklist of Democratic Institutions.” In this handout/worksheet, students are asked to rank the strength of nine democratic political institutions—elections, balance of powers, political opposition, personal freedoms, freedom of press, tradition or history of democracy, enforcement of laws and rules, decentralization and privatization, and constitution—based upon a set of facts provided for each of the four countries (Brazil, Chile, Paraguay, and Peru). Students rank each institution as “very strong,” “somewhat strong,” or “nonexistent/weak.”

A Paraguayan woman punches in her vote on one of the electronic ballot boxes donated by neighbor Brazil, in an Asuncion school, April 27, 2003. Paraguayans voted in an election that gave the Colorado Party another five years in office, extending its 56-year reign as the world’s longest serving political force still in power.
On December 26, 2004, Ukraine held the second and decisive presidential election that elected Viktor Yushchenko as only the third democratically elected president in the nation’s history. This election may well prove to be a watershed moment in the history of Ukraine, as it came about because of popular demonstrations of ordinary citizens protesting the Soviet-style manipulation of the previous presidential election a mere four weeks earlier. As people became aware of the results of the fraudulent election that gave the presidency to Viktor Yanukovych, they rallied in the streets of Kyiv, the capital of Ukraine, and elsewhere to demand a revote and the right to democratically elect their nation’s leader. In this moment, the “Orange Generation,” so called because the opposition party of Yushchenko had adopted orange as their party color, stood up for the cause of democracy and freedom. The protestors adopted peaceful tactics to block the illegitimate government, draw worldwide attention to their cause, and ultimately ensure the holding of free and fair elections to decide the presidency of Ukraine.

This popular uprising demonstrates the strength of civil society in Ukraine. While it has developed from multiple sectors, one of the most important has been the educational community and, in particular, those teachers and other educators who have strived over the past decade to promote democracy through education. Without this democracy education to enrich and strengthen civil society, Ukraine may well have caved to the Soviet-style machinations of Yanukovych or collapsed under the weight of historical divisions that still impact political and social relations in Ukraine today. To fully appreciate the importance of the accomplishments of the “Orange Generation,” it is necessary to understand these divisions, how deeply in Ukrainian society they reverberate, and what has been done to unite Ukrainians in the desire for a democratic future.

An Undemocratic Past

Although the current territory of Ukraine is thought to be the birthplace of all Slavic peoples, Ukraine (which actually translates into the term “borderland”) has often been conquered and divided by its more powerful neighbors—Poland and Russia. From the period of 1686 to its independence in 1991, Russian leaders have exerted control over much, if not all, of the territory of current Ukraine in their Imperial and Communist efforts to control this land of tremendous potential. During both the period of the Russian Empire and later the Soviet Union, Russian leaders attempted to eliminate Ukrainian cultural identity as separate from their own. This Russian influence was strongest in the eastern region of the country where, even today, large numbers of ethnic Russians and Russian-speakers receive special treatment in the form of “energy credits” from Russia. It was in this region of the country that Yanukovych had his strongest support. In contrast, the western part of Ukraine has traditionally been more “Westward” thinking as a result of its historical roots in the Polish nation and then later, Austro-Hungarian Empire. It is in this region where Ukraine’s new president, Yushchenko, has his strongest following.

While these regional differences are real, the most important division in Ukraine today is the one between those who long for the Soviet past and those who are demanding a more democratic future. Much of the “Orange Generation” are people under the age of 30, who have expected their government to enact democratic policies for the betterment of the whole country. Our partners in Ukraine, the All-Ukrainian Association of Teachers of History, Social Studies,...
and Civic Education (Nova Doba), have been essential in teaching young people about democracy and the rights and responsibilities of democratic citizens.

**Education for Democracy in Ukraine**

In January 2000, I began working with the teachers of Nova Doba in a civic education project sponsored by the United States Department of State. Through this partnership we have sought to develop the capacity of Nova Doba to bring about democratic reforms in the schools of Ukraine. These reforms were necessary because the educational system still contained the Soviet-style pedagogy and content of the past. If Ukraine was to build a democratic future, then the next generations of citizens required the content, skills, and attitudes of democratic citizenship. We have collaborated with Nova Doba teachers through multiple projects to conduct curriculum development, teacher training, policy reform, and educator exchanges. To date, more than 30,000 students have directly participated in the new democratic curriculum “We are Citizens of Ukraine” and nearly 2,000 teachers have been trained in active teaching-learning methods.

