

Introduction

Rights were born with the birth of man, but awareness of these rights and their recognition and then application and enjoyment needed a long march of struggle in human history, and the struggle will continue to apply these rights as long as there is a person on earth, that these rights are the goal and goal of man, but deprivation of them is certain and something expected as long as there is injustice, the monotheistic religions came stressing the importance of these rights and the need to enjoy and grant them to all human beings and these rights were It is the primary purpose of these religions to guarantee human dignity and freedom, but these rights have been violated and some of them are still violated.

Definition of human rights

The definitions that dealt with the concept of human rights differed, some of them believe that human rights in essence mean: respect for human dignity and upholding the value of human beings, while some believe that human rights are the citizen's means of defending himself against society and the state.

In the same sense, some argue that human rights are the basic standards without which people cannot live in dignity like human beings.

It can also be said that human rights are the ability of a person to choose his own actions and to practice his activities without hindrance, taking into account the restrictions imposed for the benefit of society.

There are those who expand the social base of human rights by saying that human rights are a special branch of society concerned with the study of relations between people based on human dignity.

The general framework of the term human rights, which is circulated internationally, is defined as: the set of rights and demands that must be fulfilled for all human beings on an equal basis and without discrimination among themselves.

Characteristics of human rights

The most important characteristics of human rights can be listed as follows:

1 – Human rights are not bought, acquired or inherited, they simply belong to the people because they are human beings and human rights are inherent in every individual.

2. Human rights are the same for all human beings, regardless of race, sex, religion, political or other opinion, national or social origin.

3. Human rights cannot be taken away; no one has the right to deprive another person of human rights even if they are not recognized by the laws of his country or when they are violated by those laws.

4 . In order to live in dignity, all people are entitled to freedom, security and decent standards of living.

5– Human rights are as old as human beings, they existed with the existence of man and were associated with him, and it is wrong to say that human rights existed recently.

Types of human rights

Human rights can be classified into three basic categories:

1– Civil and political rights (also called "first generation rights") are linked to freedoms and include: the right to life, liberty, security, freedom from torture, freedom from slavery, political participation, freedom of opinion, expression, thought, conscience, religion, and freedom of association and assembly.

Economic and social rights (also called "second generation rights") are linked to security and include: work, education, decent standard of living, food, shelter and health care.

3. Environmental, cultural and developmental rights (also called "third generation rights") include the right to live in a clean environment protected from destruction and the right to cultural, political and economic development.

Human rights in ancient civilizations

It is divided into four civilizations:

First: Human rights in the civilization of Mesopotamia:

The civilizations of Mesopotamia are the oldest human civilizations and the first interest in human rights, and the Iraqis in their various historical eras, whether Sumerian or Akkadian, Babylonian or Assyrian, always demand their monarch as a deputy of God, to develop rules and apply procedures that guarantee freedom, social justice and equality for all.

The word freedom appears in a Sumerian text of the oldest document known to the ancient world, which explicitly refers to the importance of human rights and its affirmation of human freedom and its rejection of everything to the contrary.

What ancient history left us with regard to human rights in the civilization of Mesopotamia are four of the most important laws written in history, namely the law of Urnamo, the law of Ibit Ishtar, the law of Ashnona, and the Code of Hammurabi, as well as a set of social reforms known as (Orcagina), which did not reach the degree of law because it was devoid of introduction and conclusion, and we will address these reforms and laws as follows:

1– Orcagina reforms:

It is a set of social reforms written in Sumerian and cuneiform script, developed by the Sumerian monarch (Urcagina), the ruler of the city–state of Lagash to eliminate the disadvantages that the people complained about and to

remove the injustices and exploitation that fell on the poor, the rich, the powerful and the men of the temple.

The Sumerian king (Urcagina) has developed a number of social reforms to organize family life and preserve the place of women and their independence in the society of the Sumerian city, and these reforms did not reach the level of law because they were devoid of introduction and conclusion.

2– Urnamo Law:

The (Ornmu) founder of the Sumerian third dynasty of your, which is one of the oldest laws discovered so far consists of (31) articles has dealt with the law of Urnamu a number of social and economic issues, the most important of which are:

1. Unifying justice in the country and removing injustice and hatred.
2. Preserving women's rights.
3. Punishment for false testimony.
4. Punish anyone who drowns a field planted for another person.

In his law, Ornamo only took the fine from the convict for any crime instead of the debtor penalty.

3– The Law of Ishtar Bit:

King Ishtar is the fifth king of the Amorite dynasty of Aysen, who ruled at the beginning of the Old Babylonian era, and the law was written on four clay numbers and cuneiform font and the introduction includes the glorification of the king and shows his good qualities, as the introduction indicated the deteriorating conditions and administrative corruption, and for this the king issued laws to lift injustice against people, and has arrived from these laws (35) articles, were comprehensive laws concerning the following things:

1. Agricultural land.
2. Slave affairs.

3. Cases of assault on others.
4. Organizing tax affairs.
5. Special relationships known as personal status.
6. The rights of a free wife, the rights of the mother wife, and the rights of the children of each of them in inheritance.

The conclusion came to include a covenant from the king to eliminate hatred and hatred, and to spread welfare, and included the imposition of divine punishment on anyone who tries to change this law.

