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What is a Democratic Revolution?

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ABSTRACT

Can we demonstrate that nothing in the world is more beautiful than democracy? This is the crucial question addressed in this study, which argues that, yes, we can indeed demonstrate such a thing. But to this end, it needs to be shown that democracy is based on a universal philosophical principle, one that rises above each nation's particular democratic experiences and political regimes. This higher principle, I submit, is that of "nonsuffering," standing as a universal humanist foundation for the democratic norm, beyond all empirical experiences of democracy, but capable of encompassing all of them. The universality of this principle of nonsuffering is yet to be demonstrated, to be sure, but it can be understood as the origin from which come the five principles of the democratic norm: dignity, freedom, equality, participation in public affairs, and the rule of law. In history, democratic revolutions invoke these five principles globally. Which means that, in seeking to effect political, economic, and social change, revolutions give us proof that their core impetus is moral—their ultimate aim being to give effect to the principle of nonsuffering.

Keywords: democracy, foundations of democracy, democratic revolution, right to non-suffering, islam, rule of law, dignity, freedom, participation

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1. Introduction

Nothing in the world is more beautiful than democracy. Democracy represents the best possible social way. There is no better way. This is what I would like to show in my contribution.

Obviously, if we consider democracy through its historical experiences, we will soon sink into disillusionment. Indeed, some experiences do not fully embody the democratic norm in its entirety. This means that we should avoid examining this great question through the deceitful lens of social phenomena. Sociologism and economism and the material conception of history in general will not be our chosen guides. Democracy is a norm, a human ideal, a moral imperative.

2. The Democratic Norm and Its Legitimacy

If democracy is to be defended against relativism, which is unfortunately accepted by modern human sciences and by Western political theorists of democracy itself,¹ there is no other way to proceed than by ensuring a

¹ Danilo Zolo (1992) stressed that the complexity of modern society was a challenge to European democratic tradition and its values. This stems from a contradiction between theoretical logic of democracy and the limits of democratic electoral promises. Examining the inner structure of democratic government founded on human rights, Marcel Gauchet (2017) concludes that these rights, raising the individual above the collectivity, are of a nature that weakens the common life. Guy Hermet (2007) thinks that Western democracy lies on the level of its principles, because it has achieved the limits of state providence. As electoral contests show, populism is tolling the bell. Yaascha Mounk (2018) examines the resurgence of populism, which apparently takes advantage of democratic legitimacy but whose practical result turns out to be fundamentally undemocratic, insofar as it turns out to be hostile to freedom, in the name of legitimacy. While Cas Mudde and Cristóbal Rovira Kaltwasser (2018) believe that populism can, depending on circumstances, either have a corrective effect or a negative effect on the democratic regime, Jan-Werner Müller (2016) maintains that populism is by nature not just antiliberal but also antidemocratic, to the extent that it threatens or destroys pluralism and freedoms. Ilvo Diamanti and Marc Lazar (2019) analyse it as a challenge to liberal representative democracy for the benefit of a direct democracy without mediation, anti-elitist and anti-Islamic that bets on populism. The criticism of this liberal democracy was recently taken up, on a larger scale, by Michael Albertus and Victor Menaldo (2018), who on the basis of the experiences of regimes that have experienced what is called a democratic transition, like Spain, South Africa, Indonesia, Ghana, Turkey, Colombia, Chile, and Tunisia, have shown that the elites under

universal philosophical foundation for democracy itself beforehand, and grasping this foundation, in its most abstract and understanding concept, as a norm. I agree with Western critics of democracy, but I would like to reiterate that the democratic standard is not a particular political regime, but a human ideal. For our purposes, this is a false debate, insofar as none of these regimes represent a strict application of the democratic standard. These plans cannot be used as a criterion of judgment. It is on the basis of the norm that we must judge their greater or lesser proximity to the democratic ideal, and not the other way around.

Although the norm at its origin is inspired by the phenomena of real life, it is nonetheless the most general idea that one can have of the thing or the phenomenon which constitutes its living realization. We could compare it to the idea that inspires a great artist in his search for an aesthetic model. The standard is what makes it possible to construct a model. If Milo's *Venus* or Michelangelo's *David* are the models of a certain aesthetic, which almost nothing in life really resembles, the standard is what allowed the artist to build a model, by abstracting from reality, by which it was nevertheless initially conditioned. This is more or less the case with the democratic norm. If we can reveal both its universality and its superiority as a norm, then it becomes possible to assert that the political regimes that come closest to it are the best, despite the fact that no regime in the world will fully accomplish it. This is the most convincing way of responding to all the attacks on democracy. But this is also how we can show that democracy belongs to the world, not to *a* world. It has its roots in man, above cultural and historical geographies.

We should now take up David Hume's well-known objection that no ought (nothing normative) can be derived from an is (from a fact). Let us state the question briefly and simply. The pigeon flies. That is a fact. Are we therefore duty-bound to recognize this bird as having a right to fly? Can the

the old dictatorial regimes have continued to retain all of their undue privileges after democracy was reinstated in their countries.

pigeon claim this right? No, great minds tell us: the bird flies “because it is winged,” a simple fact out of which no rights arise (Harari 2015). No rights exist in nature. Although Hume is not perfectly clear on this question, his principle, as understood by modern philosophy, and notably by Kant, is that from the observation that something “is,” one cannot deduce that it “must be.” Before we can pass from beingness as such to our being bound by duty, from experience to action, we need to have a standard of measurement, an evaluative standard that will constitute the necessary stopover between being and duty-boundness. But do excuse my stubbornness! Why, then, does this fact of being winged as a condition for the ability to naturally fly not give the pigeon morally the right, and therefore the duty, to be flying? Should not clipping off her wings be forbidden? It should. Why? Because, as we know with certainty, that would cause the bird to suffer intolerably, owing precisely to our negating the bird’s nature, and doing so violently. Suffering is also a fact, as is the flight from suffering. However, it can be used as a criterion by which to prohibit an action or recognize a right. Nonsuffering does not need any stopover to become a norm: it is a “direct” ethical principle – Hume’s principle notwithstanding.

