Title : The Meta-Right to Structural Fairness: Rebuilding Governance for Transitional Democracies through Equitism

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Abstract

Modern transitional democracies struggle to sustain legitimacy, accountability, and stability amid recurring cycles of reform. Existing constitutional and rights frameworks broadly protect individuals within political systems, yet they rarely guarantee the fairness of the system itself. This paper argues that without a guaranteed, enforceable right to structurally fair governance, transitional democracies are prone to democratic backsliding, elite capture, and institutional paralysis. It introduces the Meta-Right to Structural Fairness and develops Equitism as a rights-based political philosophy that operationalizes this meta-right through enforceable institutional design. Building on insights from democratic theory, justice theory, and institutional design scholarship, the paper outlines Fairocracy as an institutional logic. It presents the Unified Fair Democratic System (UFDS) as a constitutional blueprint that incorporates fairness into the distribution, constraint, and contestation of power. Bangladesh's governance trajectory (2010–2025), with emphasis on the 2024–2025 transition, is used as an illustrative context to clarify how legally permissible reforms can still degrade structural fairness. The paper concludes by specifying design principles, articulating institutional design implications, and proposing a future research agenda, including simulation as a prospective validation tool, while refraining from making empirical claims.

Keywords: *Structural Fairness, Meta-Right, Equitism, Democratic Transition, Institutional Reform, Elite Capture, Responsibility-Weighted Voting, Fair Vote Protocol, Unified Fair Democratic System (UFDS), Global Governance, Transitional Democracy, Governance Simulation (Player One), Constitutional Design, Bangladesh Governance Reform.*

1.Introduction

1.1Background: Challenges of Transitional Democracy

Transitional democracies throughout the Global South and around the world face a far-reaching paradox. While formal democratic institutions such as elections, constitutions, and courts are often established after authoritarian regimes collapse, these institutions quickly give way to new forms of elite control, or they enable a return to authoritarian rule. Empirical and theoretical scholarship have repeatedly demonstrated that the existence of democratic procedures does not guarantee the presence of democratic substance (Dahl, 1971; Linz & Stepan, 1996; Diamond et al., 2014).

The challenge is not just one of weak implementation and lack of political will. Instead, the issue is that many transitional democracies experience and suffer from structural deficiencies that are embedded in their governance systems. These deficiencies enable powerful actors to legally control institutions, erode accountability mechanisms, and maintain control while preserving a facade of democratic legitimacy (Levitsky & Ziblatt, 2018; North et al., 2009). Elections may be held from time to time, but competition is rigged; courts may be present, but their independence is weak; constitutions may proclaim rights, but arrangements undermine their enjoyment.

Existing democratic theory has primarily focused on rights within systems of civil liberties, political participation, and procedural safeguards, and has taken for granted that governance structures themselves will be fair. It has been assumed that the overall structure of governance will be fair under conditions of citizen compliance with principles of justice (Rawls, 1971) and democratic contestation (Dahl, 1971). However, the repeated disintegration or corruption of transitional democracies suggests that this assumption is losing its viability. The fundamental issue is not just the weak enforcement of individual rights, but also the lack of any guarantee that governance structures themselves are fair and will remain so over time.

This paper proposes that transitional democracies require more profound normative and institutional innovation, specifically a meta-level right to structural fairness governing the distribution, exercise, and constraint of power. Without such a guarantee, democratic systems remain vulnerable to capture, even if they officially conform to existing constitutional and procedural norms.

1.2Bangladesh’s 2024–2025 Post-Authoritarian Context

Bangladesh provides a particularly instructive example of structural democratic breakdown. Since the return of electoral politics in the early 1990s, the country has oscillated between competitive pluralism and increasingly authoritarian executive rule. Despite the official enshrinement of fundamental rights and democratic governance in its constitution (Bangladesh Constitution, 1972), successive political settlements have concentrated power in ruling elites, thereby subverting the integrity of elections, the impartiality of the judiciary, and the neutrality of institutions (Riaz, 2020; Ahmed, 2022).

A profound structural rupture occurred with the abolition of the caretaker government system in 2011. Though achieved through constitutional amendment, eliminating this neutral mechanism fundamentally compromised electoral fairness, allowing single-party rule to consolidate without technically violating electoral laws (Riaz, 2020). Subsequent elections, although held on schedule, were widely criticized due to a lack of competitiveness, voter intimidation, and administrative bias.

The political upheaval of 2024-2025, along with the eventual mass mobilization and regime collapse, highlighted the vulnerability of Bangladesh's governance architecture. The crisis did not result from any single anti-competitive act, but from cumulative exclusion of ethnic, social, and religious minorities, capture of oversight bodies, and lack of credible corrective mechanisms. Importantly, most of these developments have occurred within formally legal and procedural authorized frameworks, implying a significant imbalance between legal legitimacy and fairness, as well as democratic equality.

Bangladesh's transition is thus symptomatic of a larger problem faced by many post-authoritarian states: constitutions explain rights but provide little protection for the conditions under which those rights are made meaningful.

1.3Symptoms of Structural Failure of Governance

Recurring and identifiable symptoms characterize structural governance failure. First, elite capture becomes normalized, as ruling coalition’s exploit institutional asymmetries to entrench power (North et al., 2009; Acemoglu & Robinson, 2012). Second, procedural legitimacy substitutes for

substantive fairness, enabling elections and legislation to legitimize exclusionary outcomes (Dahl, 1971). Third, accountability mechanisms erode unevenly: watchdog institutions exist in form but not in function, and are selectively used against political opponents (Hassan, 2013).

Fourth, the ability of democratic systems to correct themselves is lost. Even when public dissatisfaction is widespread, institutional avenues for peaceful and fair correction, such as credible elections, independent courts, or independent oversight, are blocked or skewed. It is often in this situation that extra-institutional resistance or mobilization on the streets occurs, further destabilizing the consolidation of democracy (O'Donnell et al., 1986; Tilly, 2004).

These symptoms suggest that the failure lies not simply in how actors behave, but in how governance systems are designed in the first place.

1.4Research Problem

The fundamental research problem addressed in this report is the lack of an enforceable principle that ensures the structural fairness of governance. While democratic theory treats fairness as normative important, it rarely frames structural fairness as a legally enforceable requirement; existing frameworks view it not as a requirement of justice, but rather as an emergent phenomenon of procedure or political culture.

As a result, political systems may be formally democratic and become structurally unfair. There is no respected constitutional provision that allows for contesting governance arrangements without explicitly violating any individual right; yet, that merely represents a distortion of representation in practice, a concentration of power, or a subversion of long-standing fairness. This gap is especially detrimental in countries undergoing a transition to democracy, where institutional norms are weak and elite incentives to manipulate institutional structures are high.

1.5Research Question

The following fundamental research question informs this paper-

How can transitional democracies constitutionally bind themselves to structural fairness in governance, beyond procedural rights and electoral mechanisms, so that elites do not undermine it, and democratic backsliding does not occur?

To answer this question, the paper makes three interlinked theoretical contributions:

I. The Meta-Right to Structural Fairness
II. Equitism as ruling philosophy
III. Fairocracy as an institutional logic which is operationalized through the Unified Fair Democratic System (UFDS)

1.6Significance of the Study

The importance of this study lies in both its theoretical and practical aspects. Theoretically, it contributes to the advancement of democratic and constitutional theory by proposing a new category of rights, a meta-right, governing the fairness of the structures of institutions themselves. This advances beyond the traditional definition of rights discourse and addresses a fundamental blind spot in democratic design (Rawls, 2001; Pettit, 2012).

The paper, in practical terms, provides a framework for re-establishing governance in post-authoritarian contexts, which is intensely focused on Bangladesh but also has global relevance. Rather than prescribing reforms, an integrated approach is needed that balances fairness with responsibility, representation, and freedom within the framework of a coherent constitution.

By making the structural fairness principle fundamental to democratic life as a basic democratic requirement, this study contributes to debates on democratic resilience, institutional reform, and post-crisis reconstruction in the ongoing discussion, offering a principled way out for transitional democracies that aim not merely to restore democracy but to rebuild it on fairer foundations.