4– Ashnona Law:

It is one of the oldest laws written in the Akkadian language, and precedes the Code of Hammurabi by two centuries, and the rest of the Ashnona Law is an introduction and (61) legal articles developed by King (Balalam), and the city of Ashnona is one of the six Amorite kingdoms that were established in Mesopotamia after the collapse of the third dynasty of your, and the most important thing stated in this law we learn about as follows:

1. The first eleven articles dealt with prices and wages.
2. Property and money affairs.
3. Penal Code.
4. Family laws.
5. It dealt with social aspects and personal status such as the right of the wife and husband and the right of the husband returning from the war to recover his wife in the event that she marries another.
6. Slave affairs.
7. The rights of the prisoner and the fate of his money.

5– Code of Hammurabi:

It is the law that won wide fame, as it was developed by Hammurabi, the founder of the first Babylon dynasty after his unification of the country, in the thirtieth

or forty year of his reign, Hammurabi issued his law, and fixed it on the stone and the clay number and ordered to distribute it to the Babylonian cities so that rulers and judges walk under it to achieve justice among people, and Hammurabi wanted his law to be a constitution that works out even those who come after him.

The Code of Hammurabi consists of (44) fields and (282) legal articles presented in (13) sections, the introduction came to show the choice of God for him to rule humans and spread justice among the people in the city of Babylon, either the conclusion came to confirm that these articles are the ones that prospered the country under justice, as for the thirteen sections are:

- The first concerns the judiciary and witnesses.
- The second relates to theft and looting.
- The third concerns the affairs of the army.
- The fourth relates to agriculture, the field and orchards.
- The fifth relates to loans, interest and traders.
- The sixth is related to the watering of wine.
- The seventh relates to credit and debt.
- The eighth relates to family affairs.
- The ninth relates to punishment, retribution and fines.
- The tenth concerns human and veterinary medicine.
- The eleventh relates to prices, the determination of wages and penalties against those who violate their obligations.
- The twelfth relates to the wages of animals and people.
- The thirteenth concerns the purchase of slaves and their relations with their masters.

Second: Human Rights in the Nile Valley Civilization:

Egypt is a country with one of the oldest civilizations in the world, passed by countries with different systems of government. Egypt was once with justice and suffered with injustice and tyranny many times, Egypt was subject to the rulers of the pharaohs, Hyksos and Romans.

In the era of the pharaohs, Egypt went through three stages, namely the stage of the old, middle and modern pharaonic state.

- The first stage: based on the idea of divinity, the king, who is nicknamed the pharaoh and is the master of the earth and those on it, it is not the right of the people to participate in governance, but everyone must hear and obey.
- The second stage: justice has been achieved to some extent.
- The third stage: At this stage, injustice returned and the king became free to act and met in his hand the religious and worldly authorities, and this is clear from the saying of Pharaoh (I am your supreme Lord).

Then Egypt was exposed at the end of the Middle Pharaonic state to the invasion of the Hyksos and ruled for a year or more, and the story of our master Joseph (peace be upon him).

Alexander of Macedon then entered it and Egypt came under the rule of Greece, and they based their rule on apartheid. Then the Romans were able to rule Egypt after their victory over the Greeks, and the Romans followed the policy of their predecessors, which depends on racial discrimination, making the Egyptians sons of the country in the last layer of this division.

Third: Human Rights in the Greek Civilization:

Greek civilization is characterized by philosophical and political thought, and one of the most prominent Greek thinkers who were interested in politics and human rights is (Solon), who issued a law known as (Solon Law), which

emphasized the abolition of slavery and the development of a system of partnership, as well as a rule for the division of the estate.

Greek society was divided into four classes: superiority, professionals, peasants and poor, and slaves.

They considered that the individual is inherently deficient and unable to become independent by himself, so the state interfered in his life and personal freedom.

One of the most important Greek philosophers who advocated human rights is Aristotle, who believes that justice is of two kinds, either to be natural justice and this justice is natural law, or it is customary justice set by a certain authority, and thus not subject to the human race, but only to the members of that state.

Fourth: Human Rights in the Roman Civilization:

Roman civilization is described as a military civilization and a civilization of law, and this expansion was accompanied by a distinction between the Roman citizen and other subjects of the empire, as each of them was subject to his own law, which is contrary to the principle of equality before the law.

The Romans divided their laws into three parts:

- Civil law or civil law: It is a set of binding legal rules that regulate the relationship between Roman citizens.
- Peoples Law: It is a set of rules that regulate relations between Rome and other peoples, and this law has evolved to become the basis of the natural law of the Romans, but there is a difference between the jurists in the matter of slavery, where natural law believes that people are born free and equal, while the law of peoples allows slavery.
- Aliens Law: It is a set of legal rules transferred from the law of peoples, and this law arose with the expansion of the Roman Empire, so this law included

the inhabitants of the territories under the control of the empire or who have not yet acquired Roman citizenship.

Human rights in religions

First: Human Rights in Judaism

In view of the Jewish religion in its early origins, Judaism instilled in the hearts of its followers considerations of national interest, and the rules of care for the people and their destinies, and called for punishment for virtue and punishment for vice, but due to the similar distortion in its texts, the Jews' reliance on the distorted texts of the Torah and on what was stated in the 'Talmud' which is considered the supreme law of the Children of Israel, which is a repository of the evils of the Children of Israel and included strange legends and was originally a few volumes, It became eight centuries ago 12 volumes, which is today in English 36 volumes and from it derived the Jews spirit of bloodshed methods barbaric fascist, in addition to calling for contempt of peoples and considering the Jews God's chosen people God has mentioned their sayings in the Qur'an and replied, he said: ﴿**The Jews and Christians said we are the children of God and his loved ones Say, He did not torture you with your sins, but you are human beings who were created to forgive whoever he wants and torture whoever he wants And God is the King of the heavens and the earth and everything between them and to Him is the destiny**﴾ (The Table: 18), and in this the Jews appear that they preferred themselves to all the peoples of the earth, and this is an acknowledgment of them on the lack of the principle of equality among them, and this is also a dedication to discrimination and differentiation between human beings, which in fact represents a form of violation of human rights, and this is made clear by the legalization of the Israelis to kill others, and their invasion of other peoples (according to their interpretation of the Bible). Judaism, with these

concepts based on racism, confirms their distance from the principles of justice, equality and respect for the natural rights of man.