3. A Democratic Revolution Is Likewise an Ethical Question

We cannot deny that modern democratic revolutions are explained historically by special economic and social conditions – the destruction of the feudal system, and of the European nobility; demographic growth; the rise of peoples; industrialization; urbanization; the globalization of trade, first in England, then in France – and at the same time we cannot deny that these revolutions, notably that of 1789, ushered in a new system of thought and a new language, that of human rights, as expressed in the great English, American, and French declarations. It was both agrarian capitalism and the industrial revolution, with its scientific and technological underpinnings, that would have produced this new thought and this new language. This is

what is explained to us by Eric J. Hobsbawm (1996, 20), who thinks that this economic revolution forged Enlightenment thought, predicated on freedom and individualism. The latter consists in liberating the individual from the ignorant traditionalism of the Middle Ages, from the superstition of the churches, from the irrationality which divided men into a hierarchy of conditions, from lowly to elevated. The fact that modern democratic revolutions are characterized by particular economic and social conditions of emergence does not, however, prevent us from recognizing that the history of revolutions in the world is that of a recurrent, reiterated reaction against injustice, bondage, and tyranny.

The history of revolutions is an immemorial quest for equality and freedom, whether it takes the form of a bourgeois revolution, a proletarian revolution, independence, or a social, religious, peaceful, or armed revolution. This objective of revolutions marks not only modern democratic revolutions but the entire history of revolutions. Democratic revolution should not be reduced to a simple class struggle, as the Marxist perspective would have it, or to a triumphant struggle of the patriotic democrats against the aristocrats, as R. R. Palmer would have it, or “to the organization of peaceful competition for the exercise of power,” as Raymond Aron (1997, 36) suggests. It encompasses all of these historical experiences to the extent that it more or less directly relates them to the achievement of the standard. But it goes far beyond them and will never be confused with any democratic experience in the world. From the point of view expounded here, a democratic tribe completely ignorant of the mechanisms of the parliamentary democracy practiced in Western nations has no less merit than the latter by the standard. Our question is a matter not of history, or of sociology, or of political anthropology, but of moral philosophy.

The question of democratic revolution is a deeply ethical question which transcends theories concerned with sovereignty, contract, the general will, procedures and institutions, the functioning of political parties, constitutions and laws, as well as specific freedoms. All these categories are only crystals

used in the composition of democratic rock. Let us not reduce the rock to its crystals. If we did – if, for example, we judged democracy in these European developments by the pluralist functioning of political parties or the electoral procedure – we would inevitably end up with a reductive and antagonistic perspective on democracy and revolution. However, from the point of view I am here presenting, the two concepts of revolution and democracy are complementary. A democratic revolution is a materialization *by and in* the history of the five principles of the democratic standard.

4. The Five Principles of the Democratic Norm

Not all revolutions are democratic. Far from it. The substance of the democratic standard boils down to five basic principles: dignity, freedom, equality, participation, and the rule of law. At the heart of democratic theory, in other words, is the philosophy of human rights. Let us therefore take up its principles in turn.

4.1 Human Dignity

For Giovanni Pico della Mirandola, one of the theorists of human dignity, the concept comes from the fact that man defines his nature by his reason: “But you, constrained by no limits, may determine your nature for yourself, according to your own free will, in whose hands We have placed you” (Pico della Mirandola 2012, 117, l. 20). As Pico says in the opening of his book, this is something he read “in the ancient texts of the Arabians” (*ibidem*, 109, l. 1). Human dignity comes from an ontological superiority of the human being, that of his moral being, over other creatures. Without going so far as to say that dignity is a privilege accorded only to the human creature, we can concede, with Paul Ricoeur (1988, 235), that dignity means that something is due to man simply because he is human, a moral person.

Dignity is a quality recognized for man, and by man: that of not suffering. At this stage in the evolution of the world, this quality is limited to man and remains incomplete. We are at an as yet unfinished stage of

moral progress. But a true philosophy of nonsuffering should not stop here. It should gain access to this fundamental inspiration from the philosophies of nonviolence, notably Jainism, which today haltingly finds expression in anti-speciesist philosophy. The Jainist principle reads as follows:

One may not kill, nor ill use, nor insult, nor torment, nor persecute any kind of living being, any kind of creature, any kind of thing having a soul, any kind of beings. That is the pure, eternal, enduring commandment of religion which has been proclaimed by the sages who comprehend the world (Schweitzer 1936, 82, quoting Winternitz 1930, ii, 569; see also Nakos 2010, quoting from Schweitzer 1962, 65).

In other words, it's called respect. Future generations will be likely to judge us as we judge cannibals today.

Respect for the human person basically implies, in the first place, that we recognize human value and merit (when such recognition is due) and, in the second place, that we do not inflict suffering on other humans under any circumstances (any such infliction would be unjustified). Nonsuffering is a fundamental element of dignity. The dignity of man has been recognized by all cultures, religions, and philosophies of the world. The Koran, for example, based on this monotheistic idea of man's ontological superiority, recognizes dignity as a gift from God:

We have privileged man in dignity, [...] we have given him precedence over a number of "other creatures" (Koran, '*Al Isra*', 17:70). The Shi'a tradition expresses the idea in a more philosophical way by affirming: "Be yourself the balance of your relationship with others."²

Al Alâma al Majlissi reports a saying of Ali Ibn Abi Taleb to his son Hasan in these terms:

² Words spoken by Ali Ibn Abî Tâlib to his son Hasan. Source: Al Alâma al Majlissi, *Bihâr al Anwâr*, T. 72.

O my son, be yourself the balance of your bond with others. Love for others what you love for yourself and hate for others what you hate for yourself. Do not be unfair, as you do not want to be the victim of injustice yourself. [...] Consider that what is bad for you is bad for others and accept what is acceptable to them from others.

