

Sánchez Ferriz, Remedio: *Estudios sobre las libertades públicas en el ordenamiento constitucional español (la voz de la sociedad civil)*, Tirant lo Blanch, Valencia, 2023, 384 páginas.

Göran Rollnert-Liern 
University of Valencia (España)

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Estudio sobre las libertades (Study on Freedoms) was the title of a monograph by the author that can be considered a classic in Spanish public law scholarship on rights and freedoms under the 1978 Constitution. This explains why the original 1989 work was reissued by Tirant lo Blanch in 1995. However, what readers will find in the 2023 work is not so much a new edition – as Professor Sánchez Ferriz herself notes in the introduction – but rather a structured compilation of the ideas and convictions stemming from her long and fruitful academic career. She was the first woman to become full professor at the Faculty of Law at the University of Valencia and indeed the first woman to become full professor of Constitutional Law in Spain, dedicating much of her university life to the study of public freedoms as a distinct legal category within the broader framework of rights recognized in Title I. The enduring relevance and temporal continuity of the author’s studies are evidenced, on the one hand, by their connection to the optional course on Public Freedoms introduced by Diego Sevilla Andrés in the 1965 law curriculum at the University of Valencia, a course subsequently taught by Remedio Sánchez until its discontinuation in 1993. On the other hand, her theses are continually tested against legislative changes, jurisprudential developments, and, notably, the social and political transformations that have occurred – often significantly – as a result of the exercise of public freedoms by various non-state social actors. This last aspect is reflected in the subtitle, which identifies freedoms as “the voice of civil society.”

The text begins with the formulation of two premises that are developed throughout the work: the first is the importance of distinguishing between public freedoms and the other rights under Title I of the Spanish Constitution. This distinction is justified,

among other considerations, because it avoids extending to the highly personal fundamental rights of Section One the restrictive interpretations that may be warranted due to the potential abuse in the exercise of public freedoms. For this reason, the author proposes this differential interpretative criterion in a judicialized rights system like the Spanish one, thereby adopting a rights-guaranteeing perspective that permeates the entire monograph. The second premise is that this distinction between rights and freedoms, along with their corresponding differentiated legal regimes, although not expressly embraced by the majority doctrine, “is, in a way, implicitly acknowledged even if the corresponding legal consequences are not drawn” (pp. 18, 166, and 218). In this regard, the author refers to the expression “right to protest” used in María Luisa Balaguer’s dissenting opinion in STC 172/2020 to encompass the classic freedoms of association, assembly and demonstration, expression, and other informational freedoms directly linked to political participation. The author thus anticipates the idea that she later elaborates on regarding the pre-political nature of public freedoms (in the sense that they preemptively shape public opinion, which will subsequently be channeled through political participation rights).

The work is structured into two parts, and its title in the plural (“Studies...”), in contrast to the singular used in the two previous editions, accurately reflects its nature, as it indeed consists of two studies thematically linked by the common thread of the focus on public freedoms.

In the “first general part” – or the first study, as we might call it – the author addresses various topics, including the terminology used in the Constitution and in legal scholarship; the genesis and meaning of the concept of public freedoms in French consti-

1 Ambos Autores agradecen la traducción realizada por Daniele Bertani y Chiara Graziani, de la Universidad Bocconi de Milán (Comparative Public Law Department of Legal Studies).

tutionalism as rights that are codified and subject to statutory reservation; comparative references to other European legal systems (such as those of the United Kingdom, Italy, Germany, and Switzerland); the treatment of public freedoms in historical constitutionalism and its legal literature, with particular attention to the Restoration, whose regime evolved toward democratic forms as collective freedoms were established, albeit restrictively; the place of public freedoms within the so-called generations of rights, which unfold in parallel with the historical evolution of the State; and, finally, a general overview of the system of rights and freedoms in Title I of the Constitution, offering a classification centered on dignity as the axial element of the system and suffused with the expansive efficacy of freedom and equality.

