

The Impact of Freedom of Thought and Expression on Society

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ABSTRACT:

The soul-giving breeze of freedom started blowing from the time of man's self-knowledge when God granted him the choosing power and from the beginning of man's creation, this self-awareness and authority drove man from heaven to the terrestrial world. Physical freedom is not the sole human being's need for survival. He is a searching thoughtful curious being, Therefore, exchanging thoughts and meditation is essential for the growth and promotion of the human soul. The messengers of Allah in the delicate way of relaying proper thought and divine inspiration have faced lots of difficulties. If the mission of relaying the divine inspiration had not been carried out properly, the human community would have been a complete chaos and perplexity. In the following article these 4 sections, 1- The historical process of freedom of expression. 2- The concepts of meditation and freedom of expression. 3- Limits of freedom of expression entitled (to what extent free expression) that itself includes a) freedom of expression and thought and cultural, religious, and social varieties. b) Freedom of thought and expression and ruling powers. c) Freedom of thought and expression and law. Eventually, the fourth section titled Thought Exchanging Would Result in Civil Society, would be surveyed and discussed.

Keywords: Exchange of ideas, Evolution of thoughts, Excellence of society, Human rights, Expression, Minority rights

INTRODUCTION:

"Expression" refers to the manifestation and crystallization of individuals' thoughts, ideas, and beliefs in any possible form. This manifestation of the human mind can be expressed through writing, art, speech, and more. The Universal Declaration of Human Rights is the most important and the first document explicitly recognizing the right to freedom of expression. Article 19 of this declaration strongly supports the right to freedom of expression and emphasizes the unequivocal right to hold opinions without fear and to express them through various means regardless of borders.

How can the manifestation of thoughts in any form and without any restrictions be justified? Therefore, since the exercise of these freedoms is accompanied by duties and responsibilities, it may be subject to formalities, restrictions, and penalties that benefit national security, territorial integrity, and public welfare. Additionally, limitations may be necessary to prevent disorder, protect public health and morals, and safeguard the reputation or rights of others. However, these restrictions must be applied under specific conditions. The principle is freedom of expression, and restrictions are exceptions. Legally, exceptions must be interpreted narrowly so as not to harm the "legal principle." This means that the scope of exceptions should not be so broad that the "principle" is eliminated.

Undoubtedly, expression is one of the most attractive and fundamental freedoms, encompassing freedom of thought and expression. A glance at the history of our predecessors will make this claim clearer. Divine prophets have always faced numerous challenges in expressing their thoughts and divine revelations. Had they not declared divine revelation, human society would have remained in confusion and chaos.

Later, thinkers and philosophers like Socrates were forced to drink the cup of hemlock to express their thoughts, knowledge, and awareness. The sanctity of freedom has been abundantly evident in the writings of sages and teachers of history. Many thinkers, including Kant, Hegel, John Stuart Mill, Locke, Rousseau, Voltaire, Hugo, Buber, and others, have sung the song of freedom in their styles and methods.

Therefore, what is reflected in the declarations of human rights and the foundational freedoms echoed in the constitutions of many countries is the legacy of human civilization and the reflection of wise governance.

Given that the most prominent sign of human superiority and the distinguishing feature from other animals is the power of thought and reason, and since humans are thinking beings with the ability to discern, be curious, and seek knowledge, inclined to understand the secrets of creation and dominate nature, the expression of opinion leads to the growth and elevation of the human spirit. This highlights the importance and value of the topic and has motivated the writer to explore and research this area.

In this brief writing, a short historical overview is first provided, followed by an examination of the concept and two important means of exercising this type of freedom, namely freedom of news and information and freedom of education. The scope of freedom of expression and its limits, along with two limiting factors—government and social interests—are examined. Finally, the effects and results of freedom of expression and thought are discussed under the title of the exchange of ideas as a path toward a civil society.

“If all humans think alike and only one person has an opposing view, it is just as wrong for the majority to forcibly silence that one person as it would be if he had the power to forcibly silence humanity.”

