

The Concept of Human Rights and Their Historical Origins This chapter discusses the concept of human rights (first) and then their historical origins (second). It also employs terms such as "people" or "individual" rather than politically loaded terms like "citizen" or "subject." The universality of human rights has been reinforced through the development of international human rights law, which has expanded over time with various global sources and has been structured into numerous binding treaties. However, ideological, material, and social challenges still pose obstacles to the full realization of these rights.

B– Generality and Inclusiveness: If the universality of human rights means recognition of equality in the rights of all peoples, then their inclusiveness signifies recognition of these rights for all peoples and individuals, regardless of their identity. Inclusiveness implies that human rights apply to all people without distinction— between male and female, white and black, rich and poor, and so on. Human rights are characterized by generality and inclusiveness because they belong to human beings simply by virtue of being human, at all times and in all places, and for all individuals. They are inherent and inseparable from human beings, whether they are deprived of them or not.

C– The Inalienability of Rights The inalienability of rights is a fundamental characteristic of the universality of human rights. The universality of these rights can only be fully realized if rights and obligations are understood as interconnected and complementary. Human rights are indivisible, meaning they must be recognized in their entirety while ensuring respect for the rights of different generations, taking into account the specific nature and individuality of each. This ensures, at least theoretically, an equal level of importance for all types of rights. Human rights are also inalienable because they are intrinsically linked to essential interests aimed at preserving the individual's material and moral existence. Any violation of these rights can lead to human suffering, and therefore, they cannot be subject to renunciation, bargaining, or waiver. However, inalienability does not mean the absence of restrictions on these rights. They can be regulated and exercised in a way that ensures their enjoyment for all humanity. If the exercise of certain rights conflicts with the rights of others, appropriate limitations may be established to maintain balance and harmony.

D– The Susceptibility of Rights to Regulation A human being does not live in isolation but within society. Therefore, their enjoyment of rights and freedoms is not absolute and without conditions. Rather, it may be subject to legal regulations to protect the interests of the community. This regulation is considered an exception that should not be expanded arbitrarily. Its application must be carefully determined within the necessary limits, ensuring that it does not lead to the destruction of the essence of human rights.

E– The Principle of Interdependence The fundamental nature of human rights lies in their interconnectedness and complementarity, making them inalienable. They are mutually dependent, meaning that fully realizing one right often relies on the realization of other rights. For example, the right to food is closely linked to the right to work. The interdependence of human rights means that different types of rights are complementary, as they share common foundations. They all fall under the category of human rights and apply to individuals both as biological beings and as social entities, considering their humanity.

F– The Principle of Diversity and Evolution Human rights evolve in response to the changes of the times. Their scope may expand due to various circumstances, and their interpretation may vary from one era to another. A clear example of this is the right to security, which has taken different forms throughout history depending on societal needs and developments.

Secondly – The Historical Origins of Human

Rights Since the emergence of the first social structures, humans have sought to establish agreements based on rules to ensure stability within these entities. Choosing negotiation as the most viable option, certain legislations emerged in response, such as those found in Babylonian civilization, African civilizations, and Roman civilization. The aforementioned civilizations did not enshrine human rights in their fundamental modern sense. Instead, their legal frameworks were predominantly based on inequality and clear discrimination between individuals, often undermining human dignity, institutionalizing slavery, and reinforcing the power of masters and certain social classes. The issue of human rights entered the legal framework as political societies evolved and governance tools developed. Initially, these were merely intellectual and philosophical principles, later materializing in key national documents such as the Magna Carta in 1215, the Petition of Right in 1628, and the Bill of Rights in 1689. These documents were all aimed at limiting monarchical tyranny and restricting absolute power. Some researchers believe that the term "human rights" first appeared in political texts in the 18th century. This differs from the term "individual" as it considers the physical, intellectual, and dignified aspects of a person, which are central to human rights. The nature of rights. One of the challenges in defining human rights is the difficulty of establishing a final list of rights, as they evolve over time with the development of thought, societies, and historical changes. The protection element. There is no value in recognizing human rights if they are not safeguarded at the national and international levels.

2– Characteristics of Human Rights

Human rights are distinguished by a set of key characteristics:

A– Universality:

Various civilizations and cultures have contributed to the establishment of human rights, which are now universally recognized for all people without distinction, regardless of gender, language, religion, race, or belief. The Universal Declaration of Human Rights of 1948 affirmed the universality of human rights. The title "universal" rather than "international" reflects this perspective, as it is universal in its nature, spirit, and scope of application. It is not easy to arrive at a precise definition of the term "human rights" despite its widespread use and increasing application in political, legal, religious, and scientific principles. This difficulty arises due to the variation in standards and considerations used in defining the concept, as well as the multiple references from which the term is derived. Therefore, we will be content with presenting some academic definitions of human rights. Some scholars argue that "the science of human rights" is a specialized branch of social sciences that examines the relationships between people based on human dignity. Another perspective views the concept of human rights as an indication of the existence of legitimate claims or obligations based on moral foundations shared by all humans, without discrimination based on gender, race, color, belief, or social class—all grounded in the principle of equality among them. Some define human rights as the rights of the recognized person at the national and international levels, which are ensured within a given civilizational context—aligned with the affirmation of human dignity and the preservation of the general order of a particular system. Additionally, there are rights aimed at ensuring and protecting the meaning of humanity in various political, economic, social, and cultural fields. These texts emerged as declarations, such as the Virginia Declaration of Rights on June 12, 1776, which was the first document to enshrine certain individual rights and freedoms.

1– Definition of Human Rights

The word "right" is commonly used in two different meanings. It is traditionally distinguished between the "personal" and the "objective" meanings. In the objective sense, it refers to a

set of rules applicable to individuals and governing their rights and obligations. This definition highlights three fundamental elements: Human rights constitute a distinct field of study. Some researchers also note that the phrase "human rights" appeared in various American declarations but without directly combining the words "rights" and "human." It also studies the diversity of rights and mechanisms necessary for establishing the personal well-being of every individual.

First: The Concept of Human Rights

In this section, we will explore the definition of human rights and their various characteristics. Just as this definition delves into a general concept related to personality development, the importance of human dignity raises questions: Where does it begin, and where does it end? In the personal sense, the right is considered an individual's entitlement, allowing them to exercise a certain action or demand something, which is legally recognized. Furthermore, no individual should be deprived of these rights. The definitions mentioned above suggest that the concept of human rights is based on three elements: The beneficiary of rights, i.e., the human being. Other examples include the United States Declaration of Independence on July 4, 1776, and the Declaration of the Rights of Man and of the Citizen on August 26, 1789. However, the French Declaration explicitly bore the title "Declaration of the Rights of Man and of the Citizen." The first definition forms the core of human rights studies. The subject of this study revolves around rights. Human dignity is the measure of this field.