All cultures and civilizations in the world have formulated the principles of the democratic standard. We can find these principles in the theological, philosophical, and literary teachings contained in their founding texts or oral traditions: if we examine the Ren of Confucian Conversations and its golden rule, “Do not do to others what you do not want done to yourself”; or the biblical commandments; or the Second Fatiha (Ben Achour 2008); or the Manden Charter,³ proclaimed in the 13th century in Kurugan Fuga in the Mali Empire under the reign of the Mandingo Emperor Sunyata Keita (Niane 1960; Chauvancy 2015), we will find that they constitute as many particular expressions of the democratic ideal (Randall and Hottelier 2015).

In the Western philosophical tradition, we have the famous Kantian formulation: “[So] *act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means*” (Kant 1998, 38). On these foundations the entire philosophy of human rights is built. The major human rights conventions systematically invoke this principle of nonsuffering. The attack on dignity can take many forms. It can affect both the body and the moral being, and the idea of torture as formulated by these conventions does not stop at the physical aspect, but obviously extends to all forms of moral suffering. The principle of nonsuffering can almost be described as *jus cogens*, not only in law, but also in philosophy. Indeed, a legal body like the French Council of State has framed this principle of dignity in both legal and philosophical

³ CELHTO 2008. For a critical analysis of this charter, see Jolly (2010, 912).

terms. Here is how, in a judgment of October 27, 1995, the Council of State condemned the practice of throwing dwarfs:

Whereas the attraction of “dwarf throwing,” consisting in having a dwarf thrown by spectators, is tantamount to a practice in which a person suffering from a physical handicap is used as a projectile and is presented as such; that, by its very object, this practice undermines the dignity of the human person [...], even when protective measures are taken to ensure the safety of the person concerned and this person has lent himself freely to this exhibition for pay.⁴

What comes into view here is the idea that “dwarf throwing” is inherently unethical and is so for what it does to dignity. The ethics of dignity can, however, fit into controversial perspectives, such as that of assisted dying. In General Comment 36, on the right to life, the Human Rights Committee made this assertion: “The right to life is a right which should not be interpreted narrowly. It covers [...] the right to live in dignity.”⁵ For some members of the Human Rights Committee (on which I serve), this right includes the right to end one’s own life when it becomes a life of suffering, or, in other words, when an individual claims the right to die in dignity in order to no longer suffer a suffering life, that is, in order to no longer live in “unworthiness.”

⁴ Conseil d’État, decision of 27 October 1995, no. 136727, ECLI:FR:CEASS:1995:136727.19951027. In the French original: “Considérant que l’attraction de lancer de nain consistant à faire lancer un nain par des spectateurs conduit à utiliser comme un projectile une personne affectée d’un handicap physique et présentée comme telle; que, par son objet même, une telle attraction porte atteinte à la dignité de la personne humaine; [...] que des mesures de protection avaient été prises pour assurer la sécurité de la personne en cause et que celle-ci se prêtait librement à cette exhibition, contre rémunération; [...]” See: <https://www.conseil-etat.fr/fr/arianeweb/CE/decision/1995-10-27/136727>.

⁵ UNHCR, General Comment 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, Adopted by the Committee at its 124th session (8 October to 2 November 2018), CCPR/C/GC/36, par. 3.

4.2 Freedom

This is an extremely complex problem. Freedom is a difficult concept to grasp because it multiplies through metaphysics, social philosophy, law, and politics. In its most comprehensive dimension, freedom arises at the level of the relationship between man and his final destiny, as well as at the level of the knowledge of his own nature and of that which surrounds him. Is there a final destiny? Who governs it? What does it consist in? What are the limits of what man can hope and must do within the limits of his own nature and his particular environment?

Democratic freedom relates only to social and political life. This is what is called civil liberty. However, democratic freedom is not unrelated to metaphysics, insofar as in the background we always find representations of man that have a direct impact on civil liberty. When political freedom is viewed within the framework of a celestial beyond and of a creative god, it cannot have the same coherence as political freedom without God.

Noting the contradictory positions of the Koran on the question of freedom, Averroes chooses the midpoint between the Asharite philosophy, which denies freedom, and the Mutazilite philosophy, which recognizes free will. He argues that freedom, for man, consists in the possibility of choosing between opposites by exercising his deliberative capacity within the limits imposed by external causes that do not depend on his will (Al Jâbri 1998). Freedom is therefore dependent on the human condition itself. In this way, Averroes foreshadows Spinoza's philosophy, as well as that of Schopenhauer. Modern freedom will follow the path of individualism by defining itself as "the power of man" to do as he wills. Hence the definition that Hobbes offers of freedom in general: "And according to this proper, and generally received meaning of the word, A FREE-MAN, *is he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to*" (Hobbes 1909, pt. II, chap. XXI, 161; italics in the original). This is unfortunately called "negative" freedom. It is this so-called "negative" freedom that acts as the foundation of pluralism in a democratic

society. But it is with Immanuel Kant that modern freedom will receive its ultimate expression. Kant defines freedom by our being self-determined, meaning our ability to escape the law of natural causation by reason and will. As such freedom constitutes the foundation of the moral law.

Let us simplify to conclude. From the thought of these great philosophers who have examined the question of freedom, we can extract the idea that freedom lies in this capacity of man to wrest himself from the negative face of his natural freedom – a deliberative capacity through which man’s moral and rational nature can triumph over his instinctive, domineering, aggressive, and violent nature. All this leads us to democratic freedom.

More concretely, in terms of politics as activity, we can take up the four sides of freedom highlighted by Raymond Aron (1997, 64). “To be free politically is to participate in the formation or the exercise of power” (my translation). Second, “to be free would be to be protected from the arbitrariness of those in power” (*ibidem*). Third, freedom is the opportunity to flourish and “realize oneself in social life” (*ibidem*). And, finally, freedom is individual autonomy, that is, the ability of each individual “to not be completely absorbed in any group, including the national group as a whole” (*ibidem*, 65). The first aspect merges with participation, which we will examine later. The other three aspects, on the other hand, can form a statement of what freedom is in politics as activity. Oppressive governments, dictatorships, tyrannies, despotisms – all are forms of totalitarianism that affect all aspects of freedom.

