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1. Democracy.

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## DEMOCRACY OF HISTORY

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يُقدّم البحث التالي الحجّة لخلق نوع جديد من الديمقراطية، أيّ ديمقراطية التاريخ. وتقوم ديمقراطية التاريخ على المبدأ الأوّل التالي، وهو إنّ المشاركة في الحكم تُبنى على أساس المشاركة في تطوّر التاريخ في شتّى أشكاله. ولا يُقصد بهذا البحث أن يكون دراسة مستوفاة لديمقراطية التاريخ. فاقصر البحث على تحديد المسائل الأساسية التي تثيرها ديمقراطية التاريخ، وتبريرها؛ وتطلّب ذلك، في هذه المرحلة، استخدام مفاهيم فلسفيّة تُرسي ديمقراطية التاريخ، وتعدّ الطّريق أمام معالجة مسائل معقّدة، من مثل: هل إنّ تحديد المشاركة التاريخيّة ممكن، أو هل إنّ المشاركة في الحكم ممكنة للمجموعات على ضوء مشاركتها في تطوّر التاريخ، أو هل إنّ العالم في حاجة لنظام حكم مبنيّ على مبادئ ديمقراطية التاريخ؟

## *INTRODUCTION*

### *A. SUBJECT-MATTER OF DEMOCRACY OF HISTORY*

#### *1. THE IDEA OF GROUP*

1. The inclination to be part of a group belongs by nature to all human beings. A sign of this is man's ability to form a language, and to laugh. For language and laughter are the proper human tools by which human souls associate. It might be contended that some men are not inclined to be in groups, and therefore that this inclination does not belong to the nature of man. I cannot agree. Some individuals might be prevented from being part of a group because the performance of a creative activity requires solitude, or because of political, religious, or social reasons.

#### *2. HIERARCHY OF GROUPS*

2. All animals are alike in the respect that they possess by nature a certain kind of interaction; for every animal is defined by its place in nature. Most animals, however, live individually, and their groupings are often mediated by the environment. Nevertheless, some animal groups, such as termites, ants, bees, and wasps, display intimate behavior, although their group activities reflect largely unlearned patterns of behavior. Other animal groups operate less by inherited instinct than by almost learned behavior. This is mainly true of chimpanzees, but can also be found with fish, wolves, birds, and deer.

3. The ability to transmit information proves that memory exists in some animal groups, since understanding among members of the group follows a certain standard system of communication. Memory, however, means one thing to animal groups, and another thing to human groups. Human groups have a memory because they can produce culture, and, therefore, make a history, for it is the culture of the group as a whole that is transmitted from generation to generation. This is done by means of language, the unique human sign of a group's memory, and its way of life. But, in animal groups other than human, the ability to group for avoiding certain things because of a natural instinct, is only called prudence and, therefore, memory.

4. The association of many singular "intensions" received in a group's memory can produce a group's experience.<sup>1</sup> An indication of this is found in certain types of actions which, though committed against individuals, are remembered by those individuals to be committed less against their persons individually than against their group collectively. Genocide, for example, is a type of group crime even when it is committed against some individuals who belong to that group. It is said that the group as a whole survives the genocide when only few individuals actually survive.

5. A group's experience, then, arises from a group's memory, since certain types of things are avoided or accepted in the future based on the remembrance of certain things that occurred in the past. Still, it can arise from a group's self-consciousness, and becoming. Singular activities that make provisions for the group's future are also parts of the group's experience. Thus, experience is not only a reflection of the past, but also a participation in the becoming; for becoming is the perpetuation of groups' identity, and necessarily arises from an association of many experiences. Since participation in becoming finds its best expression in thought, experience, then, is most appreciated where it is concerned with thought.

