
The Issue Of Rights And The Necessity Of Transitioning From The State Of Nature To The Civil State

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Abstract:

Through this article, we have attempted to address one of the major problems that has been and continues to be raised in the texts of philosophical, moral, and political thought. It is the problem of right, which we find strongly present in the writings and dialogues of thinkers and philosophers. In our analysis of this problem, we have focused on the concept of right, given the great importance this term holds in human life and in relationships with those with whom we share existence. Discussing right in its true form is talking about what conforms to a specific rule and what the law permits an individual. We have also discussed natural right, as it is inherent to human nature as such, and as an expression of a value required by human existence. It is impossible to discuss right without referring to the concept of freedom, which is fundamental in this field. However, this freedom must be rational freedom based on the principle of recognizing and respecting the rights of others. Hence our discussion of the relationship between rights and freedom, and the necessity of transitioning from the state of nature, in which rights are coupled with force and barbarism, to the civil state, characterized by law and freedom, which is based on the principle of respect for the rights of others and coexistence with them in accordance with what is permitted by the law, which regulates social relations and affirms in its provisions the protection of everything that guarantees the dignity and humanity of the individual.

Keywords: Right; liberty; law; state of nature; civil status.

Introduction:

The issue of rights is one of the major issues of interest to thinkers and philosophers. Throughout history, we find this issue frequently addressed in intellectual and philosophical texts, due to its impact on the individual's life within the society in which they live. Considered a fundamental issue related to human existence and being, it concerns what gives meaning to an individual's life and legitimacy to what they can possess and possess. We cannot imagine a human being independent of the rights they were created with, and their implications. These rights can be considered linked to their identity as a human being, possessing them to realize their potential in a space rife with contradictions and paradoxes that obscure their right to possess the values of freedom, equality, and dignity. On this basis, the actual existence of these rights remains the primary requirement and fundamental driver of human thought throughout history, requiring legislators to respect and appreciate these rights and to embody them in a tangible reality. Any violation of rights is, in fact, a separation between the human being and what they should be. There is no doubt that the philosophy of the social contract has constituted a fundamental moment in the field of interest in this issue, due to its importance in crystallizing what the individual should be within society, through his entitlement to what he owns, and the respect he must show for what the other person with whom he shares existence owns. This philosophy is considered one of the philosophies that attempted to explain the duty of loyalty

to laws and authority, by referring to a contract through which the individual promises obedience in exchange for the benefits he gains from civil society. On this basis, the focus in the texts of this philosophy was on the necessity of transitioning from the natural state, which lacks law and legitimacy, to the civil state, distinguished by law as the authority that protects the individual's rights from all possible violations and restrictions on his freedom. From here, our problem arose as follows: What is the concept of right in the philosophy of the social contract? And how can we read this transition from the state of nature to the civil state?

1- The Concept of Right:

Many questions are being raised today in the field of human rights, placing contemporary human society in unprecedented situations. These are embarrassing questions with heavy burdens that compel us to reconsider the issue of right, which cannot be abstracted from the intellectual accumulations and early precursors that conceptualized and established this concept.

If we begin here with philosophical encyclopedias and dictionaries, we can say that "the word right is derived from the Latin word *directus*, which means: in a straight line, neither curved nor crooked" (Noella Baraquin, 2005: 103). What is striking in this approach, of course, is the word "straightness," which suggests precision and accuracy, and resorting to the correct and appropriate standard through which sound judgment can be reached and corrected. "If the straight is the opposite of the crooked and the false, then it takes on the meaning of adhering to a rule such that it does not contradict it; that is, it is straight. From this perspective, then, right is, in a general way, what should be, or what can be legitimate, as opposed to what should not be. Here, the English adjective "right" is referred to as retaining this meaning in all its comprehensiveness (a straight line, a correct action, a sound idea, sound artistic principles, the right person in the right place)" (André Lalande, 2001: 304).

If right falls within the notion of what should be, then this is because it takes the form of correcting and rectifying the image of reality when it deviates from the rule and standard that governs its becoming, granting it the elements of a true existence that transcends falsehood and human excess. Hence, we speak of right as a value that must be realized and embodied in reality, whether at the level of action, speech, or the level of the actor. Then we can express this in terms of true action and true speech, which are consistent with reality and a description of its true nature, free from the falsehood and misrepresentation that distort its truth and authenticity.