2.Literature Review

2.1Democratic Theory: Dahl and Lijphart

Fairness and Its Limits: Classic democratic theory emphasizes how democracy necessitates institutional conditions that render participation and contestation meaningful, operating within theoretical frameworks that do not necessarily constitutionalize the notion of "structural fairness" as an enforceable condition. Dahl's concept of oligarchy identifies the institutional guarantees necessary for democracy, which include inclusive suffrage, free and fair elections, associational autonomy, and freedom of expression (Dahl, 1971).

These guarantees have come to mean that democratic legitimacy requires more than a periodically held voting order, but an institutional environment within which to form, express, and translate political preferences into ruling might under circumstances characterized by meaningful competition (Dahl, 1971). However, although Dahl offers a powerful diagnostic tool for identifying the conditions of democracy, in his account, democratic conditions do not come with a built-in enforcement doctrine that can prevent rule manipulation by incumbents once democratic forms have been established. Where democratic erosion occurs through legal or procedural means, oligarchy can be used to describe the erosion; however, it does not, in itself, create a constitutional mechanism that compels the correction of these structures (Dahl, 1971; Diamond et al., 2014). Subsequent scholarship on the decline of democracies reveals that many breakdowns in modern democracies occur primarily through signs of norm degradation and institutional manipulation, rather than the outright abolition of elections (Diamond et al., 2014; Levitsky & Ziblatt, 2018).

Lijphart bolsters the structural side of the theory of democracy by showing how inclusion, power sharing, and representation of minorities are affected by constitutional and electoral designs. In Patterns of Democracy, he contrasts majoritarian systems with consensus models of dispersing power, which include proportional representation, coalition government, and more robust constraints on unilateral control (Lijphart, 1999). The implication of this is that fairness is not just morally charged but also institutional: the dispersion of power evades domination and facilitates aspects such as sustained inclusiveness (Lijphart, 1999). However, the consensus model has another assumption: a degree of compliance with constitutional restraints and power-sharing procedures, neither of which is common in transitional contexts. The literature on veto players and institutional constraints suggests that formal structural design can be circumvented or re-engineered if candidates of the incumbents control the rules of amendments or oversight bodies (Tsebelis, 2002). Thus, Dahl and Lijphart explain why fairness is a structural key; however, neither Dahl nor Lijphart makes fairness the meta-constraint of constitutions that can be enforced in line with strategic deviation (Dahl, 1971; Lijphart, 1999).

2.2 Justice and Rights Theory: Rawls, Sen, and Scanlon on Fairness as a moral demand

Normative political philosophy provides a deep foundation for fairness, but often regards fairness as an ethical requirement rather than a legally enforceable structural entitlement. Rawls's justice

as fairness focuses justice on the "basic structure" of society - the major institutions that distribute rights, duties, opportunities, and advantages (Rawls, 1971). Rawls, in doing so, brings justice directly into connection with institutional arrangements, rather than just what is done individually. However, Rawls's framework relies on presuppositions of political morality and public reasonableness that depend on the existence of a well-ordered society and an overlapping consensus; it posits that constitutional essentials and norms of public reason can be maintained through idealizing assumptions about overlapping consensus among reasonable comprehensive doctrines (Rawls, 2001).

Sen, in a similar vein, emphasizes that justice is not exhausted by abstract institutional statements; it is about whether the institutions and policies increase certain fundamental freedoms and decrease concrete injustices (Sen, 2009). His work underscores the practical importance of democratic freedoms, transparency, and accountable governance in achieving better social outcomes and mitigating vulnerability. However, Sen's approach is evaluative and comparative, guiding the assessment of injustice, but it does not articulate a constitutional meta-right designed to prevent the structural debasement of democratic systems (Sen, 2009).

The moral logic that Scanlon continues to develop behind structural fairness is that principles should be justifiable to others on terms that no one could legitimately reject (Scanlon, 1998). This implies a moral obligation of justifiability for institutions at the public level, including those that may be politically vulnerable. However, like Rawls and Sen, Scanlon works on the level of moral justification and not in terms of institutional enforcement design; his account provides a demanding ethical test for legitimacy, but does not in itself directly say what constitutional mechanisms can be, or cannot be, constrained to do when political actors are incentivized to overlook the burdens imposed on the rest of us (Scanlon, 1998).

Collectively, these theorists define fairness as a central normative demand. However, they fail to resolve a fundamental transitional dilemma in addressing fairness: How to safeguard fairness in instances where political incentives stimulate manipulation of the political system and when legality is a tool of domination (Rawls, 2001; Sen, 2009; Scanlon, 1998).

2.3The institutional economics and collective action: The right as design, not right as fact

Institutional economics and collective research demonstrate that the rules of the game determine the degree of cooperation and stability, suggesting that properly devised restrictions minimize exploitation. Buchanan and Tullock suggest that decision rules are most justified when individuals choose constitutional arrangements under uncertainty about their future position, motivated to settle for a fair constraint that minimizes systematic exploitation (Buchanan & Tullock, 1962). Their analysis helps to understand why unchecked majority rule results in the imposition of "external costs" on minorities and the motivations behind and rationality of constitutional constraints (supermajorities, checks and balances, and the distributed authority) on majority rule (Buchanan & Tullock, 1962). However, this fairness is still founded on rational bargain logic, rather than the idea of being a justiciable right, something that citizens can use against structural manipulation once a constitution is in place.

Ostrom's work also emphasizes the importance of having durable governance systems that emerge when individuals affected by the rules participate in their formulation, as well as the need for credibility in monitoring, sanctions, and conflict resolution (Ostrom, 1990). Her research adds to the presumption that, unlike virtue, inclusion and accountability are not optional but prerequisite functional values for effective governance. However, Ostrom also cautions against one-size-fits-all institutional blueprints, emphasizing polycentric configurations and contextual adaptation (Ostrom, 1990). This presents a strong argument in favor of fairness-informed design, while leaving open the question of how a constitutional system might provide a guarantee of structural fairness without imposing rigid uniformity.

Thus, institutional design scholarships provide mechanisms that support fairness but do not typically create a notion of fairness as a higher-order, enforceable claim that binds constitutional evolution or prevents capture-driven redesign (Buchanan & Tullock, 1962; Ostrom, 1990; North, 1990).

2.4 Structural Capture in the Digital Age: Power Asymmetries with No Enforceability

Contemporary governance challenges - particularly in the digital realm - exemplify how structural unfairness is exacerbated when they lack enforceable constraints. Zuboff's analysis of surveillance capitalism explains how the massive gathering of data and the prediction of behavior generate asymmetrical relations of power between corporate actors and actors in public life, skewing choices and public discourse without consent or democratic contestation (Zuboff, 2019). Her work

addresses the issue of governance in general: new power asymmetries can quickly become institutionalized when legal regimes lag behind technological reality, often lagging behind the pace at which institutional power is exercised. In such environments, fairness presents a structural question of how information, influence, and accountability infrastructure is (or is controlled by) who.

Democracy and governance assessments have increasingly highlighted the importance of resilience and accountability as fundamental conditions for sustainable development and social stability (United Nations Development Programme, 2020; World Bank, 2023). Such frameworks reveal patterns of institutional weakness, susceptibility to corruption, and debilitation of the rule of law; yet, they usually assess the quality of governance rather than outlining the constitutional right to uphold fair structures (United Nations Development Programme, 2020; World Bank, 2023). Similarly, the historical analysis of democracy decay reveals numerous failures, where informal 'guardrails' faltered and incumbents were so incapacitated by procedures that they were unable to capitalize on opportunities (Diamond et al., 2014; Levitsky & Ziblatt, 2018). The need for stronger structural constraints is thus supported in the literature; however, no settled rights-based basis is currently offered to underpin the enforcement of structural fairness.

2.5 Bangladesh Governance Literature: Proof of Unfairness of the Structure and its Consequences

Bangladesh provides a notable example of how democracy can be eroded by institutional changes that are no longer extralegal, yet still impact the challenges and techniques of accountability. Scholarship stresses that their institutional weaknesses and politicized form of governance have facilitated the dominance of the executive and affected their neutrality in supervising them over time (Ahmed, 2022; Islam, M. N., & Hossain, M., 2020). Research on political settlement dynamics has also further suggested a pattern of dominance that becomes self-reinforcing when institutions become discernibly biased in favour of incumbency. In contrast, opposition capacity becomes structurally limited (Hassan, 2013).