6. Thought can experience becoming at the level of imitation. This kind of becoming is primarily found among some animal social groups; for it is by an inherited instinct, thus by an imitation of nature, that these groups survive. So it is by imitation that the activities of social animals, such as bees, are transmitted from generation to generation. This kind of becoming is, however, found at the lowest level among human groups because the imitating group survives, and perpetuates its identity, by mediation of the imitated group. Also, thought can experience becoming at the level of intellectual activity, since it is the proper growth of a group, where to rise to historical self-awareness, to refute imitation, in a manner similar to the proper growth of human beings, where stepping into adulthood requires revolt against basic social ideas of dependency. Group thought can most

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1. See Aristotle, *Metaphysics*, Bk. I, I, 4 at 5 (Loeb Classical Library, Harvard University Press: 1989):

*It is from memory that men acquire experience, because the numerous memories of the same thing eventually produce the effect of a single experience.*

experience becoming at the level of creative activity, for it is in creation that a group most rules over facts, and, therefore, can perpetuate for generations.

7. Thus, the democracy we want to propose deals with *groups*. But, since every group is constituted of individuals, it is, therefore, also concerned with *the individual as part of the group*, and the *individual simpliciter*. And the reason we are undertaking this study is that, since every individual is by nature inclined to be in a group, and since modern democracy considers that people rule only as individuals, a democracy that considers individuals must therefore also be one that considers groups.

8. If our democracy is concerned with groups, we must show what kind of group with which it is concerned. Understanding would be helpful for us, first, how the "rule of the people" is conceived under modern democracy, and second, what kind of group our democracy wants to investigate; for a group is part of the people; and to understand the part we must first understand its whole.

9. It is considered that democracy is the rule *by the people*, made out of *the people*<sup>1</sup>, since, just as a thing is governed by its *source* in the manner of an activity by its idea, so people's rule must be governed by the people. Also, in order for the people to rule, the rule of the people must be made *for the people*, since just as in order for a thing to be considered perfect it must be united to its source, as St. Thomas Aquinas states, for example, the starting and the ending point in a full circle, so the rule of the people must be made for the people. Still, for the people to rule, the rule must be made *for the common good of the people*, since just as the artist's activity is directed to the completion of the artist's idea, for an idea finds its satisfaction when it is completed, in a similar way the rule of the people is said to satisfy the people when it is completed for the common good of all people.

10. Now, the group is part of the people. And a group may participate in the government based on three percepts : (i) When a group participates in becoming, namely, in the evolution of thought; (ii) When the group's participation is made for the benefit of the wide world, and (iii) when the group's participation deals with the essence of things, and not only with their existence; for to participate in the development of the most basic principles

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1. See Alan Ider, "The American Democracy and Judicial Review", 33 ARIZ. L. REV. 1 (1991).

that rule over the world at all times is most noble, yet most fruitful to all the world over.

11. From what has been said, then, our democracy is clearly concerned with groups, and primarily with historical groups, and a group is qualified as historical if it participates in the evolution of thought.

### B. NATURE OF DEMOCRACY OF HISTORY

12. That this democracy is not a national or regional democracy is clear from the historical group's activity. It is because of the universal character of a group's activity that an influence can be exerted on history as a whole. Now the influence that a national or a regional group can exert on the history of its region or state is related to that exerted by a group on history as a whole, as form is related to substance. Just as substance is prior to form in essence, and grounds its existence, so world history is prior to national or regional history, and grounds its existence. An idea that has participated in the evolution of world thought will certainly contribute in the evolution of national or regional history. Khalil Gibran, a Maronite Lebanese-American, has tremendously revolutionized the use of Arabic language in the Arab world. Gibran, however, was, in turn, deeply influenced by Friedrich Nietzsche, the German philosopher whose writings have more participated in the evolution of the world thought than Gibran's have, although passages from the latter's *PROPHET*, have been widely read, in lieu of passages from the New Testament, during marriage ceremonies in Protestant Churches in the United States, and in the wider world.

13. This democracy, then, is a *Democracy of History*, a historical science that studies historical groups, *i.e.*, groups which have participated in the evolution of thought.

14. Having defined first what this democracy is concerned with, and then what it is, namely, Democracy of History, I must now show what this democracy intends to do with that with which it is concerned.

### C. OBJECT OF DEMOCRACY OF HISTORY

15. If the aim of Democracy of History is to show how a group is entitled to participate in its government based on its participation in the evolution of thought, establishing knowledge about this right, then, would justify this

democracy's ultimate goal, namely, that there should be a new type of government that would answer to the common good, and thus resolve the individual-group conflict within the idea of democracy today.