While assisting our Ukrainian colleagues in transforming their schools into change agents for a democratic future, the U.S. teachers and participants of our projects have gained invaluable insight into the importance of democracy and a renewed enthusiasm for civic education. These educators included university faculty and secondary teachers in Ohio, who were selected based upon their outstanding contributions to our teacher education program. By collaborating with teachers in Ukraine, we recognize how much we have taken democracy for granted in the U.S. and have recommitted ourselves to living up to the high standards set by our Nova Doba colleagues. Their belief, commitment, and hard work to secure a more democratic future through education have inspired all of us who have had the privilege to collaborate with them.

**A More Democratic Future**

Over the past five years of traveling regularly to Ukraine, I have observed dramatic changes in their schools and society in general. When our project began, little was being taught about democracy in Ukraine. Outdated textbooks and a passive, didactic pedagogy were typically being used, but thanks to the teachers of Nova Doba this is changing. During a recent trip, I visited classrooms across the country to see the implementation of the curriculum. Watching students engaged in lessons about democracy, led by skilled teachers using active methods like jigsaw, decision making, and problem-based learning, clearly demonstrated how our collaboration has fundamentally impacted the teaching and learning about democracy in Ukraine.

*continued on page 30*

**From Ukraine**

When we started our cooperation with Americans, we were a modest regional organization with a small number of members and few possibilities for activities in Ukraine. Today, we are an authoritative national organization with great experience in dissemination of civic education in Ukraine. We have influenced the forming of the national educational standards, the curriculum, and teaching practices. We are convinced time and again in the successfulness and effectiveness of international exchange programs in civic education. They have provided us with great experiences, which have enabled us to realize a more democratic future for ourselves, our students, and our society.

Polina Verbytska, president, All-Ukrainian Association of Teachers of History, Social Studies and Civic Education (Nova Doba)
PARIS, Sept. 2—A teenage girl wearing a turquoise pantsuit and a flowered head scarf crowded behind classmates at the entrance to Jacques Brel High School in a Paris suburb Thursday. When she arrived at the door, she showed a monitor a photo identification card and slid the kerchief from her head.

It was a scene played out at many public schools around the country on Thursday, the day 12 million students returned for a new semester. By pulling off her head scarf as she rushed into the building, past a phalanx of reporters, the girl was in compliance with a new law banning Muslim head coverings in public schools. The ban also prohibits all other overtly religious garb, including crucifixes, Jewish skullcaps, and Sikh turbans.

The ban triggered massive demonstrations in France and protests in several cities around the world earlier this year. Critics condemned the law as an attack on religious freedom and said it would stigmatize the estimated 5 million Muslims in France. Some Muslim groups pledged further protests, calling the restriction anti-Islamic.

But Thursday, the first day of school with the ban in effect, went quietly. Muslim groups called for compliance with the law, and there were no reports of public demonstrations. The matter had become a life-and-death issue when kidnappers in Iraq threatened to kill two French journalists if France did not rescind the law.

A delegation of French Muslim leaders spent Thursday in Baghdad contacting Iraqi religious figures, in hopes of enlisting their help in freeing Christian Chesnot of Radio France International and Georges Malbrunot of the daily newspaper Le Figaro. Late Thursday, an editor at Le Figaro said the men had been handed over to an Iraqi group that has said it favors releasing them, the Reuters news agency reported. French officials praised Muslim leaders for rallying in support of the hostages and adhering to the law.

But at Jacques Brel High, a sense of injustice prevailed among Muslim students, even among those who favored complying with the new regulations. The school has 1,000 students, many of them immigrants or the children of immigrants. Some who had once given little thought to their religious identity were thinking about it Thursday and wondering what their place was in French society.

“I wear the scarf for my religion, but I will remove it because it’s the law,” said Jubaida Mohammed, 17, born in France to Indian immigrants. She arrived at school wearing a black head scarf but let it drop to her shoulders as she chatted with friends in an outer courtyard.

“I don’t think the law is right. I don’t think we do any harm,” she said. “It seems aimed at Muslims and makes us uneasy.”

Another young woman who arrived at Jacques Brel wearing a scarf said she was undecided about whether to challenge the ban. The teenager, of Tunisian descent, had come to pick up material for a vocational course in accounting she would begin Friday. “I’ve been wearing it for a month,” the girl, who declined to provide her name, said of the scarf. “My father is against it. My mother’s on vacation and hasn’t seen me. I wear it because I had a mystical feeling. If I wear it to school, I risk losing my education.
I’m not against France, just in favor of my religion.”