It is worth considering some of the issues addressed in Chapters III and IV of this first part. Chapter III, dedicated to the generations of rights, examines the interactions and mutual influences between declarations of rights and the various frameworks and State structures in which power has been institutionally organized. “If, at the end of the 18th century, individual freedoms are proclaimed, and the 19th century witnesses the process – not always bloodless – by which political freedoms gradually overcome the three phases that could be summarized as crime, fact, right (characterizing the establishment of such freedoms), the 20th century introduces a new type of rights, those typical of the social State governed by the rule of law: social rights, that is, the rights to receive specific benefits from the State” (pp. 128 and 129), the author states.

Consistent with this approach, the author departs (rightly) from the majority views that include all rights and freedoms in the first generation, while assigning social rights and the new rights of the technological era to the second and third generations, respectively. However, for Professor Sánchez Ferriz – who combines her academic and personal sensitivity toward rights and their guarantees with her constant concern for and interest in the constitutional State² – “it is not appropriate, at least without nuance, to assimilate all the rights that emerge throughout the life of the Liberal Rule of Law into a single generation (the first)” (p. 132). Thus, she identifies two well-differentiated generations of rights, differing in terms of their origins and functions, which arose within the historical form of the liberal State, shaping its structure and ultimately transforming it. In the first liberal State, influenced by the individualistic philosophy of political thought, individual freedoms that protected bourgeois values – such as personal and procedural security, formal equality, property, and economic, trade, and thought freedoms – achieved constitutional recognition. This occurred within a formalist and non-interventionist political framework that was hostile to any intermediate group, social body, or collective entity between the State and the individual. However, the labor movement and its collective struggles for free association, electoral reform, and access to suffrage gave rise to “freedoms of collective exercise (or at least of personal ‘externalization’ with potential collective effects)” (p. 133). These free-

doms played an active role in the State’s evolution, progressively and gradually forcing it to expand and broaden its social base.

The second generation of rights, framed within a formally liberal State that has gradually democratized “by force of circumstances and by the arrival of the masses to political life” (p. 141), with the resulting political and institutional transformations (such as the social and political heterogeneity of Parliament, universal suffrage, and the emergence of mass parties), consists, according to the author, of “Public Freedoms or participation rights in general, as well as [...] political rights in the strict sense: freedom of expression, freedom of religion or worship, freedom of education, freedom of assembly, freedom of residence and movement, freedom of association, the right to vote, and the right to access public office” (p. 141).

The transformative power of these new political-societal second-generation rights, which transcend the molecular and atomized vision of the isolated individual “the rights of man in relation to others” (p. 145), in Schmitt’s terminology, integrating the individual into state structures, extends even to reinterpreting some of the rights recognized in early constitutionalism. These rights come to be seen as “possibilities of influence on public opinion” (p. 134). Thus, freedoms such as the press and religion, initially demanded by enlightened bourgeois individuals to project their own individuality, acquire a collective dimension, a social otherness. As Sánchez Ferriz explains, “[i]t is no longer enough for the State to refrain from intruding on the intimate and economic domain of the individual; the individual now wants to be heard, to express opinions, and to make decisions about the State. And it is no longer merely about recognizing the free opinions of the enlightened few but of all individuals, though, precisely because of the weakness of isolated voices, those in the lowest social positions must organize themselves to be collectively heard and thus exert the necessary pressure. In this way, the freedom of the press, initially invoked as the ability to express and influence the introduction and dissemination of enlightenment accessible only to a few enlightened individuals, transforms as it expands to all social strata. However, for this to occur, it requires the support of other rights which, like it, are collective participation rights and are often unwelcome to established powers since they bring about radical changes in the social structure (especially the rights of association and assembly, which facilitate the extension of freedom of expression to all, primarily through the labor movement and the press)” (p. 140).