Analyses of Bangladesh's path since the 1990s suggest that electoral and institutional changes have contributed to worsening competitiveness trends and increased capture risks (Riaz, 2020). When electoral contestation loses credibility, accountability is weakened vertically (through elections) and horizontally, when legislatures, oversight facilities, and administrative institutions become

less effective in limiting executive power (Islam, M. N., & Hossain, M., 2020; Riaz, 2020). One outcome in many such settings is the shifting of politics away from non-executive institutions and the contestation of changes through extra-institutional processes, which increases the likelihood of change and crisis over institutional self-correction and other forms of institutional self-correction (Riaz, 2024; Tilly, 2004). The Bangladesh literature thus supports the central premise of this paper, demonstrating that where structural fairness is not guaranteed by the logic of constitutional interpretability and self-enforcement, a legally designed institutional redesign may still restrict democracy in operation (Ahmed, 2022; Riaz, 2020).

2.6 Identified Gap: Absence of Meta-Level Right or Enforceable Design Logic

From the various disciplines of democratic theory, justice theory, institutional economics, digital governance critique, and Bangladesh case scholarship, a pervasive gap exists, where, although fairness is commonly agreed to be of key importance, it is often given little importance as a meta-level, enforceable constitutional requirement. As Dahl and Lijphart demonstrate, democracy rests on the principles and structures of competitor inclusion and power dispersal; they also fail to impart a doctrine of compliance with incumbents in protecting democracy when incumbents deviate strategically (Dahl, 1971; Lijphart, 1999). Rawls, Sen, and Scanlon formulate fairness as a moral requirement and a legitimacy criterion; however, their discussion does not transform structural fairness into a justiciable entitlement that can bind constitutional manipulation under inducements, such as adding monetary profitability through possible contractual incentives (Rawls, 2001; Sen, 2009; Scanlon, 1998). Institutional economists and collective theorists argue that fair rules lead to cooperation and stability, but treat fairness as an option or a choice in negotiations or contracts, rather than a right that is binding and must be fulfilled when there is a power shift.

Meanwhile, empirical and comparative research on democratic decline has shown that many modern declines progress formally under law, including formal amendments, governmental institutionalization, and rule changes that maintain the appearances of procedural democracy while undermining competitiveness (Diamond et al., 2014; Levitsky & Ziblatt, 2018). Bangladesh's experience illustrates this dynamic sharply: structural shifts may undermine the foundation of democracy, resulting in hollow competition and accountability without necessarily infringing upon a single right in a straightforward 'litigable form' (Ahmed, 2022; Islam, M. N., & Hossain, M. (2020); Riaz, 2020). This gap forms an incentive to the present study's contribution: an attempt to

build a Meta-Right to Structural Fairness, and a precedent for a functioning logic of governance (Equitism and Fairocracy), which ends with the establishment of UFDS as a constitutional architecture to render fairness from aspiration into something constitutional (enforceable).

3. Methodology

3.1 Conceptual & Normative Analysis

The paper employs a conceptual-normative methodology grounded in political theory, constitutional design, and institutional analysis. Instead of testing hypotheses based on empirical data, the paper attempts to identify a structural gap in democratic theory and proposes a coherent normative framework to address the gap. This methodology aligns itself with the original work in political philosophy and constitutional theory, where new principles are established based on analytical arguments rather than statistical confirmation (Rawls, 1971; Habermas, 1996).

Normative political theory would be especially suitable for addressing the issues of institutional justice, fairness, and legitimacy that cannot be answered by empirical observation in isolation (Sen, 2009). The main research question, which is how to ensure structural fairness constitutionally, requires an assessment of what should be there, and only then, what is there. In line with this, conceptual clarity, logical reasoning, and theoretical integration are the primary tools used in the paper.

3.2 Comparative Review of Transitional Democracies.

To support the theoretical argument, the research draws on secondary sources that analyze transitional democracies, including the cases of Bangladesh, Tunisia, Sri Lanka, and Pakistan. These cases are not statistically compared or tested for causation, but serve as illustrations of democratic erosion through formally legal mechanisms (Linz & Stepan, 1996; O'Donnell et al., 1986).

The comparative evidence is based on the existing literature on democratic backsliding, elite capture, and institutional frailty (Diamond et al., 2014; Levitsky & Ziblatt, 2018). This approach is similar to comparative historical analysis, which establishes structural similarities in cases to guide theory construction rather than prediction (Mahoney & Rueschemeyer, 2003).

Bangladesh serves as the principal reference case due to its well-documented post-authoritarian trajectory and recent constitutional crisis, which vividly illustrates the absence of enforceable structural safeguards for fairness (Riaz, 2020; Ahmed, 2022).

3.3 Formal Institutional Modeling.

The article employs institutional modeling theory to translate normative principles into effective governance structures. It is a technique that utilizes institutional structures based on established findings in the fields of constitutional economics, democratic theory, and governance, while explicitly acknowledging that the models are idealized abstractions (Buchanan & Tullock, 1962; Ostrom, 1990).

The conceptual blueprints of Fairocracy and the UFDS are therefore not systems that are ready for implementation. Their elements are based on familiar mechanisms of institutions, including proportional representation, independent overseers, and separation of powers, reorganized based on a common logic of fairness. This method is similar to the way most powerful constitutional designs were formulated initially, such as federalism and the theory of checks and balances (Madison et al., 1788/2003).

3.4 Simulation Testing as Future Technique: Player-one Framework.

Although there are no empirical simulations in the current paper, agent-based and game-theoretic simulation is recognized as the next important step towards empirically analyzing the UFDS model. Introduced as a research tool for the future, the proposed Player One framework is not intended to provide evidence for the current research.

The use of simulation as a technique in institutional and governance studies has also gained growing prominence, particularly for complex systems whose real-life experimentation is unfeasible or unethical (Epstein, 2006). A game such as Player One would enable researchers to simulate the interaction of political actors, including voters, political parties, and elites, with various governance rules and monitor the emergent behaviors in terms of fairness, stability, and resistance to capture.

Notably, no results of such simulations are provided here. The mention of Player One is used to demonstrate the transparency of the methodology, in addition to providing a plausible way to refine the theory empirically in the future.

3.5 Bangladesh 2024-2025 Transition

Additionally, the article utilizes the contextual setting of the transition in the 2024–2025 transition in Bangladesh through the use of secondary sources such as scholarly articles, governmental reports, and authoritative sources on the subject matter of the transition (Riaz, 2024; International IDEA, 2025). Such context-setting provides insights into the elements of the structure of the transition. This background helps ensure that the theoretical suggestions are not outdated in relation to actual governance issues and adhere to the methodological constraints acceptable in theory-based research.

3.6 Pure-Theory Approach.

Three reasons support a pure-theory approach. To begin with, one cannot empirically test structural constitutional innovations until they are conceptualized. Second, numerous democratic failures are not empirically correctible once established, and as such, theory must operate in a preventative and not a retrospective mode (North et al., 2009). Third, some normative issues, like whether it is the right of the citizenry that they should receive good governance systems, are philosophical in nature, requiring no test by experience (Rawls, 2001; Sen, 2009).

The research does not overstate its findings and presents no speculative results. It contributes to future empirical and simulation-based studies through its contributions to theoretical innovation, conceptual coherence, and normative clarity.

4.The Gap of Governance Systems

4.1Rights inside Systems vs. the Right to Just Structures

Modern democratic constitutions tend overwhelmingly to focus on rights in political systems. These include civil liberties, political participation, due process, and equality before the law. Such rights are fundamental, but they assume a fair and contestable structure of governance in the first place. Classical democratic theory assumes, in part, that if procedures are followed and rights are formally protected, fairness will emerge organically (Dahl, 1971; Rawls, 1971).

This assumption has been increasingly fragile. Rights may be formally maintained while being made substantively useless by structurally unfair arrangements. For example, freedom of speech exists on paper, but media ownership can influence political inclinations. Voting rights continue to exist despite gerrymandering, administrative meddling, or changes in the law that deliberately hurt the opposition. Here, rights are neither repealed nor reformed; they are nullified by structure.

What is missing is recognition of a separate category of entitlement, a right to fair political structures. Unlike traditional rights, this is not a right against a specific act or agent, but a right against systemic configurations that, over time, distort the distribution of power, representation, or accountability. Without such a right, governance systems can be structurally undermined without violating the Constitution, becoming increasingly unfair while remaining technically legal.

