

Accepting the other and Tolerance in the International Law of Human Rights, and Their Application in the Arab States

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Abstract

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The principle of accepting the other is an important element in the application of democracy and achieving peace and security between the members of the same society and establishing justice. People who refuse to accept the other cannot coexist with others, and hence wars erupt between them and consequently they suffer from the occurrence of catastrophes, disasters and tragedies, and all this due to their refusal to accept the other.

Arab states suffered from dictatorial and socialist regimes, and from accepting not the other, and therefore Arab peoples in Arab countries were deprived of the culture of accepting the other. Despite political developments which occurred after 1990, and application of democratic institution by Arab countries, these peoples still refuse to accept the other, and this is due to historic, racial and cultural reasons.

Democracy in the west contributed to entrenching the principle of accepting the other as well as to tolerance, meanwhile this principle dissociated the Arab society, and caused the appearance of religious, sectarian and racial prejudices, and increased the acuity of conflicts between the members of the same society. This has led to the disappearance of the principle of accepting the other, and the disappearance of tolerance, and the spread of terrorist organizations.

In this research we will discuss the principle of difference and diversity and the scope of difference and diversity and accepting the other, and we will end the research by a conclusion of most important results and suggestions.

I-Introduction:

Humanity suffered from destructive tragedies and disasters as a result of racial, national, religious, sectarian and ethnic discrimination. After the spread of democracy in many countries of the world, the world started to feel the importance of peaceful coexistence and stability, accepting the other and tolerance regarding what happened in the past, and that human relations require cooperation between people in order to address the difficulties of life and advance humanity towards peace and human cooperation.

The importance of the research: The spread of the culture of tolerance between human beings helps to achieve international peace and security, and this would be reflected on national peace and establish tolerance and the acceptance of the other, and this, in return, would achieve world peace between the states of the world and abducts them from destructive wars, and enhance human relations between them. This also enhances human, economic, social and political cooperation between the people of the same country, and safeguards the national social structure of the country.

The problem of the research: In spite of the development which is witnessed in the world in the field of human rights, liberation of states from imperialism and the spread of the culture of accepting the other, and tolerance between developed peoples, the Arab countries, on the other side, are facing terrorist organizations which are working on abating the other, implanting hatreds, abolishing the culture of dialogue and applying the policy of killing, displacement and immigration for religious, sectarian or racial reasons.

These terrorist organizations also impose their extreme ideas on others. All this has resulted in killing millions of innocent people who were victims of these organizations. Therefore, we have to find means for imposing legal and social laws and rules in order to entrench the culture of tolerance and the principle of accepting the other for human, moral and social necessities, and for living in peace and security. The development of means of communications and international transportation which approximated both similar and different people to each other increased the acuity of racial conflicts. This requires the international community to apply multiple means in order to guarantee the principle of accepting the other, and to make it understood that difference and diversity unite the society and approximate it within the frame of the national unity inside the same country, and unite different societies as well.

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Hypothesis of the research: The hypothesis of the research denotes that spreading the rules of tolerance and accepting the other between Arab people enhances national and international peace and human cooperation between human beings, and this abducts them from international and civil wars. The aim of law is to regulate social behavior. When legal and social laws and rules advance human behavior towards tolerance and accepting the other happiness will prevail worldwide.

Methodology of the research: The research relies on the explanation of the rules of tolerance and accepting the other in the international law of the private human rights, the opinions of legal jurisprudence and the practical applications of tolerance and accepting the other in Arab states. Therefore, this research depends on explaining legal texts. This is a descriptive, theoretical and applicable study.

The plan of the research: We discussed the issue of tolerance and accepting the other in the international law and its applications in Arab countries, therefore the research was divided into two sections:

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II - THE CONCEPT OF ACCEPTING THE OTHER AND TOLERANCE:

Accepting the other and tolerance is a principle which works for coexistence between the members of the society.

FIRST- THE RELATION BETWEEN ACCEPTING THE OTHER AND TOLERANCE

Accepting difference and diversity means accepting the other. Tolerance is one of the modern idioms. It is a new culture in the liberal institution⁽²⁾. All these idioms are considered new in the modern international law.

Defined tolerance is: "the practice of deliberately allowing or permitting a thing of which one disapproves. One can meaningfully speak of tolerating, of allowing or permitting, only if one is in a position to disallow."⁽³⁾

Humanity suffered from many awful disasters and calamities due to prejudice and intolerance. The result was millions of innocent victims. Wars, calamities and tragedies which hit people resulted from this difference between human groups in different societies, or between the members of the same society⁽⁴⁾.

The Roman Empire encouraged conquered peoples to continue worshipping their own gods. "An important part of Roman propaganda was its invitation to the gods of conquered territories to enjoy the benefits of worship within the imperium⁽⁵⁾."

(2)Although the tolerance was old, but it is nascent in Western countries especially the United States of America. Given the prevalence of racial discrimination and oppression where, many American intellectuals called for the need for tolerance in order to solve security and stability. Of these (John Rawls) and (Ronald Dworkin) and (Raels Nick). They say that the idea of tolerance of Western liberal. Review: Oberdiek Hans(2001), *Tolerance: Between Forbearance and Acceptance*, Lanham, Maryland: Rowman and Littlefield, p. 4, and, p. 220.

(3) Perez Zagorin(2003), *How the Idea of Religious Toleration Came to the West* Princeton: Princeton University Press p. 5.

(4) It proved from read human history that all international or civil wars between developed or underdeveloped countries It were caused by the difference between people. This situation continues to this day.

Reviewing all international wars since the Babylonian era to the war in Iraq and beyond

Clifford E. Singer(2001), *Energy and International War, From Babylon to Baghdad and Beyond*, University of Illinois at Urbana Champaign USA, p. 4ss.

Review for disasters and civil wars:

James M. McPherson(2003), *Civil War, Oxford History of the United State.*, p. 3ss. also see:

Grover Gardner(2009), *The Civil War*, Blackstone Press, p. 3.