16. From what has been said, then, the subject-matter of Democracy of History is evidently to consider groups, and, particularly, historical groups; that it is not by nature a national or regional science, but a historical science that studies the participation of groups in the evolution of thought ; and that its aim, to which this whole inquiry is directed, is to know how historical groups are entitled to national or regional participation, thereby answering satisfactorily to the common good.

17. I still have to show how Democracy of History uses that with which it is concerned to reach its aim, namely, how it defines its issues, and uses its principles, and subject-matter, so that it may reach its ultimate goal.

#### *PART I: THE ISSUES RAISED BY DEMOCRACY OF HISTORY*

18. To appreciate a thing is to appreciate it within its environment. Since Democracy of History is part of democracy, we must, then, appreciate the issues raised by Democracy of History within the issues raised by democracy in general.

#### *A. THE ISSUES UNDER DEMOCRACY OF HISTORY TAKEN INTER SE*

##### *1. GENERAL ISSUES*

19. That democracy of today encounters problems is evident from its source, aim, and means. If the people are the ultimate source of a democratic government, then Democracy of History wants to know how, for example, it is possible that the American Constitutional Convention created the basic law in Philadelphia in 1789, for a nation that did not yet exist; and how it is possible that the Charter of the United Nations was shaped at the Congress of nations in San Francisco in 1945, for a world nation that did not yet exist. Also, granted the establishment of a government, Democracy of History wants to know why the concept of people, which has also been conceived as the ultimate aim of a democratic government, does not include the concept of group under modern democracy, and why equality and liberty, which are

conceived as the elements of modern democracy<sup>1</sup>, apply to individuals, to the exclusion of groups. If "all should have some share in the government," as St. Thomas Aquinas states, and if "all" denotes the nature of human beings, so that every individual would be entitled to the rights given to all human being by virtue of being human, Democracy of History wants to

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1. See, e.g., Hobbes, *Leviathan*, Part II, Chap. XXI (Bobbs-Merrill Co., IN: 1958); Locke, *Treatise on civil government*, Chap. IV ("Of Slavery"), Sec. 22, p. 16; Chap. VI ("Of Paternal Power"), Sec. 54-57, pp. 35-37; Chap. VII ("Of Political or Civil Society"), Sec. 87-94, pp. 56-62; Chap. XI ("Of the Extent of the Legislative Power"), Sec. 142, pp. 95-96 (D. Appleton-Century Co. 1937); Rousseau, *Le contrat social*, Bk. II, Chap. IV ("Des bornes du pouvoir souverain") ["On the Limits of the Sovereign Power"], pp. 42-46; Chap. XI ("Des divers systèmes de législation") ["On the Various Systems of Legislation"], pp. 62-64, esp. 62 (Librairie Hatier: 1936):

*Si l'on cherche en quoi consiste précisément le plus grand bien de tous, qui doit être la fin de tout système de législation, on trouvera qu'il se réduit à ces deux objets principaux, la liberté et l'égalité.*

*[If we ask in what precisely consists the greatest good of all, which ought to be the aim of every system of legislation, we shall find that it is summed up in two main objects, liberty and equality.]*

Hegel, *Philosophy of history*, Part I, 124-125 (Dover Publications Inc., N.Y. : 1956):

*In China, we have the reality of absolute equality... Since equality prevails in China, but without any freedom, despotism is necessarily the mode of government.*

Part II at 260:

*In Athens a vital freedom existed, and a vital equality of manners and mental culture; and if inequality of property could not be avoided, it nevertheless did not reach an extreme.*

The declaration of independance,

*We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness...*

The Constitution of the United States, See Preamble; Article IV (Sec. 2); Amendments I-X, XIII (Sec. 1), XIV (Sec. 1), XV (Sec. 1), XIX. The Federalist papers, e.g., No. 26, 168-174, No. 84: 510-520 (New American Library, Mentor Book: 1961).



understand, then, why the idea of 'group' should be excluded from this nature, when *all men are by nature inclined to be in groups*. The fact that in some countries, such as Lebanon, modern democracy applies to groups, all religious communities having some share in the government, does not refute the fact that it does not deal with groups. Even as all communities live together in Lebanon, which is a sign of liberty, and all have a share in the government, which is a sign of equality, the liberty and equality of the Lebanese citizen are still affected. For the Lebanese citizen would lose major civil and political rights, such as the right to vote, the right to marry, and the right to rule, if he or she would choose not to belong to a particular religious community.

