

2014 Issues Guide: The Ethics of Democracy

Written for the National Student/Parent Mock Election

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The Ethics of Democracy

"Society, as a real whole, is the normal order, and the mass as an aggregate of isolated units is the fiction. If this be the case, and if democracy be a form of society, it not only does have, but must have, a common will; for it is this unity of will which makes it an organism. A state represents men so far as they have become organically related to one another, or are possessed of unity of purpose and interest."

- John Dewey, The Ethics of Democracy, 1888



To the Teacher:

This guide is not intended for one or two lessons but rather, as a topic to be explored throughout the semester. The founding fathers sought to create "a Republic of Virtue". How far do we, their progeny, still need to go to realize that dream? To supplement this guide, see the list of resources at the end. Please keep in mind the critical reasoning abilities of your students; much of this material has many shades of gray and should be simplified for lower levels.

For young children, the "truths we hold self-evident" must come first.

A comprehensive analysis of ethical philosophy, history, and theories is not possible here. Search the internet for "democracy ethics" for centuries of exposition going back to Ancient Greece.

This guide is an attempt to place American government and democracy in an ethical context and encourage critical thinking about the choices we make in the democratic process. Ethics itself is a process, not a well-defined structure; in fact, it is not well defined at all. See: http://www.ethicsscoreboard.com/rb_definitions.html

For more background on ethics, morals, values, principles, rights, virtue, etc., see:

<u>http://www.scu.edu/ethics/practicing/decision/</u> (Excellent material for teachers, or for students capable of analyzing abstractions.)

"All the evidence points to the fact that students need to be engaged and understand the concepts instead of memorizing a bunch of facts" Neuroscientist Dr. Gail Burd Vice Provost for Academic Affairs University of Arizona

The Ethics of Democracy

Morals are individual; ethics are a group code off conduct based on morals. Ethics may supersede morals. A lawyer may believe that morally murder is wrong, but ethically may have to defend an accused murderer. Arguments arise when people feel their morals are absolute and should not be subject to the ethics of their society. Ethics are not only about right and wrong; they may also be about two "right" choices or the lesser of two evils. The key concept is choice, which is also the basis of democracy.

"Ethics" is derived from "ethikos" in Ancient Greek, meaning "arising from habit." Related to Greek "Ethos" meaning "character" or the guiding beliefs or ideals that characterize a community, nation, or ideology.

Morality can be independent of theology. Research the development of Humanism and the position of the US Supreme Court Justice Hugo Black in Torcaso v. Watkins, 367 U.S., 488 that "Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism, and others." How can a non-theistic belief system without a god still be a religion? How does an ethical system differ from a religion? How do we avoid getting bogged down in semantics about what ethics are or are not?

Our Founding Fathers developed the framework for our democracy while keenly aware of failed republics, including Athens, Sparta, Rome, and Carthage. These democracies were very different from ours, often with only a rich male minority able to vote. How else were their ethics and democratic procedures different? Plato complained that Athens was a tyranny of orators rather than governed by sound argument. What happened to oration in democratic politics? How did the ethics of 18th and 19th century debates (Lincoln - Douglas, etc.) differ from the sound bites of today's politicians and pundits?

Even British democracy was suspect, since Parliament had excluded the colonists from having a say on problems affecting them — trade, taxation, military demands, etc. Read the Declaration of Independence. Which of the complaints are for unethical behavior by the British, or failure to respect the ethical choices of the colonists?

Ethics may also present a choice between two "wrongs." Alexander Hamilton wrote in Federalist Paper No. 30: "A complete power to procure a regular and adequate supply of revenue, as far as the resources of the community will permit, may be regarded as an indispensable ingredient in every constitution. From a deficiency in this particular, one of two evils must ensue: either the people must be subjected to continued plunder, as a substitute for a more eligible mode of supplying the public wants, or the government must sink into a fatal atrophy, and, in a short course of time, perish."



More Ethical Dilemmas for Classroom Discussion — See: <u>http://www.goodcharacter.com/dilemma/archive.html</u>

Why Ethics Matter

Ethics link people to others by invisible connections which strengthen society. They are values shared regardless of background, ethnicity, culture, etc. Can you list some?