Review about racism damage:

Mitchell Young (1996), *Racial Discrimination*, Greenhavan Press, 2006, p. 5, ss.

(5) Witte, John Jr. and Johan D. van de Vyver, *Religious Human Rights in Global Perspective*, The Hague: Kluwer p. 74.

Talking about accepting the other requires us to search for the meaning of difference, diversity and tolerance which is considered the basis of accepting the other. The meaning of these idioms in the modern international law should be known. Despite that tolerance in Arabic means the existence of a wrong done by a person against another person, and that what is required from the wronged person is to tolerate this wrong, still this word is not the intended word in the international law.

The idiom of accepting the other was translated into the idiom of tolerance in Arabic. This translation is incorrect. Tolerance means the existence of a wrong, but accepting the other does not mean the existence of a wrong done by another person. It means that there is a difference in opinion, of beliefs or mental trends, or in the structure of the human body such as color, origin, nationality, sect or race, but there is no aggression from a person on another. Accepting the other is the nearest expression to the required meaning.

The UNESCO general conference in its twenty eighth session which was held in Paris on 16 November 1995 identified the meaning of tolerance by saying that it means respect, acceptance and appreciation for the rich diversity of the cultures of our world and the forms of expressions and the humanitarian qualities which we have. This tolerance is supported by knowledge, openness, contact and the freedom of thought, conscience and belief. It is an accord in the context of discord. It is not only a moral duty, but it is also a political and legal duty. Tolerance is the virtue which makes the existence of peace easier. It contributes to the substitution of the culture of peace instead of the culture of war⁽⁶⁾.

Accepting the other is contradictory to aggressive prejudice which abates the other or attacks him. Accepting the other is based on virtue, difference and love. But prejudice is based on hatred, malice, introversion and aggression on others. Racism of a certain person produces racism to another person. The most prevailing type of prejudice is the religious prejudice which domineered in many countries of the world⁽⁷⁾. including developed countries in general and Arab countries in particular. Self prejudice is not considered opposite or contradictory to tolerance if it remains inside the self without harming or attacking others. Every person may be prejudiced to his religion, nationality or body. Such prejudice is normal, but what is refused is the prejudice which incites or motivates attacking others, or which abolishes or cancels the role of the others in enjoying their rights.

There are many things which could be done to move towards accepting the opinions of others and to respect our differences. The existence of difference does not spoil or frustrate relations, and all people should deal with others with the same degree of respect with which they want to be dealt by others. All people should accept differences. Know the ideas of the others, and keep your own opinion⁽⁸⁾.

To know the others does not mean that you should believe in their beliefs, or adopt what they work for. To know the others does not mean acceptance. All people are living in one society which requires them all to face the difficulties of life and overcome them. Private issues remain the ownership of the person. Accepting the other is a way for developed social relations. A person cannot change the thoughts of others. This requires a person to deal with reality, but not to change reality⁽⁹⁾.

The principle of accepting the other does not mean to cancel the privacy of the person. Everyone has the right to enjoy his complete rights or consider himself better than the others. He can publish his ideas and be prejudiced to them, and he can ask the others to believe in his own beliefs, and he can claim that his beliefs are better than the beliefs of others. But he has no right to impose his beliefs on others by force, and he has no right to refuse dealing with others, and if the person is holding an official position he has no right to discriminate between people on the basis of his own beliefs.

SECOND- THE LEGALITY OF ACCEPTING THE OTHER AND TOLERANCE

Accepting the other is a community culture. Prejudice is also a community culture⁽¹⁰⁾. Leaving the person does not mean giving him what he wished. Accepting the other does not mean accepting the person who imposes himself on others, and does not mean asking others to accept him. A black man, for example, has not the right to ask a white woman to marry him if she does not want to marry him, and also a person has not the right to join a certain society or a national party or a certain religion without authorization. A person, for example also, has not the right to join a certain party related to the rights of minorities. On the other hand, it is not allowed to prevent a person from employment in a position because of his color, religion or sex. The doctor, for example, has no right to refuse treating a patient on basis of difference and diversity in color, religion or sex.

(6) Article (1/1), Declaration Of Principles On Tolerance, 1995. Solemnly adopted by acclamation on 16 November 1985 at the twenty-eighth session of the UNESCO General Conference.

(7) C. H. Dalton(2009), A Practical Guide to Racism, Roman and Littlefield Publishers, 3th., p. 23.

(8) Jeff Durham(2012). Accepting Other Peoples Differences. October, <http://www.lifecoachexpert.co.uk/acceptingotherpeopledifferences.html>

(9) Daniel A. Miller. Good Reasons For Accepting People As They Are, October 6, 2011 <http://blog.losingcontrolfindingserenity.com/2011/10/06>.

(10) Dominique Colas, (1997) Civil Fanaticism, Stanford University Press, p. 32.

Tolerance before was a culture between the members of the society. Due to the importance of tolerance, and in order to limit differences between the members of the society, the international law and bylaw started to interfere for imposing tolerance on society.

Violation of tolerance has become a crime which is punished by law. Rules of tolerance are now obligatory legal rules for every person according to many conventions⁽¹¹⁾, and international proclamations⁽¹²⁾, and according to the constitutions and laws of the states⁽¹³⁾ of the world. Thus tolerance has entered the obligatory circle of human rights. Hence, no one is allowed to violate the rules of tolerance. If anyone does so, he will be held legally responsible for that. Accepting the other and tolerance are not only an accord between the members of the same society, but it is a legal commitment, means of peace and stability and coexistence between the individuals of the people⁽¹⁴⁾.

An important change has occurred with respect to the commitment to the rules of tolerance when the International Criminal Court was established according to the Rome Statute in the year 1998. This court is concerned with four major crimes, and it specified two types of crimes if their commitment is a violation of the rules of tolerance. These are the genocide crime⁽¹⁵⁾, and the crimes against humanity⁽¹⁶⁾.