20. Still, there is the problem of the means used by modern democracy. For "all" expresses the need of political services given to "all" through the right to vote. But, the right to vote is in many ways altered by many other democratic means, such as the media, or the charisma of the leader. Therefore, what is called a rational vote under modern democracy appears to be irrational under Democracy of History, indeed.

21. After pointing out, in general, the problems which modern democracy faces, I must now point out, in particular, how these problems should be approached in relation to Democracy of History.

## 2. PARTICULAR ISSUES

22. There are two ways to approach these problems: Either to criticize previous conceptions of modern democracy, and to establish thereafter what is true about Democracy of History; or to establish what is true about Democracy of History by criticizing, all along the inquiry, the previous conceptions of modern democracy. The adoption of either approach notwithstanding, the following shows, first, how Democracy of History is dependent on, and then how it is independent from, modern democracy.

### *a. Dependence of Democracy of History on modern democracy*

23. Democracy of History fulfills modern democracy. If every individual is by nature inclined to be in a group; and if modern democracy deals with individuals, and Democracy of History with groups, Democracy of History should be, where the group is an extension of the individual, an extension of modern democracy.

should be, where the group is an extension of the individual, an extension of modern democracy.

A reason for this is the abolition of the privileged classes from both types of democracies. Yet where modern democracy does so without denying national participation to individuals, Democracy of History does so without denying national participation to both groups and individuals. Unlike modern democracy, which attributes individual accomplishments solely to individual endeavor as such, Democracy of History attributes individual accomplishments to the *group*, to the *individual simpliciter*, and to the *individual as part of the group*, for it is within a group that the personality of the individual is shaped. Also, unlike modern democracy where political endowment is considered about individual accomplishments, Democracy of History considers this endowment about a group, including the individual, *simpliciter* and as part of the group, accomplishments in the evolution of thought.

On the other hand, Democracy of History is dependent on modern democracy in considering the « people » as the ultimate source of political power. Both democracies, however, differ in the meaning they attribute to it. Unlike modern democracy that considers « people » individually without distinction as to race, religion, language, class, gender, etc., Democracy of History considers « people » as groups, where measurement of the difference between groups is less in characteristics, than in historical participation.

Also, Democracy of History is dependent on modern democracy with respect to the aim toward which political process is directed. Like modern democracy, Democracy of History directs all its political power to the common good of the people. The common good of the people under both types of democracy is equality and liberty for all under the law. But, unlike modern democracy which gives political recognition to individual equality for all human beings by virtue of being human, and to individual inequality by virtue of accomplishments, Democracy of History gives political recognition to group equality, providing the historical opportunity for every group to make a historical difference; and to group inequality, where every group would be entitled to gradual standing into national participation, by virtue of its gradual standing into historical participation.

24. Having defined how Democracy of History fulfills, rather than contradicts democracy of today, I must now explain what is true about Democracy of History.

*b. Independance of Democracy of History*

25. Like Locke<sup>1</sup>, and Kant<sup>2</sup>, I consider that legislative power is the most important function of the state, to be exercised by none but the people. However, unlike Locke and Kant, who look at the « people » from the perspective of individuals, I look at it from the perspective of "groups », without the exclusion of the prerogatives of individuals. And unlike Rousseau, and Kant, who justify the government respectively as a « general will »<sup>3</sup>, and a « united will »<sup>4</sup>, of the people<sup>5</sup>, I justify the government as the people's thought. Whereas the former conception, under Rousseau<sup>6</sup> and

1. *Treatise of civil government, supra* note 3, Chap. XI ("Of the Extent of the Legislative Power"), para. 134, p. 88:

*The great end of men's entering into society, being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society; the first and fundamental positive Law of all commonwealths, is the establishing of the legislative power...*

2. *The science of right*, para. 46 ("The Legislative Power and the Members of the State"), 166-169 (Scribner and Welford, N.Y.: 1887).