Chapter IV of the first part presents a well-reasoned proposal for the systematic organization of the rights and freedoms outlined in Title I of the Constitution, updating and reaffirming the one previously formulated in 2005. After reviewing the contributions of Spanish legal doctrine on this issue, the study reasserts this classification proposal. The proposal is based on the varying degrees of proximity to the untouchable core of human dignity, distinguishing three groups of rights accordingly. These groups,

2 Remedio Sánchez Ferriz y Göran Rollnert-Liern, *El Estado Constitucional*, 2nd ed., Tirant lo Blanch, Valencia, 2022.

in turn, reflect the differing levels of political commitment of the framers of the 1978 Constitution. As the author states: “The Spanish constitutional State embraces all the rights and freedoms consolidated in democratic regimes, but it does so, depending on their nature and diversified function, in terms that neither are nor need to be identical” (p. 171).

The first group consists of the rights that, in Section One of Chapter II, the state recognizes as its own foundation. This group includes both fundamental rights and public freedoms, which are afforded the highest level of protection, with the guarantees established in Article 53.2 and the requirement for an aggravated constitutional amendment process. Within fundamental rights, the author distinguishes between personal rights with a structure based on freedom or autonomy (negative or resistance freedoms), political rights of participation and access to public functions and offices, and a social right to provision (the right to education). Additionally, the author acknowledges that public freedoms also encompass certain institutional guarantees.

In this Section One lies “the central core from which all other rights, regardless of their placement in the other two groups, emanate” (p. 175). The author introduces a compelling idea: these rights and freedoms serve as the “matrices” of the declaration of rights, the primary or original rights from which other constitutional rights derive. Despite their derived status, these rights are not less protected, avoiding the pitfalls of an inflated and fragmented multiplication of rights. As Sánchez Ferriz states: “I do not believe that rights systems, and particularly ours under the current Constitution, gain much in effectiveness by fragmenting all the possibilities of action and demands for respect that belong to individuals into specific, supposedly independent rights, most of which are treated as stand-alone. On the contrary, I believe it would be far more effective to recognize and guarantee fundamental rights in the strict sense, acknowledging their truly expansive content, and deriving from that content the remaining rights (which are genuinely interconnected, though doctrinally formulated in ever-increasing numbers as independent). In this way, not only is the inflation of rights – which could end up harming the entire rights system – avoided, but a strong and extensive content is also guaranteed for fundamental rights. This approach mitigates the proliferation of dangerous and excessive theoretical discussions about the ‘essential content’ of these rights and its determination” (p. 187).

The fundamentality of this block is justified not only by its constitutional enshrinement with the highest level of protection and guarantees but also by its derivation from human dignity (or its proximity to it) and, therefore, its necessity for the free development of personality— both in its individuality and in its collective or societal dimension, as reflected in public freedoms – which grants it its “non-negotiable, inalienable, and untouchable” character. Its fundamental nature is asserted not only from the subjective perspective of individuals endowed with dignity but also from its foundational and grounding role in the political order of the constitutional State.

The second block, composed of the rights in Section Two, consists of those rights that the State com-

mits to protecting under the guarantees of Article 53.1 and through ordinary legislative reform. Many of these rights are configured as rights-duties, with several being specifications or derivations of fundamental rights and freedoms. Their recognition implies, unlike the intangibility of those in Section One, a certain relativism due to the frequent referrals to the legislature and because they “can be regulated to harmonize with diverse public interests” (p. 182). The author does not entirely reject the majority doctrinal thesis that considers them fundamental but qualifies that they are so “in a different way” compared to Section One: “They are fundamental from a collective or societal perspective, as they are essential for maintaining the social and political structure, hence their ambivalent nature as rights-duties” (p. 192).

The rights recognized in Chapter III (or derived from the guiding principles of social and economic policy) are, lastly, rights that the State commits to promoting. Rather than being derivations of the fundamental rights in Section One, they are “reiterations expressed for specific human collectives” (p. 178), indirectly protected through their connection to the fundamental matrix right. This protection could even become direct in cases such as the right to health, due to its potential impact on the right to life. In Sánchez Ferriz’s conception, the relationship with the matrix right serves a role similar to the criterion of connection with a fundamental right, a standard frequently used in doctrine and jurisprudence.