If we speak of a right as an expression of what a person should be, then in addition to their actions and behaviors, which must be consistent with reality, we can also speak of this person's right to possess what they should possess according to a specific rule, allowing them to say, "This is mine," and to demand and file a lawsuit against anyone who violates their right and person. From this perspective, a right is "what conforms to a specific rule, as when we say, 'I have the right to this thing.' That is, what is permitted according to a well-established rule" (Jacqueline Russe, 1991: 79).

By virtue of this well-established rule represented by the law, a person can enjoy their rights within the permitted framework and be aware of their rights and liabilities. A rule that is supposed to transcend all human desire or passion, empowering humans to practice their actions within a space of freedom, within which all the features of respect for the human person are evident. Within this space, they possess the capacity for free action and expression, through which they can reveal their existence and being as a rational, free being, and acknowledge everything they possess. Thus, recognition serves as the fundamental condition upon which human relations are built, within the equation of right and duty, which sets the necessary boundaries for a person to avoid encroaching upon the rights of others. "Morally, it can be said that a right is what we can oblige others to do, and it is the counterpart of a duty that is binding upon us by others." (Didier Julia, 2001: 67). Therefore, the absolute right of humans over all

things would be a mirage that will never be realized. We live in the world and share existence with others, whose very existence contributes to shaping who we are. Hence, the relationship between self and other is founded on the principle of strict respect for rights and the fulfillment of all duties. "If, as Hegel says, personhood includes the capacity to exercise rights and constitutes a concept and basis (itself abstract) for the system of abstract rights, and thus the basis of formal rights, then the imperative of right is: Be a person and respect others as persons." (Hegel, 1996: 185)

There is no escape from social life, in which the person finds himself, driven by his nature to coexist with others and respect their freedoms, which express their true nature as persons worthy of respect and appreciation, due to his inability and inability to achieve all that he desires and needs on his own. Then, right becomes "the sum of the conditions by which the will of one person can be united with the will of another according to a universal law of freedom." (E. Kant, 1993: 104) In this context, it is worth emphasizing the close connection between right and freedom, which grants the person the ability to exercise his actions within a space governed by law, which legitimizes all individual freedoms and makes them compatible with each other. "Freedom, as Kant says in his Meditations, is the dignity of human nature, by means of which a person becomes a person with dignity, or by virtue of which he becomes worthy of life, happiness, and material goods." (Abdelhak Monsef, 2010: 332)

2- Natural Rights:

There is no doubt that the discussion of natural rights includes, within its context, a reference to those rights associated with man as a human being. Hence, the emphasis on the self-evident nature of these rights and their exercise in a manner that is beyond debate or controversy. They are non-negotiable rights, transcending their source from any positivist interpretation, unless it is consistent with their content, which is governed by a fixed and absolute standard. On this basis, we can "conceive of natural rights as a set of fundamental rights based on universal moral standards. If natural rights allow the ruler to dictate his laws (positive law), this is only possible when these laws are just. Human laws that contradict natural rights legitimize rebellion, to the point that some theorists assert that they lose their status as legal rules" (Pierre Birnbaum, 2005: 188). Natural rights require that, by virtue of being human, a person, regardless of their religion, color, gender, or the differences that distinguish them from others, has a minimum of guaranteed rights that guarantee their existence as a person with their own entity and respect within human society. Due to their extreme necessity, which makes them a fundamental requirement for every human being, natural rights have taken the form of the primary basis and the fundamental reference upon which human rights are based. "Thus, we find in the Declaration of the Rights of Man and of the Citizen, in its second article, a reference to the natural rights of man: The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to injustice and oppression." (Eliette Abecassis, 2002: 432).

On this basis, it can be said that the legitimacy of positive laws must be conditional upon their reliance on natural rights as a basis for avoiding anything that might infringe upon the freedom and dignity of the individual. "The theory of natural law is based on the firm belief in the necessity of a final standard, an absolute criterion by which positive law can be established." (Philippe Fontaine, 2005: 31). Are we here dealing with rights that express, in their meaning, a profound truth that resides in the heart of every human being, enabling them to see in its light and distinguish between right and wrong, truth and falsehood? What makes these rights the primary reference for law?