Second: Human Rights in Christianity

The Christian religion has come with all the moral values and spiritual teachings of this heavenly religion to cause a violent shake in the Jewish community and the Jewish religion, it has rejected values such as slavery and enslavement of man and his brother man and came with new teachings that confirm the humanity of man and his spiritual transcendence, it was calling for love and brotherhood and spirituality and away from materialism and equality between people, and it was calling for faith in God and human love for his brother, tolerance and adherence to respect and virtue, but This new call did not cancel the bad customs that governed Roman society, in which Christianity appeared, and some clergy resorted to emulating kings and emperors.

The philosophy of rights in Christianity can be summed up by the words of Pope Paul II: **"If you want peace, work for justice"**, and where there is no justice, there are no rights.

Third: Human Rights in the Islamic Religion

Since Islam was the last of the heavenly religions, and Muhammad (may God bless him and his family and grant him peace) was the seal of the prophets, Islam is a religion for all humanity and for the whole history without being limited to a specific people or a specific region or a time period of history, and Islam has recognized its tolerant law human rights more than fourteen centuries ago, and these rights are not natural rights, but rather a divine gift based on the principles of Sharia and Islamic belief, and this is what confers It is sacred and constitutes a

guarantee against the aggression of the authority on it, and the Holy Quran is the source of the basis of Islamic law.

According to the Qur'an and the Sunnah of the Prophet, Islam is an integrated system that includes all aspects of life and guarantees man his rights within the framework of the principles of Sharia and is based on solidarity between individuals and society within the framework of social responsibility, the attribution of human rights in Islam to the Creator of man has given these rights important advantages, namely:

- Granting rights is sacred.
- Giving the force of obligation is the responsibility of protecting each individual.
- It is Allah, may He be exalted, who formulated these rights.

The most important human rights in Islam are:

First: the right to life

Islam has considered the life of the individual sacred and no one may attack it, and this right is clear in Islam when we look at the punishments imposed by Islam towards the murderer who ends the life of a person without right, the **Almighty said: ﴿ And do not transgress that God does not love aggressors ﴾**, as Islam considered man charged with preserving his life, the Almighty said: **﴿ And do not throw your hands into perdition ﴾**.

Second: Freedom of opinion and expression

It is a sacred right and a clear approach evidenced by the verses of the Holy Qur'an, **the Almighty said: ﴿ Call to the way of your Lord with wisdom and good advice ﴾**, and **the Almighty said: ﴿ Do not argue with the People of the Book except with the one that is better ﴾**.

Third: Women's Rights

Islam looked equally at women and men as both of Adam, the Almighty said: **"O people, we created you from a male and a female and made you into peoples and tribes so that you may know each other.**

Among the principles of Islam towards women:

1. Equality in humanity.
2. Equal rights.
3. Equality before the law.
4. Equality in freedom of belief.
5. The right to express an opinion.

Fourth: Economic Rights

As for economic rights, Islam considered work as the main source of ownership, the Almighty said: ﴿ **So walk in its paths and eat from his livelihood and to him the resurrection** ﴾, as Islam protected the right to own property, as it is not permissible to expropriate property arising from a halal gain except for the public interest, the Almighty said: ﴿ And do not eat your money among you with falsehood ﴾, as Islam protected the right of the worker, the Almighty said: ﴿ **And say, Work, and Allah will see your work, His Messenger and the believers.**

The status of man in Islam is high, as he is the Caliph of God on earth, and his rights are an essential part of the Islamic religion that cannot be disrupted, violated or ignored, and every human being is responsible for them, as well as the responsibility of the nation for them in solidarity.

Fifth: The right to believe

The right of belief is one of the most affirmed and approved rights by Islam for human beings, man is free to choose his faith **and religion, the Almighty said: ﴿ You have your religion and I have a religion ﴾**, and the Holy Quran recognizes for all people the freedom of their beliefs on the basis of their thinking,

and also guarantees the rights of non-Muslims and the rights of minorities on the basis of justice, tolerance and full respect.

Democracy

The term freedom and public freedoms

Throughout human history, the word freedom has been used with different meanings, in ancient times the prevailing meaning of the word freedom is not to enslave, and if the word right is added to it, it is meant by the right to freedom, which means the inadmissibility of slavery and slavery, and as stated in the text of Article III of the Universal Declaration of Human Rights (everyone has the right to life and freedom) because depriving a slave or slave of his freedom is no less than depriving him of his right to life, which is at the same time Deprivation of human rights.

Another meaning of the word freedom is freedom from social restrictions and non-commitment, meaning that a person does what he wants without adhering to a law, custom or religion and without the intervention of others, and this meaning has an objection by some of them as it leads to uprooting human values and replacing chaos with order and stability in the name of freedom.