Ethics can be the basis of choice between multiple legitimate answers. For example, how do you decide between competing allegiances to your community or US and state laws when they differ on subjects like homeless encampments or medical marijuana?

Ethics are vital for good citizenship. President Theodore Roosevelt said: "The first duty of an American citizen, then, is that he shall work in politics; his second duty is that he shall do that work in a practical manner; and his third is that it shall be done in accord with the highest principles of honor and justice." See http://www.artofmanliness.com/duties-of-american-citizenship-by-theodore-roosevelt/

Do people still follow that advice? Is it still valid?





The Ethical Basis of Democracy

Pope Emeritus Benedict XVI spoke in Angola of the requirements of "modern civic democracy," including: Respect for human rights Transparent governance An independent judiciary A free press Functional schools and health care A determination to excise corruption

Is that all you need? If true, why isn't the Vatican a democracy? What other ethical considerations would you list?

Harvard economist Bruce R. Scott said it was a mistake to assume that "all you had to have was a constitution and an election and you had a democracy; that was really stupid." What else do you need? How does a country develop adherence to democratic ethics?

Michael Mandelbaum wrote: "A market economy gives people a stake in peace, as well as a constructive way of dealing with people who are strangers. Free markets teach the basic democratic principles of compromise and trust." Those are basic ethical values as well. Is it possible to have a democracy without a market economy, and vice versa?

What happens when countries experience economic growth without political liberties? Discuss the

recent development of democracy in countries like Russia, China, Peru, Ukraine, Georgia, Egypt, Lebanon, etc. Scott said: "Capitalism doesn't necessarily lead to democracy at all. The one thing you can say is that capitalism is going to relentlessly produce inequality of income, and eventually that is going to become incompatible with democracy." Do you believe he is right? If so, why? Why not? What is happening now in the digital age to protect freedom? What are millionaire technology leaders doing to give a voice to the people and defeat the intentions of others seeking to provide "black money" for an election? (e.g., see www.Brigade.com).

What about the "American dream?" How can the citizens of a democracy prevent money from affecting ethics in politics? Why has Dr. Leo Shapiro called elections "The Bloodless Revolution?" What other impediments to democratic ethics exist, like intolerance, colonial legacies, or stratified societies? How can they be overcome? Is the desire for liberty and self-government universal? Can it be imposed from outside when different ethical systems are functioning?

Economist Thomas Friedman wrote: "The very essence of democracy is peaceful rotations of power, no matter whose party or tribe is in or out. But that ethic does not apply in most of the Arab Muslim world today, where the political ethos remains "Rule or Die." Either my group is in power or I'm dead, in prison, in exile or lying very low. But democracy is not about majority rule, it is about minority rights. If there is no culture of not simply tolerating minorities, but actually treating them with equal rights, real democracy can't take root.

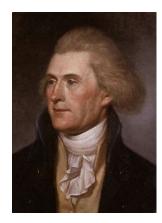
"But respect for diversity is something that has to emerge from within a culture. We can hold a free and fair election in Iraq, but we can't inject a culture of diversity. America and Europe had to go through awful civil wars to give birth to their cultures of diversity. The Arab-Muslim world will have to go through the same internal war of ideas."

Is that war over in America? What factions are promoting political polarization and why? Can ideology and self-righteousness be overcome by pragmatism? By a firm ethical belief system? Why have teachers been called "the gatekeepers of democracy?"

The Ethical Implementation of Democracy

Note to teachers: the following items are in no particular order; discussion or role-playing of many of them will lead to others. Consider, as well, cable call-in shows led by students, debates, (including debates in which parents participate), candidate forums, the mock election, mock trials or the many

other activities that will <u>involve students</u> in critical thinking and, as a result, change attitudes and behavior. (Note that research has found that lectures alone do not.) This is a vast subject with many possible approaches. Choose those that best suit the needs of your students.



