

Difference as a Principle for Discussing the Question of Democracy and Human Rights (From the Beginning of the Ages to the Contemporary Era)

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Abstract

The philosophy of difference and its relationship to the human being as an independent, self-sufficient entity capable of shaping its own destiny encompasses many important aspects of contemporary philosophy. Difference, in this context, refers to the disagreements among members of society within a democratic state. The latter is also a field of interest for philosophy, sociology, and political science, as it is central to political thought and has gained traction worldwide, from American and European countries to the Arab world and our present era. While it may appear easy to study, its implementation in practice is extremely difficult. The social contract (Rousseau) is considered essential for providing security and stability in every society. The United Nations has recognized it as a foundation for human rights, guaranteeing the right to vote and equality for all. It also guarantees freedom of association with political parties and the existence of parliaments. The separation of powers during the French Revolution established it as a legal principle. Similarly, the Universal Declaration of Human Rights is deeply embedded in the political programming of freedom, and indeed, other rights are ultimately freedoms. For the West, democracy and human rights are not principles or lofty ideals, but rather a political peace and a problematic issue subject to the law of hegemony and control

Keywords: difference, democracy, social contract, separation of powers, Universal Declaration of Human Rights.

Introduction:

I begin with the relationship between the philosophy of difference and the human being as an independent and self-subsisting subject, endowed with the capacity to shape his or her own destiny. Within the philosophies of difference, numerous significant currents in contemporary philosophy converge at a fundamental point: the rejection of the logic of identity and the set of concepts associated with it. Difference can only be different and divergent; it cannot be reduced to unity or sameness.

The very launching of a philosophy of difference constitutes a problem in itself. Yet this philosophy is capable of transforming human reality, transcending the problematic of human rights, and granting freedoms—an endeavor that we continue to pursue in our contemporary era in order to bring about change in our present world.

Starting from the concept of difference (*méthode, différence*), difference manifests itself in opinions, identities, customs, and traditions, among other forms. According to Taha, “the implication of dispute is that it consists of contention in arbitrary opinions” (Taha, 2006, p. 35). Such contention leaves no room for *ijtihād* (independent reasoning), since *ijtihād* is essentially grounded in the invention or construction of evidence. If the matter concerns capricious leadership, it becomes a contention devoid of rationality, for rationality is fundamentally based on argumentation.

The implication of difference, however, combines both rationality and *ijtihād*. Philosophy aspires to “transform the structure of individuals’ consciousness by discouraging them from yearning for the construction of a comprehensive and solidaristic unity” (Philippe Mengue, 2002, p. 16). Moreover, an important function of difference is what Derrida terms *arche-writing*. For him, all forms of knowledge are grounded in difference, which is a free and unrestrained activity. Difference exists in language as the primary condition for the emergence of meaning, and it allows for the multiplicity of interpretations.

Gilles Deleuze conceives the history of philosophy as a history of difference. Everything, in his view, results from discordant differences. “Difference is said to be mediated insofar as communication subjects it to the fourfold roots of identity, opposition, analogy, and resemblance” (Deleuze, 2009, p. 96).

From the outset, there was a proposal to “save” difference by representing it—this was the Greek moment, in which difference was reconciled with the concept and called upon to emerge from its cave. The “conceptual” error of the philosophy of difference, transmitted from generation to generation, originates in Greek thought—from Aristotle to German philosophy, especially Hegel, passing through Leibniz, and others. There has been confusion between difference and conceptual difference. While difference can be integrated into the concept, the philosophy of difference seeks, conversely, a concept of difference that cannot be reduced to mere conceptual variation. It demands a paradigm of its own—a singular model—without which thinking difference becomes impossible.

Plato states: “The name of the ruling class differs according to its manner of exercising power” (Jamil Saliba, Vol. 1, 1982, p. 62). A humanistic vision helps people relate to one another from the standpoint of essential human sameness rather than from the standpoint of difference, which is merely a logical consequence of variation. This essential sameness forms the basis for understanding difference as a shared human reality common to all people. Human relations, therefore, should be grounded in equality in human worth, dignity, and rights.