4.3 Equality

Like dignity, equality between human beings, is nowhere to be found in nature, biology, or history. But precisely in this area – that of the factual – we have to go against this physical nature and build a universal concept deriving its unity from its moral nature. The moral dimension is part of human nature. Without this postulate, no domination, no violence, can be stopped. Even if the Greek political and social system was based on slavery, some Greek philosophers, like the Stoic Zeno or some Cynics like

Antiphon, conceived both the unity and the equality of humans. To be sure, ancient Greece, with its Aristotelian slavery, practiced a lame democracy and a freedom that were blind to universality, but in the mists of a problematic social reality, it nevertheless confusedly attempted to chart its way towards a democracy without slaves. Georges Vlastos (1941, 289) argued that, while slavery is legitimized in the Aristotelian way in Plato's *Laws* and is omnipresent in the *Phaedo*, it does not as such exist in *The Republic*. But Plato was far from being an abolitionist (Hyde 2009, 11). After the tyranny of the Thirty Tyrants, the leader of the Democrats, Thrasybulus, proposed that citizenship be granted to all the combatants who had participated in the Battle of Piraeus, regardless of their status, including metics and even slaves (Ismard 2019, 230). This astonishing idea is contained in Xenophon's *Hellenica*, where it is expressed through the deeds of Theramenes. In reasoning about these facts Paulin Ismard concludes as follows: "Thus there would have existed a radical conception of democracy involving the lifting of all exclusions," and democracy would contain the potential for a radical extension of the privilege of citizenship" (*ibidem*, 231). "Democracy" would therefore already be "the name of a promise, that of the abolition of all relations of domination," "a founding gesture of the democratic regime" (*ibidem*). Thus, even if Greece was living in the mode of the natural law of domination, it was already looking for a superior way towards another natural law – a law of reason, universal, within whose purview comes the human species in its entirety, on which it is based. This new rational natural law would find one of its best expressions in the work of the sublime Roman Emperor Marcus Aurelius (Marcus Aurelius Antoninus Augustus): "Ever consider and think upon the world as being but one living substance, and having but one soul" (Marcus Aurelius 1906, bk. IV, § XXXIII, p. 37). His *Thoughts* end with words in which he urges us not to forget "how nearly all men are allied one to another by a kindred not of blood, nor of seed, but of the same mind" (*ibidem*, bk. XII, § XIX, p. 154). This is what would be reaffirmed by revolutionary movements in the history

of Islam, particularly with the Kharéjites, who, claiming to be of the first Islam, would stand up against racial discrimination, class inequality, the despotism of the Eastern potentate, and the exclusion of the disadvantaged.

4.4 Participation

On this important question, that of participation, the enrichment of the democratic norm has taken place thanks to modern revolutions, certainly inspired by Athenian democracy. The idea of participation appears in particular in the French Constitution of June 24, 1793, with the principles of the sovereignty of the people, equal access to public employment, the right of the people to reform their constitution, participation in the formation of the law, the right to petition the government, the right to resist oppression, and finally to the right to insurrection. Worthy of note in this 1793 constitution is that it recognizes the right to revolution, with its famous Article 35: “When the government violates the rights of the people, the insurrection is, for the people and for each portion of the people, the most sacred of rights and the most essential of duties.”

Democratic participation means that a political regime can only be established on the basis of the provisional and conditional acceptance of leaders, the participation of citizens in drafting the law, the appointment of their representatives, and free and equal access to public employment and representative functions. This implies that leaders must periodically renew the title they claim to legitimacy. This right to participate in public life is at the heart of citizenship. It is recognized today by international law, notably through the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights. It is this right of participation, in conjunction with the other human rights, which explains why human rights are at the heart of democratic state policy. It is this point that that forms the basis for distinguishing between the democratic model and other models of government, such as the imperial or monarchical regime or the regime of the Islamic Caliphate theorized by Muslim publicists. As Claude Lefort (2011/12, 25) has pointed out, in a democratic

regime, power belongs to nobody and politics becomes an “empty place.” But while democratic government is “emptied” of space, precisely because it does not belong to anyone, is far from being emptied of ideas, and in particular, as Georges Burdeau (1939) put it, the “idea of law.” This brings us to the fifth principle of the democratic standard.

4.5 The Rule of Law

The democratic standard leads to the rule of law. This means that in the rule of law, not to be confused with the law itself, lies the essence of democratic rule. The rule of law obviously presupposes the existence of the law, but beyond that, it points to a certain way of making law, according to specific methods of drafting and enactment, in accordance with the other principles of the democratic standard.

Respect for the right to life; protection against suffering; equality before the law; equality of public fees and taxes; nonretroactivity of criminal law; the guarantee of the fundamental rights of the person as bearer of the right to think, express, and believe; and effective participation in public life – these are the basic principles constituting the rule of law, which principles are binding on any state that styles itself as democratic.

The question that needs to be resolved now is: In the name of what are we to prefer democracy over dictatorship, aristocracy, oligarchy, divine right monarchy, or theocratic regimes? How, philosophically, are we to legitimize the democratic norm and regard it as superior to other models of political organization. The answer to this fundamental question derives, in my opinion, from the principle of nonsuffering, as I will explain in what follows.

5. The Principle of Nonsuffering as the Basis for the Legitimacy of the Democratic Norm

Our starting point is that the principle of nonsuffering governs the whole of human life from start to end. This is an observation that, without exception,

is imposed on us by the experience of life itself. It is also a primal, instinctual, natural fact that imposes itself on us before we make any discernment or any use of intelligence. Later, during the development of the social being, the principle of nonsuffering becomes the object of an intellectual, political, institutional construction that aims to put all the resources and the capacity of the social being to work to prevent it from falling under the grip of suffering. To this end, the state plans, draws up budgets and economic policies, and constantly seeks human and institutional resources to mobilize society with a view to preventing the people, as far as possible, from falling under the yoke of suffering. In his letter to Menoeceus, Epicurus stated:

The right understanding of these facts enables us to refer all choice and avoidance to the health of the body and (the soul's) freedom from disturbance [*ἀταραξία*], since this is the aim of the life of blessedness. For it is to obtain this end that we always act, namely, to avoid pain and fear. And when this is once secured for us, all the tempest of the soul is dispersed, since the living creature has not to wander as though in search of something that is missing, and to look for some other thing by which he can fulfil the good of the soul and the good of the body. For it is then that we have need of pleasure, when we feel pain owing to the absence of pleasure; (but when we do not feel pain), we no longer need pleasure (Epicurus 1926, 87, par. 128).