As for the other meaning of freedom, it has been associated with the European colonial experience of the countries and peoples of the continents of Asia, Africa and Latin America, the word freedom came synonymous with the word

independence, self-determination and sovereignty for those countries and peoples after their rejection of occupation and obtaining independence during the second half of the twentieth century.

In the modern era, the use of the word freedom has been associated with the basic rights guaranteed by the constitution of the state to citizens and gives them guarantees against abuses that citizens may be exposed to, whether by individuals or by the public authority, which are known as public freedoms.

Until this use of rights became the closest concepts to the word freedom and expression, and no constitution of contemporary countries or any regional, international or national document was devoid of the meaning of public freedoms, and became included in legal and political legislation to ensure the freedom of a person to dispose of everything related to his private affairs within the circle of law, as well as to ensure his freedom to believe what he deems right and to express his opinion in everything related to the society in which he lives, and in every The actions of the ruling authority in society, and in this regard, public freedoms can be defined: as enablers enjoyed by the individual because of his human nature or due to his membership in society by which he achieves his own interest and contributes to achieving the common public interest of the country and refrains from the authority to limit them unless they offend the interests of others.

Evolution in the concept of public rights and freedoms

The concept of public rights and freedoms changes from time to time and from place to place and from one circumstance to another and from one individual to another, but the development of this concept occurred in the late eighteenth century, which is the boundary between the old concept of rights and freedoms and the modern concept, and for that can be divided evolution of the concepts of public rights and freedoms in historical terms as follows:

First: The old concept of public rights and freedoms: which can also be divided into three eras:

1– The concept of public rights and freedoms in the Greek and Roman eras

The Greek era is the reference point for the emergence of the subject of freedoms, as the level of organization was new and the population was small, which allowed them to conduct public affairs directly, as the democratic system in the Greek cities was the prevailing system in most of them, despite being a politically deficient system being based on the idea of the total authority of the state, and therefore not recognizing the individuals under it with any rights or guarantees in the face of power, and that the rights The only freedoms that the system used to operate were those that allowed the citizen to participate in the management of the public affairs of society.

As for the self–freedom that the individual can hold before society, it is not recognized in Greek society, and therefore the concept of freedom in this era was a philosophical concept and the state is everything.

For example, we find that the independence of the individual with his own freedom in the eyes of the philosophers Plato and Aristotle is considered a kind of sabotage and must be treated with education.

The full progress of his personality is achieved through the achievement of the public interest, and therefore we find that the concept of freedom in the Greek era was intended to place restrictions on governing power and at the same time put the individual at the disposal of the state and subject to it in everything unconditionally.

As for the concept of freedoms in the Roman era, it is contrary to what came in the Greek era by acknowledging and emphasizing the importance of self–freedom and its principles and defining it on the basis of legal jurisprudence and

not philosophical, and giving the individual the freedom to act in the creation of contracts and contracting.

With the emergence of the Christian religion in the era of Jesus Christ (peace be upon him), interest began in the religious aspect and the equality of everyone before God, which was credited with establishing the roots of individual freedom as it emanates from the same human being and his personality, when the Christian religion came with the idea that absolute power is exercised only by God because he is the Creator, and thus drew boundaries between what is religious and what is worldly in order to organize human society on clear foundations, especially with regard to the links between The individual and the authority, as Christ said (give what belongs to Caesar to Caesar and what belongs to God to God).

2– The concept of rights and freedoms in the Middle Ages

Europe in the Middle Ages was characterized by an increase in conflict between the kings of the Church over the competencies of each of them, and this conflict began when the Church called in the last period of the life of the Roman Empire to freedom of belief, which was this call something new because individuals were subject to the authority or the king completely, and there were no rights or freedoms except the implementation of the orders of sultans and kings, and when the Church called for freedom of belief in order to give man an independent existence from the group as human beings He has freedom of belief, which is thus an advantage between the individual as a human being and the individual as a citizen, unlike in previous eras that dissolved the individual in the group in which he lives.

Despite the Church's call for freedom of belief, the only thing that was higher in its view was freedom of religion, and when the clergy in the Church were

able to establish their presence in power, they used forms of persecution and tyranny towards individuals, in a way that led to the elimination of its call and a return to primitive times and increased restrictions that bind the individual to the community until after the advent of the feudal system and the collapse of the Roman Empire, and this system in which there were no rights and freedoms and the demise of the idea Submission to any rule or law, while we find the concept of rights and freedoms in the Islamic religion, which spread in the Middle Ages, inspired by the Constitution of Islam, which is the Holy Qur'an, which stressed that freedom in general is only an instinct enshrined by the Islamic religion and these rights aim to ensure the honor and dignity of man and the abolition of all exploitation of him, all of which are linked to the existence of God, who is the maker of legislation and the source of rights, Islam then came to liberate man internally and externally, and that freedom is limited not Absolute with the limits and balances of Islamic law, and the Islamic religion stressed through what was stated in the verses of the Holy Qur'an on many freedoms, including (religious freedom, scientific freedom, political freedom, civil freedom, social freedom, intellectual freedom).

3– The concept of public rights and freedoms in the European Renaissance

This era witnessed the emergence of reactions against the absolute rule of kings, which began specifically with the beginning of the fifteenth century and the crystallization of ideas about individual rights and freedoms, and the call for the liberation of the individual and the limitation of the powers of the ruler or king.