The International criminal court is not the court of jurisdiction for these two crimes unless their commitment is methodical, which means for racial or sectarian, or religions, or national or ethnic reasons, which means again that their commitment is caused by difference and diversity, as this is considered a violation of the culture of tolerance.

This shows that the rule of the international criminal court obligated states and societies to be tolerant to each other, and that using force because of disputes between society members is considered methodical crimes which are punished according to the statute of the International Criminal Court.

Therefore, accepting the other and tolerance is considered a lawful rule based on the following :

- 1- The law did not prevent difference and diversity between people since each person has his own distinctive individuality, but the law prevents persons from discrimination between each other on the basis of difference and diversity.
- 2- The law punishes any person who intends to abate the other due to difference and diversity. It is not allowed to deprive a person of his rights on basis of difference and diversity, and it is not allowed to call for preventing a person from candidacy or joining a certain party, or embracing a certain religion, and it is not allowed also to deprive a person of appointment in an official position.
- 3- The law does not obligate persons to abolish their individuality, the Law does not oblige a person to contribute to an establishment if he does not want to contribute to that establishment.
- 4- Accepting the Other differs from tolerance, as accepting the other means that the person is at odds with somebody else without attacking him, meanwhile tolerance supposes that there is a wrong done by a person against another person, the matter which requires the wronged person to be tolerant. We see that laws and treaties do not distinguish between accepting the other and tolerance.

THIRD- ACCEPTING THE OTHER AND ENHANCING DEMOCRACY

Despite that democracy creates differences between the society members due to lack of suppression and the freedom given to person to let out his hidden opinions and views, nevertheless democracy, on the other hand makes all the individuals of the society partners in the authority which rules and manages the state, when they choose the lawmakers to enact the laws which are executed by the executive authority and applied by the authority. This requires all society members to cooperate with each other.

As the democratic institution makes the members of the society partners in the management of the state, therefore it considers all other differences to be melting in the face of the relation of national partnership in the management of the state. In this sense accepting the other is not only imposed by the force of law, but also by the force of social relations which require cooperation in choosing their representatives in the legislative authority for their happiness, and for the achievement of security and peace.

(11) See the treaties: the International Covenant on Civil and Political 1966 Rights, the private social and economic rights in 1966 and the International Covenant and the Convention on the Political Rights of Women 1952, the Convention (No. 111) concerning Discrimination in Employment and Occupation and Human Rights 1960 and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the 1999 Convention on the Elimination of All Forms of Discrimination against Women in 1979.

(12) See the International Declarations: The Universal Declaration of Human Rights In 1948, The United Nations Declaration on The Elimination of all Forms of Racial Discrimination of 1963 Tehran Declaration of Human Rights In 1968. The Declaration and Programme the Vienna of Action Issued By The World Conference on Human Rights Held In Vienna From 1993.

(13) Discrimination on grounds of sex, color, race and religion is a punishable offense in most countries. See Article 6 of the Jordanian Constitution 1052, Article 7 of the Constitution of Kuwait in 1962, Article 25 of the Constitution of the United Arab Emirates in 1971, Article 11 of the Egyptian Constitution 2004, Article 14 of the Iraqi Constitution in 2005, and Article (29) of the Algerian Constitution, 2008.

(14) William Ury(1999), Getting to Peace, The Penguin Group. New York, p. 17.

(15) Article (6) of the *Rome Statute Of The International Criminal Court* 1998 " For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: ...

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Despite that accepting the other is a legal case still it remains a cultural society case regardless of all legal texts and deterrent penalties that we many apply. This is because the belief of the person in accepting the other with others is a personal thing which must spring from the human depths. The law imposes penalty on the person who does wrong to others because of discrimination which is based on difference in opinions , color, religion or nationality, but the law, at the same time, does not obligate the person to greet, talk to, respect or deal with a person or make a special relation with him if he does not agree with him in ideas, opinions color, religion or nationality. This case is difficult to solve, and it is a problem mainly in the peoples of Arab countries, for different sects established parties and organizations to protect their rights but not to protect the rights of the whole people. The democracy there is based on interests, each sect is calling for protecting its interests. This resulted in more dividing of the people of same country, and we can see now that the armed conflicts and terrorism at the present are caused by these separate sects.

Accepting the other in the democratic institution is a very important element, especially in the Arab states which knew democracy after the international changes in 1990⁽¹⁷⁾ and it is considered one of the principles of democracy. Democracy cannot be applied in a society in which prejudice and abating the other are prevailing, for accepting the other and tolerance are a culture, freedom and a legal commitment but also they are a special case based on virtue, love and concession. Accepting the other means tolerance and that people have to respect each other in spite of all the diversity of their beliefs, cultures and languages.

Accepting the other is considered a new legal principle in the Arab countries, this principle allows persons of the same language, religion, nationality, race and sex to join their own establishments which organize their affairs and defend them such as the institutions of civil society, parties and humanitarian and professional organizations, on the other hand, accepting the other means that the others have the right to constitute their own civil society institutions which protect their rights, safeguard their financial and moral interests, express their ideas and defend their rights before the state and society through the values of respect, tolerance, cooperation, competition and peaceful conflict.

Despite that these institution collect categories of the same kind, but still they may lead to prejudice, conflict and hatred of the others.

Nevertheless, they practically lead to the collection of the minorities to protect their rights. The others also may establish their civil society institutions.

Conflict, therefore, has arisen between these same institution.

The culture of accepting the other is not limited to the field of politics and economy only, but it also involves all different intellectual diversities including military fields, religious beliefs and nationality as well as sexual, literary, cultural and humanitarian aspects, and all fields of knowledge.