Philosophers have referred to the Declaration of the Rights of Man and of the Citizen (1789), Article 4, which distinguishes between natural rights—those arising from human nature as such—and positive rights, which consist of the rights stipulated in written laws and established articles (Jamil Saliba, Vol. 1, 1982, p. 484). The science of rights is the science of law. The “rights of peoples” were those recognized by the Romans for foreigners not covered by Roman law; today, these are known as international rights.

Democracy has the potential to fulfill the aspirations of the people, but we must understand how democracy has moved from a concept to a practice on the ground. Democracy is among the most complex subjects of inquiry, as it rests upon lofty principles—justice, equality,

freedom, and values—and upon the aspiration to create an ideal society. For this reason, it became a matter of debate among Greek thinkers and European scholars, who developed theories to discuss the concept of democracy. It spread throughout the world—from American and European countries to the Arab world.

Although democracy appears easy to apply in theory, its realization in practice is difficult because its true concepts are in fact the products of historical developments within societies. It is undoubtedly one of the most widespread yet ambiguous concepts in our contemporary world.

The concept of democracy has occupied a significant place in philosophy, sociology, and political science. As different interpretations and formulations emerged—“rule of the people,” “rule of the people by the people,” and “rule of the people for the people”—the people have always remained its foundation, hence the term “popular democracy.” It is considered a Greek product in origin.

As for modern and contemporary democracy, its foundations were firmly established by the French Revolution. The principle of national sovereignty had taken shape decades before the Revolution in the works of Hobbes, Locke, Montesquieu, and Rousseau, the founder of social contract theory.

This group was led by Giambattista Vico, “whose ideas had tremendous resonance and a profound impact on political thought in the modern era” (Abdel Fattah, 1964, p. 47). This theory, whose origins go back to the Sophists and the Epicureans and was later adopted by modern philosophers, was subjected to sharp criticism.

Direct democracy, when translated into practical reality through its political institutions, also faced criticism from major Greek philosophers, who saw in it nothing but a form of mob rule. Plato, influenced by aristocratic thought and by the execution of his teacher Socrates under the Athenian democratic system, rejected it. Rousseau even argued that the Republic “was not merely a political work, but one of the greatest works Plato ever wrote” (George S., 1971, p. 73).

We observe further developments and underlying assumptions surrounding this concept. Capitalist doctrine is based on the separation of religion from life, while human beings are understood to establish their own system of life; hence the nation became the source of authority. Democracy thus provides fertile ground for people to become aware of their rights and duties. It makes freedom a common factor among all citizens and manages political and social conflict peacefully.

The United Nations has considered democracy one of the foundations upon which human rights are based. It guarantees the right to elections, equality of rights for all, freedom of expression, freedom of political affiliation, the existence of parliaments, the separation of powers, and the right to access sovereignty and to stand for office. The principle of national sovereignty constitutes the foundation of the democratic system. It has also been concluded that liberal democracy is the most significant and widespread form of modern democracy in today’s world.

However, after 1918, Marxist-communist revolutions in the Soviet Union under the leadership of Lenin introduced another model of democracy—Marxist democracy. Among its principal aims were the elimination of the bourgeois class and the achievement of real

equality, not merely legal equality. It sought to harmonize individual freedom with social freedom and majority rule.

If we turn to the legislative branch, it represents the majority; the essence of democracy lies in the sovereignty of the absolute majority. Modern democracy emerged after the bourgeois revolutions and developed within liberal states. One of its key factors was the expansion of parliamentary powers, which led to the creation of political parties as a link between representatives and their voters, ensuring re-election or coordination among representatives themselves. It also established a set of civil and political rights and a network of civic institutions. Among its merits are political stability and the fight against poverty and famine.

Democracy works to ensure equality among individuals, and this is manifested in the practice of free expression and freedom of opinion, grounded in the belief in the freedom of civilizational difference. It is also expressed through the exercise of voting rights within the institutions of the state and society. In general, democracy in the West has required the separation of legislative, executive, and judicial powers and the guarantee of human rights.

We now turn to the key concepts that serve as a foundation for this philosophical discussion: political practice, the defense of human rights through the Universal Declaration of Human Rights, and the consent of the governed to authority. Democracy is a political system in which sovereignty is exercised—according to Rousseau—in a manner that “achieves unity between morality and politics” (Mustafa H., 2009, p. 224). It also represents the rule of law, expressing the general will.