The democratic norm, in its essence and its historical development, is entirely erected with a view to relieving, limiting, or abolishing the reign of suffering. This concerns the three dimensions of man: the material and bodily dimension; the moral dimension of the human being, as a thinking, speaking, and discerning being; and, finally, the social dimension of the human being as a member of a given human community. For this reason, the democratic norm forbids harming the life or the physical integrity of the

human, because it is forbidden to make the human being suffer in life or limb. It is also forbidden to undermine this capacity of the thinking man, to invent, create, form concepts, adhere to ideologies, and express and share them with fellow humans, because it is forbidden to make human beings suffer in their moral dimension. Finally, the norm obliges us to refrain from undermining our living together, which constitutes the very foundation of the social human, being by nature civic. Respect for the principle of nonsuffering therefore entails freedom. It becomes universal by identifying each of us with this same commonality that brings us all together. It is this identification that leads to the duty-to-be of friendship or brotherhood among all who share this same commonality. Tolstoy wrote these admirable lines: “Our consciousness of unity among men manifests itself in our love for fellow beings, because life without love is only suffering [...]” (quoted in Deliège 2008, 150, my translation). It is through this mediation that the democratic norm, grounded in the principle of nonsuffering, is universalized to all. The principle of nonsuffering, the foundation of the democratic norm, opens not only the doors of freedom and fraternity but also that of law more, and more precisely of democratic law. The latter is expressed in different branches of law, such as international constitutional law and international human rights law. This right belongs to everyone and not to any specific culture. It belongs to humans as such. The human being is neither from the East nor from the West.

6. The Principle of Nonsuffering in Legal Systems

The principle of nonsuffering is universally recognized by legal systems. Admittedly, a large part of the legal system is devoted to regulating, arbitrating, or correcting the interplay of interests and rights between natural persons or other legal entities. Family law (marriage, parentage, inheritance) and civil law broadly (e.g., contract, property, commercial, and public law)

are concerned with regulating interests, rights, and duties. The problem of suffering is not their object and concerns them only exceptionally.

On the other hand, in all legal systems, a good many of the rules are confronted daily with suffering and have the objective of preventing, correcting, or redressing it. It is true that, as a punitive measure, the rule of law also seeks to impose suffering through a kind of mechanism of social revenge against criminals and delinquents. But this reactive infliction of suffering only demonstrates the truth of the principle of nonsuffering, since its point is precisely to remind violators of the principle's existence.

What interests us more specifically in legal systems is that, in large part, their rules consist in repairing, mitigating, or preventing acts or situations of suffering. A court assesses the degree of suffering and orders to *réparer le dommage souffert*, repair the damage suffered, *reparar el daño sufrido*, *riparare il danno subito*. This is the case in criminal law, in its restitutive aspect; in the law of civil liability for fault or for fraud; and in domestic and international human rights litigation, but also in the other previously branches of law that are not primarily intended to address the problem of suffering.

The acts and situations of suffering are variously qualified by jurists, theorists, and practitioners. The Latin equivalents of suffering are *malum*, *injuriam*, and *damnum*. French uses the terms *prejudice*, *dommage*, or *tort*. All legal systems have their legal words to designate moral or physical suffering. English has *harm*, *prejudice*, *injury*, and *damage*; Arabic, *dharar*, *mukâbada*, and *mu'ânât*; Spanish, *lesión* and *daño*; Italian, *danno*.

The law covers either collective situations of suffering or individual acts through which suffering is inflicted. The collective situations are legion: the global deprivation of freedom of thought in a political regime, slavery, human trafficking, ethnic and religious discrimination, inequality between men and women, forced begging, genocide, exclusion of linguistic minorities, exclusion on the basis of gender or sexual orientation, blanket criminalization of voluntary abortions (without recognising any exceptions).

The criminalization of these situations of suffering obviously evolves with a society's mores and with the social and historical environment. These situations of suffering can be the result of deviant practices, or they can unfortunately result from the law itself, as is the case with the criminalization of voluntary abortions or certain sexual orientations that in certain societies are considered deviant.

Individual acts of infliction of suffering are incalculable: attacks on people's lives or well-being by murder, torture, cruel or degrading treatment, kidnapping, extra-judicial execution, forced sterilization, rape (collective or individual), expulsion or refoulement of refugees, defamation, insult, war crimes, enforced disappearance, denial of freedom of thought or expression. Some cases, such as war crimes, genocide, and crimes against humanity, can relate both to collective situations of suffering and to individual acts done to inflict suffering.

7. A Democratic Revolution is the Manifestation of the Principle of Nonsuffering in History

After these developments, we are now ready to answer the question, what is a democratic revolution? (DeFronzo 2006).

A democratic revolution corresponds to the work accomplished by man to discover and develop the moral foundation of his human nature. If, as Jack A. Goldstone (2014, 4) puts it, “[a] revolution is the forced overthrow of a government [...], in the name of social justice, with a view to creating new political institutions,” then a democratic revolution becomes the expression of the right to social justice, in which freedom must obviously be included. Generally speaking, we can affirm that it is through the effect of political revolutions, but also of philosophical, religious, and scientific ones, that humans, little by little, have managed to lift the blanket of lead which trapped their minds and kept them prisoners of social alienation. Through discovery, a scientific revolution leads to a better state of knowledge,

making it possible to analyse natural phenomena in their largest dimension, that of universality. A philosophical revolution sharpens our critical sense. An artistic or literary revolution enriches creativity and expands aesthetic sensibility. In short, any revolution, whatever its nature, marks an advance towards a humanity delivered from ignorance, naivety, or suffering. This last point is particularly pertinent here with regard to political or social revolutions.