Accepting the other requires accepting person as a human being who has the right of coexistence. This does not mean that you have to accept his idea and opinions, and does not mean also that you have to like his shape, religion or race. Difference in such things is encountered by a great thing which is the unity of national and humanitarian feelings in the management of the state and choosing the representatives. Special difference here is encountered by general unity such as the unity in morals. What is of significant importance in all that is unity in coexistence, and coexistence requires all people to concede all other differences.

In the international law, accepting not the other does not mean to deal similarly with that who deals you with such discrimination. Therefore, the law should be applied on the person who refuses to accept the other. Under no circumstances should tolerance be taken as a pretext, for what must be done is that any person transgressing the rights of others must be punished. Tolerance does not mean equity or concession or lenity, but it means, before all, taking positive stance which accepts the right of others to enjoy their human rights and essential human freedoms which are internationally recognized. It is not acceptable, in any case, to take tolerance as pretext to justify violation of these essential values. Tolerance should be practiced by individuals⁽¹⁸⁾.

Rules of conversion from accepting the other, from the field of social culture to legal obligation: Tolerance on the level of the state requires the state to guarantee justice and impartiality in legislations and in the execution of laws and in the judicial and administrative procedures. It also requires the state to make economic and social opportunities available to every person without discrimination. For every exclusion or margination would necessarily lead to frustration, aggression and prejudice⁽¹⁹⁾. This is the only guarantee for applying the principles of accepting the other and tolerance.

These principles express the culture of accepting the other and tolerance, and they mean dealing between human beings not through their beliefs or qualities, but there is a fence which excels the contradictions between

(17) Review the concept of democracy for the following sources: Shibli Mallat (2001), *Democracy in America* , Dar An-Nahar, Beirut, p5. Abdel-Fattah Shehadeh (1990), *Democratic between the Third Universal Theory and contemporary concepts*, Global Center for Policy Studies, Tripoli, Libya, p. 10 . Issam Suleiman (1988), *democracy*,. Global Center for Policy Studies, Tripoli, Libya, p11. Olivier Duhamel (1998), *democracies*; Translation Ali Pasha. Damascus, Syria: Ministry of Culture, Damascus, p.10.

(18) Article (1) of Declaration Of Principles On Tolerance, 1995.

(19) Article (2/2) of Declaration Of Principles On Tolerance, 1995 .

the members of the society and goes up high above everything and this fence is the necessities of common living or work⁽²⁰⁾.

This shows that democracy cannot be applied unless the members of the society accept each other, and the culture of tolerance prevails between all people. One of the reasons of the failure of democracy in Arab countries is accepting not the other, other differences.

In the international law, accepting not the other does not mean to deal similarly with that who deals you with such distinction. Therefore, the crime is not faced by a crime, but by applying the law on the person who refuses to accept the other. Under no circumstances should tolerance be taken as a pretext for violation of the essential values of accepting the other. What must be done is that any person transgressing the rights of others must be punished. Tolerance does not mean equity or concession or lenity, but it means, before all, taking positive stance which accepts the right of others to enjoy their human rights and essential human freedoms which are internationally recognized. It is not acceptable, in any case, to take tolerance as pretext to justify violation of these essential groups and states.

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These principles express the culture of accepting the other and tolerance, and they mean dealing between human beings not through their beliefs or qualities, but there is a fence which excels the contradiction between the members of the society and goes up high above everything and this fence is the necessities of common living or work.

This shows that democracy cannot be applied unless the members of the society accept each others, and the culture of tolerance prevails between all people. One of the reasons of the failure of democracy in Arab countries is accepting not the other, and intolerance between the members of the same society, and this has led to military conflicts between those groups which spread in many Arab countries at the present time.

FOURTH-THE LIMITS OF ACCEPTING THE OTHER AND TOLERANCE

Accepting the other is not an ultimate case. It is limited by certain limitations, and there is no separating line between the cases of accepting the other and the cases of accepting not the other. Through studying the cases of accepting the other and establishing the culture of tolerances we can mention the cases in which we can accept the other because of diversity and difference, and the cases which are not regarded as accepting the other and are not also included within the circle of the culture of tolerance, and that if such cases occur they constitute crimes which necessitate punishment.

There are many cases in which tolerance should be used with the existence of diversity and difference such as the following:

- 1- Difference in the congenital or physical structure which is outside the will of man and it is created by the almighty God without the intervention of human beings such as the difference between people in color, sex, race, nationality, origin, ideas, customs traditions and trends.
- 2- Establishing the institutions of civil society for organizing a certain group without the others, such as the case when establishing a party which joins persons of certain trends or tendencies, or when establishing a humanitarian or welfare organization for helping men without women, or the vice versa, or for helping a religions group or a national group without the other. Such collections, even if they intend to help a certain party or group because of difference and diversity, are not harming to others, and the others have right to establish their own institutions of civil society for their organization.
- 3- Difference related to thought such as difference in religion, profession, customs, traditions, sciences, culture and adopting political ideas provided that such ideas would not contradict the customs and traditions of the society.
- 4- The right of publishing ideas in the audio, visual and written media, and the right of defending ideas and the situations related to a certain group, and calling for these idea via approved peaceful means, provided that these would not lead to dividing the unity of the society.
- 5- Love and hatred and different personal instincts related to the human being, such as personal emotions and love of mixing between a type of persons, and dress and food and the relation with others, and other things which are related to the will of man such as refusing to marry a woman

(20) Dr. Hassanein Tawfiq Ibrahim (2000), democratic development in the Arab world (issues and problems), International Policy journal (Issue 142, thirty-sixth year, in October, p. 22.