3. Rousseau, *Le contrat social, supra* note 3, Bk. I, Chap. VI ("Du pacte social") ["On the Social Compact"], 30:

*Chacun de nous met en commun sa personne et toute sa puissance sous la suprême direction de la volonté générale, et nous recevons en corps chaque membre comme partie indivisible du tout.*

*[Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole]*

- Bk. II, Chap. III ("Si la volonté générale peut errer") ["Whether the General Will Can Err"], 41-42; Bk. IV, Chap. I ("Que la volonté générale est indestructible") ["That the General Will Is Indestructible"], 110-112.

4. *The science of right, supra* note 5, para. 46, 166:

*The legislative power viewed in its rational principle, can only belong to the united will of the people.*

5. See Rousseau, *supra* note 3, Bk. II, Chaps. VIII-X ("Du peuple") ["On the People"], 55-62.

6. *Id.*

Kant<sup>1</sup>, considers the government as integration or realization of its people's will, the latter conception, under Democracy of History, considers the government as people's historical participation. Accordingly, although I agree with Montesquieu<sup>2</sup>, and with Rousseau<sup>3</sup> and Kant<sup>4</sup>, that the separation of branches is a fundamental tenet of democracy, I disagree, however, with the fact that they are only for the protection of equality and liberty for all, because the common good of the people under Democracy of History is not concerned only with equality and liberty, but also with historical participation.

26. Also, I agree with Hobbes<sup>5</sup>, Locke<sup>6</sup>, and Rousseau<sup>7</sup>, in stating that a civil state must be conceived for utilitarian reasons, be it for security, moral

1. *The science of right*, *supra* note 5.

2. *See The federalist papers*, *supra* note 3, No. 47: Madison, 300-308.

3. *Le contrat social*, *supra* note 3, Bk. III, Chap. IV ("De la démocratie") ["On Democracy"], 76-78.

4. *The science of right*, *supra* note 5, para. 49 ("Distinct Functions of the Three Powers. Autonomy of the State."), 171-173.

5. *Leviathan*, *supra* note 3, Part I, Chap. 14, 115:

*[I]n a civil estate, where there is a power set up to constrain those that would otherwise violate their faith, [...] fear is no more reasonable.*

6. *Supra* note 3, Chap. IX ("Of the Ends of Political Society and Government"), para. 123, p. 82:

*If man in the state of nature be so free...if he be absolute Lord of his own person and possessions, equal to the greatest, and subject to nobody, why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? To which, it is obvious to answer, that though in the state of nature he has such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasions of others...This makes him willing to quit this condition, which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties, and estates, which I call by the general name, property.*

7. *Le contrat social*, *supra* note 3, Bk. I, Chap. VIII ("De l'état civil") ["On the Civil State"], 33-34.

freedom, or civil liberty reason. Yet, I disagree with them with respect to the origin of their utilitarianism. For where all consider that the civil state should be formed because what is gained, namely, security, moral freedom, or civil liberty, is greater than the state of independence men had enjoyed in the state of nature, I consider that the establishment of the civil state is a matter of moral imperative, required of groups for historical participation. It is only from this angle that I agree with Kant<sup>1</sup> who considers that what men should do is a matter of duty, rather than a matter of ends to be achieved. But, I disagree with all because departing from the state of nature<sup>2</sup> to form civil societies is not in contradiction with the state of nature as such. For *all men by nature are inclined to be in groups*. The real difference is that under civil society the « people » manifest a historical maturation and awareness that they did not have in the « state of nature ». War is created when this historical awareness is at its lowest level in people's thought, and can be eliminated only by being aware of how a group should make a historical participation.

27. Having defined what is true about Democracy of History, I must now examine the issues with which Democracy of History is concerned.

#### *B. THE ISSUES UNDER DEMOCRACY OF HISTORY TAKEN IN SE*

28. The reason issues must be brought up under this subject is because the other theories of democracy have neglected the approach I take, and because this democracy, if it is to be a contribution, must be in the line of precedent theories of democracy. Thus, the identification of the issues will be addressed, first; their justification, second.

##### *1. IDENTIFICATION OF THE ISSUES UNDER DEMOCRACY OF HISTORY*

29. In examining the issues that Democracy of History raises, I will consider, first, the general, and then the particular issues. Where the first

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1. *The science of right, supra* note 5, para. 61 ("Perpetual Peace and a Permanent Congress of Nations"), 224-225.