Thomas Jefferson, in his 1801 First Inaugural Address, said: "All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions... But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." http://www.gutenberg.org/files/925/925-h/925-h.htm

Jefferson was advocating respect for differences and minority rights. Why is that so difficult today? How have we attempted to incorporate those ideals in American society through laws and education? How have we succeeded and failed?

What "dirty tricks" are still used in our democracy that may be unethical but are not illegal, such as lies, distortions, "astroturfing," sensationalism, "greenscam," votes taken for publicity value only, manipulating the media, investigatory hearings about trumped up issues, frivolous lawsuits, lack of civility, stonewalling, holding up confirmations of officials, political favors, campaign contribution

solicitations in return for access, internet trolling, etc.? When is it ethical to use such tactics to prevent a greater problem? Who decides and how? How do voters distinguish between principled disagreement and political posturing?

What is the result of these tactics, which are as old as politics? Discuss the following:

"Democracy becomes a government of bullies tempered by editors." — Emerson, Journals. Vol vii p.193

"Democracy is the worst system devised by the wit of man, except for all the others." —Winston Churchill

"Democracy is a device that insures we shall be governed no better than we deserve....----George Bernard Shaw

"...A Member of Parliament cannot be stupider than his constituents, for the more stupid he is, the more stupid they were to elect him." —Bertrand Russell

How should a democracy teach its citizens to participate and get involved in the political process?

Why do incumbents have an advantage in elections? Should we have officials essentially elected for life, like some judges are? Is there a balance that can be achieved between term limits and experience? Does "fresh blood" alleviate political fatigue by the electorate, or is it the same government with different faces? If the government does become oppressive, what are the options for changing it? Is it ever ethical to take up arms against a government rather than go to court or use elections for change?

What about civil disobedience? Thoreau said: "It is not desirable to cultivate a respect for the law, so much as for the right." When should we respect the government rather than question whether the people who lead it are acting justly?

When is it ethical to reveal national secrets? Is Edward Snowden justified in his assertions that the US government is violating the Constitution? Is he a hero, traitor, or both? See http://news.yahoo.com/snowden-clapper-comments-pushed-become-leaker-143203550.html and http://news.yahoo.com/nsa-wants-eliminate-malware-once-no-matter-cost-001518626.html When should the unethical be made illegal? For example, the open carrying of firearms is legal in most states, but rarely practiced by most people. Do we need a law for every potential problem?

Is it ethical for a democracy to allow or favor major income inequality? Is it ethical to tax some more

than others? Is it ethical to minimize income differences when some people are more productive than others? Why are some people more equal than others?

President Theodore Roosevelt said:

"One of the chief factors in progress is the destruction of special privilege. The essence of any struggle for healthy liberty has always been, and must always be, to take from some one man or class of men the right to enjoy power, or wealth, or position, or immunity, which has not been earned by service to his or their fellows. That is what you fought for in the Civil War, and that is what we strive for now."

"No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so that after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load." — <u>http://www.presidentialrhetoric.com/historicspeeches/roosevelt_theodore/newnationalism.html</u>

Do you agree? Why? Why Not?

Does educational inequality affect democracy in a manner similar to income inequality? What are the ethical problems of implementing educational standards on a regional or national level? How does the US differ from other countries on this? Do any systems produce better results than ours, and could systems like those in Finland or Japan be implemented here?

Is it ethical for the government to force you to buy a car or health insurance? Is it ethical for the government of a developed country not to provide universal health care? When and how should government assist people who are unable to live in decent conditions despite their own efforts? How far have we come, and why do some people want to eliminate all government assistance including Social Security because they believe it is not ethical for government to have this function? Ethically, which risks should be assumed by the individual and which by society?

Is it ethical to enforce a minimum wage? To restrict child labor? To require school attendance? To send helpless immigrant children back to a nation where their lives are in danger? To license various occupations? To regulate safety, food, drugs, alcohol, pesticides, child care, etc.? To control environmental impacts? To set minimum ages for drinking, driving, and other activities? What happened to the "free market" and why?

Is it ethical to block legislation or judicial appointments to promote a particular ideology?

Is it ethical to elect judges? Is it ethical to have partisan politicians appoint them? How do we resolve this dilemma?