- because she is black or white or from a certain nationality, or from a certain ethnic, religious or mental origins.
- 6- Providing financial or moral aid to a category of people without the other on basis of color, religion, ideas for certain reasons appraised by the person, such as providing financial and moral aid to a party or to a certain minority, provided that such aid is personal and not official and be from his personal money, and without exploiting his official position.
 - 7- To announce his ideas claiming that his nationality, or his religion, or his people are better than the others, and that he owns the scientific capabilities and adopts correct ideas better than the others, and that his party is better than the other parties and more patriotic than all other parties, and that the others do not own like what he owns, and calls the others to join his belief or his party without using force to impose this on others.
 - 8- To elect persons because they are from a certain ethnic, national or religious category, or from a certain party, and refuses to elect others for their reasons.
 - 9- Impugning or accusing certain parties or groups through newspapers or books or other media, such as accusing black or a white people of weakness or lack of knowledge, or accusing a party of being an agent working for the interest of the foreigner or for the benefit of a certain nationality, provided that such accusation be supported by real or scientific evidences.

FIFTH- ACTIONS CONTRADICTING THE PRINCIPLE OF ACCEPTING THE OTHER

There are many cases which are not considered as cases of accepting the other, and these are not included in the culture of tolerance.

These cases constitute crimes necessitating punishment, such as the following:

- 1 – Discrimination in treatment because of difference and diversity through the place of responsibility, such as being an employee facilitating the transaction of somebody who agrees with him and refusing to facilitate the transaction of another person who disagrees with him because of difference and diversity with him, with the availability of required conditions in all persons.
- 2 – Imposition of opinions, beliefs or ideas on others by force, or imposition of joining a political, economic or cultural institution, or any other institution.
- 3 – Obliging others to defect from their opinions, ideas, beliefs or option, or obliging them to defect from their institution by force, or terminating the employment of persons due to difference and diversity.
- 4 – Discrimination in treatment because of difference and diversity in humanitarian issues, even if the person is not in the place of responsibility, such as the doctor who refuses to treat a patient who visits his private clinic, because of difference and diversity.
- 5 – Discrimination in treatment because of difference and diversity in public life, such as when a storekeeper refuses to sell items to persons with whom he disagrees, or a taxi driver refuses to carry a person due to difference and diversity.
- 6 – Accusing others because of difference and diversity without having legal or material evidences which support his accusation, such as when a person accuses black people of habitual theft, or accuses women of inability to work, or accuses the believers of certain religion of being atheists without having evidence which proves that accusation, regardless of being in a place of responsibility or not. The exception of this case is that when the profession of the person necessitates that accusation, such as when a judge tells a person that he is accused of theft, and afterwards it was proved that this person did not steal, In such a case the person who would be punished is that who originally brought about the false accusation, but not the judge.
- 7 – Abstention from offering help, such as when a person refuses to save another person because of difference and diversity, or when he refuses to help a person who is in danger of fire or drowning or needs rescue, even if the person is not in a place of responsibility, or such as when a humanitarian organization refuses to help a person due to difference and diversity, in spite of the existence of the ability of rescue.
- 8 – Methodical crimes, such as when a person kills, tortures, rapes, kidnaps, persecutes or abducts persons because of difference and diversity in a methodical way against a certain group. Such crime, despite of considering it a crime regardless of the case of difference and diversity, yet its commitment because of difference and diversity aggravates its penalty according to bylaws and international law especially the Rome rule of the International criminal court enacted in 1998 which considered such crimes penalty aggravating crimes for the person who commits them if they are committed in a methodical way because of difference and diversity⁽²¹⁾.
- 9 – Methodical extermination crimes, or crimes of attacking civilians, slavery, torture, compulsory pregnancy, oppression, arresting any persons or detaining them or kidnapping them or depriving a group of population or all population purposely and severely of their essential rights, in a methodical way,

(21) Paragraph (1) of Article (7) of the Rome Statute of the International Criminal Court.

because of difference and diversity. Despite that such crimes are still considered crimes even in the absence of the difference and diversity element, yet the existence of this element aggravates penalty for the person who commits these crimes⁽²²⁾.

- 10 – Issuing racial laws or rules or decisions against a certain group of the population because of difference and diversity. In this case the person who is responsible for issuing such laws and the person who executed them are criminally responsible for them⁽²³⁾.
- 11 – Inciting others against persons, because of difference and diversity, to commit crimes against them or to boycott them or to defame them.

III- APPLICATION OF ACCEPTING THE OTHER AND TOLERANCE IN ARAB STATES

Accepting the other and diversity are a moral and legal action and a wish to coexist with others. They are also a basic element in the democratic institution. The Arab world has witnessed a radical conversion from the dictatorial regimes to the democratic regimes, and the establishment of civil society institutions which failed to make the individuals of the society get closer to each other and establish the rules of accepting the other, and this has led to the rise of terrorist Islamic organizations which worked on killing and destruction.

FIRST – BACKWARDNESS OF DEMOCRACY IN ARAB STATES

It has been previously mentioned that democracy is fundamental in achieving accepting the other and tolerance and in the advancement and development of society⁽²⁴⁾. The Arab world was for a long period of history under the ottoman occupation⁽²⁵⁾, which started during the great industrial revolution in the west since 1522. Iraq was occupied by the ottoman regime, and the occupation included Syria and Palestine⁽²⁶⁾. This occupation extended until 1923 when Turkey withdrew according to Luzan convention in the year 1923⁽²⁷⁾. This period was the worst period in the history of the Arabs. Arabs then did not rule themselves, and Arab states yielded directly to the higher Sultan in Istanbul⁽²⁸⁾.

It is known that the regime in the Ottoman state was a hereditary regime which did not know the democratic regime, Therefore Iraq and Syria did not know democracy, or human rights, or civil society institutions. After the withdrawal of Turkey from Iraq and Syria, Iraq, Syria, Palestine and Jordan became the portion of Britain, and Syria and Lebanon became the portion of France, and France also occupied the Arab states in north Africa.

These countries witnessed under the British and French occupation a formal democracy which is far from being a real democracy. Feudalism and backwardness prevailed in every part of the state.

This led to the spread of communist and leftist parties which could not make any development in the current regimes.