—John Stuart Mill

1. The Historical Evolution of Freedom of Expression **Characteristics of Historical Transformations in Law**

1. First and foremost, it must be acknowledged that the formation and transition of legal rights from primitive ages to modern society reflects a shift from an unconscious development phase to a thoughtful and deliberate one. Rights emerge as an organic product without prior discussion and examination, devoid of deliberate contemplation and reason. Early humans lacked a clear and distinct understanding of the rules they followed.

The evolution of rights is similar to the development of language. Just as language instinctively forms without deliberate thought and then is structured by grammarians, legal rights also evolve similarly. Later, jurists and lawmakers formalize them.

2. Another characteristic of the evolution of rights is the transition from a private to a public phase. Initially, rights had a completely national or private nature.

In summary, the performance of recent causes against the general to the particular (from general to specific) is due to the spirit of humanity. This is why legal rights expand concurrently with the development of the human spirit. Gradually, they detach from the conditions and individual demands related to specific mindsets and preferences and rise to the stage of universal principles inspired by reason. The essential and common elements of human existence increasingly transcend various tribal, local, and ethnic events. Hence, in the development of legal rights among different nations, there is a unified direction that ultimately directs the efforts of nations toward recognizing universally uniform truths (such as fundamental human rights and freedoms).

Undoubtedly, one of the most appealing and fundamental freedoms is the freedom of thought and expression. A glance at the history of our ancestors will make this claim clearer.

The soul-stirring whisper of freedom is so enchanting that its origins can be traced back to the dawn of human self-awareness. From the time of Adam's creation, which began with a choice — the first

exercise of the power of choice — the seed of freedom was planted, though religious literature often described this as rebellion and defiance. Subsequently, the divine prophets throughout history, in their pursuit of expressing divine thoughts and revelations, faced resistance and opposition due to their conflicts with outdated ideas and entrenched customs of their societies. These societies labeled them with terms like sorcerer, infidel, and heretic. Thus, the expression of new ideas and the breaking of traditions have always faced severe resistance, especially from ruling powers and governments.

Later, many scholars and thinkers of the past, such as Socrates, were forced to drink the cup of hemlock to express their ideas and knowledge. Similarly, Galileo was persecuted for discovering the non-centrality of Earth in the universe, and his books were burned.

During the Renaissance or the rebirth of thought, various gifts of the past were revived in the realms of thought and philosophy. The affirmation of the individual's inherent dignity and worth, which Western societies embraced in the 18th and 19th centuries, had roots in ancient civilizations. The emphasis on the individual's role in innovation and responsibility began notably with Greek philosophers and was revived during the Renaissance. Painting, sculpture, music, theatre, and storytelling were given new prominence, and in the modern era, the relativity of theories about the individual began to be established.

The sanctity of freedom is frequently mentioned in the writings of sages and teachers throughout history. Kant, regarded as a pillar of human civilization, wrote in his book "Enlightenment in the Sanctification of Freedom and the Condemnation of Dependence on Others": "Enlightenment is the freedom of humans from the guardianship that they or the government have imposed on them... Be brave and use your reason. This is the motto and battle cry of enlightenment."

Among the thinkers and philosophers who have emphasized the value of freedom and its impact on the universe after Kant, Hegel stands out. It can be confidently stated that no philosopher esteemed freedom as much as Hegel. He regarded the purpose of the universe as the attainment of freedom, viewing it as a value imposed upon the world.

The champions of freedom do not end with these figures. Marx articulated freedom as liberation from the constraints of the state, social classes, and laws. In contemporary times, freedom of thought and expression has emerged as a vital human need and a catalyst for awakening the masses, more so than other types of freedom. One of the greatest advocates of this kind of freedom was the 19th-century English sage, John Stuart Mill. He lived during a time of conflict between power and freedom, between the individual and society, and he took the side of the individual, staunchly defending freedom.