2. See, e.g., Rousseau, *Le contrat social, supra* note 3, Bk. I, Chap. VI ("Du pacte social") ["On the Social Compact"] at 29.

type of issues relate to the principles behind Democracy of History, the second refer to their application.

30. Thus, *in general*, we must ask (i)

*whether determining a group's historical participation is possible for Democracy of History.*

If so, there follows the question whether this democracy is concerned with the group's participation in the evolution of *the highest and most dignified form* of thought, or of *all, or some* forms of its manifestation.

31. There is also the question (ii)

*whether participating in their government is possible for historical groups based on their historical participation.*

32. If this is possible, we must investigate (iii)

*whether historical groups should be given national popular participation in proportion to their gradual standing into historical participation.*

If this is granted, we must further investigate whether this national popular participation should be in proportion to historical groups' gradual standing into historical self-consciousness, or historical existence, or historical dignity, or historical experience.

33. There is also the question (iv)

*whether historical groups should be given national political representation in proportion to their gradual standing into historical participation.*

If so, we must investigate whether their national political representation should be measured by *the universality* of their historical participation, or the universality of the particular discipline in which they are participating. We must as well investigate whether historical groups should be given national political representation in proportion to quantitative historical participation, despite the universality of their participation or the universality of the particular disciplines in which they are participating.

34. There is also the question (v)

*whether historical groups should be given national participation in proportion to their historical participation in the State or the Region to which they belong.*

35. We must also investigate the problem (vi)

*whether, given the fact that a group has made a historical participation, its geographical distribution in the state to which they belong, can adversely affect its entitlement to national participation.<sup>1</sup>*

36. Again, we must investigate (vii)

*when ending a historical group's national participation is possible, without impairing the democratic process.*

37. Finally, we must ask (viii)

*whether the wider world is in need of a new type of government, based on the principles of Democracy of History.*

38. Also, in particular, we must ask (ix)

*whether historical groups are limited in number, or every national group is, in one way or another, historical.*

39. We must also ask (x)

*whether civil, political, economic, social, cultural, and environmental participations are the kinds of national participations to which a historical group is entitled.*

40. We must also investigate (xi)

*whether, given the fact that a group has made a historical participation, the fact that it is settled in a section of the country, or scattered throughout the country, or both, can adversely affect its entitlement to national participation.*

41. If it is only those who are settled in a section of the country must be the groups who are entitled to national participation, we must then inquire (xii)

*whether, given the fact that a group has made a historical participation, the fact that it is settled in a section situated on the border of the country, or*

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1. On 'geographical distribution,' see *Definition and Classification of Minorities*, Memorandum submitted by the Secretary-General to the Sub-Commission of Prevention of Discrimination and Protection of Minorities, para. 60 (U.N. Publications, Sales No.1950.XIV).

*in the middle of the country, can adversely affect its entitlement to national participation.*

42. If the former, we must then inquire (xiii)

*whether the fact that the historical group is settled in a section contiguous to a state whose dominant group has the same distinctive characteristics, can adversely affect its entitlement to national participation.*

43. But, if it is granted that only those who are scattered throughout the country must be the groups who are entitled to national participation, we must then inquire (xiv)

*whether the fact that the historical group is scattered throughout the country, or throughout a large portion of the country, can adversely affect its entitlement to national participation.*

44. And, if it is granted that it is both, we must inquire, besides the above, (xv)

*whether the fact that the historical group is partly scattered throughout the country, or partly settled in a section of the country, can adversely affect its entitlement to national participation.*

45. If geographical distribution is not sufficient in itself, then we must inquire (xvi)

*Whether the fact that the historical group was brought voluntarily or involuntarily within the jurisdiction of the state, can adversely affect its entitlement to national participation.*

46. And (xvii)

*whether only groups who live in mono-group societies are the groups who must be qualified as historical, or only those who live in multi-group societies, or both.*

47. Having defined some issues with which Democracy of History is concerned, we must now explain why they must be brought up.