I. The distinction is therefore of critical importance:

II. Rights within systems ensure individuals against discrete violations.

The right to fair political structures is a protection of democracy itself against systemic degeneration.

This paper argues for the explicit recognition and institutionalization of this second category of democracy theory, enabling it to have a viable presence in transitional contexts.

4.2. Why Existing Models of the Constitution Fail in Bangladesh

The Bangladeshi experience makes it clear that structural injustice can emerge through an evolutionary process in a legalized democratic form. In fact, The Constitution of 1972 (Constitution of Bangladesh, 1972) addresses parliamentarianism, basic rights, judicial review, and power separation. Nonetheless, in due course, it was found ineffective in resisting dominance, institution encapsulation, and vote manipulation (Ahmed, 2022; Islam, M. N., & Hossain, M., 2020).

A very significant weakness here is the absence of institutional safeguards. The amendments to the constitution concerning the electoral structure, watchdogs, and balance of power (Bangladesh Constitution, 1972, Article 142) are approved by simple majorities in parliament, thereby not constituting a constraining safeguard for ensuring more equality in the process. The effect is that

the coalescing governments are legally capable. The Removal of the Caretaker government system demonstrates this failure, as even though it was procedural lawful, it nevertheless fundamentally tilted electoral fairness and public trust (Riaz, 2020).

Judicial review, in theory, is limited in practice by selection processes, political pressure, and an implicit constitutional gauge for measuring structural unfairness. Courts can rule on legality but not on systemic fairness. Similarly, there are independent commissions without entrenched autonomy and enforcement powers.

Thus, the failure of Bangladesh's constitution is not so much a matter of lawlessness as a design flaw. There is no internal mechanism in the system to say: yes, this change, however legal, is against democratic fairness and should be blocked.

4.3 Global Patterns in Comparison: Tunisia, Sri Lanka, Pakistan

Bangladesh is not an outlier. Similar patterns are found throughout transitional democracies.

In Tunisia, post-Arab Spring constitutionalism initially promised a pluralism that failed to become substantial, as there were no effective structural restraints to prevent the executive's concentration of power during a crisis, culminating in a democratic step back despite constitutional legitimacy (International IDEA, 2024).

In Sri Lanka, the constitutional amendments have repeatedly altered the executive-legislative relationship, allowing for hyper-presidential with electoral rituals intact. The 2022 crisis highlighted the consequences of structurally unfair governance, even in the absence of the economic and political collapse that typically leads to extra-institutional correction (International IDEA, 2024).

In Pakistan, the alternating dominance of civilian or military regimes is maintained through constitutional structures that do not ensure the stability of fair civilian dominance Formal rights are matched by an unbalanced power relationship that generates persistent instability instead of democratic consolidation (Linz & Stepan, 1996). In all these instances, there is one thing in common. That is a democratic process and rights and institutions in place in name only while imbalances in structure continue unattended

The Need for Fairness to Structure

Structural fairness refers to the justice of governance arrangements over time, specifically how power is distributed, limited, reviewed, and redressed. It concerns whether institutions remain open, contestable, representative, and resistant to capture, regardless of who holds power temporarily.

Unlike procedural fairness, which concerns how decisions are made, structural fairness concerns how decision-making power itself is organized. Without it, perfectly fair procedures can legitimize unjust outcomes.

Such a need is implicitly recognized in the literature. Rawls' concept of the "basic structure" of society suggests that the idea of justice is dependent on the institutional structure, rather than just the actions of individuals (Rawls, 1971). Pettit's theory of non-domination emphasizes the dangers of unchecked structural power, even in the absence of active coercion (Pettit, 1997). However, neither has a constitutional framework that contains an enforceable structure for maintaining structural fairness in the face of democratic erosion.

This paper builds upon this argument to suggest that structural fairness must be promoted from a moral objective to a constitutional right. Only then will it be possible for transitional democracies to develop systems that can correct themselves without crisis, resist without rupturing, and change without collapsing.

5. The Meta-Right to Structural Fairness

5.1 Meaning and Philosophical Foundation

This paper introduces a new right, the Meta-Right to Structural Fairness, a constitutional right that operates at a higher level than ordinary civil and political rights. Unlike rights that refer to protecting individuals from discrete state actions, the meta-right refers to the way that governance structures are designed, sustained, and evolve, in order to ensure that political power is fairly distributed, contestable, and accountable in the long run (Rawls, 1971; Pettit, 1997; North et al., 2009).

Classical democratic theory has long recognized that theories of justice and democracy are contingent on institutional arrangements. There has been ample recognition of Rawls' view that

justice is, prior to all, a property of the “basic structure of society,” or in other words, the important political and economic institutions that shape life chances. Nevertheless, Rawls’ assumptions on the nature of a "well-ordered society," in which social institutions work in reasonable conformity with principles of justice, do not hold in transition or post-authoritarian societies (Rawls, 2001; Linz & Stepan, 1996). Similarly, republican theorists emphasize that, for the sake of freedom, it is necessary to be protected from arbitrary and unchecked power, even when such power is exercised legally (Pettit, 1997, 2012). Pettit's principle of non-domination emphasizes the risk of power inequalities operating structurally, without violating rights. However, republican theory does not propose justiciable constitutional rights to directly challenge unfair institutional design.

The meta-right builds upon these traditions and addresses their shortcomings. It makes the basic claim that structural fairness itself needs to be constitutionally guaranteed and enforceable, especially in situations where institutions are subject to capture and democratic erosion (North et al., 2009; Acemoglu & Robinson, 2012). In this respect, the meta-right is a second-order right: a right that secures the conditions for first-order rights to have any meaning.

5.2 Constitutional Implications

Admitting a right to structural fairness is to accept that everything about the logic of constitutional governance is changed. First, it expands constitutional review beyond legality and procedural compliance to include systemic impact assessment. Courts and other institutions of constitutional adjudication are authorized to consider the question of the effects and magnitudes of laws, amendments, or institutional changes in undermining across the long term the fairness of democratic institutions, even if this is not a specific effect on a particular right (Dahl, 1971; Tsebelis, 2002).

Comparative constitutional scholarship identifies a host of democratic worsening through forms of legally sanctioned institutional change, such as constitutional amendments, as well as institutional redesigns that are designed over time to concentrate more power in fewer hands (O'Donnell et al., 1986; Levitsky & Ziblatt, 2018). Without some substantive standard of fairness, constitutional systems have no mechanisms for ensuring that such an erosion does not occur. The meta-right provides such a standard.

Second, the meta-right suggests the need for institutional mechanisms of guardianship. Structural fairness needs constant oversight and correction since it cannot be maintained through episodic litigation. This aligns with institutional economics and governance theory. For this reason it emphasizes those stable political orders necessitate credible limitations on power and independent enforcement institutions (North, 1990; North et al., 2009).

Third, the meta-right reshapes the rules which govern constitutional amendments. Core structural elements of government, including electoral neutrality, viable opposition, and judicial independence, require heightened protection against majoritarian manipulation. Policy studies have shown that the combination of unlimited power of amendment allows incumbents to entrench dominance in a legally possible way (Tsebelis, 2002; Lijphart, 1999). A meta-right brings substantive bounds based on considerations of fairness rather than numerical bounds.

5.3 Why a Meta-Level Guarantee is Needed for Bangladesh

Bangladesh's descent into a state of democracy without a structural fairness safeguard reflects the consequences of constitutional systems that lack such safeguards. Since the early 2010s, most institutional degradation has occurred through procedurally lawful changes, i.e., constitutional amendments, appointment practices, and administrative restructuring (Ahmed, 2022; Islam, M. N., & Hossain, M. (2020); Riaz, 2020).

The abolition of the caretaker government system is a prime example. Inspite of being achieved through a constitutional amendment, it fundamentally compromised electoral fairness and competitive balance. It also contributes to one-party dominance while preserving the appearance of legality (Riaz, 2020). Existing constitutional doctrines gave no basis for invalidating the change on grounds of fairness.

Judicial review in Bangladesh has also been limited because there is no constitutional measure for assessing structural harm. Courts have the power to examine the question of legality and individual rights, but not the power to address the problem of cumulative institutional distortion (Hassan, 2013; Islam, M. N., & Hossain, M. (2020)). Independent commissions, despite their form of independence, remain susceptible to executive influence due to their weak entrenchment.