Many other thinkers, including John Locke, Rousseau, Voltaire, Hugo, Popper, and others, have also sung the praises of freedom in their unique ways. A glance at Islamic thought reveals that freedom of thought and

expression is eloquently and discussed in most texts of this divine religion, its traditions, and the practices of its great figures. One such beautiful expression is: "Whatever is judged by reason is judged by Sharia." Additionally, the principles of enjoining good and forbidding evil, particularly standing against oppressive rulers, are prominent, with Islamic history forever remembering the steadfastness of Imam Hussein and his companions in this path.

Therefore, what is reflected today in the Universal Declaration of Human Rights and the fundamental freedoms enshrined in the constitutions of many countries is the heritage of human civilization and the reflection of wise governance.

2. Concepts of Thoughtfulness and Freedom of Expression

The most prominent sign of human superiority and the distinguishing characteristic of humans from other animals is their capacity for thought and reason. This power of thought and curiosity drives humans to seek the secrets of creation and mastery over nature. The expression of ideas fosters the growth and elevation of the human spirit and will continue to do so. As long as thought remains internal, it is inherent in human nature. However, when it takes on an external and social dimension, it often faces limitations or suppression due to conflicts with certain societal views and the interests of ruling powers. This aspect will be examined further under the topic of the limits of freedom of expression.

Everyone has the right to adopt any moral, religious, or philosophical belief without fear or concern for the repercussions these beliefs might have on their lives. In this regard, the enlightened religion of Islam does not accept compulsion in faith and acknowledges and respects various beliefs. The Iranian constitution, while declaring Islam and the Twelver Jafari Shia school as the official religion and sect in its twelfth, thirteenth, and fourteenth articles, also fully respects other religious minorities. Article 13 recognizes Zoroastrianism, Christianity, and Judaism as officially recognized religious minorities, and Article 14 obliges Muslims to respect non-Muslims.

If there is no diversity of thought, intellect, and reasoning, if everyone thinks alike, and if only one doctrine, culture, and idea dominates people's minds, then the expression of such uniform ideas will be of no use. Without diversity of thought, the discussion of freedom of expression becomes irrelevant. Consequently, minds would stagnate, and creativity would cease. Having diverse opinions and thoughts facilitates the exchange of ideas. To foster a creative mind, one must be familiar with the conditions of other nations, which requires freedom of news, information, and proper education. The best means to awaken the mind and liberate it from the confines of traditions and customs surrounding us is through education. This way, we are not forced to think and shape our minds within the limited and imposed environment.

2.1. Freedom of Information and News Exchange

For all nations of the world to be informed about each other's conditions and to stay connected, it is essential to have access to the most accurate and honest news regarding domestic and international matters. First, it is necessary to receive information without barriers, censorship, or alteration. Second, we must have the means to access the issues and events happening around us.

These means include freedom of the press, freedom of publication, the prohibition of censorship, and efforts to establish precise regulations regarding the most powerful mass communication media, namely radio and television. Today, only in countries with authoritarian regimes are radio and television broadcasters monopolized by the government. This monopoly allows these regimes to compensate conspicuously for their political weaknesses and exert more control over the people through a variety of programs, including entertainment.

In contrast, in democratic systems, media serves both as a reflector of government programs and as a platform for various public opinions. To achieve this, an independent organization should be established, and managed by representatives of both the people and the government. In many democratic and open-minded countries, these mass media operate as public institutions under the supervision of a special high council consisting of government representatives, members of the press, and reputable scientific and cultural figures.

The press is another crucial means of communication and information in today's world. If the press is free from the control of governments, economic powers, or the influence of various pressure groups, it can reveal the truth as it is. Thus, the diversity of the press, with its various perspectives, guarantees that citizens can develop their thoughts and minds by choosing from a variety of newspapers, books, and journals and applying this knowledge for the greater good.