To answer these questions, we can speak of "human rights as critical moral standards—that is, standards that can be used to criticize actual laws and specific social practices." (Charles R. Peter, 2015: 59). This refers to the concept of the human being as a sacred being, endowed

with immunity that protects them from any possible violation. We must not overlook the critical image these rights take, as they emphasize the necessity of adhering to fixed standards that enable the legislator to enact the necessary laws that are compatible with the freedom and dignity of the individual. They serve as the basic reference and the highest example through which we can uncover the contradictions in human action, which cause malfunctions and ethical dilemmas, the manifestations of which are clearly evident in the coldness and alienation of human relations, which have become a clear expression of the fragility of the human condition. This fragility is truly a translation of behavior or action when it becomes independent of the rule that should govern it, so that the actor becomes a legislator who decides according to his own interest, the scope of which expands with the degree of desire to possess even what should not be possessed. He transcends the limits that make his freedom rise to the level of coexistence and harmony with the freedom of others. In this way, Demanding rights becomes a clear expression of the individual's rejection of all forms of exclusion and injustice, considering that this exclusion in itself is a shameful act that contradicts human nature, which makes the human person worthy of respect and dignity. The concept of natural rights clearly refers to that profound sense that resides in the heart of every human being, making them aware of their true nature as a human being with rights that cannot be taken away or violated. These rights express the self's conformity to itself, far removed from any alienation that would obscure its truth, which can only be revealed by erasing the gap separating the person from their rights. Even if we want to understand the nature and source of these rights, "they arise from natural laws, eternal and necessary, that can be rationally deduced from human nature and human relationships" (Colas Duflo, 2013: 226).

To speak of nature is to speak of the origin, which does not change and does not lose its meaning. It is this meaning that, in turn, gives meaning to everything, as the constant to which every variable resorts when it deviates from its prescribed path, in order to correct and straighten it according to the system that opposes chaos and corruption. Hence, natural right is an expression of the truth of the person in his essence as a free being, endowed with dignity that requires appreciation and respect, given that all people "are the servants of one great Lord, who has sent them forth on earth by His will to manage His affairs, not their own. They are His property and His creation, created to last as long as He wills, not as those of their fellow men. And since we have been endowed with similar powers and one common nature, it is impossible for one of us to be subject to another in a way that would transform him into a destroyer, as if he had been created for his own purposes and aims." (John Locke, 195: 140/141) Accepting this approach, along with John Locke, reinforces the belief in the sanctity of human life and freedom. It also affirms the immunity possessed by man, as a distinct creature endowed with rights and values that protect him from anything that renders him subservient and devoid of will. "Natural rights, in their historical origin, are rights inherent in man by virtue of his nature, and by virtue of his being a creature willed by the Creator, and different by nature from all other creatures in the universe. In this sense, it is not right to separate them from him. What God, the best of artists, has created, cannot be tampered with by man, whether he be a ruler or a ruled. This tampering, by virtue of its givens, if it occurs, remains a distortion of the contents of the universe." (Melhem Qurban, 1983: 74) In this case, it can be said that the content of natural rights presupposes that man aspires to and seeks those rights that transcend time and place. Rights that transcend human desires and whims, far removed from any human interpretation that would plunge them into the labyrinth of absurd relativity, which subjects the concept of right to the logic of self-interest and the desire to possess the rights of others, and the enactment of laws that align with a narrow view of man, far removed from the objectivity that would reveal and expose the hidden irrationalities within the human being when he is independent of reason and shackled by the shackles of instinct and lust that blind his insight and obscure the objective truth. In this way, man becomes driven by his desires and whims, in deciding what is good and

what is bad, what is right and what is wrong, what is just and what is unjust, as if these are improvised decisions made from time to time, depending on the circumstances in which the person lives. Such decisions can only be described as circumstantial, governed by the whims of their owner, who is the one who bestows legitimacy on matters and represents them far removed from their objective truth.

3 -Right and the Question of Freedom: From the State of Nature to the Civil State:

It is necessary to point out the relationship between right and freedom, through the behaviors and actions a person takes to express their identity and truth, as a conscious being responsible for shaping their essence, within their relationship with the other, who constitutes a fundamental party that cannot be ignored or obscured in this situation. Here, it can be said that "right is nothing but the expression of the will of man as a rational being, aware of their interests and the goals they aspire to. In this, the principle of freedom is manifested, which is identical with right, because freedom is the most noble characteristic of man, and right is what makes the will free. Therefore, right is freedom as an idea, as Hegel asserts. Therefore, the opponents of freedom's attempt to eliminate it is a form of delusion." (Ezzedine Al-Khattabi, 2009: 86) Freedom, in this form, becomes the value that makes a human being human, transforming them from the stage of acceptance and submission that characterizes a world of falsehood and injustice to the stage of independence, which transcends itself to the level of self-legislation. Ultimately, freedom is liberated from the captivity of desire and passion, which shackle them to the content of the ends they aspire to. "The priority of right, as Kant sees it, is entirely derived from the principle of freedom in external, reciprocal relations between human beings. It has no connection to the end that all people share by nature (i.e., the goal of achieving happiness), nor to the recognized means of achieving this end. As such, it must be based on a rule prior to all empirical ends." (Michael Sandel, 2009: 42)