## 2. JUSTIFICATION OF THE ISSUES UNDER « DEMOCRACY OF HISTORY ».

48. Thus, we go on to justify the first issue, namely,



*whether determining a group's historical participation is possible for Democracy of History.*

There are three arguments for the legitimacy of this issue under Democracy of History: (1) The determination of historical participation is the basic element out of which all the other issues are composed. (2) On the basis of this determination we can address the basic issue of Democracy of History, namely, whether groups may be entitled to national participation based on their historical participation. (3) It is out of this determination that Democracy of History can, most importantly, appreciate whether or not the world is in need of a new type of government for the proper protection of the common good of the people.

This issue, therefore, is legitimate.

49. And we go on to justify the second issue, namely,

*whether participating in their government is possible for groups based on their historical participation.*

The aim of Democracy of History is to institute the proper government for the protection of the common good of the people. Since we showed above the problems modern democracy faces as for its source, aim, and mean, and how Democracy of History claims to resolve them by showing that national participation can be based on historical participation, it is, thus, necessary that we investigate this issue to prove that the mechanisms of Democracy of History for dealing with these problems are sufficiently efficient to complete, if not replace, those of modern democracy.

This issue, therefore, is legitimate.

50. And we go on to justify the third issue, namely,

*whether historical groups should be given national popular participation in proportion to their gradual standing into historical participation.*

Not all historical participations are the same. If all historical participations were the same, the idea of evolution would have been impossible as an ultimate experience to human thought. Nor are national participations the same, where national participations are based on historical participations. Thus, it is our first task to ask whether the degree of a group's national participation should be any less than that of its historical participation.

The issue, therefore, is legitimate on its face.

51. And we go on to justify the fourth issue, namely,

*whether historical groups should be given national political representation in proportion to their gradual standing into historical participation.*

Democracy of History argues that the establishment of a government is justified less by the people than by thought<sup>1</sup>, the people being a means for the evolution of thought. Thus, a group's historical participation should justify no less its popular participation to, than its political representation in the government.

The issue, therefore, is legitimate.

52. And we go on to justify the fifth issue, namely,

*whether historical groups should be given national participation in proportion to their historical participation in the State or the Region to which they belong.*

It might be contended that this issue is irrelevant here because it is in contradiction to the definition of the term 'historical group' given above<sup>2</sup>. It is true that we have limited the ascription of 'historical' to groups which engage in the participation of thought as a whole. We have reasoned that it is the world thought that puts national and regional histories into perspective, not the other way around. Thus, it is argued, bringing up the issue whether or not a group's national or regional historical participation can justify its national participation is irrelevant. I cannot agree. It is true that thought as such puts national and regional histories into perspective. Yet the latter are parts of history as a whole. Wider historical participation is often mediated by national or regional historical participation. Since individuals are shaped within a group, and groups within a society, conceiving historical participation as stemming from nothingness is absurd. No less than wider historical participation which can exert its influence on national or regional historical participation, the latter can have an influence on the former. History, in fact, is an endless rotation of an ongoing process that makes it impossible to dismember the unity of thought through all its various forms of historical development.

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1. See *supra* at paras. 30-40.

2. See *supra* at para. 15.

The issue, therefore, is legitimate.

53. And we go on to justify the sixth issue, namely,

*whether, given the fact that a group has made a historical participation, its geographical distribution in the state to which it belongs can adversely affect its entitlement to national participation.*

It might be argued that this issue is irrelevant here, it being forced arbitrarily into inquiry. Apparently, there is no reasonable justification for bringing up a relationship between historical participation and national participation on the one hand, and geographical distribution on the other. Nevertheless, national participation is affected by geographical distribution.<sup>1</sup> If national participation is affected by historical participation, as *issue one* of this inquiry will have to show, exploring whether historical participation is affected by geographical distribution would be logical, then.

The issue, therefore, is legitimate.

54. And we go on to justify the seventh issue, namely,

*when ending a historical group's national participation, without impairing the democratic process, is possible.*

Democracy of History argues that all individuals, and all individuals belonging to a group, and all groups, must be provided with equal historical opportunity to make a historical difference in the State to which they belong. If a group is entitled to national participation based on its historical participation, we must then investigate how this national participation ends. Otherwise political endowment would lack a democratic qualification.

The issue, therefore, is legitimate.