Today, another powerful and global system, the Internet, has emerged, easily crossing national borders and spreading almost everywhere. Similarly, the development of satellite networks has created a web of communication that connects the entire world, facilitating the exchange of ideas, thoughts, and cultures. This development is pushing the world towards globalization and the formation of a global village.

2.2. Education as a Means of Exercising Freedom of Thought and Expression

Education is a crucial method of exercising freedom of thought, particularly freedom of expression. In most countries, education begins at the age of six or seven and continues through university and higher education. The best ages for learning and shaping a person's character are childhood, adolescence, and youth. Moreover, the right to compulsory education requires parents to send their children to school at specific ages. Thus, the most important and influential element in the

thoughts of the people in any country is its education system. For a healthy education system, freedom in establishing educational institutions, freedom in choosing educational institutions, and, most importantly, freedom in the content of education is essential.

Freedom in organizing the content and concept of lessons and teaching methods is considered an important educational right in many countries. However, the teaching method should not impose the political and social inclinations of teachers on students. Government oversight in this area is crucial. On the other hand, improper government supervision can lead to the imposition of ruling policies. If many concepts in the curriculum conflict with the government's policies, they may be censored or altered to hide the truth. This kind of educational control can be more harmful than the imposition of individual teachers' inclinations on students.

In universities and higher education institutions, relying on objective teaching methods and presenting conflicting schools of thought and doctrines as they are, without bias, allows students to access real culture and scientific truth. This means that all aspects of subjects and concepts should be introduced to students so they can, upon reaching the age of discernment, choose the ideology they agree with.

Now that we have discussed the concepts of freedom of thought and expression and its various methods, we must consider the extent to which such freedom is exercised.

3. Freedom of Expression and Its Boundaries

Continuing the discussion, we face the question of whether individuals are free to do anything they want and express whatever is on their minds without regard for the rights of others. What happens when individuals' statements and behaviors harm others in society? This is where the discussion of freedom within society comes into play. Once a person enters society, their freedoms also take on a social dimension. Higher social values and constraints may limit even the highest human rights in the case of conflict. However, if these social values and constraints exceed reasonable limits, a healthy society will be compromised.

If we expand social values and sanctities so broadly that the ruling group's thoughts and theories become entrenched as values, the boundaries of freedom will shrink excessively. Consequently, this would infringe on individual freedoms, which are themselves a form of social value.

Social and external pressures on individuals should not reach the point where they strip away the ability to make free decisions and directly influence their actions and decisions. When the common good is sacrificed for freedom or vice versa, it leads to imbalance. Therefore, a proper definition of social issues is necessary to prevent their boundaries from expanding excessively. The government and ruling system should not label everything as social interests to undermine individual freedoms. Creativity is stifled when

individuals are forced to accept the environment, customs, and traditions they grew up in without analysis, evaluation, or comparison with the outside world. Many customs that are anti-values might be regarded as social values and prevailing interests in society.

The balance between individual and social rights will be achieved when, just as there should be limits to freedoms, there should also be a precise definition of social values, ensuring their scope remains within reasonable limits.

Exploring the laboratory of history, we find that governing power and social interests have always been two limiting factors of freedom. We will now examine these two factors.

First, we will evaluate the concept of public interest and then determine who is responsible for defining it. We will also explore whether fundamental citizen rights can be undermined in the name of public interest.

With a general view of the history of human rights on a global level, it is observed that human rights can be divided into three periods. The milestone of the first period of human rights, which emphasizes civil-political rights, is the result of the efforts of Western countries. With the influence of socialist countries, the second period of human rights, which means economic-social rights, enters the realm of international law. Developing and underdeveloped countries entered international activities in the 1980s. In these countries, due to relative economic and technological poverty compared to developed countries, the need for a powerful and centralized government was also felt more. As a result, to achieve social welfare, limiting individual freedoms was justified. For example, restricting the freedom to travel abroad under the pretext of preventing brain drain, limiting and controlling family rights and reproduction to prevent population growth, and restricting the rights of labor unions under the title of guaranteeing economic growth. The third generation of human rights, also endorsed by developed countries, includes rights such as environmental rights.