A meta-right to structural fairness would have provided a constitutional basis to challenge the destruction of neutral electoral institutions (Riaz, 2020), the concentration of appointment and

disciplinary powers (Ahmed, 2022), and the erosion of opposition capacity and oversight (Hassan, 2013).

In cases of polarized transitional settings, such a guarantee does not constitute judicial overreach but rather serves as a democratic stabilizer (Linz & Stepan, 1996).

5.4 Structural Fairness vs. Procedural Fairness

The distinction between procedural and structural fairness is well known but not sufficiently operationalized in democratic theory. Procedural fairness entails the requirement so that it can follow established rules, including due process, transparent decision-making, and regular elections (Elster, 1998). Structural fairness concerns if the rules themselves remain fair over time, in the face of changes in power and political competition also. (Rawls, 1971; Pettit, 2012).

Following the empirical research which shows that procedures can systematically exclude groups if institutional structures benefit incumbents or resource-rich actors (Dahl, 1971; Acemoglu & Robinson, 2012). As a result, elections perhaps orderly yet uncompetitive; laws may be passed transparently, yet they can deepen power asymmetries.

Structural fairness thus deals with a more profound level of democratic integrity. It assesses whether governance arrangements maintain contestability as well as accountability and non-domination regardless of the officeholders (Pettit, 1997; North et al., 2009). Without this layer of the law, the risks of procedural fairness are that they legitimize democratic decay.

5.5 Compatibility of Islamic, Cultural, and Historical in Bangladesh

The meta-right to structural fairness is normatively compatible with Bangladesh's Islamic, cultural, and historical traditions. Though Islamic political ethics stress mainly on justice (adl), accountability (hisab), and trusteeship (amanah), all of which havc moral limits over the real life exercise of authority beyond mere legality. Classical Islamic governance traditions also have consistently which opposes unchecked power, even when it is exercised lawfully.

Bangladesh's political history also shows a notable normative resolve which resists unaccountable authority. from anti-colonial movements to mass mobilizations against authoritarian rule (Tilly, 2004; Riaz, 2024). The 2024-2025 uprising is more a rejection of an unfair form of governance that has been, and continues to be, manifested in democratic institutions.

Embedding the meta-right in the design of constitutions, therefore, is not an outside imposition, but rather the officialization of deeply rooted societal expectations that power is fair, accountable, and limited.

6. Equitism: The Governing Philosophy

6.1 Core Definition and Rationale

Equitism is introduced in this paper as a governing philosophy designed to operationalize the Meta-Right to Structural Fairness. Liberal democracy emphasizes individual rights and procedural legitimacy in contrast, Equitism centers governance on the structural conditions that sustain fairness over time, particularly in transitional and post-crisis societies (Rawls, 1971; Pettit, 2012; North et al., 2009).

Equitism begins from the premise that democracy that fails not only when rights are violated, but when institutions allow persistent asymmetries of power, responsibility, and representation to emerge unchecked (Acemoglu & Robinson, 2012). In transitional democracies, often, formally functioning democracies exist alongside substantively undemocratic outcomes because, in most cases, formally defined incentives back capture instead of accountability (Linz & Stepan, 1996; Riaz, 2020).

Equitist philosophy, therefore, concerns itself with moving the normative thrust of governance from procedure to equity in governance and the insistence on democratic legitimation based not on following rules but on either fostering good relations in power or not. (Dahl, 1971)

6.2 Core Principles of Equitism

Equitism is structured around four interdependent principles such as enforceable fairness, responsibility alignment, inclusive representation, and protected freedom. Each principle responds directly to a documented failure mode in transitional governance.

6.2.1 Enforceable Fairness

Equitism rejects the assumption that fairness will emerge organically from procedures or political culture therefore, it treats fairness as a design requirement that must be institutionally enforced (Rawls, 2001; North, 1990). Hence, this principle is grounded in institutional economics, which

suggests that stable political orders necessitate enforceable constraints on power rather than voluntary restraint (North et al., 2009).

Comparative studies show that democratic erosion frequently occurs when incumbents exploit legal mechanisms to entrench advantage. It also highlights the insufficiency of purely procedural safeguards (Levitsky & Ziblatt, 2018). Enforceable fairness which mandates structural oversight capable of intervening at the time of governance arrangements systematically distort competition or accountability.

6.2.2 Authority-Responsibility Alignment

A defining feature of Equitism is the alignment between authority and responsibility. Political science related literature that repeatedly documents the dangers of authority without accountability, particularly in hybrid or transitional regimes (O'Donnell, 1994; Hassan, 2013). Equitism holds that no actor should possess decision-making power without proportionate responsibility and exposure to review.

This principle resonates with constitutional economicsThe emphasis is on the force of incentive compatibility for the viability of governance (Buchanan & Tullock, 1962). Decoupling power and responsibility is responsible for the elites' imposition of costs on society with no repercussions, thus accelerating the decay of institutions (Acemoglu & Robinson, 2012).

6.2.3 Inclusive and Meaning

Equitism treats representation not merely as electoral participation, but as structural inclusion in decision-making. Lijphart's work on consensus democracy demonstrates that systems which are broader power-sharing and minority inclusion outperform majoritarian systems in divided societies (Lijphart, 1999). However, many transitional democracies retain winner-take-all structures and these marginalize opposition and minority groups.

Equitism which requires governance designs for ensuring sustained inclusion of diverse social, regional, and political groups, preventing domination even by electorally victorious majorities (Dahl, 1971; Pettit, 1997). Representation is thus evaluated structurally, not episodically.

6.2.4 Structurally Protected Freedom

Equitism understands freedom as non-domination in the republican sense, not merely as non-interference (Pettit, 1997). Individuals and groups are free only when they are protected from arbitrary power embedded in institutions. This conception aligns with empirical findings that formal liberties are often ineffective when institutions permit discretionary repression or selective enforcement (Zuboff, 2019; UNDP, 2020).

Equitism, hence, insists on freedom which must be institutionally insulated through independent courts, autonomous oversight bodies, and constitutional entrenchment of core safeguards (Habermas, 1996; North et al., 2009).

6.3 Capture Resistance as a Moral Imperative

A central normative contribution of Equitism is its treatment of capture resistance as a moral, not merely technical, requirement of governance. Because it goes against the idea of equal political standing, elite capture threatens democratic legitimacy (Rawls, 1971; Acemoglu & Robinson, 2012).

Research conducted in a variety of transitional settings has shown that unchecked capture causes institutional fragility, a decline in trust, and eventually a political crisis (Diamond et al., 2014; World Bank, 2023). Therefore, rather than responding after collapse, equity requires proactive institutional designs that prevent capture.

6.4 Equity in Transitional and Post-Crisis Situations

According to Linz and Stepan (1996) and O'Donnell et al. (1986), transitional democracies are particularly vulnerable because of weak norms, polarized societies, and legacy institutions that were largely shaped by authoritarian rule. Reliance on voluntary restraint or unofficial customs is inadequate in these situations.

In response, equitism incorporates inclusion, accountability, and fairness directly into institutional design. It assumes strategic behavior by elites and designs governance systems accordingly, rather than assuming good faith (North, 1990). This makes Equitism particularly suited for post-crisis reconstruction, where trust is low and stakes are high.

6.5 Equitism Adapted to Bangladesh

In the context of Bangladesh, Equitism specifically relates to identified governance issues such as the domination of the executive, exclusion of the opposition, politicization of institutions, and lack of accountability (Ahmed, 2022; Riaz, 2020; Islam, M. N., & Hossain, M., 2020). In removing the misalignment between power and responsibility and shielding the fundamental institutions, Equitism provides a normative platform to restore democracy. Importantly, Equitism does not prescribe ideological uniformity. It provides a constitutional logic within which plural political contestation can occur without threatening democratic survival. In this sense, Equitism is not anti-majoritarian but anti-domination (Pettit, 2012).

7. Fairocracy: Institutional Implementation

7.1 Definition of Fairocracy

Fairocracy refers to the institutional rationality through which Equitism and the Meta-Right to Structural Fairness are implemented in governance systems. Whereas Equitism offers a normative conceptualization, Fairocracy provides the institutional mechanics that entrench fairness, accountability, and capture resistance in day-to-day governance activities.