Since the entire system is grounded in the value of dignity, it was essential to include a section that develops its role in this general framework and, at a second level, addresses equality and liberty within the structure of rights, complementing what was already presented in the 1995 edition. While dignity does not have a legal structure as a right (except for the specific legal manifestations of freedom), this does not hinder its functionality and presence within the whole system. “Dignity as a value or axis around which the entire system revolves,” with liberty and equality expanding their effects throughout the legal framework, as they are superior values and, therefore, obligatory interpretative criteria. If dignity is the axis, the central point or reference of the system, equality would be “a veil” that covers it entirely, as it is present in each and every one of its elements (through the constitutional requirement of enjoying rights and freedoms on equal terms with others, presenting a relational dimension). Liberty, on the other hand, would be the “modal element” present in the way rights and freedoms are exercised (“How can personal rights be enjoyed and liberties exercised in their own domain? The answer is obvious: freely, without further explanation,” p. 188-189).

The presentation of the proposal is accompanied by a graphic representation of the systematization she proposes: “the three groups of rights we are referring to could be represented as three concentric circles with human dignity at their epicenter, so that, around it, the rights are grouped and acquire greater or lesser strength depending on their proximity to this untouchable and limitless core” (p. 185). Indeed, in this new work, the author puts into practice (with the help, as I know, of a very young disciple) her long-standing idea of expressing her vision of the system

of rights through some kind of image or graphic form (p. 184), in line with her pedagogical vocation.

It is undoubtedly a suggestive contribution with explanatory potential, although certain discrepancies with the explanation in the text can be appreciated. Dignity as a transversal axis (in three dimensions) to the concentric circles and equality as a mantle or veil over the entire system are perfectly reflected, although three circles are not represented, but four, with the first circle of Section One being split into two. This split might be explained by the fact that, in the written exposition, the author refers to the circular conception of the system developed by Balaguer and Cámara (who also break down Section One into four circles) and who, like Sánchez Ferriz, place the right to life and physical and moral integrity in the immediate origin core of the axis. However, it is not fully understood (or at least, an explanation is lacking that the reader does not have to intuit) why effective judicial protection is placed in the same first circle as life and integrity, while procedural guarantees are placed in a second circle, why liberty appears in that first circle without a connecting arrow to the procedural guarantees (which are of personal freedom), and why education is extended between the two concentric circles of Section One (as also occurs with the family, straddling Section Two and Chapter III). These slight imprecisions are probably just a result of the spatial limitations of the image when placing the text, and the author's effort for clarity certainly deserves the gratitude of any reader interested in finding a systematic ratio in Title I.

Two concluding reflections, very personal and insightful, by the emeritus professor close Chapter IV (and the first part of the work) regarding the restrictions imposed during the pandemic. She expresses her perplexity at the unnecessary prohibition of freedom of residence, which prevented citizens from, at least for once, choosing to move to a second home where they could have better material or social conditions to cope with the severe situation they were facing (thus making the enjoyment of rights that seemed unrestricted more difficult). She also highlights the serious impact on the moral integrity of families who suffered the inability to say goodbye to their loved ones for the last time. "Couldn't there have been a way to allow the closest relatives the possibility of using protective measures, even if just to see and say goodbye to their loved ones? And also to identify them..." she writes (p. 197).

The "second general part" of the monograph, which includes Chapters V to XI and an epilogue, constitutes a specific study of the legal category of public liberties and their legal regime (with a chapter dedicated to the suspension of rights and liberties, one of the distinguishing features of the latter). Therefore, it might be questioned whether this part should be considered as the special part on public liberties, even though it refers to the entire group as a homogeneous category without delving into the specific liberties themselves. This could be why it is labeled as "general," reminiscent of the distinction in criminal law between the general part and the special part, which addresses various criminal offenses. The in-depth exploration of the peculiarities of public liberties is preceded by reflections on Title I of the Constitution (Chapter V), among which stands

out the view of rights and liberties as "structuring" elements of the State. In this sense, "the recognition and protection of the rights and liberties that Title I of the Spanish Constitution carries out transcends the entire constitutional order," which requires "a comprehensive and unified interpretation" (pp. 213 and 212). This approach will later be invoked to advocate for the delimitation of the scope of liberties as the appropriate criterion to resolve conflicts between rights and liberties.