The second and third generations of human rights can be considered as part of social welfare or the common good. Therefore, it is observed that depending on each particular time and the needs of society, a type of individual or social rights in societies has been prioritized. For example, the French government intervened in all matters after World War II, due to the society's need for government intervention in many areas according to the necessities of the time, or the resistance of American courts against lawmakers, such that whenever a lawmaker enacts a law against individual freedoms and rights in the name of public interest, by ignoring the concerned law, individual rights are prioritized. Regarding the concept of "public interest," there is no single theory. Four different concepts of public interest are as follows:

1. From the perspective of the common good, it is considered as something beautiful and valuable. This view has an idealistic aspect.

2. Realism; this type of theory considers the public interest as a compromise of individual interests.

3. Public interest in the sense of utilitarianism, meaning the public interest is the aggregate of individual and political interests that can bring the greatest benefit to most people.

4. The fourth concept is pragmatism. In this concept, the result of public interest is not just a sum but its impact on individual interests must be considered, meaning it considers both individual freedom and community benefits - because both the community and the individual are taken into account and aims to reconcile both. Now it must be seen which authority is competent to determine the public interest. In the pragmatism theory, this responsibility is placed on individuals, therefore, the sense of responsibility towards others causes an individual not only to see themselves but always to have the community and its interests in mind. Hence, the political culture of individuals, where there is no conflict between the social duties of citizens and individual freedoms, must evolve. In this regard, political-social institutions must provide the means to achieve the goal.

The next limiting factor of freedom is indeed governments and ruling powers. Particularly, freedom of expression has always found itself opposed by ruling powers, enduring their severe opposition. Human society, especially from the constraints that governments and groups of ignorant masses and traditions impose on the freedom of the wise, has suffered and empathized with what today is called the plight of intellectuals. John Stuart Mill, the 19th-century English philosopher, in his veneration of and necessity for freedom of expression against the majority, argued that the rights of the minority are just as worthy of respect as those that may become the majority in the future. The legal expression of dissent, built on the principle of freedom of expression, is fundamentally a cornerstone of the principle of majority rule. The existence of dissent in a democracy is as essential as the existence of government.

The opposition should not be viewed as an enemy or an entity outside the people but rather its necessity, especially for the supervision and control of the majority representatives in the exercise of power, is entirely understandable. This is to prevent the tyranny of the majority and allow the minority to replace the previous group by gaining the majority of public votes. The majority representatives, having the power to enact governing laws, wield the greatest power. For the governing system to be accepted by everyone, it must be lawful. According to the holistic approach, a lawful state cannot be summarized as a simple hierarchy of legal norms without considering the content of these norms. A lawful state does not merely mean a state of any kind of law but rather a state where the laws are centered around certain principles and values.

These fundamental human rights, freedom, justice, and equality, rooted in the awakened conscience of humanity, are superior because such rights are stable and enduring. They are not specific to a particular society or time but are universal and timeless. Thus, in all countries, especially liberal ones, we witness a set of laws and regulations upon which there is almost universal consensus. These fundamental rights are highlighted by various international and European human rights texts. Their recognition and entrenchment, especially in the constitutions of the world, have granted them legal value and ensured their guarantee. Before the supremacy of constitutional governance, parliamentary regulations were recognized as superior laws, and there was no oversight over the legislature's actions. Even today, the legislature can, in the name of public interest, violate fundamental individual rights and freedoms if they conflict with societal interests.

Protection of the constitution against the enactments and actions of the legislative and executive branches is one of the features of the principle of the rule of law and also one of the most important characteristics of free constitutions. Often, such a task is carried out either by supreme courts or through a special institution. For these institutions to be able to powerfully defend the fundamental rights and freedoms of individuals and to stand firm against arbitrariness and various discretionary actions, the following should be ensured:

Firstly, the method of selecting the members of such bodies should be free and direct - such that the people of a country elect competent individuals. However, since judicial experience and expertise must also be considered, it is better that initially, specialized bodies identify and appoint members and list them, so the public can choose from this pool.