Fairocracy also does not emphasize efficiency, unlike bureaucratic or technocratic models of governance. Instead, it views fairness as a regulating limit that influences the exercise of authority, decision-making, and sharing of power (Rawls, 1971; Pettit, 2012). It is based on the belief that political players act strategically and, as such, formulate institutions in a way that restricts domination despite perverse incentives (North, 1990; Buchanan & Tullock, 1962).

Fairocracy differs in that it encompasses not only the process of decision-making but also the fairness of the decision-making structure in terms of political cycles (Dahl, 1971; North et al., 2009).

7.2 The FairVote Protocol (Responsibility-Weighted Voting)

One of the key components of a Fairocracy is the FairVote protocol. This voting and decision-making framework has the goal of ensuring that the formed representation is inclusive and responsible. The traditional form of majoritarianism tends to worsen the winner-takes-all situation. It leads to the exclusion of minorities and the establishment of a power monopoly, especially in the event that the society is polarized (Lijphart, 1999; Tsebelis)

FairVote pairs both proportional and ranked-choice voting methods. This ensures that the following are addressed:

FairVote combines proportional and ranked-choice voting mechanisms to ensure that:

I. Diverse voter preferences are reflected in political outcomes.
II. No group can control governance without broad support.
III. Representatives are incentivized to appeal beyond narrow constituencies.

Comparative studies have shown that proportional and consensus-based electoral systems are more effective in fragmented societies and during the transition period, leading to greater legitimacy and minority inclusion (Lijphart, 1999; Linz & Stepan, 1996 The FairVote movement would extend these principles by applying a weight of responsibility that considers influence over decision-making not only through success at elections but also through various factors of ethics, accountability, and transparency.

This is consonant with the principles underlying constitutional economics that stress the role of incentive alignment for socially desirable outcomes (Buchanan & Tullock, 1962).

7.3 Decision-Making Architecture

The rules of architecture shape an architectural style of decision-making. The decision-making architecture in Fairocracy is multi-layered and designed in such a way that it avoids the centralization of power in decision-making. The power in Fairocracy is notdelegate in a linear fashion from the electorate, through the legislature, to the executive, but in a non-linear, non-centralized, and non-delegated manner through a network of several institutions that have overlapping This model is developed on the basis of the veto-player model, which shows that the dispersal of power improves stability and rules out one-man domination in heterogeneous societies (Tsebelis, 2002). However, in the context of Fairocracy, unlike traditional veto systems that may cause a deadlock in governance, the concept of change through triggers related to equality gets incorporated to make the decision-making capacity intact in cases that justify state intervention in the light of the interests of the people. Usually, decisions made under Fairocracy need:

I. Structurally important decisions require agreement from multiple institutions.
II. Enhanced review of regulations affecting electoral competition or institutional autonomy.
III. Mandatory public justification for departures from fairness standards.

Deliberative democratic theory advocates for conditions of justification that enable people to be more legitimate in situations where a decision is publicly reasoned and can be contested (Habermas, 1996; Elster, 1998).

7.4 Capture-Resistance Mechanisms

One of its design goals is to prevent elite capture. Research in political economy shows that once established, elite capture prevents institutional self-correction and rapidly erodes public confidence (Acemoglu & Robinson, 2012; Diamond et al., 2014).

Fairocracy has several capture-resistance mechanisms:

i. Power decentralization to reduce concentration.
ii. External audit committees that are independent of the executive.
iii. Rotation and term limits for sensitive positions.
iv. Automatic structural review triggered by declining fairness metrics.

These processes are based on the empirical evidence that long-term democracies are anchored on institutionalized restrictions, as opposed to individual virtue (North et al., 2009; World Bank, 2023).

7.5 Metrics, Accountability Tools, and Transparency.

Transparency in Democracy not only relates to disclosure but can be diagnostic and remedial. The governance structures ensure that real-time information is made available on representational equity and accountability and institutional independence to detect the onset of structural decay (UNDP, 2020; World Bank, 2023). The use of metrics in oversight fits the prevailing theories pertaining to governance that are arena-focused on evidence-based forms of accountability, adaptive institutions, and so forth in the contemporary context (Ostrom, 1990). In democracy, metrics do not substitute judgments in democracy but instead aid in such contexts by offering

constitutional bodies as well as voters with credible indicators of fairness. The tools of accountability are:

i. Compulsory reporting by institutions.
ii. Mandatory legislative review when thresholds are crossed.
iii. Judicial intervention in cases of structural injustice.

These devices provide a more systemic protection rather than a reactionary procedure.

7.6 Normative Coherence with the Meta-Right

More importantly, Fairocracy is not a voluntary improvement of governance, but the institutional form of the Meta-Right to Structural Fairness. The meta-right would be a mere dream without the operational mechanisms. Fairocracy makes the right actionable, enforceable, and strong against political interference.

Fairocracy enables democracies to correct themselves without crisis by introducing fairness reins in the structure of governance, which still ensures legitimacy but with pluralism (Pettit, 2012; North et al., 2009).

8. UFDS - Unified Fair Democratic System (Bangladesh-Centric Blueprint)

8.1 Overview of UFDS

This paper proposes the Unified Fair Democratic System (UFDS), a conceptual governance model that integrates the Meta-Right to Structural Fairness, the principles of Equitism, and the institutional logic of Fairocracy into a unified constitutional framework. UFDS does not exist as an empirically tested and fully developed system; it is a hypothetical scheme intended to demonstrate how structural fairness can be implemented throughout the architecture of a democratic state.

This is a necessary clarification. A full-fledged UFDS paradigm presently governs no nation, and this part of the paper does not provide any empirical assertions about its efficacy. Rather, UFDS is a synthetic design model, enabling scholars and reformers to explore the relationship between fairness-based institutions when they are combined in a logical structure (North et al., 2009; Ostrom, 1990).

The justification for introducing UFDS is a suspected shortcoming of piecemeal reform. It has been observed in comparative studies that institutional changes, when implemented in isolation, are not very effective in preventing democratic backsliding. For example, electoral reform that lacks judicial independence or oversight bodies devoid of enforcement mechanisms is less effective in thwarting democratic regression (Diamond et al., 2014; Levitsky & Ziblatt, 2018). UFDS, in turn, reacts by providing a systematic model in which every institutional component contributes to structural fairness throughout the system.

8.2 Legislative Structure and Fair Representation

Under the UFDS, legislative power is organized in a way that achieves inclusive, responsibility-consistent, and capture-resistant representation. Resting on the theory of consensus democracy, UFDS is inclined to have a two-chamber legislature with differentiated yet complementary functions (Lijphart, 1999; Tsebelis, 2002).

The lower chamber is elected under the FairVote protocol, which guarantees proportional representation and reduces the winner-take-all dynamics that have historically marginalized opposition forces in Bangladesh (Riaz, 2020; Lijphart, 1999). This chamber reflects popular will and serves as the primary arena for political competition.

The upper house is a structural fairness review institution, constituted by a combination of regional representation, merit-based selection, and nomination by citizens, which is limited. It cannot override popular sovereignty, but it examines legislation for its long-term impacts on systemic fairness, institutional balance, and constitutional integrity (Buchanan & Tullock, 1962; Pettit, 2012).

Laws concerning the following require approval from both chambers:

i. Electoral systems
ii. Courts and supervisory agencies.
iii. Constitutional amendments
iv. Emergency powers

The design is a direct response to Bangladesh's history of susceptibility to unilateral legislative restructuring by the predominant majority (Ahmed, 2022; Islam, M. N., & Hossain, M. (2020)).

8.3 Electoral Reform Framework

UFDS explicitly pushes electoral governance toward structural neutrality. Elections are not episodic events but ongoing systems whose fairness must be continuously secured (Dahl, 1971; Linz & Stepan, 1996).

UFDS is designed to require:

i. An independent, full-fledged Election Commission that is constitutionally established.
ii. Transparent appointment and removal processes not dominated by the executive.
iii. Automatic judicial review of electoral law changes against meta-right standards.

The Fair Vote protocol is used at both the national and subnational levels, incorporating both proportional and ranked/transferable voting systems to achieve legitimacy on a broad basis (Lijphart, 1999). Similar experiences have shown that these systems have lower polarization and exclusion in polarized societies (Lijphart, 1999; UNDP, 2020).