55. And we go on to justify the eighth issue, namely,

*whether the wider world is in need of a new type of government, based on the principles of Democracy of History.*

Democracy of History argues that modern democracy does not effectively protect the common good of the people, as we have shown above. Not only does the problem lie in the source, means, and end of modern democracy, but also in the number of branches of the government, and the manner in which the separation of their powers is conceived. But we mentioned earlier

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1. See *Shaw v. Reno*, 113 S.Ct. 2816 (1993).

that the aim of Democracy of History is to institute the right government for the protection of the common good of the people. Since the establishment of this government is the aim of Democracy of History, and since we have shown that all the previous issues are legitimate to our inquiry, this issue must, therefore, also be legitimate.

56. And we go on to justify the ninth issue, namely,

*whether historical groups are limited in number, or every national group is, in one way or another, historical.*

Democracy of History argues that the mechanisms of modern democracy, for example, the right to vote, are inefficient in themselves. As an alternative, Democracy of History argues that national participation, whether popular or political, can be based on historical participation. But Democracy of History is an extension of modern democracy, where « all should have a share in the government ». Where modern democracy understands « all » as to include only individuals, Democracy of History understands « all » as to include, in addition to individuals, individuals as parts of groups, and groups *simpliciter*. Thus, Democracy of History must investigate how « all » can participate in the government based on historical participation.

The issue, therefore, is legitimate.

57. And we go on to justify the tenth issue, namely,

*whether civil, political, economic, social, cultural, and environmental participations are the kinds of national participations to which a historical group is entitled.*

Investigating whether a historical group is entitled to national participation, compels us to investigate what kinds of national participations to which a historical group is entitled. There are at least six kinds of national participations: A civil, political, economic, social, cultural, and environmental participation. Thus, we must ask whether historical groups are entitled to civil, political, economic, social, cultural, or environmental participation.

The issue, therefore, is legitimate.

58. And we go on to justify the eleventh issue, namely,

*Whether the fact that a historical group is settled in a section of the country, or scattered throughout the country, or both, can adversely affect its entitlement to national participation.*

This issue is a kind of the sixth issue above. If the latter is legitimate, the former is, therefore, legitimate. The same also applies to the twelfth issue, namely,

*Whether the fact that a historical group is settled in a section situated on the border of the country, or in the middle of the country, can adversely affect its entitlement to national participation;*

and to the thirteenth issue, namely,

*whether the fact that a historical group is settled in a section contiguous to a state whose dominant group has the same distinctive characteristics, can adversely affect its entitlement to national participation;*

and to the fourteenth issue, namely,

*whether the fact that a historical group is scattered throughout the country, or throughout a large portion of the country, can adversely affect its entitlement to national participation;*

and to the fifteenth issue, namely,

*whether the fact that a historical group is partly scattered throughout the country, or partly settled in a section of the country, can adversely affect its entitlement to national participation.*

59. And we go on to justify the sixteenth issue, namely,

*Whether the fact that a historical group was brought voluntarily or involuntarily within the jurisdiction of the state, can adversely affect its entitlement to national participation.*

If it is found that 'geographical distribution' is not sufficient to affect a group's national participation based on its historical participation, it seems necessary then to know what would make it, besides geographical distribution, sufficient.

The issue, therefore, is legitimate.

60. And we go on to justify the seventeenth issue, namely,

*whether only groups living in mono-group societies are the groups that must be qualified as historical, or only those living in multi-group societies, or both.*

Democracy of History argues that in mono-group societies, minority groups may be prevented from national participation under modern

democracy. Historical participation is the ultimate phenomenon of democracy, where minority groups are provided with historical equal opportunity to make their gradual standing into historical self-consciousness. However, the situation is not the same in multi-group societies where there is no clear-cut distinction between a minority and a majority. Thus, we must ask whether national participation should also be based on historical participation in mono-group societies.

The issue, therefore, is legitimate.

61. We have shown thus far the important issues with which Democracy of History is concerned, and why it considers them issues. To show the nature of historical issues is to show that they are debatable, the nature of issues being that they can be treated in different ways, similar to a marble that, before it is sculpted, can potentially be sculpted in many ways. Accordingly, the major step forward in the treatment of Democracy of History is *developing* its issues, which Part II will deal with.

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