Plato considered democracy “a degenerate regime, because the taste for unlimited freedom leads to the exclusion of experts from power as dangerous individuals” (Fadlallah A., 2008, p. 195). He was therefore sharply critical of the democratic system. Marx, for his part, argued that democracy separates the state from civil society—or the human being from the citizen—thereby generating political alienation. In his view, socialism represents its highest stage and is economically based on social ownership of the means of production. This concept is closely linked to Rousseau’s social contract theory.

Absolute rule was opposed by many thinkers, most notably Locke and Rousseau, who maintained that “the ruler’s powers derive from that portion of freedoms and privileges voluntarily relinquished by the governed, who retain the right to withdraw this concession if the ruler exceeds his authority” (Abdel Wahab, Vol. 1, 1979, p. 120).

Thus, true sovereignty belongs to the people through the general will. The social contract remains Rousseau’s most important political work. Democracy aims to expand popular participation in political life. In contrast, ancient Greek society—particularly Athens—did not represent democracy in its current form. Greek society was divided into classes, not all of which enjoyed political rights, that is, the direct management of domestic and foreign affairs. Only a small group exercised political power. This differs from contemporary democracy, which grants all citizens the right to political participation in governing the affairs of the state.

Its origins go back to ancient Greece. In the West, the term is generally used in the sense given to it by the French Revolution, encompassing a broad meaning: the absolute right of the people to legislate in all public matters. However, there are fundamental differences between ancient and modern democracy.

The most important differences are that ancient democracy was limited to a minority, and only the freedom of the general citizenry was considered; it was a direct system that does not correspond to modern conditions. Contemporary democracy, by contrast, is representative: decisions are made through elected deputies in parliament.

Plato lost hope in the political realities surrounding him and opposed the democracy that executed his teacher; he also rejected the rule of the Thirty Tyrants (Amir H.M., 1994, p. 8). Because of this execution, democracy was criticized in the Greek city-states, despite being based on principles such as equality among citizens and the selection of public officials. Socrates, however, maintained that the administration of political affairs requires knowledge and expertise founded on primary principles.

In Plato's view, the ideal state passes through successive stages: timocracy arises from the ideal aristocratic system; oligarchy emerges from timocracy; democracy develops from oligarchy; and tyranny results from democracy (Fadlallah M.A., 2008, p. 194). Thus, democracy carries multiple meanings.

It is grounded in the principle of national sovereignty; sovereignty constitutes the foundation of democracy and represents the supreme authority. Here we return to Plato's claim that sovereignty stems from the unified will of the city. Aristotle likewise declared that authority does not emanate from the ruler personally, but from the community itself, and that rule by the people is the best form of government (Mohammed R.A.B., 2005, p. 153). The level of its application—its actual practice—distinguishes democratic governments from other systems of rule.

We know that in democracy authority and civic responsibilities are exercised by citizens directly. Its key principles are practices that protect human freedom, foremost among them the sovereignty of free citizens, freedom of expression, and a particular conception of equality—equality of opinions expressed orally in the assemblies of the people.

Despite acknowledging these features, Plato considered aristocracy—the rule of the best—as superior. In *The Republic*, his aim was to present a complete constitution and to show that politics should be governed by the highest principle: justice. He stated: “Democracy is weak; its capacity to govern is limited, and it is incapable of doing either great good or great evil” (Mohammed Kh., 1999, p. 315). Although he admitted that democracy might be preferable to certain regimes when unconstrained by law, his aristocratic background and his distrust of the masses led him to attack what most clearly expresses the people's right to rule themselves.

The courts were considered “the foundation of the democratic system in Athens; the number of jurors ranged from 201 to 501, with the additional member serving to break ties in voting” (Fadlallah M.A., 2008, p. 129). Jurors were required to be wise, of good character, and at least thirty years old.

Among the main factors behind Plato's hostility toward democracy were: first, the frequent internal revolutions and intense competition for power among social classes; second, the Athenian democrats' execution of his teacher. Plato distrusted democracy to the extent that some accused him of paving the way for dictatorship. He argued that “the duty of the state is to establish social justice” (Ammar H., 1977, p. 70), so that each individual may fulfill his proper role. He regarded greed, the pursuit of wealth, and excessive attachment to family interests as causes of Athens' decline, and he sought to restore respect for constitutional laws.