Secondly, job security for judges is of high importance, such that their rights, benefits, appointment, and dismissal are not dependent on political and governmental institutions. Ultimately, it seems that for the bodies ensuring the constitution to more powerfully and independently oversee the actions of government institutions in each country to protect the fundamental rights of its people against governmental actions, it is better for these bodies to be connected with transnational and continental human rights organizations and to be supported by such entities. An institution that aims to oversee government actions is more effective if its performance is semi-transnational.

4. Exchange of Ideas: A Pathway to Civil Society (Effects and Outcomes of Freedom of Expression and Thought)

The exchange of ideas and thoughts through dialogue for the mutual presentation of insights and ideas is fundamental for progressing toward an ideal society. This exchange can occur at various levels, including individual to individual, group to group, individual to government, and even between governing institutions. Such dialogues necessitate the presence of freedom.

People must have the right to engage in discussions without fear or intimidation on all matters, not only in philosophy and thought but also on issues that impact their destiny. Through these exchanges, ideas, and creativity are activated, and better and higher solutions for welfare and happiness emerge.

Freedom of thought naturally brings about the diversity of thought and focuses the social characteristics of followers of each common idea in one place, manifesting various ideological or religious centers as political parties and groups.

However, dialogue and discussion between individuals alone are necessary but not sufficient. There must be a dialogue between the individual and the government, between freedom and power. This dialogue ensures that people do not see the ruling group as separate from themselves and fosters a social environment of harmony, avoiding violence and conflict.

To achieve this goal, it is essential to have parties and groups that can accommodate like-minded individuals and act as intermediaries between the public and the government. Thus, the collective power derived from the union of individual powers can facilitate successful citizen participation in governance.

Government's Duty:

To achieve these objectives, the government must:

1. Respect the independence and identity of these various intellectual and party expressions.
2. Guarantee their freedom.

Therefore, the fundamental rights and freedoms of the people in a society and the constitution that enshrines these rights must become practical and effective rather than remain idealistic. Merely having legal criteria and regulations is not enough. More importantly, the political, cultural, and social infrastructure and contexts must exist to turn these objectives into reality.

The primary supporters of the rights and freedoms of any society's people are the public opinion and the general will of that society. The people's support for the principles of the constitution is the main control mechanism that acts as a deterrent against any potential violations and encroachments on the rights enshrined in the constitution. One of the most reliable methods for implementing the constitution is to strengthen social foundations as the bedrock of legality. Progressive constitutions can become distorted and hollow in backward social and political structures, turning into empty shells.

Culturally, it is the duty of forces interested in and supporting the rule of law, fairness, and justice to educate the public about their rights. This means increasing public awareness of their fundamental rights, which are documented and guaranteed in many constitutions. The greater the public's awareness of the Constitution, the better. Therefore, the constitution should be introduced in schools and families, as these are the places where cultural heritage is transferred to the next generation. This way, a strong barrier is created against any aggressor.

If people in a society are indifferent to their rights, they are like minors who are naturally placed under guardianship.

CONCLUSION:

What is the legal framework for imposing restrictions on freedom of expression?

To clarify the appropriate limitations on this type of freedom within the international human rights system, a specific framework has been established to protect freedom of expression and to impose correct limitations. This framework, commonly accepted in all related documents, includes:

- A. The Principle of Legality
- B. The Principle of Democratic Necessity
- C. The Principle of Non-Discrimination
- D. The Principle of Legitimacy (in Purpose)

A. The Principle of Legality

This principle aims to ensure that the guarantee of this right and freedom is not restricted except through a proper legal process. Although the authority to determine the scope and extent of limitations is granted to government officials, the boundaries and methods of exercising such authority must be clearly defined to protect individuals against arbitrary interference with their rights. Appropriate safeguards against abuse and misuse of this sovereign power must be in place.