After recalling the most notable rulings of the Constitutional Court on the different liberties, the author insists on affirming that, although the written constitutional text does not explicitly proclaim the difference between rights and liberties, "this seems to be an unwritten norm generally accepted, and susceptible to being deduced from a complete reading of Title I, in which we find aspects that cannot be applied equally to all rights and liberties within it" (p. 219).

The determination of liberties based on the characteristics that would allow them to be considered an "independent legal category," in which a large part of what the author would consider the second generation of rights (rights of participation) would be included, is the subject of Chapter VI. This chapter starts from the original core recognized in Articles 10 and 11 of the Declaration of the Rights of Man and of the Citizen of 1789 (freedom of opinion and thought and free communication of ideas, including freedom of the press) to present the peculiarities that justify their submission to a differentiated legal regime, which will be exposed in Chapters VII, VIII, and IX. Four characteristics singularize them:

1. They are rights uncomfortable for power, "annoying," "whose recognition is not pleasant" because they involve an active and assertive position, being "spaces of freedom that oppose publicly and actively against political power" (p. 247).
2. Public liberties, as "immediate expression of human sociability," are an "intermediate category" between individual rights and political rights, inasmuch as they are externalized and exercised in relation to others and seek an external impact outside the personal sphere of their holder, without, unlike political rights, seeking the formation of the State's will but "the expression of society underlying the State, the expression of its own life that may not fully coincide with that of the State" (pp. 250 and 246). The "social spontaneity" would thus be characteristic of public liberties, as opposed to the regulatory nature present in the exercise of voting, and this feature is highlighted by Sánchez Ferriz in the subtitle of the work (public liberties as the "voice of civil society").
3. They are the rights with the "greatest political charge" both from their holders and public authorities, which explains why they are only fully recognized in democratic regimes, being precisely the "parameter of the democratic nature of a regime." The active position of their holders against power through the externalization of their will explains that the "social spontaneity" of their exercise compli-

cates the predetermination of their content and limits, and that, at the same time, democratic regimes may resort to their suspension in extraordinary circumstances requiring the defense of democratic and constitutional order (pp. 252-254).

4. The potential affectation of other rights due to the innate exteriority of public liberties leads to their recognition as “inherently limited rights,” whose constitutional delimitation occurs with conditions or references to the law. Since the positive legislator has always had to indicate their scope of action to avoid conflicts with other rights, it can be said that historically they emerged as “administrativized” (p. 158).

Based on these common peculiarities, public liberties are configured as a homogeneous group, although internally flexible and fluid in a generally expansive sense, against which political regimes adopt global or general positions, treating them as a block. The author concludes by stating that they are “manifestations or segments of the individual’s freedom” that “do not make sense, do not even exist, without individual, moral, and physical freedom” and that “in many cases, the term public liberty translates the social face of an individual right or freedom” (p. 259). However, the social and relational dimension that characterizes them, although it implies a desire of the holder to transcend themselves and communicate with others, is not always synonymous with organized collective exercise. In this regard, the author advocates for the distinction made by French doctrine between “freedoms of thought” as “intellectual content freedoms” through which the isolated individual expresses their thought without coercion, and “freedoms of association” in which “the individual joins others to achieve common goals” (p. 261).

Entering into the key issue of the legal regime of public liberties, the work dismisses the “guarantee-based” criterion as a differentiating element — since they share the same guarantees as the fundamental rights with which they collectively constitute the core or privileged nucleus of Section One of Chapter II — to affirm that “it is possible to speak of a legal regime of public liberties that is manifested in the consideration or legal nature of these liberties, in their subjects, in the legal goods protected, in their regulation, always delimited (not only by development laws but also by the Constitution), in their guarantees or protection, and, finally, in their possible suspension” (p. 270).