Plato believed that reliance on law rather than on the philosopher-king places democracy among diseased and corrupt regimes. In oligarchy, he argued, sovereignty is concentrated in the hands of the wealthy; its foundation is excessive desire and love of money (Ahmad B.N., p. 362).

Thus, he imagined democracy as a state dominated by ignorance and injustice. Aristotle, however, responded to his teacher from a strictly realistic perspective. For Aristotle, political science is grounded in “securing order for society, especially order in human relations” (Aristotle, trans. George K., 1987, p. 5). The aim of the city is to ensure a good life for human beings. True constitutions are those regimes that serve the needs of citizens.

From this standpoint, Aristotle distinguished six forms of sovereignty. The first three—monarchy, aristocracy, and polity (popular rule)—are correct constitutions; the other three—tyranny, oligarchy, and democracy—are deviant or corrupt forms (Aristotle, trans. George K., 1987, p. 32). Although these classifications originate with Plato, Aristotle introduced modifications distinguishing democracy from oligarchy. The key difference lies in the number of citizens participating in government: in democracy, sovereignty is shared by the poor majority; in oligarchy, it is confined to the wealthy—a distinction that still resonates today.

Historically, not all constitutional functions were exercised directly by the people. The popular assembly primarily exercised legislative power, while executive and judicial functions were carried out indirectly. Citizens would select “one among them to have the honor of ruling Athens for a single day, never to be repeated in his lifetime, so that eventually the majority—if not all—citizens would have participated in governing their homeland” (Fadlallah M.A., 2008, p. 128).

Aristotle regarded this as rule by the popular majority and considered it a constructive system. Nevertheless, democracy was not free from defects: “Democracy sometimes produces chaos and leads to political deterioration” (Ammar H., 1977, p. 79). Hence, he favored a constitutional system that clearly defines governmental powers and citizens’ rights. Rule of law, for him, is essential to democratic governance and must be grounded in a constitution approved by the citizens.

In the *Nicomachean Ethics*, Aristotle notes that timocracy and democracy are closely related forms. Corruption arises from excess and deficiency. Democracy rests on fundamental principles: freedom, equality, and majority sovereignty through voting and elections. Yet the principle of equality itself is not without flaws; for Aristotle, equality must be understood in terms of merit.

Comparing Plato and Aristotle, Plato held that the purpose of the state is “to create equal opportunities among individuals and to achieve social justice,” and he envisioned the ruler as a paternal guide for the nation (Ammar H., 1977, p. 80). Aristotle, however, disagreed: whereas Plato placed complete trust in the philosopher-king, Aristotle advocated a constitutional government. Plato attacked monarchy and criticized private property and family attachment, while Aristotle regarded property ownership and emotional attachment to family as natural human tendencies.

The political community envisioned by Aristotle rests upon the middle class, which he considered the backbone of the political order. He generally favored a moderate democratic

system (Abdel Wahab A., Vol. 1, 1979, p. 148). He rejected the idea of the enlightened despot, opposed Platonic communism, upheld private property, and affirmed citizens' rights—though excluding slaves.

We will attempt to identify the most important strategies for managing contemporary reality and the major debates within modern and contemporary democracy in order to establish democracy in Arab and European societies and in some Asian countries. The democratic idea is meant to be flexible and open to pluralism; it is “a form of rule, democratic government” (Ihsan, T., 2013, p. 21), meaning the rule of the people by themselves.

As for Hobbes, his classification of governments depends on types of sovereignty: “If sovereignty is concentrated in one person, that is a monarchy. But if sovereignty is exercised by a committee or an assembly” (Imam, A. F. I., 1985, p. 388) representing the people, then it is a democratic system. Despite the logical precedence of democracy, its powers are directed toward spreading peace and security among people. Locke, however, holds that the contract is “an agreement whose two parties are the people on the one hand and the government or the king on the other; its two parties are not one” (Ali, A. T. M., 1996, p. 259).