Given the importance of freedom in establishing human rights, it must be codified and independent of everything that makes it the value that entitles a person to do whatever they deem to be in their best interest, as if they were the absolute one who decides what should be in accordance with their desires and aspirations. On this basis, "belief in law and its order is the only way to eliminate arbitrary choices and live freedom as a common thing. Freedom without law is chaos and the elimination of freedom itself." (Jürgen Habermas, 2013: 69). Hence the urgent need for positive law, which would regulate human relations and set the necessary limits for individual freedom, so that it aligns with the freedom of others. The question that remains is: What law should we be talking about? Isn't the law supposed to limit freedom, as a natural right possessed by all people?

In this context, it is appropriate to speak of freedom as a value possessed by every human being. Indeed, "it is the only natural right that is inherent in man for no other reason than that he is." (E. Kant, 1993: 111/112). On this basis, freedom becomes the right that entitles a person to be master of himself, not subject in his actions and behavior to the will of another. But all of this remains dependent on the bright side of man as a rational being, whose actions are governed by reason, which establishes order, and who perceives things far removed from desire and whim. What we must not overlook here is the mixture of reason and irrationality that constitutes man. Often, it is the irrational aspect that drives human actions and behaviors, so that the irrational use of freedom becomes an expression and embodiment of injustice and aggression against others, rather than the supreme value through which man's humanity is realized. For this reason, as Richard Hooker says: "Civil laws dictated by the need for external order and security among men are not properly formulated except on the assumption that the human will is inherently characterized by stubbornness, rebellion, and refusal to submit to the laws of his sacred nature. In a word, except on the assumption that man, in his evil self, is no different from a wild animal." (John Locke, 1996: 219/220)

If we want to clarify the matter further, we can say that natural right lies in the freedom that man enjoys as a natural being. This freedom is defined by the limits of the self, its ability, and its will to act without regard to the rules and regulations that limit its rampant ambition and desire to assert itself, in accordance with the laws dictated by human nature that emphasize the preservation of life and permit the use of all means to achieve this. In this regard, Spinoza says: "But since the comprehensive capacity of nature is nothing more than the sum of the capacities of natural beings, it follows that every natural being has an absolute right over everything that falls under its capacity. That is, the right of each individual includes everything that falls within the limits of its own capacity. And since the greatest law of nature is that everything strives, as far as it is able, to remain in its condition, and in view of itself alone without regard to anything else, it follows that every being has an absolute right to remain in its condition, that is, to exist and behave as it is naturally bound to do." (Spinoza, 2008: 368)

It can be said, then, that the amount of freedom that man possesses in the state of nature gives him infinite power to preserve his life and gives him the right to possess whatever he desires and longs for, provided he has the ability to do so. In this state, nothing stands between man and his desires except the absence of power, which can be considered the fundamental virtue that characterizes the state of nature, where concepts of legitimacy or illegitimacy, or even justice or injustice, do not exist. "Natural right or natural order are merely the rules that characterize the nature of each individual, the rules by which we realize that the existence and behavior of every being are inevitably determined in a certain way." All of this can be considered natural to some extent, given that the individual in the state of nature behaves in accordance with the dictates of his nature, which directs him to do whatever must be done, with the aim of preserving his survival and affirming his existence within a society that recognizes only force as a means of self-affirmation. This can only be achieved by embodying those desires, which can only end with the annihilation of their possessor. In such a case, we can say, with Hassan Hanafi, through his commentary on Spinoza's concept of right, that "natural right is not a legitimate power or authority possessed by man, because there is no legitimate or illegitimate power in nature. Natural right is the right to behave in accordance with the general laws of nature and in accordance with the nature of the person performing the act, that is, his right to preserve his existence, a right enjoyed by every individual" (Spinoza, 2008: 367).