France, with its relatively large Muslim community, has become the epicenter of a pan-European struggle to come to terms with growing Islamic immigration and its cultural ramifications. Religious symbolism and teachings have become battlegrounds.

France is the only country in Western Europe that has banned head scarves in public schools. The government has a strong tradition of secularism and promotes restrictions on religious symbols as a means of promoting integration in a diverse society.

French officials said students would have until the end of the month to comply with the law but will face expulsion after that. “There is no question today of expulsion,” Education Minister Francois Fillon said. “It is a question of convincing.”

Miriam Ben Aloash, a sophomore of Algerian descent who sported an oversized Nike athletic shirt and tight white pants, said she was against wearing scarves. “I’ve never worn one myself,” she said. “But anyway, I think the law is wrong. I won’t be surprised if some girls will wear it sometimes just to challenge the law, to provoke. It’s aimed at Muslims, so people take offense. France’s secularism is just an excuse.”

Some students said teachers had announced that even bandannas were prohibited, even if worn for fashion reasons. Amine Badra, a muscular boy with a mound of hair atop his head bound up in a blue bandanna, said: “This law definitely comes into effect at a bad time. The hostages are at risk. There are extremists here and abroad. But I have to say, I’m a Muslim and the law is unfair. People wear a lot stranger things here than scarves.” He gestured to a girl with multiple piercings in her ears and a ring in her nose. “Anyway, I guess my bandanna will have to go.”

In the Classroom…

Use these discussion questions, Web resources, and books to help students extend their understanding of the article and spur classroom discussion.

Discussion Questions

1. Why did France pass a law banning head scarves and other religious clothing/symbols in public schools? Was the law aimed solely at Muslim students? Is the law discriminatory, in your opinion?
2. Do the reactions by French students surprise you? Why (not)?
3. If the U.S. Congress or individual states passed such a law, what would be the likely reaction among students, parents, and religious groups? Do you think the U.S. courts would uphold such a law? Why (not)?
4. Why might France and the United States balance the values of secularism (separation of church and state) and freedom of religious expression differently? What historical events unique to each country might account for this?

Web Resources

“Jurist: Legal News and Research” [www.jurist.law.pitt.edu/paperchase/2004/09/french-headscarf-ban-takes-effect.html], a Web project of the University of Pittsburgh School of Law edited by Bernard Hibbitts has extensive background information from French, British, and other international sources on the head scarf ban and the war in Iraq.

“WorldWide Religious News” [www.wwrn.org/index.php], a nonprofit service that provides the international academic and legal communities with up-to-date religious news from around the world, has a variety of news articles on the French head scarf ban; go to “Europe” and follow the links to “Islam” and “Legislation.”

For Further Reading


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On March 1, 2005, the Supreme Court determined in Roper v. Simmons, No. 03-633, that the Constitution forbids states from imposing the death penalty on offenders who were under the age of 18 when they committed their crimes.

Christopher Simmons, the offender in this case, was 17 years and five months old when he planned and carried out the murder of Shirley Crook. The killing was not the sudden impulsive act of a robbery gone bad. Rather, as Justice Kennedy noted in the Court’s majority opinion, Simmons had planned the murder in great detail, telling his friends in “chilling, callous terms” how they could break into the victim’s home at night, tie her up, and throw her off a bridge. Moreover, Simmons had assured these friends they could “get away with it” because they were still juveniles.

True to his plans, Simmons eventually persuaded a 15-year-old accomplice to help him break into Crook’s home in the middle of the night and force the woman from her bed. They then drove her to a state park and threw the fully conscious woman off the bridge to drown in the river below.

Nine months later, Simmons was 18 years old when he was convicted of Crook’s murder. He was sentenced to death and began the appeal process that culminated, 10 years later, in the Court’s 5-4 decision that spared his life. He is now 28 years old.