B. The Principle of Democratic Necessity

This principle means that for any restriction to be considered necessary and justified, it must meet the precondition of a "democratic society." In other words, a government can authorize restrictions on freedom of expression only if it is a democratic state.

C. The Principle of Non-Discrimination

All individuals in society must enjoy this right without any discrimination based on race, gender, ethnicity, language, social origin, etc.

D. The Principle of Legitimacy in Purpose

As previously mentioned, any restrictions imposed on freedom of expression in democratic societies must be necessary for the health and welfare of the public, maintaining public order and national security, or protecting the rights and freedoms of others. Therefore, governments cannot simply claim that their actions are necessary for pursuing national interests; they must prove that their actions have a "legitimate purpose." Thus, a country's claim based on tradition and historical context is not considered a legitimate restriction on freedom of expression.

In the end, this issue is raised: what are the best pillars supporting fundamental human rights and freedoms?

Fundamental human rights are recognized and prioritized as a result of the gradual transformation of society and the creation of favorable mental and objective conditions among rulers and people. Subsequently, following revolutions, coups, and rapid changes, such as the French Revolution of 1789, led to the adoption of the constitution of this country. Similarly, in Britain, the king, under pressure from

essential and social conditions, issued the Magna Carta in 1215, laying the foundation for the first constitution, which led to the formulation and institutionalization of fundamental human rights.

Envisioning individual rights and freedoms in the constitution, meaning when the fundamental individual rights are incorporated within it, causes it to be recognized as the most fundamental and superior law. Thus, just as ordinary laws and other resolutions require structures such as courts to be implemented and not just remain on paper, the constitution, as the most superior and valuable law, cannot be left without any form of enforcement guarantee and merely regarded as an ideal or a sacred text. For the enforcement guarantee of the Constitution to be more effective, two important factors should not be overlooked:

1. Legal Factor

Establishing a powerful and independent institution is a very important issue, especially for constitutional courts. This subject is of great significance. To prove the level of independence of the institutions overseeing the constitution, various criteria must be considered.

- a. The method of selecting members of the court - The method by which selectors choose members should be free and direct. However, considering that judicial experience and expertise should also be taken into account, it is better that first, specialized bodies identify and determine the members and place them in a specific list for the public to choose from within this range.

2. Job Security of Constitutional Judges

This means that in terms of salary and benefits, as well as appointment and dismissal, they should not be dependent on political and governmental institutions. However, in practice, maintaining the independence of special constitutional bodies is difficult. This is because such courts are marginal to the judiciary, and their members are not necessarily judges. As a result, special attention must be paid to the selection of members of these courts. Can a court whose members are chosen by the rulers of the country have sufficient independence and stand against the actions of the government?

3. Cultural Factors

To answer the question of why a system with similar characteristics results differently in two countries, it should be noted that for the efficiency of a legal system, merely having legal criteria and regulations is not enough. More importantly, the existence of political, cultural, and social infrastructures and contexts can facilitate the practical realization of the Constitution's provisions.

As an example, the effectiveness of the constitutional oversight system in the United States can be considered in comparison to countries that have formally imitated this system. In such countries, the judges have never possessed the power and courage of American judges. Therefore, the primary means of supporting the constitution is the public's advocacy of

the constitutional principles, which serves as a deterrent force to potentially prevent any violation of the rights enshrined in the constitution.

The greater the degree of public attachment to their constitution, the better the durability and stability of that law are guaranteed.

Undoubtedly, the public's awareness of their rights from a cultural perspective is the duty of those forces interested in supporting governance, fairness, and justice.

In this manner, the constitution should be introduced into schools and families, where cultural heritage is passed on to future generations. This is when a strong barrier against any aggressor is created. If individuals in society are indifferent to their rights, they become like minors who automatically fall under guardianship.

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