All political or social revolutions attempt to answer this nagging question in human history: How to eradicate injustice, remove suffering from the social condition? How to solve the problem of poverty and inequality? This is the main problem these revolutions propose to solve or provide a conceptual answer to. As Albert Camus (1951, 30) said, it all starts with a revolt. Revolt expresses an awareness of evil and suffering. Above all, it expresses its rejection, which leads to revolution. Wrote Tocqueville (2000, 287):

Almost all the revolutions that have changed the face of peoples have been made in order to consecrate or destroy inequality. Put aside the secondary causes which produced great human upheavals, and you will almost always end up with inequality.”⁶

Obviously, inequality is permanently incorporated into the history of all societies and human groupings, except in certain modern societies which have managed to resolve it, thanks to economic and social development, the industrial revolution, and the technological revolution, but above all thanks to policies for redistributing wealth, through taxes and other means of narrowing the wealth gap and providing aid or entitlements to those in society who are most disadvantaged. This, of course, does not solve the problem of inequality in any absolute way, but it does reduce that problem

⁶ In the French original: “Presque toutes les révolutions qui ont changé la face des peuples ont été faites pour consacrer ou pour détruire l’inégalité. Écartez les causes secondaires qui ont produit les grandes agitations des hommes, vous en arriverez presque toujours à l’inégalité” (Tocqueville 2012, 561).

enough so that it will not be likely to trigger revolts or revolutions. Countries like Norway, Sweden, and Denmark have reached such a level of development and control of distributive justice that revolts and revolutions lose their causes. This gives us proof that poverty is not part of the essence of society. This is what people have always believed, since they have always rebelled and will continue to do so until the problem of justice is properly resolved. This idea is aptly stated in the preamble to the Swiss Constitution, providing “that the strength of the community is measured by the well-being of the weakest of its members.” Most of the revolts and revolutions in the Muslim world have been reactions either to a problem of ethnic inequality or to intolerable social discrimination.

8. Ancient World Revolution and Modern World Revolution

Obviously, in the ancient world, these revolts and revolutions took a religious form. We can see this, for example, with the Kharéjite revolts, which have bloodied the history of Islam, both in the East and in the Maghreb. It was in the name of the egalitarianism advocated by the first Islam that the great Berber Kharéjite revolt took place in the Maghreb in AD 734, towards the end of the Umayyad dynasty. It was by rejecting ethnic inequality between Persia and the Arabs that the Khurâmiyya revolt began under Babek’s leadership between 816 and 837, before his defeat to Ashfîn. This revolt adopted a theology inspired by Mazdekism, based on metempsychosis and a communist ideology which recognized the community of land ownership, and even the community of women. We can add the examples of the *qarmate* revolution or that of the Zanjis.

Modern revolutions have neither the same language nor the same philosophical conceptions. On this last point, as we will see shortly, even as these modern revolutions adopted convictions of belief, even as they drew inspiration from religious beliefs, they nevertheless crafted philosophies completely devoid of the religious substratum. In these revolutions, God has

the right to exist. But modern revolutionaries publicly state that their rights must be declared and written into law by a human legislator. We have here a new conception of human affairs, law, the state, politics, culture, and religion. The American Declaration of Independence of 1776, the English Bill of Rights of 1688, the French Declaration of the Rights of Man and of the Citizen of 1789, or that of 1793, and the Tunisian Constitution of 2014 all symbolize the emergence of a new world.

A liberal democratic revolution is content to assert the principle of equality before the law and of equal access to public offices. It abolishes unequal estates and statutes in the law. This is what the French Revolution of 1789 did. But a revolution may want to go further in its democratic ambition and tackle the more concrete problem of distributive justice and the possession of goods, in particular access to land ownership. In other words, it seeks to implant the principles of law in the field of economic and social reality. This question was approached by Victor Considerant in his work *Principles of Socialism*. As he writes on this subject:

[...] despite the philosophical liberalism of democratic rights,⁷ the legal destruction of former aristocratic rights, the constitutional equality of citizens before the law and in official capacities, and the abolition of royal franchises, the current social Order remains an aristocratic Order, no longer, it is true, *in theory and law*, but *in fact* (Considerant 2006, 50).⁸

We must therefore set out to “accomplish progressively the emancipation of the weak, the suffering, and the oppressed” (*ibidem*, pt. 2, II, § V). Also in the 19th century, Marxism devised a theoretical and practical framework for solving the wretched situation of the proletariat and the deep injustices

⁷ The liberalism stemming from the 1789 revolution.

⁸ In the French original: “[...] malgré le libéralisme métaphysique du droit nouveau, malgré la destruction légale du droit ancien, du droit aristocratique; malgré l’égalité constitutionnelle des citoyens devant la loi et les fonctions publiques malgré l’abolition des privilèges légaux dans le domaine industriel l’Ordre social actuel n’est encore qu’un Ordre aristocratique, non plus, il est vrai, *de principe et de droit*, mais *de fait*” (Considérant 1847, 5).

of capitalist society. If we make a revolution speak through the voice of its theorists or doctrinaires, it will claim to open doors not only to a new world but also to a better one. This is what all revolutions tell us, before the concept is even revealed. That is the case, for example, with the revolutions of those in servitude.

For all the divergence in the historians' interpretations of slave revolts, these revolts can objectively have no other aim than to end the legal status of the slave, deemed as property, and to end the injustice, misery, and servitude to which slaves are subjected, whether the action takes the contours of a class revolt, an ethnic revolt, or a religious revolt. This is confirmed by the servile revolts under the Roman republic. The first servile "revolution" in Sicily, that of Eunos the Syrian, in 139 BC, was triggered by the deplorable living conditions of the Roman latifundial system in Sicily and the cruelty of certain slave masters, such as Damophilus and his wife, Megallis (Pittia 2011, 200). After defeating the Roman armies, Eunos founded a kingdom which was finally besieged and defeated by the Roman armies in 132 BC. A few years later, still in Sicily, the Second Servile War broke out, that of Tryphon, who also founded an ephemeral kingdom that was reconquered by the Roman republic in 100 BC. The Third Servile Revolt, that of Spartacus, was for Rome the most important and serious.