The opinions in Roper v. Simmons are remarkable for so clearly outlining the philosophical differences between the Court majority (Justices Kennedy, Stevens, Souter, Ginsburg, and Breyer) and the dissenters (Justice Scalia, Chief Justice Rehnquist, and Justices Thomas and O’Connor). These fundamental differences in outlook go well beyond the justices’ disagreement over the constitutionality of the juvenile death penalty. The first divide concerns the nature of the Constitution itself: Is it a “living” document whose meaning changes over time, or should the justices follow the drafters’ original intent and leave constitutional changes to the amendment process? The second disagreement concerns the role that laws and decisions of foreign courts may play in the U.S. Supreme Court’s interpretation of the U.S. Constitution. The third involves the propriety of allowing lower courts to decline to follow Supreme Court precedent when they believe that precedent to be outmoded.

Evolving Standards

The Eighth Amendment prohibits the infliction of “cruel and unusual punishments.” In his majority opinion, Justice Kennedy noted with approval that the Court has referred to “the evolving standards of decency that mark the progress of a maturing society” when determining which punishments are “so disproportionate as to be cruel and unusual.”

In other words, a majority of the Court believes the Constitution’s meaning can change over time, so that punishments that the Eighth Amendment did not ban in the eighteenth century (because no one, including the drafters, would have considered them cruel and unusual) might well be deemed unconstitutionally cruel and unusual today. That is precisely what Justice Kennedy believes has happened with regard to the imposition of the death penalty on persons who were 17 years old or younger when they committed murder. He noted that modern scientific and sociological studies show that juveniles’ immaturity renders them less culpable than adults. He pointed out that, since 1989, five capital-punishment states that permitted juveniles to be sentenced to death have abandoned the practice—four through legislative enact-
ments (Indiana, Kansas, Montana, and New York). In addition, he observed, no state that previously prohibited capital punishment for juveniles has reinstated it. Today, 18 of the 38 states that permit capital punishment bar the execution of anyone who was younger than 18 when he or she committed a capital crime.

**Foreign Law**

Nearly as controversial as the ruling was the Court's use of foreign laws regarding capital punishment for juveniles to support its ruling. “It is proper,” Justice Kennedy wrote, “that we acknowledge the overwhelming weight of international opinion against the juvenile death penalty, resting in large part on the understanding that the instability and emotional imbalance of young people may often be a factor in the crime.” He said that while the opinion of the “world community” did not control the outcome in this case, it did “provide respected and significant confirmation for our own conclusions.”

Justice Scalia strongly disagreed, countering that foreign sources are being cited by the majority “to set aside the centuries-old American practice—a practice still engaged in by a large majority of the relevant states—of letting a jury of 12 citizens decide whether, in the particular case, youth should be the basis for withholding the death penalty. What these foreign sources affirm, rather than repudiate, is the justices’ own notion of how the world ought to be.”

Justice O’Connor dissented separately in this case on the ground that there is no genuine national consensus that the Eighth Amendment forbids capital punishment of 17-year-old murderers “in all cases.” But she was careful to part ways with Scalia’s wholesale rejection of the relevance of foreign and international law. Unlike Justice Scalia, she believes that an international consensus could in fact serve “to confirm the reasonableness of a consonant and genuine American consensus.”

**Precedent**

In *Stanford v. Kentucky*, 492 U.S. 361 (1989), the Supreme Court ruled that the Constitution does not bar capital punishment for juvenile killers who were older than 15 but younger than 18 when they committed their crime. Of course, the Court can always reconsider such rulings—it can always entertain the question of whether it should overrule itself. But in the ordinary course, one would expect such a question to arrive at the Court via a petition for *certiorari* filed by the condemned defendant, because the lower appellate court would be expected to have dutifully followed *Stanford*.

In this case, however, the Supreme Court of Missouri, having concluded that the *Stanford* ruling was obsolete, simply refused to follow it. Both Justices O’Connor and Scalia strongly objected to the Missouri Supreme Court deciding for itself the Eighth Amendment question. “By affirming the lower court’s judgment without so much as a slap on the hand,” O’Connor wrote, “today’s decision threatens to invite frequent and disruptive reassessments of our Eighth Amendment precedents.”

Justice Scalia reiterated the view that the Court must insist that the lower courts (including state courts) do as the Supreme Court says: “To allow lower courts to behave as we do, ‘updating’ the Eighth Amendment as needed, destroys stability and makes our case law an unreliable basis for the designing of laws by citizens and their representatives, and for action by public officials. The result will be to crown arbitrariness with chaos.”