While Hobbes decided that the government or king is not a party to the contract, Locke considered it a contract between two parties. Rousseau's theory of the contract views democracy as a political doctrine rather than a social or economic one. We also find that “democratic or popular government is the most exposed to civil wars and internal unrest... and requires great efforts in order to endure long in one form” (André, K., 1988, p. 124), even in states where practice has stabilized. Politics is a feature of contemporary civilization. Sovereignty is what drives individuals to agree to the contract that establishes the state: “The contract among individuals to form the state leads to the establishment of collective authority; and when the individual obeys the collective authority, he obeys himself... thus freedom is guaranteed and authority stands alongside it... by virtue of the social contract” (Yahya, J., 1969, p. 84). Thanks to this contract, a strong state is formed; the contract “puts an end to the state of nature and establishes society” (Ali, A. T. M., 1996, p. 297). Sovereignty and authority thus become the right of the whole community to secure the right of each individual. Rousseau says: “The strongest is never strong enough to be always the master unless he transforms strength into right and obedience into duty” (Jamal al-Din, B. H., 1986, p. 166). In this theory, he is keen to place authority in the hands of the people rather than the ruler. Authority refers to a “pure, abstract, and timeless concept” (Jean-Marie D. K., 1997, p. 105). It has been said that the democratic doctrine “derives the origin or source of authority from the general will of the nation and holds that authority is legitimate only when it springs from the general will of the nation” (Mahmoud, K., 1984, p. 17).

The nation does not enjoy its absolute right to sovereignty unless the law expresses its will, and this will is embodied in political reality only through the election of representatives. From here we move to the idea of national sovereignty, which alone possesses supreme and absolute authority over things and actions. Hence we say: “A state is democratic when its system of government is based on the principle of national sovereignty” (Abd H. M., n.d., p. 139). This reflects the capitalist conception of national sovereignty in the democratic system; among its main principles is popular sovereignty, which constitutes the theoretical foundation of democracy.

We have reached the affirmation of sovereignty for the people, not for a king or ruler. We thus value the strategy of governing the state through popular democracy in accordance with our current reality. Another principle is the separation of powers. Montesquieu formulated the principle of separating the three powers (legislative, executive, and judicial) in his work *The Spirit of the Laws* (1748), during the dominance of monarchical rule (18th century). His influence on the democratic system of the French Revolution was significant. Rousseau, in *The Social Contract*, highlighted the principle of national sovereignty. Locke preceded Montesquieu in presenting and explaining the separation of powers in his *Civil Government* (1690), where he argued that “it is necessary to separate the legislative and executive powers” (Muhammad, R. A. B., 2005, p. 185) for two reasons: concentrating them in one body leads to despotism.

Rousseau’s position on the separation of powers sometimes aligns with its advocates, yet at other times appears contrary. The legislative power exercises sovereignty in the state as the expression of the general will. The executive power is merely an intermediary between individuals and legitimate authority; it is entrusted to a specific body but implements the laws enacted by the legislature. Rousseau differs from Montesquieu: the former holds that the three powers are neither parallel nor equal in importance, whereas Montesquieu sees them as equal and organically and functionally independent, balanced and equivalent. Locke, meanwhile, grants independence to the judiciary. The main advantages of the separation of powers are the protection of freedoms, prevention of tyranny, and the guarantee of the rule of law. As the English thinker Lord Acton famously said, “Power tends to corrupt, and absolute power corrupts absolutely” (Ibrahim, A. Z. Sh., 1982, p. 236).

The types of democracy are: direct, indirect (representative), and semi-direct. In direct democracy, the people are the source of authority and exercise it themselves without rulers. This prevailed in ancient times when parliaments and elections were unknown. Rousseau defended this system in *The Social Contract*, stating that “the deputies of the people (in the representative system) are not and cannot be their representatives; they are merely agents executing its will” (Muhammad, R. A. B., 2005, p. 253). However, direct democracy is impractical in modern times due to population size and territorial expansion.

In representative democracy, the people elect deputies to exercise authority in their name: “Parliament expresses the general will of the sovereign people” (Muhammad, R. A. B., 2005, p. 257). Yet Rousseau believed that adopting representative democracy stems from weakness in civic spirit (Ibrahim, A. Z. Sh., 1982, p. 200). Semi-direct democracy maintains a relationship between voters and representatives, allowing for their removal.