In the case of Bangladesh, the framework is intended to address the post-2011 electoral credibility crisis by anchoring fairness as a constitutional imperative, rather than a political compromise (Riaz, 2020).

8.4 Executive Accountability System

UFDS opposes an extreme level of executive concentration, as it has been identified as the leading cause of democratic collapse in transitional states (O'Donnell et al., 1986; Fukuyama, 2014). Executive power is designed to be restricted, shared, and subject to review.

Key features include:

1.A collegial or coalition executive system.

2.Compulsory lawful validation of senior appointments.

3.Autonomous offices of ethics and accountability which are enforced.

4.Emergency powers and decrees are automatically taken into account.

These procedures are consistent with studies that demonstrate that in polarized environments, distributed executive power promotes stability and lessens abuse (Linz & Stepan, 1996; Tsebelis, 2002).

UFDS institutionalizes accountability structurally instead of depending on political restraint, in contrast to Bangladesh's history of executive dominance (Ahmed, 2022).

8.5 Fairness Judicial and Administrative Fairness Guarantees

In the UFDS judiciary, the primary protector of the Meta-Right to Structural Fairness is the judiciary. Courts can address not only legality but also systemic unfairness in cases involving institutional redesign or power concentration (Rawls, 1971; Pettit, 1997).

The independence of the judiciary is safeguarded by:

i. Multi-stakeholder appointment procedures.
ii. Fixed, non-renewable terms
iii. Budgetary autonomy
iv. Entrenchment in the constitution.

The same applies to administrative agencies, such as anti-corruption agencies, human rights committees, and regulators. Their removal is not based on political choices but on proven misconduct (North et al., 2009; World Bank, 2023).

This structure is designed to mitigate formal independence and functional autonomy in Bangladesh (Islam, M. N., & Hossain, M., 2020; Hassan, 2013).

8.6 Local Government and Decentralization

UFDS creates polycentric governance by acknowledging that equity necessitates the distribution of power both vertically and horizontally (Ostrom, 1990). The constitution provides local governments with funding, participation processes, and competencies.

According to North et al. (2009), the UFDS is a constitutional empowerment that prevents national elites from recentralizing while upholding national justice standards. It's not a transfer of power.

This characteristic improves accountability, responsiveness, and inclusiveness in Bangladesh, where local government has historically been subordinate to central authority (Ahmed, 2022).

8.7 Digital-Era Protection and Crisis-Response Architecture

UFDS directly addresses the contemporary threats to democratic fairness, including digital surveillance, disinformation, and abuse of emergency governance (Zuboff, 2019; UNDP, 2020).

Safeguards include:

i. Digital rights authorities of their own.
ii. Transparency in algorithmic governance.
iii. Automatic legislative and judicial review are time-limited emergency powers.
iv. Crisis post-crisis structural fairness audits.

These stipulations acknowledge that modern-day governance risks do not reside within traditional institutional realms but must be addressed structurally, rather than reactively (Zuboff, 2019).

8.8 Transparency, Limits, and Non-Empirical Status

In line with the transparency of methods, UFDS is presented as a normative and theoretical model in its own right. Empirical validation, predictive certainty, or assured success are not the aspects that this paper purports to achieve. UFDS outcomes are not supported with any proprietary datasets or empirical performance indicators.

The model is especially receptive to criticism, revision, and contextual modification. It has value in terms of conceptual consistency and theoretical viability, but lacks empirical evidence (Rawls, 1971; Ostrom, 1990).

9. Theoretical Implications

The implications discussed in this section are normative and theoretical. They are derived from conceptual analysis, the comparative literature on democratic erosion and institutional design, and the internal logic of the UFDS blueprint. They should be read as expected properties of a structurally fairness-bound constitution, not as empirical findings.

9.1 Reduction of Elite Capture

One of the key theoretical implications of the present study is that structural fairness, as a meta-right integrated into the constitution, would be expected to impose systematic limitations on elite capture in transitional democracies. Research indicates that elite capture is more likely to thrive

when institutions permit the concentration of legally sanctioned power and disproportionate control over checks and balances (Acemoglu & Robinson, 2012; North et al., 2009).

The UFDS design tackles capture at several structural levels, such as mechanisms of fairness-induced review, decentralization of authority, autonomous oversight systems, and electoral design (FairVote). According to institutional theory, these multi-layered restrictions would make dominance more difficult by making capture more expensive and visible (Buchanan & Tullock, 1962; Tsebelis, 2002).

Interestingly, neither the democratic culture nor the goodwill of the elites are necessary for this deterioration. Rather, it is the outcome of incentive realignment, which is a fundamental tenet of constitutional economics (North, 1990). Even in cases where there is an incentive to do so, the actors are structurally deterred from abusing the system.

9.2 Improved Decision Quality

The second observation is that governance systems that lean towards structural fairness should theoretically produce better quality decisions over time. Deliberative democratic theory posits that the quality of decisions increases when institutional inclusion of diverse views is present and justification is sought among various institutions (Habermas, 1996; Elster, 1998).

The architectural features of decision-making in Fairocracy, such as the need for cross-institutional consensus and fairness justification, promote greater information aggregation and minimize the policy instability that limited partisan interests might cause. Comparative studies show consensus-based systems produce more stable and socially balanced outcomes, especially in polarized societies (Lijphart, 1999).

Although these systems can undermine the short-term speed of decisions, institutional theory suggests that better performance is achieved in long-term governance when decision-making is less prone to backtracking, crisis-related corrections, and legitimacy meltdowns (North et al., 2009; Fukuyama, 2014).

9.3 Increased Accountability

The meta-right approach is a theoretically powerful means of strengthening accountability, which can transform an accountability mechanism into a governance structure. Accountability has long

been based on traditional methods, including elections and post hoc legal relief, which can be circumvented by structural unfairness (O'Donnell, 1994; Riaz, 2020).

i. Under UFDS, accountability is entrenched by:
ii. Authority-responsibility alignment
iii. Constant monitoring of independent bodies.
iv. Mechanisms of a metric-driven review.
v. Structural fairness enforced by the judiciary.

According to institutional analysis, diffuse, continual, and challenging to avoid accountability is the most effective type of accountability as opposed to centralized or episodic accountability (North et al., 2009; World Bank, 2023). This theoretically creates a governance environment where power abuse is detected and corrected before systemic failure.

9.4 Organizational Resilience in Stress.

Another implication is that structurally fair systems remain more resilient under political, economic, and social stress. Crises are standard times of democratic breakdowns, when the regular restraints are superseded by emergency powers, executive discretion, or security reasons (O'Donnell et al., 1986; Levitsky & Ziblatt, 2018).

UFDS directly assumes crisis-response architecture's time-bound emergency powers, automatic review, and post-crisis fairness audits, which are aimed at maintaining democratic integrity in extraordinary situations. According to institutional resilience theory, systems that have self-correction mechanisms are less susceptible to irreparable erosion after being hit by a shock (Ostrom, 1990; UNDP, 2020).

The goal is not crisis avoidance but crisis absorption without structural collapse.

9.5 Bangladesh Implications for Democratic Transition.

In the context of Bangladesh’s 2024–2025 transition, which is still unfolding and long-term outcomes remain uncertain, the analysis suggests that constitutionalizing structural fairness could expand peaceful pathways for correction, reduce incentives for capture-driven rule changes, and strengthen the credibility of electoral and oversight institutions, provided that accompanying implementation conditions are met.

The governance system in Bangladesh would benefit from having the meta-right:

I. Constitutional grounds for preventing unilateral structural manipulation.
II. Peaceful correction of institutional pathways.
III. Less dependence on mobilization on the streets or rupture of the regime.

These implications are normative and conditional, which are based on political will and adaptation to context. Nevertheless, they offer a logical theoretical justification of structural fairness as an element of democratic renewal.

10. Discussion

10.1 Theoretical Implications

The paper contributes to the theory of democracy by introducing a new category of constitutional rights, known as the Meta-Right to Structural Fairness. Current democratic and constitutional systems primarily defend the rights of individuals and procedural legitimacy, assuming that institutions will be even-handed or self-correcting (Dahl, 1971; Rawls, 1971). This analysis challenges that assumption, showing that structural unfairness can develop and persist in formally democratic systems.