After the breakdown of the Soviet Union in 1991, accusation of leftist parties and organizations ended. Western states started to call Arab States to apply democracy in the Arab world, using the stick and carrot policy and armed military intervention. Therefore, some Arab states started to enable their peoples of practicing the principles of essential freedom, in order to cope with world developments. Democracy was applied in some Arab states.

Nevertheless, these democratic experiences resulted in several surprises such as the disappearance of leftist movements, and the rising of Islamic movements in which the west found a new challenge to its interests, and this motivated the west to suppress democracy such as what happened in Algeria, Palestine and Lebanon.

As a result of this surprise western policy makers started to recalculate and call for the principle which says: (security before democracy). Thus democracy in the Arab world fell down moving from one contradiction to another: form safeguarding of democracy to sponsoring the interests and aspiration of the west, from national necessities to international interventions, from freedom to prisons and torture in places of detention, from independence to direct foreign military occupation and from security and stability to chaos and killing in the streets according to identity. Democracy in the Arab world, together with civil society institutions and human rights was complicated by the phenomenon of the war on terrorism. Many states enacted emergency laws to pursue groups from their citizens who are opposing the state justifying this action by the war against terrorism. This phenomenon is no longer limited to certain Arab states but it has also extended to western states which were before a refuge for persons who were oppressed by the governors of their states. Therefore, western states have

(22) Paragraph (2) of Article (7) of the Rome Statute of the International Criminal Court.

(23) Paragraph (1) of Article (7) of the Rome Statute of the International Criminal Court.

(24) Paragraph (1) of Article (7) of the Rome Statute of the International Criminal Court.

(25) Murphy, David (2008) The Arab Revolt 1916–18 Lawrence sets Arabia Ablaze. Osprey: London. p3.

(26) Joseph ·J (2000). The modern Assyrians of the Middle East: encounters with Western Christian missions, archaeologists, and colonial powers. BRILL. p. 82.

(27) Mango, Andrew (2002). Atatürk: The Biography of the Founder of Modern Turkey. Overlook Press. p. 388.

(28) Mohamed Farid Beck (2006), the History of the Ottoman Empire attic, Author:, achieve: Dr. Ihsan Hky, Dar Alnafees, 10 ed. p. 576.

also started to pursue the Arab citizen under the pretext of the war against terrorism. By this democracy in the Arab countries entered another deadlock which is worse than any other preceding one.

Democracy, actually, is considered a frame for the prosperity of the principle of accepting the other, and similarly this principle is considered an essential basis for entrenching the democratic institution. The strength of principle of accepting the other does not at all mean that the state is weak, because the existence of a strong, but not oppressive state and a strong mature civil society are the tools which strengthen and entrench legitimacy and political stability. Since 1991 the Arab states witnessed the growth of terrorist Islamic organization which are racial and radical organizations refusing to accept the other and refusing tolerance. The state got stronger and the door was opened for disorder and instability⁽²⁹⁾, and the Arab citizen could not meet officials and became unable to explain his opinion openly and feared to be punished by the official. This abducted the civil society institutions from their real goals⁽³⁰⁾, and thus Arab people have become between two hammers, the first of which is terrorism which is killing people, and the second is the Arab governments which made use of terrorism by accusing their opponents of terrorism, and this is what happened in Iraq, Libya, Syria and Egypt.

What aggravated the application of democracy in the Arab world and impeded the application of the principle of accepting the other is that the Arab governors who were supported by the west for long years did not work on advancing their people to western ideas, and could not fight terrorism, the danger of which has increased on the west, and made use of the support given to them by west through depriving their peoples of freedom and democracy, and they went far in corruption. Thus there governors became a burden on the USA and the west, which because of having this burden, were motivated to support the popular revolts which erupted in each of Tunisia, Egypt, Libya, Algeria, Yemen, Iraq and the Sultanate of Oman in the year 2011, under the slogan: (The people want to topple the regime). The west gathered all its media to support these revolts in order to beautify the picture of the west to the Arab people in all Arab countries. The white House and the European Union started to announce openly their support for any movements in the Arab countries against their governors, and that was accompanied by an enormous media gathering.

SECOND- EMERGENCY CASE

Terrorism was taken by Arab governors and rulers as a pretext in order that they can maintain power, and therefore many Arab states announced case of emergence due to the spread of terrorism, and this deprived democracy of its value, and the phenomenon of accepting the other spread⁽³¹⁾. Arab officials used terrorism as a pretext to get rid of opposition of the state.

Many democratic Arab states started to be governed by emergency laws for many years such as the case in Egypt. Arab political thought is in the present stage passing through a period of review and self criticism in addition to being in a fierce encounter with the despotism of the state and its clinging to power. Democracy has become formal and void of any content or meaning⁽³²⁾, and the nature and importance of democracy and its relation with civil society has not been understood. Many of these who climbed the walls of parliament were illiterate in politics and democracy, and they regarded power as the power of personal financial and prestigious benefits. The spread of terrorist organizations led to the appearance of other extremist organizations to encounter the extremist organizations, and conflict inside countries started in the shadow of the state of emergency, and thus the principle of accepting the other completely disappeared.

THIRD- LACK OF CIVIL SOCIETY INSTITUTIONS FOR ENTRENCHING THE PRINCIPLE OF ACCEPTING THE OTHER

Civil society institutions are considered an important factor in the application of the principle of accepting the other and tolerance. Such institutions, especially parties did not appear publicly until lately. There were secret political parties such as communist and leftist parties, but they were suppressed by the Arab governments, and mostly members of these parties were in prisons, and they were oppressed.

Also human rights organizations did not appear in the Arab world until lately. The oldest legally recognized human rights organization in the Arab world is the Iraqi Human Rights society which was established in the year 1961⁽³³⁾, and the Tunisian League for defending human rights which was established in the year 1979. After that

(29) Dr. Hassanein Tawfiq op. cit, p. 22.

(30) Dr. Kamal Menoufi (1992), The Political Culture And The Crisis Of Democracy In The Arab World, Research Published in a Book of Culture And Intellectuals In The Arab World, (First Edition), Beirut., p. 171.