From 868 to 883 the Abbasid dynasty faced the Zanj Rebellion,⁹ led by Mohamed Ibn Ali. The sources are scarce, making it difficult for historians to agree on whether this rebellion was essentially racial, religious, social, or servile. In fact, it contained all these elements at once: although it attracted to its cause the participation of white men – like the Bedouins of Bahrain, as well as peasants from Lower Mesopotamia – most of those who took part in it were slaves; although nonblack populations took part, it included blacks; although it was not a distinctly religious rebellion, it co-opted the religious and egalitarian theses of the Kharéjites (Al-Samir 1954; Talhami 1977, 443–61; Furlonge 1999, 7–14). But, however one might want to interpret this

⁹ On the importance of the Zanj, see Talhami (1977, 451).

rebellion, there is little argument about what triggered it: at root was the rebels' extremely precarious social condition.

The idea of suffering is expressed by the American Declaration of Independence: "Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States." The experience of suffering begets freedom, and when men go through great trials of suffering, they end up yearning for more freedom. Did not the 1945 Charter of the United Nations open with the intention to "save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to humankind"? As for the 1948 Universal Declaration of Human Rights, it says in its preamble that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and that the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people." Likewise, the 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment affords protection against "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person" (Article 1). So, too, nonsuffering is at the heart of the system of international criminal law and the Rome Statute (adopted in 1998, entered into force in 2002), which in its preamble states "that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity." The same principle is also at the centre of the case law of all judicial or para-judicial bodies for the protection of human rights.

Concretely, at the end of the journey, a democratic revolution can be seen to be the historic event through which a political regime is changed with a view to applying the five cardinal principles of the democratic norm.

A revolution constitutes an over-activation of politics as a vector of social change and progress – a program, a call to action, a message – with a view to building a political model deemed to be better, ensuring greater freedom, dignity, and respect for man and the citizen. This message is a reminder of almost the same universal principles of dignity, justice, and freedom. A revolution hopes to end the dispossession of individuals, races, classes, or peoples subjugated by other individuals, races, classes, or peoples. This condition reveals the uncontestably moral and voluntarist scope of any revolution and the development of the spirit of justice. This moral significance is not unique to modern revolutions. The latter stand out for their particular philosophy on the relation between the state and society, between the law and the individual. They are also characterized by their particular uses of the language. But the fundamental principles deriving from the democratic norm can be found almost in any revolution. The revolts and revolutions of all kinds that have punctuated the history of the Roman Empire or Islam respond to a demand for justice, for race equality, for an end to discrimination. They have sometimes taken the form of egalitarian or clearly communist ideologies.

The core ideas of a revolution can alarmingly be distilled down to a string of clichés: “Dignity, Freedom, Justice”; “Liberty, Equality, Fraternity”; “Bread and Work”; “Down with the government!” “Down with autocracy!” “Down with the pharaohs!” “A land for peasants,” “Death rather than humiliation.” In most cases, popular uprisings such as revolts, riots, general strikes, and collective acts of civil disobedience that do not necessarily lead to revolutions generally express a demand for social justice or for political freedom or both. A democratic revolution is the highest expression of humanism.

9. Conclusion: The Future of Democratic Revolutions

In that message of humanism lies the teaching we can extract from some of the most recent revolutions around the world, in Tunisia, Algeria, Lebanon,

Iraq, Iran, Chile, Hong Kong, Colombia, Bolivia, Equator, Sudan. The popular democratic project – not an elitist one – charts a path against political closure, corruption, the confessional state, and authoritarianism. Neither Donald Trump’s shocking populism nor the COVID-19 pandemic can stop it. The history of democracy is a struggle that always starts over. And the value of democracy imposes itself every time we lose sight of it.

With all the dead and wounded, the 1964 Sudanese revolution; the Algerian revolution of 1988; the Kifaya movement of 2005 in Egypt; the hunger strike that took place in Tunisia the same year; the peaceful uprising that in December 19, 2018, was staged in Sudan against the government of Omar Al Béchir, who had been in power since 1989; the peaceful Algerian movement of 2019, directed against a government that had turned into a political caricature and represented an outrage for the dignity of the Algerian people; the onset of the secularisation of politics in Lebanon; and the youth uprisings in both Iraq and Algeria – all these events and developments represent as many stages of the democratic claim.

Not even the COVID-19 emergency succeeded in stemming the movement, and the population took to the streets again in early May 2020 to denounce political practices and the corruption in Lebanon.

But we have to remember that what was just said also applies to Syria, Morocco, Yemen, and Libya. Just one example can refresh our memory, that of Yemen. In September 2013, the Yemen we are currently seeing ravaged by war was about to undertake a truly revolutionary initiative through the Conference on the National Global Dialogue. Out of the conference came a charter that was to foreshadow the future Yemenite constitution, marking an advance that at the time of the Yemenite revolution was celebrated as a success and was considered a model. Some of the innovations, which might seem incredible, lie in the charter’s pronouncements on religion, the civil and democratic state, the Universal Declaration of Human Rights, and the Covenant on Civil and Political Rights.

However, the case of Yemen is not the only one. A similar experience is that of Libya's General National Congress, elected on July 7, 2012, which was the realization of a democratic claim. The failure of the Syrian, Libyan, and Yemenite experiences cannot be explained only by pointing to the resistance of dictators or their backers, but needs to also take into account the forced confessionalisation of internal conflicts, the militia's violence, the conflicts for supremacy and – what is worse – the great powers' interests and external interventions.

For this reason, the Algerian pacifist slogan *silmiyya* is a strategy of wisdom. The nonviolence of revolutions is a new idea: we owe it to Mahatma Gandhi that violence cannot be taken as a necessary principle of revolutions.

Even so, it is likewise certain that this strategy of nonviolence does not guarantee civil peace. Evidence of this is fierce crackdown we saw unfolding in Iraq (in November and December 2019), with its hundreds of dead and thousands injured. And we all know how easy it is for the opponents of a revolution to provoke civil violence and risk war just to hold on to power.