Parliaments throughout history, because of differences of opinion, have played a prominent role in protecting human rights and ensuring respect for human dignity up to the present day. Democracy and human rights are inseparable; rights form the foundation of any conception of democracy, and democracy in turn reinforces and protects them.

Marcel Prélôt states: “The democratic system is that which ensures the effective and real participation of the majority of the people in the supreme authority” (Muhammad, R. A. B., 2005, p. 152). Rousseau considers full direct practice by the people impossible in populous modern states. In semi-direct democracy, the people rise above the legislative, executive, and

judicial authorities to become the supreme authority in whose name power is exercised and from whose sovereignty it derives.

Freedom and equality are the basis of justice in states. Political freedom in a democratic regime cannot be achieved without social equality. Democracy in capitalist societies proclaims political, economic, intellectual, and personal freedoms. Transitioning to democracy—born of industrial and capitalist development in Europe—requires deliberate political planning. Some argue that democracy requires the maturity of the people lest it degenerate into chaos (Muhammad, A. J., 2006, p. 8), yet such maturity can only develop through the practice of democracy itself.

Thus, we can distinguish between constitutional monarchies, presidential systems, and parliamentary regimes. During the twentieth and twenty-first centuries, democracy has functioned more effectively when political groupings translate everyday class differences into public policy (Charles T., 2010, p. 192).

Western democratic freedom is always linked to the freedoms of individuals and peoples, distinguishing it from Marxist democracy. Equality is “one of the foundations of democracy associated with the ideas of freedom and equality among individuals” (Raymond R., 1963, p. 3). It is political rather than economic in nature and requires ideological pluralism. Democracy is majority rule with respect for minority rights.

Georges Burdeau states: “Liberalism can be conceived without democracy, but democracy cannot be conceived outside the liberal framework” (Burdeau, 1979, p. 38). Liberal democracy and economic liberalism form the basis of modern democratic practice. Its principal values—freedom, equality, tolerance, and pluralism—are intellectually and practically linked to the idea of freedom (Burdeau, 1966, p. 13).

Freedom is the outward expression of will, and democracy is “a historical necessity and a practice that has taken long centuries... relying on elevating the individual materially and morally” (Abd al-Jalil, 2010, p. 17). Liberal democracy depends on political decision-making that emerges from interaction among parties and political forces, respect for majority rule, and political equality.

Marxist democracy, by contrast, seeks to achieve social justice through collective ownership and economic emancipation before political participation. One philosopher notes: “Liberal democracy is merely a special case of democracy” (Anthony de C., 2000, p. 174). In the capitalist approach, democracy grants political rights; in the communist system, it provides certain social guarantees (Ukasha, 1984, p. 42).

Britain and Switzerland, the two oldest democratic states in contemporary Europe, resemble each other in their love of freedom, and their exclusion from defending it” (Karl B., 2009, p. 27). What the general public understands by democracy and equality differs from what intellectuals mean by democracy, which is the practice of freedom of expression. Gustave Le Bon says: “Democracy is one thing for the masses and another thing for the intellectuals” (Ahmad B. N., n.d., p. 9). The saying “the end justifies the means” is often invoked; freedom of opinion and expression is the fundamental intellectual freedom from which other intellectual freedoms derive, whether through oral or written expression. This corresponds to the principles of liberal democracy (freedom of expression allows the practice of creative

freedom). One of the rules of democratic political practice is respect for what the free will of the majority approves.

In this context, we will attempt to lift the veil and reveal the harms of democracy and its contribution to the rise of Nazi parties, and how those parties participated in parliament. Hegel sees the state, as a political entity, as divided into three essential parts: “the power that determines and establishes the universal, which is the legislative power; the power that subsumes individual cases and particular spheres under the universal, which is the executive power; and the subjective power as will with the power of final decisions—the crown” (Hegel, vol. 1, trans. Imam A. F., 1996, p. 533). All connected powers converge in the authority of the crown, which constitutes the value and foundation of the whole—this is constitutional monarchy. The legislative rule must be complete in an absolute manner and allow no new techniques. State sovereignty, for Hegel, is an ideal conception of the powers defined by the constitution: legislative, executive, and monarchical; it signifies the unity of powers. He says: “Sovereignty depends on the fact that the particular functions and powers of the state are not something independent existing by themselves” (Michel S., 1990, p. 41). The state is not something closed upon itself.