This call began to appear in the writings of some thinkers who took it as a weapon to fight the authoritarian monarchy, and it helped to establish these ideas after the division of the Christian Church with a Catholic doctrine by calling for religious and political reform after the emergence of the Protestant doctrine as a religious movement that calls for freedom and the rights of peoples and the

restriction of the absolute power of kings, as it began to appear after that many economic theories and ideas that call for freedom of individual activity in the economic field and the need for the state not to interfere in it And let the natural laws self-control and run it in a way that achieves the private and public interest together, as well as the changes brought about as a result of the revolutions that took place in England, America and France and the declarations and documents in the field of human rights and public freedoms such as the declarations of California, San Francisco and Virginia in America, and the Declaration of Human and Citizen Rights in France in 1789 during the French Revolution, which emphasized three basic axes (freedom, brotherhood, equality), and came with the idea of subordination of freedom Political civil or personal freedom that separated religion from the state.

The Renaissance was also characterized by advocacy and recognition of individual rights and affirmation, including the right of individuals to choose the authority that governs them, and these ideas contributed significantly to the emergence of individualism and its principles in Europe during the seventh and eighteenth centuries, which was then called the liberal doctrine until freedom in his view became the product of a liberation march that carried the slogan of liberating the individual from forms of tyranny and social oppression.

This is why we find the word liberalism has been associated with the word freedom and derived its name from it, as the liberal doctrine, which is in fact an individual doctrine, is known as (Liberty): it is (the doctrine that is based on calling for the freedoms enjoyed by individuals in the political and economic field and guaranteed) in other words it is the doctrine of the freedom of the individual in his political, economic and social activities, and these freedoms are for the individual and for his benefit only.

Second: The modern concept of public rights and freedoms

The period of the last quarter of the eighteenth century was one of the important periods in history in which the theory of public rights and freedoms matured and became an integrated theory, especially after both the American and French revolutions adopted for the first time a concept of public rights and freedoms.

This concept focused on the basis that the individual is an end and that the state or the legal system in it is only a means of achieving a good and therefore should be recognized and recognized public rights and freedoms of all kinds and based on the principles of the individual doctrine and rules, and unlike the concept that prevailed before this period on the basis that the state is the end and that the individual is only a tool in the service of this state and its system, has had this transformation or development in determining the relationship between the individual and the state role Important in the development of human rights and fundamental freedoms, and helped in achieving this ideas of some prominent thinkers such as Jean-Jacques Rousseau, the author of the theory of the social contract, which helped to spread democratic principles at the time of the recognition of the rights of individuals and their civil liberties and equality between people regardless of their origin, and fight the claim of rulers that their authority is divine and not accountable to the people.

As well as the thinker Montesquieu of his most famous books (the spirit of laws) and his emphasis on the best forms of government is the ideal government, any government that protects the freedoms of citizens, and also emphasizes that the system of freedom is based when the separation of powers and citing that, as happened in Britain when the separation of public power to a number of secondary authorities, especially after the transfer of power from the royal crown to the

representatives of the people (parliament) after a long conflict between the king and supervision, which dates back to the so-called document The Great Era or Makna Carta in 1215 .

Voltaire's ideas of freedom, combating intolerance and emphasizing the right of every human being to intellectual freedom were also widespread.

These ideas and their call for rights and freedoms helped the revolutions, including the French Revolution and the declaration of human and citizen rights, which was considered the first legal source of these rights and freedoms and the parliamentary system, especially since the most prominent of what was stated in this declaration is its introduction, which stressed (that ignoring or forgetting or contempt for human rights are the only causes of public calamities and corruption of governments).

Third: The contemporary concept of public rights and freedoms

This concept has been closely linked to the concept of contemporary democracy and its development on two levels, the first is the development in the scope of rights, and the second is the development in the scope of freedom, especially after the tragic events as a result of the first two world wars from (1914 AD – 1918 AD) and the second from (1939 AD – 1945 AD), whose results were bloody and cruel through the size of the victims and genocide, which prompted the international community to adopt comprehensive legal formulas and binding on all parties to human society, and this means transforming theories from the intellectual side to the applied side. By laying the foundations of freedom and rights in the form of basic legal rules at the heart of the constitution so that some statements, declarations and documents have become constitutional laws, and that most of them have entered the field of application as man-made laws, most notably what

was stated in the Universal Declaration of Human Rights document approved by the United Nations in 1966 on civil and political rights, which stated in its articles:

1. Everyone has the right to freedom of thought, conscience and religion.
2. All peoples have the right to self-determination.
3. The States Parties to the present Covenant undertake to the equal right of men and women to the enjoyment of all civil and political rights.
4. Everyone has the right to adopt opinions without harassment.
5. Everyone has the right to freedom of expression, association with others, and the right to peaceful assembly and to be recognized.
6. All people are equal before the law without any discrimination and equally.
7. Everyone is free to leave any country, including his own.

Despite these documents, they remained neglected and not applied in practice and became as digested laws, as is the case in the majority of developing and underdeveloped countries, because they did not adopt applied democracy and only preserve democratic theories and distort their meanings.

Types of public freedoms

1– Fundamental freedoms or individual freedoms:

These freedoms are considered one for man that he must enjoy because they are related to him as a natural person, and they constitute the limits of the individual in front of the domination of the state, meaning that power cannot exceed these limits.

Among these freedoms are the freedom and right of the individual to security and physical integrity, his freedom of movement and choice of place of residence, respect for personal freedom through non-violation of the sanctity of the home and the confidentiality of personal correspondence, and freedom of ownership, and the importance of these freedoms has been confirmed by national constitutions, international conventions and human rights declarations.