The revolutionary breath smothered by repression is not the swan song. Let us not rush to declare the final failure of democratic revolutions. While it may be true that the age of revolutions has run its course in Europe, as Marcel Gauchet (2017) claims, for us who are not Europeans, that age is beginning. Contrary to appearances, the democratic project is still in its infancy: it is not experiencing the ailments of old age. Its history is in front of it, yet to unfold. Its future is open and the real New World is at its side.

References

Albertus M., and Menaldo V. (2018). *Authoritarianism and the Elite Origins of Democracy* (Cambridge University Press).

- Al Jâbri M. A. (1998). *Ibn Rushd, Al Kashf 'An Manâhij al Adillah Fî 'Aqâ'id al Millah* (Markaz Dirâsât Al Wihda al-'Arabiyya).
- Al-Samir F. (1954). *Thawrat al-Zanj* (The Zanj Rebellion) (Dar al-Qari').
- Aron R. (1997). *Introduction à la philosophie politique: Démocratie et révolution* (Fallois).
- Ben Achour Y. (2008). *La Deuxième Fatiha: L'islam et la pensée des droits de l'homme* (PUF/ Coll. Proche Orient).
- Burdeau G. (1939). Essai sur l'évolution de la notion de loi en droit français, in *Archives du Philosophie du Droit*, n. 1–2.
- Camus A. (1951). *L'homme révolté* (Gallimard).
- CELHTO (Centre d'Études Linguistiques et Historiques par Tradition Orale) (2008). *La Charte de Kurukan Fuga: Aux sources d'une pensée politique en Afrique* (L'Harmattan).
- Chauvancy R. (2005). *Soundiata Keïta: Le lion du Manden* (L'Harmattan).
- Considérant V. (1847). *Principes du socialisme: Manifeste de la démocratie au XIXe siècle* (Paris).
- Considérant V. (2006). *Principles of Socialism: Manifesto of 19th Century Democracy* (Maisonneuve Press).
- DeFronzo J.V., ed. (2006). *Revolutionary Movements in World History, from 1750 to the Present* (ABC Clio).
- Deliège R. (2008). *Gandhi, sa vie et sa pensée: Un modèle pour le XXIe siècle* (Presses Universitaires du Septentrion).
- Diamanti I., and Lazar M. (2019). *Peuplecratie: La métamorphose de nos démocraties* (Gallimard).
- Epicurus (1926). Epicurus to Menoecus, in *Epicurus: The Extant Remains* (Clarendon Press).
- Furlonge N. D. (1999). Revisiting the Zanj and Re-Visioning Revolt: Complexities of the Zanj Conflict—868–883 AD, in *Negro History Bulletin*, n. 4.
- Gauchet M. (2017). *L'avènement de la démocratie. IV, Le Nouveau Monde* (Gallimard).

- Goldstone J.A. (2014). *Revolutions: A Very Short Introduction* (Oxford University Press).
- Harari Y.N. (2015). *Sapiens: A Brief History of Humankind* (Harper).
- Hermet G. (2007). *L'hiver de la démocratie, ou le nouveau régime* (Armand Colin).
- Hertig Randall M., and Hottelier M. (2015). *Introduction aux droits de l'homme* (Université de Genève).
- Hobbes, T. (1909). *Hobbes's Leviathan* (1651) (Clarendon).
- Hobsbawm E.J. (1996). *The Age of Revolution: 1789–1848* (1962) (Vintage).
- Hyde T. (2009). Reasonably Free: The Question of Slavery in Plato's Kallipolis Revisited, in *The Society for Ancient Greek Philosophy Newsletter* 2008–2009.
- Ismard P. (2019). *La cité et ses esclaves: Institutions, fictions, expériences* (Seuil).
- Jolly É. (2010). L'épopée en contexte. Variantes et usages politiques de deux récits épiques (Mali/Guinée), in *Annales Histoire, Sciences Sociales*, n. 4.
- Kant I. (1998). *Groundwork of the Metaphysics of Morals* (1785) (Cambridge University Press).
- Lefort C. (2011). À l'épreuve du politique: Dialogue entre Claude Lefort et Pierre Rosanvallon, in *Esprit*, n. 12.
- Marcus Aurelius (1906). *The Meditations of Marcus Aurelius*. (J.M. Dent & E.P. Dutton).
- Mouk Y. (2018). *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It* (Harvard University Press).
- Mudde C., and Rovira Kaltwasser C. (2018). *Brève introduction au populisme* (Éditions de l'Aube).
- Müller, J.-W. (2016). *What Is Populism?* (University of Pennsylvania Press).

- Nakos J. (2010). Le Jaïnisme et les animaux, in *Cahiers Antispécistes*, n. 32., <https://www.cahiers-antispécistes.org/le-jainisme-et-les-animaux/>
- Niane D. T. (1960). *Soundjata, ou l'épopée mandingue* (Présence Africaine).
- Pico della Mirandola (2012). *Oration on the Dignity of Man: A New Translation and Commentary* (Cambridge University Press).
- Pittia S. (2011). Diodore et l'histoire de la Sicile républicaine, in *Dialogues d'histoire ancienne*, Supplément n. 6.
- Ricoeur. P. (1988). Pour l'être humain du seul fait qu'il est humain, in J.-F. de Raymond (ed.), *Les enjeux des droits de l'homme* (Larousse).
- Schweitzer A. (1936). *Indian Thought and Its Development* (Beacon Press).
- Schweitzer A. (1962). *Les grands penseurs de l'Inde* (Petite Bibliothèque Payot).
- Talhami G.H. (1977). The Zanj Rebellion Reconsidered, in *The International Journal of African Historical Studies*, n. 3.
- Tocqueville A. de (2012). *De la démocratie en Amérique*, <https://www.institutcoppet.org/wp-content/uploads/2012/01/De-la-d%C3%A9mocratie-en-Am%C3%A9rique.pdf>
- Tocqueville A. de (2000). *Democracy in America* (Hackett).
- Vlastos G. (1941) Slavery in Plato's Thought, in *The Philosophical Review*, n. 3.
- Winternitz M. (1930). *Der Mahāyāna-Buddhismus* (Siebert und Mohr).
- Zolo D. (1992). *Democracy and Complexity: A Realist Approach* (Polity Press).