Hegel’s criticism of Rousseau and thinkers like him is essentially based on this premise. Hegel “in every case analyzes the fundamental principle defended by the philosopher merely to see...” (Michel S., 1990, p. 66). The democratic movement largely expressed the spirit of resentment on the part of the powerless bourgeoisie. Both democratic and feudal opponents of the state agreed in rejecting the rule of law. It was argued that “the rule of law is not a natural community nor a system of privileges granted by divine decree, but rather rests upon general competition among property owners” (Herbert K., 1970, p. 185).

There is particular importance often attached to the separation of powers. This separation is a guarantee of freedom. The gathering of free citizens is founded upon law as the essence of free will. For Hegel, there are three powers (legislative, administrative, and monarchical). The first two do not differ from what earlier philosophers proposed, but the monarchical power is given supreme importance by Hegel.

When discussing his critique of democracy, we must focus on three main ideas in Rousseau’s theory of the state. Hegel had Rousseau in mind in this critique: “The state is a union of persons in which each member, by his will, agrees to surrender his rights to the community as a whole” (Michel S., 1990, p. 67) for the sake of survival and prosperity. The unity of rights produces what Rousseau calls the general will, the fundamental principle of the state. He views the contract as a transfer of property. Hegel argues that the old order should be replaced by true universality in which all particular and individual interests are integrated into the whole. He explains the collapse of the German state through the contrast between the old social order and the new one that followed.

Thus, in his critique of the construction of modern society, he repeatedly revised his work on the German constitution. His adoption of the German constitution meant subordinating right to power, as he was keen to liberate his state with a centralized authority. Hegel agrees with Rousseau that “the fundamental principle of the state is not the instinct of association nor the authority of an institution, but rather the general will of the people” (Michel S., 1990, pp. 70–71). It is the universal rational principle. However, he complains that Rousseau abandoned

the idea of will and replaced it with what he calls the will of all, which he sees as individual rather than universal.

The concept of difference in Hegelian dialectics states that “identity is the positive and difference is the negative” (Adel A. A., 2000, p. 72). As long as identity is the relation of the self to itself, it affirms itself as positive. Difference, however, is the distinction of the self from itself within the relation of the self to itself—it is the negation of the self by the self, thus negative. The foundation, which is the unity in which the positive and negative vanish, is at the same time the unity of identity and difference.

Meanwhile, the concept of difference is one of the basic pillars of deconstructive methodology. Based on uncovering lexical meaning, the task of difference is what Derrida terms “archi-writing.” The concept of difference constitutes a vast discourse. He says: “The principle of difference in the strategy of *différance* is based on a sharp opposition between significations that do not stop at a fixed limit; these significations quickly appear with signifiers only to disappear again” (Bashir T. A. H., 2009, p. 62). Thus the absence of meaning continues within the present text.

Therefore, Derrida sees the struggle for philosophy as a form of general struggle, similar to the struggle for other natural human rights, not a struggle specific to philosophy alone. Since philosophy is a natural human right, he appeals to the Universal Declaration of Human Rights, which affirms such rights, including the right to philosophy. Democracy, as a framework for practicing citizenship rights, is clear in that “this principled affirmation of democracy as a framework for the practice of human and citizenship rights and the establishment of civil society institutions does not render the results of analysis irrelevant” (Muhammad A. J., 2006, p. 12). Its practice takes place within a society that is not merely a quantity of individuals but a network of relations, interests, conflicts, and discussions. It becomes a rational and realistic organization. Through the diversity of individuals in Arab societies—with their creativity, innovations, intellectual, philosophical, and scientific ideas—and through the diversity of individuals in European societies, strategic changes have occurred that have led to the flourishing of peoples worldwide.

The French Revolution made democracy a legal principle: “Article 6 of the Declaration of Rights of 1789 stipulated that law is the expression of the will of the nation. The idea was repeated in the Declaration of the Rights of Man issued with the French Constitution of 1793, where Article 25 stated that sovereignty resides in the people” (Mahmoud K., 1984, p. 25). Thus, the people are the holders of sovereignty, and law expresses their will. The Universal Declaration of Human Rights forms the main philosophical entry into the world of law (The Book of Law and Human Rights). In it, Villey asks about the juridical nature of the human being. Philosophers called for human rights, though such calls sometimes carried ideological overtones serving certain social and political forces whose real interests might not align with the original aspirations (Mahibel A., 2001, p. 171).