2– Intellectual or cultural freedoms:

It is considered one of the most important human freedoms that an individual needs in his life because of its strong association with his spiritual aspects, which allows him to form his opinions and ideas in various fields.

It includes intellectual freedoms such as freedom of opinion and expression, freedom of belief, freedom of learning and freedom of the press, for freedom of opinion and expression, which is a pillar of democracy and one of its manifestations, as this freedom means the ability of the individual to express his opinions and ideas completely freely, regardless of the means he uses, whether direct contact with people or writing, radio, newspapers or by letters, in addition to that, this freedom may be subject to some restrictions, provided that they are specified by text The law must be necessary for certain purposes, including respect for the rights or reputation of others, the protection of national security, the public interest or public morals, as well as the protection of the beliefs of the people.

As for freedom of religious belief, it is proclaimed by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil, Political, Economic and Social Rights, which guarantee the freedom to practice religious rites and rituals, and the freedom of religious education and writing.

As for the freedom of education, it has been unanimously agreed upon by all international, regional and local charters, conventions and declarations, and every individual has the right to education, and his right to enjoy all fields of culture and scientific progress and the right to contribute to research and scientific activity.

In the field of freedom of the press, which in its broadest sense represents a collective extension of the freedom of expression recognized by every citizen as a human right, democratic societies can only rise on the basis of the concept of the sovereignty of the people, which determines the public will, because the right

of public opinion to know represents the essence of media freedom and that deprivation of this freedom will affect other freedoms.

Third: Social Freedoms:

They are freedoms that include in their field all activities of a collective nature, that is, those that do not concern the individual alone, as much as they include a group of people, including the freedom of the right of assembly, the right to form associations and political parties, trade unions, the right to social security and health care, the right to work and the right to property, because the existence of modern representative democracy cannot work without guarantees of human freedom to meet to discuss public affairs, with the presence of community organizations. Civil and other social organizations and to enjoy their peaceful nature, and to work to promote their interests with the government, and these freedoms are approved by constitutions, charters, conventions and international declarations and their organizations.

The legal system of public freedoms

Talking about the existence and application of public freedoms for individuals is not only in the case of declaring these freedoms and confirming them constitutionally, but this declaration must be accompanied by their statement and detailed mention in man-made laws that allow the idea of public freedoms to be taken and transferred to the practical reality in a country.

This can only be done through the existence of the legal state, which alone is capable of applying and adopting the idea of public freedoms, and for this reason the legal system of public freedoms is defined as a set of measures established and taken by man-made laws that allow the individual to enjoy public freedoms.

This also requires the availability of conditions and conditions in order for positive law to take its way in application objectively and stably, and these conditions include:

1. The existence of the legitimate base of the legal state, that is, the source of the law is an expression of the public will or popular sovereignty, and it is the guarantor of taking into account individuals and their rights equally and in general, and the tool for expressing this is the parliament representing the people and its spokesman, because the preparation and drafting of draft laws by the executive authority along with the legislative authority, and their submission for legislation is only after the approval of parliament.
2. The effect of ordinary law as a guarantee of rights and freedoms.
3. The impact of decrees and regulations on public freedoms in the sense of the existence of a series of laws that take into account the demands to regulate aspects of public freedoms such as freedom of assembly, freedom of the press and freedom of association.

Therefore, the legal system of public freedoms, despite its importance, but it varies from one system to another, as happened in France when it moved from a political philosophical document to the stage of the legal document in the constitution, and the opposite in Britain, they believe that any system of freedoms can not continue if most members of society are not interested in it and keen on it, so they thought that the defense of freedoms and its system is not required by the existence of the texts of laws only, but rather is On the consolidation of customs and traditions respected and recognized by all, however, it remains to be said that there are no freedoms and no rights without a coherent and effective legal system of public freedoms that reflects the theoretical concepts of freedoms towards a material and applied reality.

The adoption of the principles of public freedoms by the state does not mean that they are absolute and can not be violated, but rather are subject to application and suspension under the prevailing conditions in society, in normal cases there is no justification for prejudice to freedoms, but if circumstances require

may be suspended, and in all cases freedoms are not absolute, but are regulated by restrictions and formal procedures agreed upon by the state even in natural cases of society in order to protect the security of society And the stability of the country during the application of the law and adherence to the regulations in force, the state to organize the exercise of freedoms according to controls or follow the method of preventive measures and in multiple forms, including (prevention, permit, permit and deterrent penalties), for example, issuing a newspaper or holding a meeting that is supposed to be preceded by a request for permission or obtaining a license to issue a newspaper.

In unusual cases experienced by society, the state resorts to taking measures, such as the declaration of a state of emergency due to problems as a result of riots or violence in part or in different parts of the country that have an impact on internal instability, or as a result of natural disasters such as earthquakes, floods, war or external aggression, and all this of course is reflected as a result on the system of public freedoms applied in the country, and assuming a situation This declaration is only made by law and by the executive authority and with the knowledge of Parliament, and it is known that the authority of the government when it expands in the declaration of a state of emergency, this expansion can take the following forms:

1– Transfer or transfer of authority from civil authority to military authority in the exercise of public powers, thus increasing military authority at the expense of civil authority.

2– Expanding the usual control powers by carrying out measures to limit public freedoms, such as conducting day and night inspections of citizens' homes, ensuring the validity of the identification papers of the holder, and preventing gathering or holding public meetings.

3– Covering the jurisdiction of military courts for civilian individuals, where military courts consider cases related to the activities of civilians, prosecute them and follow up on their actions, and for ordinary work, their duty is limited to monitoring only.