The Tolerance or Acceptance of The Other, it is Most Important Elements of The Civil Society Institutions. Details of The Review: Howayda Adli Roman(2000): Political Tolerance and Cultural Components of Civil Society In Egypt, Ph.D. Thesis Submitted to The Faculty of Economics And Political Science In 1998, The Cairo Center for Human Rights., P. 20 Et Seq.

(31) Institutions of civil society are suffering in the third world countries, many problems have not been able to play its role. Review of civil society institutions in the problems of the third world countries, see:

Jeffrey Haynes(1997), Democracy and Civil Society in the Third World, Polity Pr. p. 4 ss.

For details about the reality of democracy in the Arab world see: Dr. Saad Eddin Ibrahim,(2004) the annual report of civil society and democracy in the Arab world, during, Cairo, p. 15.

(32) Dr. Khamis belt Wali (2003), The Problem of Legitimacy in the Arab Political Systems, Beirut, Center for Arab Unity Studies, p. 244.

(33) The first form of civil society in Egypt, are NGOs, dating back to the (1821), intellectual currents, and a political mission, played multiple roles charity, and service appeared, some of them play a jurist and a defensive role for the establishment of the concept of

many humanitarian organizations were established in many Arab countries. Despite that these organizations are free, still Arab governors and rulers look at these organizations doubtfully and suspiciously, because of their leftist and communist trends, or for fear of using them by enemies of the regime, or for fearing that they aim to topple the authority of the state. So, there was no relation at all between these organizations and the Arab governments. On the practical side some of these organizations worked for the interest of the foreigner and formed a heavy burden on the state and society. They became a national frontage, but they were working for the interest of the foreigner and his financing.

The Arab political and cultural medium did not interact with civil society institutions until lately after the nineties of the last century, following the failure of the modern state to advance society to the aspired level which was the ambition of the political and cultural elite. There is no real progress in the field of democratic practice, peaceful circulation of power and the freedom of opinion.

Mostly, civil society institutions in Arab countries are not homogeneous, as some of them work for the interest of the state, and some others don't⁽³⁴⁾. Civil society institutions are getting accused, some of them are accused of financing and helping terrorism, and in this case they are exposed to the oppression of the state, and some of them stand against terrorism, and in this case they are exposed to strike and destruction by terrorist organizations.

There are different views and stances taken towards civil society institutions in general and parties in particular, in the Arab world⁽³⁵⁾. There are those who refuse their role in the Arab world because they consider them as a product of a different social experiment which is the experiment of western societies. Despite difference between western societies and Arab societies with respect to the experiment of historic transformation in these societies, and the role of accepting the other in enhancing democracy, still there are some common partial stigmas between them, because the transformation that occurred in the western societies influenced the countries of the third world, including Arab societies since these countries yielded to the western imperialism in its traditional form, and at the present they are yielding to the financial and technical dominance of these societies within the frame of international economy in which western countries occupy a leading position which influences the reality of the Arab world⁽³⁶⁾.

Civil society institutions in the Arab world lost their efficiency and effectiveness in imposing the principle of accepting the other and tolerance. Medium organizations such as unions, societies and political parties, which relate individuals to the state lost its independence, essence and legitimacy gradually, and were converted to ready tools which Arab governments use to govern citizens, and this means that they have become tools which constrain the society. Without civil society institutions members of the society become mere subjects and not citizens in a democratic state, and their objective then would not be to apply the principle of accepting the other and tolerance between groups, but it would be seeking social marginalization, separating citizens from each others and seizing power. The Arab citizen, therefore, started to feel that he is strange in his own country.

Corruption and bureaucracy in many Arab countries affected the economic infrastructure of the state, and this created a poor and uneducated class⁽³⁷⁾. This increased the state of getting far from the other, as this poor class became interested only in seeking means to earn their living and therefore moved away from contributing to civil society institutions. By this civil society institutions in Arab countries lost one of their elements which is independence from the state, and became institutions without civil society.

FOURTH-THE APPEARANCE OF EXTREMIST ISLAMIC ORGANIZATIONS

Humanitarian Islamic institutions appeared in many Arab countries, and these were in the beginning welfare institutions working on supporting Moslems in western countries and providing them with financial, religious and scientific aid⁽³⁸⁾, and most of them were welfare institutions. These institutions had branches in many European countries and in the USA.

After the event of the eleventh of September 2001 the USA dissolved many humanitarian Islamic institutions, in accordance with the resolutions of the security council no.1368 and 1373/2003, under the pretext

citizenship or to protect the culture or to put women's issues in the first quarter of the twentieth century ... and of course it was the Egyptian political system, and variability and orientations a key factor in the formulation of the roles and spaces for movements to these organizations.
Review:

Dr. Wala Ali loyalty Al- Buhairi (2008), Civil Society and Political Reform in Egypt 02.05.2001, Journal of Human Sciences, the fifth year the Number (37), p. 5.

In practice, these organizations, institutions of civil society organizations were not liberal, because that did not work in a democratic system, which was unable to play its role under the Mamaliks, who smashed personal freedoms.

(34) Dr. Saad Eddin Ibrahim and Other. (1996), Society and the State in the Arab world, , Beirut, Center for Arab Unity Studies, p. 185.

(35) Dr. Saad Eddin Ibrahim and Other, op. cit. p. 186.

(36) Dr Mohammed Jaber Al-Ansari (1995), the Arabs and the Composition of the Political Significance of the Qatari State (Entrance to the Re-Understanding of the Arab Reality, the Second edition, Beirut, Center for Arab Unity Studies, p. 186.

(37) Moataz Salma (2005), Social Mechanisms for the Emergence of Poverty, Research Published in the Book "Poverty in the Arab World", Cairo, Al-Ahram Center for Political and Strategic Studies, p. 78.