It is affirmed that rights must be defended wherever they are free. Article 11 of the 1789 French Declaration of the Rights of Man states: “The free communication of thoughts and opinions is one of the most precious rights of man; every citizen may therefore speak, write, and publish freely, provided he is responsible for abuses defined by law” (Jamil S., vol. 1, 1982, p. 462). Likewise, Article 29 of the Universal Declaration of Human Rights states that

the individual, in exercising his rights and freedoms, shall be subject only to such limitations as are determined by law to secure due recognition of the rights of others.

The proclamation of human rights from the outset soon became linked to the issue of national liberation from all forms of domination controlling Arab thought, especially in the technological age and the blind imitation of the West. Human rights are constant and inherent; man alone is their source. Their foundation precedes every culture and civilization, and in European thought they are associated with universality—that is, the Universal Declaration of Human Rights presupposes a natural state of humanity. Locke built this hypothesis, stating: “To understand political power correctly and derive it from its origin, we must examine the natural state in which all individuals exist” (Muhammad A. J., 2006, p. 14). These rights are natural rights. Rousseau, who most strongly affirmed the social contract hypothesis, explained the transition from the state of nature to the civil state while preserving natural rights.

Despite negative views toward philosophy in some contexts, efforts have been made to guarantee all citizens the right to learn philosophy as a natural right. The state, as a person representing the people, organizes the practice of their rights. These natural rights become civil rights, while freedom and equality remain their essence. Rousseau believes “it is the natural right of the people to govern themselves, and this is the right of sovereignty in the state” (Wijdan K. T., 2013, p. 152). The people have the right to appoint members of the executive and judicial authorities from among themselves to supervise administration.

Although Rousseau opposed the principle of separation of powers, he clearly distinguished between legislative and executive functions and confined legislative authority to the people as a whole. The transformation of sovereignty in large states from democracy to dictatorship is explained by the fundamental difference between Rousseau and the Marxists in their conception of force: “Rousseau opposes the use of force and violence by those who violate human and humanitarian rights” (Dawla Kh. Kh., 1995, p. 218). Human rights and democracy are complementary and inseparable. It was discovered that “freedom can only be realized through citizens’ participation in power” (Dawla Kh. Kh., 1995, pp. 253–254). A citizen is free when he participates in decision-making without coercion. A democratic state is built upon institutions that transcend the whims of rulers and remain independent of them. Democracy is not an end in itself but a better means than others.

Hobbes seeks to justify the absolute authority of the ruler, whereas Rousseau “does not recognize sovereignty and authority for the ruler but for the people or the nation as a whole” (Thanaa A. R. F. T. M., 2011, pp. 50–51). Individuals in an organized society completely surrender their natural rights and freedoms, but in return regain new rights and freedoms. Rousseau says: “Man is born free, and everywhere he is in chains. He believes himself the master of others, yet remains more of a slave than they are” (Ali A. M., 2015, p. 133). The contract guarantees equal rights for all. Deleuze ^{ثوري} that “peoples must respect human rights” (Ali A. M., 2015, p. 183). Locke held that man is born free and supported the parliamentary monarchy. Every state, as recommended by the United Nations, should enact a detailed declaration of human rights. The U.S. State Department stated: “Democracy and human rights must be used independently of political interest” (Munir Sh., 1999, p. 109). It was believed that the world in its new phase, under American leadership, would witness the

triumph of democracy and human rights worldwide. The practice of freedom fosters creativity and contributes to the exchange of ideas.

2- Conclusion:

Democracy has enormous power in mobilizing human societies. It is fertile ground, known since the eighteenth, twentieth, and twenty-first centuries, born of a long development since Plato and Aristotle spoke of it and since it was practiced. It is the rule of the people. It is not merely the political structure of the state nor simply public freedoms such as freedom of speech; rather, it is a way of life in all its forms and practices. Ancient democracy differs fundamentally from modern and contemporary democracy. Its application forms the foundation of a present and living civilization, giving and believing in society, all for the sake of building a sound and civilized community free from blind imitation.

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