Is it ethical to use Gerrymandering to create election districts? Why? Why not?

Is it ethical to have a representative rather than a direct democracy? Why did the U.S. change to a directly elected Senate? In countries like the UK, how do unelected legislatures like the House of Lords function ethically in a democracy? How do we determine which democratic system works best in a particular area? Is there any perfect democracy other than a country with one person?

It wasn't until the 19th Amendment that women were given the right to vote, and some American Indians were not given suffrage until 1970, as a result of the Voting Rights Act of 1965. There are still efforts to keep some people, particularly minorities, from voting. How was (is) this seen as ethical? Clearly some people are unqualified to participate fully in a democracy, such as small children. However, is it ethical to set the voting age at 18 but the drinking age at 21? Is it ethical not to allow 16year olds to vote if they are old enough to drive? How are such determinations made?

Is it ethical to fire a whistleblower or someone exercising First Amendment rights?

In many states, employment is "at will" meaning you can be fired for any reason or no reason as long as it isn't an illegal reason like discrimination. Is it ethical to fire long-term employees for no reason? When is it ethical for government to step into the employee-employer relationship?

The US Supreme Court cases of Santa Clara County vs. SPRR in 1886, and Citizens United in 2010, established corporations as "persons" with rights. Should they be allowed to vote? What is the reasoning behind the ethics of money as "free speech" in a democracy? Do you agree with the court decisions? Why? Why not?

What are the ethical contradictions of nationalism vs. interdependence, or compromise vs. winner-takeall? George Washington said in his Farewell Address in 1796: "...to put, in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests." — http://avalon.law.yale.edu/18th_century/washing.asp

Democracy and capitalism are based on the same ethics — trust and negotiation. Does the concentration of money in a small part of society distort both? Why? Why not? What are the solutions to income inequality, and why are they so hard to implement? Look at Iceland, which has been a democracy for over a thousand years, and what they did after the recent worldwide economic downturn, vs. the U.S. Are their techniques applicable to countries like the U.S. with different resources and far more people and diversity?

Is it ethical for the President to act under his own authority when Congress is deadlocked? Away?

Is it ethical to suspend civil liberties in time of war or terror attack?

How does failure to act ethically lead to autocracy and cronyism? What happened in Russia, Ukraine, etc.?

When people lose faith in the ability of politicians to govern ethically, what happens to democracy? Look at Greece, Italy, Zimbabwe, etc. Does putting technocrats in charge help?

How transparent should a democracy be? Lincoln's phrase "government of the people, by the people, for the people" requires trust in "the people" as a basic democratic ethic. What happens when that trust conflicts with military or trade secrets? Who decides where the boundaries are, and how? What, if any, secrets should be kept from the voters?

What happens when everything is transparent, including negotiations toward compromise? How do you allow genuine negotiations without outside pressure without also allowing shady back-room deals? How much theater is inevitable or tolerable when the democratic process is open?

What happens when secrecy allows unconstitutional or illegal acts by the government like waterboarding, or NSA spying on phone calls? Is revealing those secrets then justified despite putting Americans at risk? Do the ends justify the means by either the government or whistleblowers? Should our ethics be based on human rights as we maintained at the Nuremberg Trials, or on Realpolitik based on power? If America loses its power, can we maintain our ideals?

How do press ethics influence democracy? Has 24/7 media changed the dynamics of political discussion when everything becomes a crisis needing instant solutions? Some newspapers in the 19th and even 20th centuries were known for partisanship, inventing "facts," and various other shenanigans. How have expectations and press ethics now changed? What pressures are there when news is now instantaneous? Does the proliferation of alternative outlets on the internet counteract misinformation or merely confuse the issues? A small number of multinational companies and billionaires now exercise ownership and control of a large number of U.S. newspaper and broadcast media. Have they interfered with freedom of the press or supported it? Has the importance of freedom of the press changed since Benjamin Franklin ran his print shop?

Organize an internet challenge. How many quotes about the importance of freedom of the press to a democracy can you find by Thomas Jefferson? By others?