(38) Review for Islamic institutions of civil society:

Egbert Harmsen(2008), Islam Civil Society and Social Work, Amsterdam Univ p. 14.

of fighting terrorism. Therefore, civil society institutions in the Arab world started to fear protesting against the USA for its violation of human rights in the Arab world in order not to be accused of supporting terrorism. And instead of accepting the other and tolerance, the measures which were taken by the USA against these institutions led to increasing the severity of terrorism which is based on extreme religious reasons.

After pursuing these Islamic welfare institutions and organizations, these institutions and organizations converted to terrorist cells which spread in many Arab countries, and killed many Moslems in many Arab countries.

Many civil society institutions of Islamic tendency appeared in many Islamic and non- Islamic countries. The events which spread in the world after the incidents of the eleventh of September 2001 caused the states of the world and the Arab states to fear the existence of Islamic institutions⁽³⁹⁾, and this motivated the Security Council to issue two resolutions for the pursuit of Islamic institutions. Because Islamists are existing in the society and shouldering each others, therefore it is natural for them to work for governing some civil society institutions, and this caused the states to fear these institutions as they may become a medium or a refuge for terrorism. Prejudice prevailed in some of these institutions, and this made them lose the principle of accepting the other and cooperation with those who were opposing them.

Many extremist institutions and organizations at the present have turned to secret action, terrorism, and resisting progress and development

Syria, Iraq, Egypt, Sudan, Yemen, Lebanon, Libya, Tunisia and Algeria were exposed to terrorist operations which resulted in killing, injuring and dissipating millions of people, and the most outstanding terrorist organizations is Alkaedah, Islamic caliphate state(Isis), Alnosrah and other Islamic organizations.

FIFTH- SECTARIANISM AND RACISM

Many Arab countries witnessed the appearance of many Islamic civil society institutions of sectarian or racial tendency, and such institutions were supported by foreign states each of which supporting a definite related sect or minority in the Arab country. Many western countries which have interests in the Arab countries worked on feeding those institutions with finance and information. Therefore, these institutions started to spread racial and sectarian ideas for dividing citizens. Some of these institutions started to practice riot works, aggression and theft in their headquarters.

This situation was clearly embodied in Iraq after the occupation in the year 2003. The management of some civil society institutions in Arab countries was undertaken by some persons who carry sectarian or racial ideas which were clearly reflected on the works of the institution.

Sectarianism appeared in each of Iraq and Lebanon between Sunnah and Shiites, and in Yemen between Houthis and Sunnah. New sectarianism appeared between followers of the same sect. Conflict appeared between Sunnah and Sunnah, such as that which happened between Sunnah and fundamentalists in each of Egypt, Libya, Tunisia and Algeria, and what happened between Sunnah and Sunnah in the north and west of Iraq, and what happened between Shiites and Shiites in Iraq.

SIXTH-DEVELOPMENT OF INTERNATIONAL COMMUNICATIONS

The development of international communication contributed to the increase of differences between different societies, The appearance of satellite television stations, internet and social media programs led to the increase of the acuity of contradictions, and thought conflicts led to military conflicts.

SEVENTH-TRIBALISM

Tribes in many Arab countries work on protecting their sons before the state, or against others. Therefore, the tribal element clearly arose, and this motivated citizens to abstain from joining civil society institutions which are not managed by persons who belong to their tribes.

The multiple deposited prejudices did not melt in the challenging crucible of modern state and developed society which work for the public interest. Such old type of multiplicity may undermine democracy and substitute it in a way which overpasses it to what looks like disorder and civil war. This means in other words that the democratic track has not yet reached the roots of the social structure⁽⁴⁰⁾. In addition to this, the individuality which governs the Arab person was one of the factors of limiting civil society institutions as the Arab person is not aware of the problem of collective cooperation with others, and he is unqualified to accept the other and cooperate with him. He is touchy towards any criticism directed to him, and considers it harmful to his honor. Therefore, the aim of seizing power is no longer to serve the society and the state⁽⁴¹⁾, but it has become a means of constraining and oppressing the powers and currents which disagree with him.

The most distinguished tribal conflicts nowadays are the military conflicts in each of Libya, Yemen and Iraq.

(39) Review the UN Security Council Resolution: 1368, RES/1368 (2001) and 1373 RES/1373 (2001)

(40) Dr. Ahmed Suker Subaihi (2000), The Future of Civil Society in the Arab world, Beirut, Center for Arab Unity Studies, p. 222.

(41) Dr. Khalil al-Naqib (1976), the Bureaucracy and Development, Beirut, Arab Development Institute, p. 55.

IV-Conclusion

The principle of accepting the other and tolerance is considered one of the most important elements of the development of civilization in the state, and an essential basis for entrenching democracy, and an important principle in coexistence between groups of different religions, races, languages and sexes.

The world witnessed an important conversion in maintaining the principle of accepting the other and tolerance. Developed peoples which were suffering from armed conflicts have converted to reconciled and cooperative peoples capable of peaceful coexistence and leading a scientific, humanitarian and moral renaissance. By this the principle of accepting the other and tolerance converted from the circle of social humanitarian relations to the circle of legal commitment. Many conventions stated this principle, and it has become obligatory for the state and individuals.

Unluckily, this principle has not been applied in most Arab countries. After the dictatorial regimes have ended since 1991 and the application of the democratic institution Arab countries have witnessed a new wave of religious, sectarian and racial conflicts which killed, injured and displaced millions of people who were the victims of those conflicts. This was due to the application of democracy in societies which do not understand the meaning of democracy. Democracy aroused static differences and discords, and every person started to use force to impose his religious, national and ethnic thoughts and ideas on others. Thought was transformed to armed conflict led by terrorist organizations whose mission was to kill their opponents by atrocious and fierce methods. What contributed to this situation was the transformation from the dictatorial institution to the democratic institution.

The application of democracy and imposition of the state of accepting the other require review of the mechanisms of applying democracy in a way which allows accepting the other and tolerance.

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