The paper unites the fields of political philosophy, constitutional economics, and institutional theory by conceptualizing fairness as a second-order constitutional right. It expands Rawls's concern with the basic structure of society (Rawls, 2001), and it also theorizes Republican issues of domination in institutional terms (Pettit, 1997, 2012). Equitism and Fairocracy's introduction, therefore, provides a logical approach to reconsidering democratic resilience outside of procedurals.

10.2 Practical Challenges and Risks.

Despite its theoretical appeal, the system presents a number of implementation issues. The risk of institutional over complexity must be addressed first. Multi-layered oversight and decision-making processes can result in increased coordination costs and policy delays (Tsebelis, 2002). Fairocracy resolves impasses by employing fairness-based triggers, albeit in practice, this strategy would necessitate careful calibration.

Second, there is the potential for judicial activism. Empowering courts to evaluate structural fairness may pose democratic legitimacy difficulties, particularly in governments with contested judicial independence (Habermas, 1996; Islam, M. N., & Hossain, M., 2020). This emphasizes the importance of transparent criteria, several ways of appointment, and a limited scope of remedies.

Third, reform may be opposed by deeply rooted elites. Transition research shows that elites routinely oppose reforms that jeopardize their position, even in the name of democracy, and structural fairness substantially restricts how powerful individuals preserve power (Acemoglu and Robinson, 2012; O'Donnell et al., 1986).

10.3 Implementation Pathways

Strategic implementation pathways will be required for these difficulties. Coalition building, gradualism, and sequencing are necessary. Lessons from comparative transitions, such as the first legitimacy-building that comes before additional structural transformation, are the foundation of the policy roadmap mentioned above (Linz & Stepan, 1996).

Subnational institutional experimentation, pilot oversight institutions, and incremental electoral reform can help optimize the structure and curtail systemic risk (Ostrom, 1990). Institutional change should be accompanied by public deliberation and civic engagement to prevent technocratic alienation (Habermas, 1996).

10.4 Fairness Synthesizing with the Bangladesh Political Culture.

The political culture in Bangladesh has both challenges and opportunities. Polarization, patron-client networks, and winner-take-all competition are some of the major factors that challenge structural fairness (Hassan, 2013; Riaz, 2020). Nevertheless, historical experiences of mass mobilization against the unaccountability of power in the country suggest an ideal commitment to justice and fairness.

Equitism supports this cultural subcurrent by re-understanding democracy as not merely a process of competition among elites, but a community-wide undertaking of morality. The framework appeals to societal expectations by entrenching the concept of fairness as a constitutional imperative, rather than a political compromise that offers institutional correction.

10.5 Limits of the Study

This paper has obvious limitations. It fails to provide empirical confirmation for UFDS or speculative assurances on outcomes. Neither does it address any potential cultural, economic, or geopolitical limitations that Bangladesh may face. The framework is abstract for the purpose of enabling adaptation, which can restrict its immediate applicability.

These constraints are recognized as part of the tenure-stage theory-building process. Future studies must refute, challenge, and scrutinize these concepts by simulation, comparison, and partial application.

11. Conclusion

This paper argues that the main weakness of transitional democracies is not poor elections, flawed courts, or corruption, but a more fundamental problem: structural unfairness built into governance design. Democracies may decay even with constitutional systems that only safeguard the rights within political institutions, but not the fairness of the very composition of those institutions. The outcome is a new cycle, where leaders maintain their power by amending the constitution, capturing the administration, and manipulating the procedure, without necessarily eliciting the typical rights-based responses (Diamond et al., 2014; Levitsky & Ziblatt, 2018; North et al., 2009).

To address this blind spot, three integrated contributions were offered in the paper. First, it proposed the Meta-Right to Structural Fairness: a second-order constitutional right that states have a right to constitutional structures of governance that are resistant to capture over time, in addition to being procedurally fair and interim in nature (Rawls, 1971, 2001; Pettit, 1997, 2012). Second, it was the formulation of Equitism as a governing philosophy, based on enforceable fairness, authority consistent with responsibility, inclusive representation, and structurally safeguarded freedom (Buchanan & Tullock, 1962; North, 1990). Third, it operationalized these principles into institutional form via Fairocracy and synthesized them into an integrated design blueprint, UFDS, that is put forward as a conceptual model to be criticized, modified, and customized to fit particular contexts instead of being empirically validated as policy certainty (Ostrom, 1990; North et al., 2009).

Although Bangladesh can inspire and base the framework, the general argument in the paper is that the identical structural failure mode can manifest itself in a variety of transitional and post-crisis settings. When institutions rely on self-restraint and informality instead of binding

restrictions, democratic regimes are susceptible to slow decadence: elections are maintained, but the competitiveness is lost; parliaments are maintained, but the oversight is undermined; courts exist, but independence is lost (Linz & Stepan, 1996; O'Donnell et al., 1986). Literature on democratic backsliding has grown to indicate that modern authoritarian consolidation frequently occurs through legal and constitutional means, rather than coups, hence the inadequacy of purely procedural protection (Diamond et al., 2014; Levitsky & Ziblatt, 2018).

The theoretical conclusion is that democratic resilience cannot be achieved by having a more qualified leader or a cleaner election; it requires a constitutional architecture that can correct itself. Structural fairness warrants consideration as a subject of constitutional protection, and institutional responses should be aimed at the timely observance of structural capture before it is too late to recover (North et al., 2009; World Bank, 2023). At that, the offered meta-right is not a localized proposal for Bangladesh, but a universal reaction to a worldwide trend: the legalistic erosion of democracy.

The stakes of structural fairness are demonstrated in Bangladesh in an unusual way by its post-2024 transition. Its democratic devolution came in the form of institutional changes, which were often institutionally legitimate but pernicious in their outcomes, proving that legality is not sufficient to achieve democratic legitimacy (Ahmed, 2022; Islam, M. N., & Hossain, M. (2020); Riaz, 2020). The result was a system where contestation weakened, oversight became captured, and political competition shifted to extra-institutional arenas, making the probability of a crisis-driven correction rather than peaceful democratic alternation more likely (Riaz, 2024; Tilly, 2004).

Bangladesh thus has a strategic option that most post-authoritarian transitions have had: to recover the old institutional arrangements that were once found to be vulnerable, or to take further constitutional reforms that safeguard the terms of fairness within which democratic procedures may once more be meaningful. The second course of action is backed by the framework suggested in this paper. It stresses that democratic renewal is not just a matter of replacing incumbents, but restructuring the incentives and limitations in such a way that no incumbent can legally turn transient success into long-lived hegemony.

The main argument of this paper is that structural fairness is not a democratic virtue of choice- it is a requirement. Without structurally fair representation, accountability, and contestability, rights become hollow and processes become mere performance. Fairness should then be elevated to a

higher level, not merely a moral aspiration but a constitutional duty, which can be invoked to correct systemic distortions in situations where no single discrete violation of rights can be easily identified (Rawls, 2001; Pettit, 2012).

This action also explains why a longstanding debate about designing democracy is centered on safeguarding democracy and avoiding technocracy or judicialism. The meta-right is not trying to substitute the political contestation with the expert rule. Instead, it aims to establish workable boundaries within which contestation has meaning for all: minorities, opposition, and politically vulnerable groups. It follows the understanding that effective democratic orders are based on credible restraint that forms incentives and stalls domination, irrespective of who is in power (Buchanan & Tullock, 1962; North et al., 2009).

The broader vision propagated here is that of democratic systems that can be put under tension without being broken, of institutions that can rectify their course without necessitating disruption, and of governance processes that will secure fairness even when extremities begin to take hold. In the digital age, structural fairness must extend beyond conventional institutions to include transparency, accountability, and protection against concentrated informational power, where new types of structural influence and surveillance pose threats to autonomy and democratic contestability (United Nations Development Programmer, 2020; Zuboff, 2019).

The paper will not be able to assert that any of these models can remove political conflict and ensure fair results. It asserts something more realistic, yet more urgent: namely, that transitions will continue to fail unless the protection of constitutions extends not only to what governments do, but also to how the government is organized. The paper aims to reframe democratic reconstruction debates by placing structural fairness—embodied in the Meta-Right and UFDS at the center of constitutional renewal.

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