Set up a school exhibit produced by your students that contrasts the reports of a credible source on a single subject with the reports from other sources of unknown credibility.

What differences do they find?

Invite a news editor from your local newspaper or TV station to visit your class and discuss who determines the credibility of the sources of news they publish or broadcast. What steps do they take to be sure they follow the ethical tenets of journalism: Responsibility Accuracy, Fairness?

Should we expect perfection from our government? From a free press? How much allowance for less than perfect democracy can we tolerate?

Are we losing the fight against corruption? How can a free press protect us? See: <u>http://billmoyers.com/2013/03/29/watergate's-lessons-washed-away/</u> and http://www.washingtonpost.com/blogs/govbeat/wp/2014/01/22/the-most-corrupt-states-in-america/

What can we do to keep government officials honest? What are your state's laws about ethics? How could they be strengthened?

Was US corruption worse in the past? What problems did the administrations of Presidents Grant and Harding have, for example?

How are democratic ethics translated into action, besides voting? Are today's US citizens more apathetic or passive than those in prior centuries or decades, like the 60"s? Why? Why not? Do people have the time or energy to get involved in politics when they are struggling to make a living? What will happen if they don't?

Voter ID laws have been criticized as efforts to disenfranchise voters. Is voter fraud a big problem or an effort to conceal the real reason? Disenfranchisement and fraud are both unethical; how do we decide what to do when there can be negative consequences of good ethical intentions no matter what the choice?

Why is there constant conflict in the U.S. about whether or not our democracy shall be based on the rule of law — the legal principle that law should govern a nation, not its officials. What if you believe the law is wrong? How is this conflict manifested in the three branches of government? Are the ethical requirements for the jobs of officials the same in each branch? What are the consequences for ethical, but not legal, violations? Which ethical violations should be illegal? Should all politicians who break political promises or lie be arrested? While ethics is the basis for law, how do ethics, laws, and their implementation differ in different democracies? For example, a parliamentary democracy can replace a Prime Minister by majority vote; why did the US adopt a presidential democracy instead? In situations like Watergate, what was the effect? Will there ever be another Watergate? Why? Why not?

Which ethics/morals/values are enforceable by law? Should we stone disobedient children at the city gates (see Deuteronomy 21:18-21)? In other democracies, is the ethical basis the same? Compare US democracy with that of other countries like Canada and Mexico, and in Europe, Asia, Africa, etc. What problems do they have with transparency, corruption, disinformation, etc.? What problems do they not have that we do? Why? What are the solutions like more laws, different enforcement, better education, etc.?

When has the US successfully used force to export democracy to countries that hadn't developed it on their own? How did this work recently in Iraq and Afghanistan? What did we do differently in Japan and Germany after WWII? How do ethnic and religious conflicts complicate ethics and democracy? In tribal societies where loyalty is primarily to the family or clan, can democracy work on a national basis? In some countries like Iraq, half the marriages are between cousins. Why wouldn't these societies have different values and ethics? Are they wrong because we don't share them? Is democracy the only ethically acceptable form of government?

How can the U.S. promote democracy internationally without using force? Former Israeli Vice Prime Minister Tzipi Livni said: I believe democracy is about values before it is about voting. These values must be nurtured within society and integrated into the electoral process itself. We cannot offer international legitimacy for radical groups and then simply hope that elections and governance will take care of the rest....For this reason, the international communities must adopt at a global level what true democracies apply at the national one — a universal code for participation in democratic elections. This would require every party running for office to renounce violence, pursue its aims by peaceful means and commit to binding laws and international agreements." Was this also the argument of the British against the American revolutionaries? How do we ethically distinguish between "radical groups?"

Where else besides the Middle East and the former Soviet Union is democracy in trouble? Where is it taking hold, like most of South America? What are the problems and the ethical basis for solutions? India claims to be the world's largest democracy, but ethnic and religious conflicts, corruption, and illiteracy are huge problems. How can they be solved ethically?