Guarantees of public freedoms When approving public rights and freedoms in a society by the legal system of the state, guarantees should be available to protect these rights and freedoms from violations, as the large number of constitutional and legal legislation and regulations may be unknown by citizens for their rights and freedoms violated by public authorities, which leads to damage to citizens despite the existence of guarantees, so within the framework of the legal state, the legislator must develop well-known legal guarantees to protect these rights and freedoms from violation. There are some legal guarantees in force, which can take one or both of the following forms and according to the procedures followed by the state to confront the arbitrariness of public authorities, namely:

1– Non-judicial grievance: It means that the individual files a complaint before a non-judicial body as a result of injustice or injustice suffered as a result of administrative work and determining responsibility, and the complaint request can be of a personal nature or express a special interest of the applicant.

2– Judicial appeal: It means the set of means available at the disposal of individuals to appeal against the activity of officials for violating the rules of positive law by filing a complaint before the judicial authorities to protect them from violations by adhering to the Constitution or specific legal texts that affect the rights and freedoms of individuals in order to protect against exceeding the limits of power and abuse by the executive authority.

Democracy

The concept of democracy: Many of the books that dealt with the concept of democracy have gathered that (the rule of the people by the people and for the

people) The word democracy was derived from the Greek language, which is a compound of two syllables, namely (Deimos) and means the people and (Kratos) and means rule, and merging the two sections consists of the meaning of the word (rule of the people), and idiomatically means the people's choice of his government or the control of the people on the government of his choice, a form of political governance, based mainly on the peaceful rotation of power , majority rule, and protection of the rights of minorities and individuals.

If the people's rule of the people is the greatest feature of democracy, ancient and modern history shows us that this feature mentioned has not been achieved throughout the history of democracy, and that the democratic system of government has always been a class system, in which a class of society imposes its will on the rest of the classes of society, and if the essence of democracy is that people choose who governs them, and that they have the right to hold the ruler accountable if he makes a mistake, and the right to dismiss and change him if he deviates. Based on the principle of what is meant by democracy is to give form to popular sovereignty, as well as the goal of democracy is to seek to protect the freedoms of individuals and groups against the might of the state if it overwhelms or is unique in governance, and if we return to the essence of the term (democracy) or the rule of the people, we find that it includes three main meanings, namely:

The first meaning: a type of government in which all citizens exercise the right to make direct political decisions, and works through the procedures of majority rule and is known as (direct democracy).

The second meaning: a type of government in which citizens exercise the same right, but not personally, but through representatives chosen from them and responsible towards them, known as "representative democracy".

The third meaning: a type of government is a representative democracy in which the rights of the majority are exercised according to a framework of

constitutional determinants that aim to ensure that all citizens enjoy certain individual or collective rights such as freedom of expression and religion, known as (liberal democracy) or (constitutional democracy).

Therefore, some of them describe democracy as meaning only a form of government in which the ruling body represents a large and relatively part of the whole nation, as appeared in constitutional and political jurisprudence several terms for forms of democracy such as: direct democracy, representative democracy, and semi-direct democracy: which combines direct and indirect democracy, which aims to intervene the people to decide in public affairs such as intervention in the case of a popular referendum.

In addition, social democracy, economic democracy, popular democracy, and Islamic democracy, and this multiplicity of democracies emerged from the ideological premises of intellectual or social currents so that it became difficult to agree on a single concept of democracy, there are those who define it as an institutional arrangements to reach political decisions where individuals can obtain the necessary power to make those decisions by competing for the votes of voters, and in the modern era the concept of democracy has been associated with the idea of election That is, giving (the right to vote) to all members of the nation, men and women, on the basis of equality in possibilities and means, and this right, which means the basis of choice, which can only be made through the presence of freedom and will.

Historical background of democracy

First: the Greek era

The roots of the historical emergence of democracy go back to the Greek era, where (Pericles), who developed the democratic system, called for the people

to govern themselves and all citizens live equally, but the democracy (Pericles) kept slaves outside the scope of freedom and equality, since the early fifth century BC became for all citizens of Athens the right on an equal footing with others to participate in the discussions and voting processes that were taking place in their meetings on laws and community policies, where the hallmarks of the ruling political system or Greek democracy is freedom, brotherhood and equality, in terms of freedom through which rulers are chosen, fraternity between people, and equality before the law, and as the city of Athens is one of the largest and most important Greek cities, and it was considered a model for Greek society, and the state administration was characterized by the presence of two important political institutions:

1 – Assembly: It is considered the highest body of power in the state, which was sometimes called the People's Assembly or the General Conference, and the membership of this Assembly consists of free ethnic citizens who have reached the age of twenty world of men without women, as well as the slave class and foreigners are not entitled to enter into its membership, and this Assembly exercises the system of direct governance and grants its members complete freedom to give an opinion on the topics before the Assembly, and one of its most prominent tasks is the right to accountability Officials and judges are fully responsible to it, in addition to drawing up laws and budgets, imposing taxes, declaring war and peace and concluding treaties with foreigners.