Thus, their nature will be defined by their “social exteriority” as they are exercised in relation to others and require democratic regimes not only to recognize them but also to protect them with sufficient legal guarantees (p. 272); their “necessary constitutional positivization” through the explicit will of the constituent power to guarantee their active and real exercise without fear of sanctions (p. 274); their “institutional nature” recognized by constitutional jurisprudence (pp. 274 and 275); and their “delimited character within the Constitution itself” with the possible suspension of their exercise in the face of the risk of their abusive use, which could endanger the democratic constitutional order (pp. 275 and 276). Based on all this, the author asserts a “structural ho-

mogeneity” observable in her proposed definition: “public liberties guarantee the individual a sphere of freedom that only they have the right to exercise (or not), but always within the constitutional and legally established framework, as, being an expression of social spontaneity, they can also compromise the democratic order” (pp. 276 and 277).

The ownership of public liberties is also a subject of reflection to highlight that, unlike rights, in public liberties the traditional categories of legal capacity and capacity to act are replaced by “natural capacity” since they are “active rights” whose exercise requires an explicit manifestation by their holder (pp. 278, 279, and 229). These liberties, except in exceptional cases, are recognized in an impersonal and general manner. The issue of ownership of public liberties by foreigners is treated in some detail to argue, in summary, that the doctrinal and jurisprudential interpretation of Article 13.1 of the Constitution, which holds that the expression “public liberties” should be understood to encompass all rights, constitutes “a serious doctrinal error.” This interpretation is supposedly protective because it implies admitting that not only liberties but also the rights of foreigners are subject to potential legal restrictions: “What is restrictive and disturbing, moreover, is to affirm that the rights (in general) of foreigners will depend on legal regulation. Will their life, privacy, and integrity be subject to this? Where then is the dignity proclaimed by Article 10.1 of the Constitution, which applies to all people and not just to Spaniards?” (p. 285).

Since public liberties are characterized, as previously mentioned, by the inherently limited and regulated nature of their exercise, it was essential to provide an argumentative development of this thesis, in which Sánchez Ferriz shares the well-known thesis of De Otto regarding the delimitation of fundamental rights and the concept of “immanent limits” (p. 297). In public liberties, given that their constitutional recognition includes limits for their exercise, these limits “are not so much limits as elements to be considered for the determination, in each case, of the conceptual scope,” so that “in reality, the problem of the limits of fundamental rights cannot be framed in terms of a collision between rights or between rights and goods; accepting that these are defined in such a way that they may clash with each other, but rather as an interpretive problem of the norms where the goal is to delimit the boundaries of the rights, to draw the boundaries within which the constitutional norm itself shapes the fundamental rights” (p. 296). Thus, there is no need for any weighing or hierarchical ranking of goods and values, but rather an “exegesis of the constitutional provisions in question, determining their proper object and the content of their legal treatment. Ultimately, a unitary and systematic interpretation of the Constitution” (pp. 297 and 298).

Hence, the author advocates for “an adequate ‘material’ interpretation or determination of the scope of each liberty, within which constitutional protection deploys all its effects” (*ibid.*), as she previously did when postulating, within the framework of conflicts between informational freedoms and the rights of Article 18 of the Constitution, an interpretation of Article 20.4 of the Constitution based on a “jurisprudence of concepts” that would replace the legal techniques of radiating effectiveness, prefer-

ential position, and weighing of goods and values, improperly imported, with “the necessary delimitation of each of the rights involved as a preliminary step to determining whether, exceeding that scope, the sphere of another’s right may have been invaded³” and this, she believes, has been the evolution of constitutional jurisprudence (p. 298).