Is democracy without an ethical basis viable? See http://www.salon.com/2014/05/17/is democracy doomed and was it ever real/

Is it ethical for a democracy to support dictators or terrorists/rebels? Consider President Reagan and Guatemala, Argentina, or the Nicaraguan Contras (the Kirkpatrick Doctrine), or President George W. Bush and the Taliban before 9/11.

Is it ethical to support oil sheiks in Dubai, Saudi Arabia, etc.? What happens if we don't? Is ethics always the answer? When are we more likely to rely on pragmatism or realpolitik? Should we? Why? Why not?

The biggest challenge facing the world in the next fifty years may be global climate change. Is it ethical to reject scientific conclusions in order to promote economic or other interests? How has a knowledge of scientific ethics become necessary for citizens in democracies today, unlike those of the 18th and early 19th centuries?



CONSTITUTIONAL ETHICS

The previous sections have mostly been concerned with the ethics of democracies in general. The United States has some ethical principles specifically interpreted by the Constitution, particularly in the Bill of Rights. Other democracies may have different ethical priorities. European Union countries have much stronger privacy protections than the U.S., for example.

Discuss the ethical basis for the following Constitutional provisions:

Due process Equal protection Fairness and transparent government Civil Rights Redress of grievances Due process of law ("nor be deprived of life, liberty, or property....") Trial by jury (peers) Fair taxes Direct election of Senators Women's suffrage Presidential term limits Balance of powers How did we decide on the provisions we now have? What concepts have changed as this country became more diverse, so that once accepted ideas like Sunday closing laws or 10 Commandments plaques on public property are now considered an impermissible imposition of the precepts of particular religions? How does our concept of the ethical interpretation of the Constitution change over time?

The biggest ethical challenge to the Constitution was slavery. That is a subject that deserves more attention than can be included here. However, one approach is to examine why the Founding Fathers (who were well aware of the contradictions between the declaration that "all men are created equal" and slavery) accepted it as a compromise in order to unite the colonies. What was the biblical basis for the ethics of slavery? How did the controversy and subsequent Civil War lead to ethical problems we are still dealing with today? Why don't we call it the War Between the Ethics?

The United States government is based on an ethical principle called the "Rule of Law," where laws and not the whims of officials are supposed to govern our society. There are constant controversies about officials who become too authoritarian or don't listen to the voters or a segment of them — how do we decide when they have exceeded Constitutional boundaries? When are the accusations themselves unethical? Should we go back to a monarchy to settle the conflicts? Why? Why not?

When people are unhappy with U.S. government, they protest. Colonial protests like the Boston Tea Party are well known, but what about those a few years later like Shays Rebellion in Massachusetts or the Whiskey Rebellion in Pennsylvania? How have protests with ethical foundations influenced US democracy over the centuries, including more recent events like the Vietnam War, the refusal of Rosa Parks or Occupy Wall Street? Which protests have been successful or aided the careers of protesters who later became elected officials? What are the ethical differences between violent and non-violent protest? When is each justified in the U.S.? Why do some state constitutions still contain a "right of revolution?"

Jane Addams wrote in *Democracy and Social Ethics* in 1902: "It is only necessary to make it clear to the voter that his individual needs are common needs, that is, public needs, and that they can only be legitimately supplied for him when they are supplied for all. If we believe that the individual struggle for life may widen into a struggle for the lives of all, surely the demand of an individual for decency and comfort, for a chance to work and obtain the fullness of life may be widened until it gradually embraces all the members of the community, and rises into a sense of the common weal." This was written over 100 years ago. Do we yet have a "sense of the common weal?"

Given all the competing principles and facts to be sorted out, how will you arrive at your own set of ethical principles to govern your life?

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Resources (in alphabetical order):

http://www.carnegiecouncil.org http://www.commoncause.org http://crf-usa.org Constitutional Rights Foundation http://www.democracychange.org Foundation for Democratic Advancement http://democracywatch.ca http://democracywatch.ca http://www.fdrindia.org Foundation for Democratic Reforms (India) http://foundationfordemocracyandjustice.com http://www.globalethics.org http://www.icivics.org http://www.ned.org National Endowment for Democracy http://www.nieteacher.org NIE curriculum