2 – Council of five hundred: The Council of Five Hundred is more important than the Assembly, but it is less powerful, and consists of five hundred members chosen by lot, where each tribe of the ten tribes of Athens to choose fifty members to represent them in this Council and the term of membership in it is one year and holds its sessions publicly, and its tasks are to propose laws that are submitted to the Assembly and study the draft laws presented to the Assembly and

amend them and supervise public employees and control their accounts, as well as supervise the funds, projects and the state budget And the management of public property and the collection of taxes, and the reception of ambassadors of foreign countries and control of the foreign affairs of the state, and the issuance of executive decrees in the name of the Council and the people after consultation with the Assembly or authorized by it, where this Council combines the legislative and executive powers, and these are the most prominent features of Greek democracy, which was able through the application of the principle of direct democracy to achieve its goals in terms of equality in political rights and achieve the principle of popular sovereignty when the Greek philosophers stressed that sovereignty in Every state belongs to the law, not to the ruler.

Second: Middle Ages

During the medieval period, which was characterized by the existence of monarchies in Europe, which were governed by (the divine sacred right) of the kings as the shadow of God in the earth, so that they represented all the legislative, judicial and executive authorities, in other words they are the state as expressed by King Louis XIV by saying (I am the state) and helps the kings in installing their authority lords of fiefdoms, and when the kings impose on the feudal sums of money extracted by this feudal from the people by multiple means, as well as The Church had a negative role, as it took in turn to impose its powers alongside the authority of kings, besides slavery by kings was submission to the clergy through royalties and forgiveness instruments and recruitment in the armies of the Church to pursue those outside its authority, whatever they were, even the people of science and creativity, as well as the Crusades and their religious and cultural campaigns against Islam, and the continuation of the accumulated grievances on the people by the authorities of the world and religion, which led to the creation of situations of hatred and hatred in The souls of the people to these two authorities and the

revolution against them and return to the Greek heritage with its democratic principles and values.

Third: The role of thinkers in the emergence of the concept of democracy

Has helped the emergence and spread of the concept of democracy that European thinkers and philosophers led an intellectual revolution in order to combat the concepts and ideas on which the authority of kings was based through the emphasis and call for the authority of the people, who must exercise their freedom and will and to govern themselves themselves, and at the beginning of the eighteenth century began democratic political institutions in England and their actual and real functions after the English Parliament was able to establish a parallel authority to the king's restricted authority, this at a time when Europe remained governed By kings, nobles and supervision, which led to a real cultural revolution in the West in order to form new regimes, which was first sparked by the revolution (Carmwell) in England, which called for the slogan (a society without kings, nobles or supervision), which was a reflection of all liberation revolutions in the world.

Some of them included the declaration of independence of America in 1776 AD victory for democratic ideas and the spread of the democratic model, especially with regard to the protection of individual rights and freedoms.

In France, the revolution in 1789 was able to eliminate the principle of absolute rule based on theocratic theories (religious) to be replaced by democratic theories represented by the theory of the sovereignty of the nation, which made the kings just heads of state exercising in their confrontation the parliamentary power representative of the people, especially after the declaration of human and citizen rights following the French Revolution, which stressed that sovereignty is all concentrated in the nation, and every body and every person who takes over the government derives his authority from the nation.

As a result, democracy has become one of the theories that explain the origin of the emergence of the state on the basis that this theory is based mainly on the people, who are the source of power, as well as what came by the theory of the social contract and through the opinions and thinkers of this theory, between giving the ruler absolute power, and expressed by the thinker Thomas Hobbes, and between the restriction of power to the ruler, which was expressed by John Locke, and between the one who called for the general will, and the ruler is only a representative of this The will and then individuals have the right to be removed if he tyrannizes power or infringes a right of individuals, which was expressed by Jean-Jacques Rousseau.

This theory has helped the spread of democratic principles and make it a legal principle, but this traditional democracy was limited only to its political side and puts all individuals in a state of equality before the law and far from its economic aspect, but several emergence of liberal thought and the call for economic freedom and prevent state intervention in the economic activity of individuals along with political freedom, and that liberalism does not contradict democracy, but rather associated with it despite the difference between them, which led As a result, democracy in the Western sense means:

First: Political freedom by enabling individuals to participate politically and enjoy their electoral right.

Second: Economic freedom, i.e. liberalism, each person can freely and by his own means to participate and carry out his economic activity.

The concept of democracy in the modern era

Despite the democratic political openness in Western European civilization, and what happened after that as a result of ambitions, interests, influence and hegemony over the world and the occurrence of the First and Second World Wars, and during the post-World War II period that ended in 1945, democracy as human

rights became one of the concepts of conflict and conflict during the Cold War period between the Western capitalist thought led by the United States of America, and the socialist–communist thought led by the former Soviet Union, which each took a certain type of Democracy was represented by the association of capitalism with political democracy, which represents the meaning of freedom, while communism adhered to social democracy, which means justice, with attempts to impose their model on each other.

As for social democracy, which is a special concept of socialist theory, which establishes building the state on economic, social and political foundations, and this theory confirms that political rights and public freedoms that democracy is itself conditioned socially, economically and historically and not absolute, while we find Western political democracy, which is the broad framework for the concept of democracy as it is characterized by the following:

1– It places restrictions and controls on government policies and procedures to provide guarantees for individuals and groups.

2– It guarantees the change of governing bodies peacefully, periodically and regularly and with the organs of representation known as parliaments, in other words it guarantees the peaceful transfer of power.

3– Tolerance of dissenting opinions.

4– Based on political organizations (parties) or the so–called multiparty in order to achieve continuous communication between the people and the rulers.

These features have become of interest to most countries of the world, especially after the fall of the Soviet Union and the failure of its socialist theory, which was based on the one–party theory during the nineties of the twentieth century, and the liberation of many countries from totalitarian dictatorial regimes, and following the path of transformation towards new democratic systems of government.