Also, in this second part, after addressing some aspects of the legislative development of public freedoms – the reservation of *ley orgánica* does not prejudice the necessity of legislative development of public freedoms, but only ensures that if such development is necessary, the regulation would require the status of *ley orgánica* without necessarily implying the establishment of additional external limits on the freedom in question, limits that would, in any case, be subject to a constitutionality review (pp. 303-309) – as well as the essential content of rights and freedoms as the “limit of limits,” juxtaposed with the need to constitutionally justify any limitation (pp. 309-314), Sánchez Ferriz analyzes the difference in the penal treatment of public freedoms and fundamental rights, insofar as the former not only seeks to guarantee their exercise with a protective spirit but also to prevent their abusive exercise. Thereby, among the crimes against the Constitution in Title XXI of the Criminal Code, in addition to crimes committed by officials against any right or freedom, behaviors committed by the holders of these rights and freedoms during their exercise are also classified as criminal offenses (Section 1 of Chapter IV).

The regulation of public freedoms in the European Convention on Human Rights (pp. 330-335) provides additional support for the differentialist thesis, as its formulation includes indeterminate legal concepts that delimit each freedom, unlike the right to vote, which is not subject to restrictions or delimitation in the Convention and contrasts with the Charter of Fundamental Rights of the European Union, which does not incorporate restrictions or conditions in any of the rights and freedoms, beyond the general prohibition of abuse of rights. Finally, the last chapter addresses the suspension of rights and public freedoms in articles 55 and 11 of the Constitution and Ley Orgánica 4/1981, of June 1, with references to the issues raised by the recent constitutional doctrine on the state of alarm and each of the freedoms that may be suspended, concluding that the articles that could be affected by declarations of the states of emergency and siege “largely coincide with public freedoms” – whose use (or abuse) may threaten constitutional normality – compared to fundamental rights, where only the guarantees that might ob-

struct the suspension of freedoms are suspended (pp. 341-357).

To conclude, the monograph is ultimately a (brief) masterful treatise on the constitutional system of rights and freedoms written from the perspective of public freedoms, with the particularity of adopting a guarantee-focused approach, not only for freedoms but also for fundamental rights. Thus, by defending a differentiated legal regime for public freedoms, naturally limited, the work seeks, on one hand, to avoid the “administrativization” of rights, especially personal rights, by subjecting them to restrictions only applicable to freedoms, and on the other, “to precisely define as much as possible (...) guidelines or rules of coexistence between the rights, which must find their basis in the Constitution itself and in the foundations of Title I, without always leaving them to the whim of circumstances” (p. 153).

The epilogue of the work advocates for the political function of public freedoms, whose progressive recognition, along with suffrage, transformed the liberal State from civil society, and ends with reflections that highlight Professor Sánchez Ferriz’s intellectual openness to contemporary challenges. Thus, she notes the decline in the spontaneity typical of the freedoms of association and the absolute freedom that once defined the freedoms of thought, “in light of the possibilities for manipulation that these [new] technologies provide to those who have the capacity to control them.” However, in her view, the most serious risk is “the effect these new technological means can have on the most personal rights: honor, privacy, image, even mental integrity and freedom of conscience, all of which are in dangers we had not imagined due to their subtlety” (pp. 365-366). And indeed, as she says, there is no freedom (except for inner freedom) without liberties. But neither would there be liberties if inner freedom, the profound freedom of man, the internal forum, ceased to be the traditionally protected impregnable fortress of an uncompelled freedom of thought, if neuro-technologies allowed – and these are the expectations – access to (and alteration of) the human mind, affecting the free determination of thought, identity, and free will⁴. Remedio Sánchez, in her final lines, is fully aware that this is not a dystopian scenario: “One can only trust that the technicians will be capable of controlling the ‘unfettered’ technologies and that artificial intelligence will be placed within its proper bounds, without depriving the human being of his most precious value: the capacity to think, to reason, to communicate, and to listen” (p. 366).

3 Remedio Sánchez Ferriz, *Delimitación de las libertades informativas (Fijación de criterios para la resolución de conflictos en sede jurisdiccional)*, Tirant lo Blanch, Valencia, 2004, pp. 98, 99, 139 to 141 and 244 to 247.

4 Göran Rollnert-Liern, *La libertad de pensamiento y los neuroderechos*, Dykinson, Madrid, 2024.