In this way, man's existence is determined by the degree of his ability to exercise his natural right, which gives him absolute authority over all things that are the subject of his desires and whims, without elevating his thought to the point of including others and making them a party to the equation. In such a case, it is only possible to think about what enables the individual to enjoy the right to life and preserve it, within the strength and ability to act that nature has endowed him with. From this perspective, "human freedom extends in proportion to his power to exist and act, that is, to his natural right. And the more this power diminishes, the more his freedom diminishes with it." (Abdel Haq Monsef, 2010: 315)

In this context, we find Thomas Hobbes dealing with the concept of natural right, "as the liberty granted to every individual to use his own abilities for the protection of his nature, or in other words, for the protection of his own life. Accordingly, he is free to do whatever his mind considers and conceives to be the most suitable means of achieving this end" (Thomas Hobbes, 1971: 128). If Hobbes here speaks of natural right as the freedom possessed by the individual, which entitles him to do whatever ensures his survival, then this is due to human nature itself, which is incompatible with anything that might stand in the way of achieving the purpose for which he was born. This purpose can be considered the first and fundamental right from which all other rights that guarantee and protect it flow. In order to achieve this goal, which every human being longs for and which is considered the complete embodiment of their natural right, the individual will be permitted and allowed to use all means to ensure this. He will also have the right to possess everything that falls under his control, considering it his property granted

to him by nature. However, what remains questionable here is the paradox contained in this proposal. If we accept the self-evident nature of natural right, as previously mentioned, this will give it the image of universality that makes it the property of every human being. In this case, the absolute right of every individual will find as a limit and obstacle the absolute right possessed by another individual, considering that "what a person accomplishes according to natural laws, he accomplishes as a natural right of his, and this right, which he enjoys with all vitality in nature, is measured by the degree of its strength" (Spinoza, 1995: 36). Hence, the conflict resulting from the urgent desire of each individual to achieve and assert himself, according to the logic of power that characterizes the state of nature and makes it a state lacking in security and peace. "And since people often follow their blind desires more than they follow their reason" (Spinoza, 1995: 36), they will inevitably fall into the labyrinth of absurd relativity that makes each one of them decide according to what serves his own interests and is consistent with the degree of his power, which is considered the basic virtue in the state of nature.

On this basis, it can be said that the freedom enjoyed by every individual in such a situation is a barbaric freedom, lacking rationality and prudence in defining rights and regulating relationships between individuals. Such freedom backfires on its possessor with negative consequences and failure, leaving them vulnerable to danger at every moment, given that it is a freedom whose legitimacy is based on force, which is considered the fundamental virtue of the state of nature. For this reason, "this state was a state of devastating war. It was therefore poor and desolate, and above all, life was short-lived, and thus led to a clear contradiction. The beginning was the preservation of the individual's life, and to achieve this goal, conflict and fighting erupted. All of this led to a strange ending, given that the individual's life was constantly threatened by the danger of death" (Imam Abdel Fattah Imam, 1985: 331). On this basis, the transition from the state of nature to the civil state was an urgent necessity for ascending to a better life framed by law, which sets the necessary boundaries regulating human relations within society and establishes strict and rigorous respect for individual rights. "From individual right in the state of nature," Kant says, "the axiom of public law springs: you must, by virtue of the relationship that binds you to other people, leave this state (the state of nature) and enter a state governed by law. This means a state governed by distributive justice." (E. Kant, 1993: 188)

The transition from the state of nature to the civil state, then, is, in essence, a transition for humans from viewing the nature of things through the logic of desire and lust, which render life almost impossible due to the transgressions against individuals, to a life founded on reason, which legislates for order and law, champions the spirit of justice and respect for individual rights, and opposes the authority of force, which is, in reality, not a reliable criterion for attaining any right. "The effect, as Rousseau says, changes with the change of the cause: every force that overcomes a primary force must succeed and replace it, and as soon as disobedience is possible without punishment, it can be done legitimately. However, the strongest is always right, and one has only to do what one can to become the strongest. What value, then, does a right have that disappears when force ceases?" (Jean-Jacques Rousseau, 1992: 15). On this basis, it can be said that natural rights remain in dire need of someone to protect and embody them on the ground, and to distance individual freedoms from the horizon of order that enables them to coexist according to a law that guarantees respect for each person, far removed from interpretations based on desire and interest, which make the other a means to a greater end.