**Significance of Roper**

Through *Roper v. Simmons*, the U.S. Supreme Court has brought to an end capital punishment for juveniles under the age of 18 throughout the country. Although a future Court could revisit this question decided by a narrow majority (5-4), it is highly unlikely that *Roper* will ever be overturned. Just a few years ago, the Court banned the execution of mentally retarded offenders (*Atkins v. U.S.*, 2002).

The most immediate impact of *Roper* is that approximately 70 men—mostly in Texas and Alabama, but also in 10 other states—now on death row awaiting execution for crimes they committed under the age of 18, will not be executed. Instead, these men will be confined to prison for life. More broadly, the United States now conforms to international laws, policies, and practices that ban executions for crimes committed by juveniles.

**In the Classroom**

Assign one different country from various regions of the world for each student in your class to study. Ask students to discover whether the country currently uses capital punishment or not, for which crimes, when the country abolished the death penalty, etc. Is the country a democracy? Did it abolish the death penalty before or after transitioning to a democratic government? Have students consult Web sites such as the Death Penalty Information Center (www.deathpenaltyinfo.org), the International Justice Project (www.internationaljusticeproject.org), and the American Bar Association (www.abanet.org/crimjust/juvjus/juvdp.html). Ask students to write a short report and share results in class.
women needed at least the right to vote to be full citizens in order to tackle the problems women face. Secularization, at least at the individual level, is not necessary for supporting women's rights and the democratization process.

Since my study in 1998, significant events have occurred in regards to the struggle for women's political rights. In May 1999, the emir granted women the rights to vote and run for Parliament in 2003. But the Parliament twice rejected the directive in close votes in November 1999. Currently, the Parliament is once again considering draft legislation that would give women political rights. Kuwaiti women are closer than ever before to achieving these rights, due to the pressure from women's and human rights groups both within Kuwait and abroad.

The last visit of the day was to a middle school in a small village in Western Ukraine. We were running late, but the students, teachers, and the principal waited at the school until 7 p.m. to meet with us, because the students were very eager to show us their project. As part of the Nova Doba curriculum, the students engage in problem-based learning by conducting a social action project as a culminating activity of the course. These projects are modeled on the U.S. “Project Citizen” program, from the Center for Civic Education, and entail students’ recognizing a public issue, considering alternatives for its solution, identifying the responsible parties, and presenting their study in a portfolio to adults. In this school the students had identified the ill-condition of the small river that flowed through town as their public issue and had gone far beyond just a portfolio presentation; the students also mobilized town resources and individuals to correct the problem and make their river a source of pride again. I will never forget what one boy from the school told me about the effect of the project. He said that when the students walk through town, many of the adults now say, “Here come the citizens.” Before, the adults looked on groups of young people with distrust; now, they look on them with admiration.

“The here come the citizens” could just as easily have been the chant of the opposition in the streets of Kyiv recently. It takes active citizens to make democracy possible, and civic education has emerged as an essential factor to the development of such democratic citizenship. When our collaboration with Nova Doba began, there was a general feeling that perhaps, some day, democracy would succeed in Ukraine. Now, after the efforts of these dedicated teachers, we know that “some day” has begun, and a more democratic future has come to Ukraine.

Comparing Mass Media
continued from page 9

system also has advantages and disadvantages. The American press, for instance, has always been impressive as a gatherer of information, and European journalists look with admiration at the strong professional norms American journalists have developed for investigative reporting. On the other hand, the political diversity of the European press is appealing, as is the strength of public broadcasting, which still delivers at least a full half hour of high-quality news in prime time in most countries.

Media systems around the world are in rapid flux today, as changes in technology and market structure disrupt media institutions that had evolved over many decades. This makes it particularly relevant to pay attention to the variety of media institutions that have evolved in different parts of the world: We may well need to try solutions or confront issues that are new to us but familiar in other media systems.

For Further Reading


Here are some of the features you will find at the Web site for *Insights on Law & Society* at www.insightsmagazine.org.

Where are these countries? View the best maps of democratizing regions around the world.

Visit the Web sites of many organizations devoted to promoting democracy around the globe.

Check out the starters, discussion questions, and resources for “Conversations on Law & Liberty in Times of Crisis: Democracy and Debate.”

View a wide range of resources on international human rights, including which countries are on “watch lists” and why.

Read the U.S. Supreme Court decision in *Roper v. Simmons* and view resources on the juvenile death penalty in the United States and internationally.

Find some of the best lessons online that complement this issue’s key themes and topics.

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Coming in the next issue of *Insights* —Fall 2005

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