4-The Institution of the State and the Protection of Human Rights:

There is no doubt that the desired goal of the transition to civil society is for all wills to agree among themselves on the necessity of relinquishing those rights, or some of them, that they possessed in the state of nature, in order to find them as reasonable and codified rights and freedoms in the civil state. On this basis, we can deal with positive law as the protector and

codifier of natural rights, guaranteeing the individual's freedom and dignity. Regarding this, John Locke says: "Thus, men come together, despite the advantages of the natural state, because of the great hardships that befall them while in this state... The dangers to which they are exposed therein from this capricious and wild authority, which gives each man the right to punish the wrongs of others, compel them to resort to the laws of fixed governments, where they are able to preserve their property." (John Locke, 1996: 213) It is natural, then, that the goal of this relinquishment of natural rights is to emerge from this perilous situation, in which the concepts of security and peace are absent, and to enter into a situation that guarantees each individual his rights and protects his freedom. "If most people do not respect the sanctity of fairness and justice, then the enjoyment of the property that belongs to the individual remains an uncertain matter in the state of nature. This is what makes him content to give up that perilous situation despite the freedom he enjoys, and he willingly seeks to join society with those who have united in it and expressed their desire to unite in order to preserve their lives, their freedom, and their property." (John Locke, 1996: 212)

We can also imagine the degree of importance Thomas Hobbes attached to this shift from natural rights to civil rights, especially since the image he provided us of the state of nature is a frightening and terrifying one that cannot be lived in light of the conflict driven by "human nature, which requires that every man desire what brings him comfort, pleasure, and survival, and to avoid what harms him. Indeed, he is bound by nature to preserve himself and his life from all harm, including the harm of death" (Abdel Haq Monsef, 2010: 264). On this basis, we find an explicit call from Hobbes to abandon forms of practices and actions that are linked at their source to natural rights, which guarantee absolute freedom for the individual. He shifts the concept of authority and confines it to the legal apparatus created by the state in a manner consistent with the security and safety of individuals, limiting the randomness and absoluteness of natural freedoms to make them consistent with the laws established by the state, which compel everyone to submit and comply with their provisions. It is only natural that the state here possesses such binding power, striking with an iron fist anyone who dares to deviate from its teachings. It is also necessary that it possess the power of coercion and obligation, compelling everyone to submit to the laws, which are in reality a limit and control of human nature and its inclinations. Whatever the case, the state is the result of a voluntary political act that establishes a special state that Hobbes calls the civil state, distinguishing it from the state of nature, a state in which civil and political rights and the state are absent. For this reason, Jürgen Habermas believes that "since Hobbes, the rules of civil law, which are based on contractual freedom and property, can be considered the original model of law" (Jürgen Habermas, 1997: 42).

What we wanted to point out through this proposal is to move thinking about the question of right from its natural form, which is based on each individual's conviction and sense of what constitutes his system of rights, to a form that gives this concept a legal framework that limits human desires and whims, and enables him to conform and coexist with his fellow humans in accordance with what is permitted by positive law, which is fundamentally in conflict with desires and whims. On this basis, positive right is defined as "the set of laws enacted by individuals in a given society. It is divided into public right, which relates to citizens in their relationship with the state, private right, and then the right of peoples, from which we understand the set of rights that regulate the relations between states and also regulate the relations between individuals belonging to different states" (Colas Duflo, 2013: 226). These laws, which define the rights of individuals within society, cannot be an obstacle to individual freedoms. Rather, they must protect them and grant them immunity that cannot be violated under any circumstances. Consequently, these laws exist to protect rights and contradict human nature, which is limited to following the path of lust and its independence from reason. Rather, they tame this nature and force it to submit to the general will, which encompasses

everyone with its laws. Here, we can speak of the body that is supposed to protect and safeguard rights, thus safeguarding the individual from all violations against them. They also work to establish order and define what life within society should be like, regardless of the inclinations and orientations of its individuals. The discussion here refers to "what we call the law of the state," as Richard Hooker puts it, "as a system agreed upon, secretly or publicly, specific to the pattern of association of individuals living together. It is the beating heart of the political body, which infuses law into its parts, binds them together, and directs them in those actions as the common good requires." (John Locke, 1996: 216)

Here we can speak of authority, meaning, of course, the authority of the state, which takes the form of a tamer of that human nature by controlling the limits of absolute and barbaric freedom, making it a rational and codified freedom. When we speak of the state, we are speaking of a complete apparatus that, through its various legitimate powers, protects the rights of the individual and establishes laws that respect and embody natural rights in their content. This is especially true since the ultimate goal of every individual living within this state is to protect their property and interests, as well as to preserve their freedom as permitted by the law, the provisions of which they are aware and cognizant of. While the state possesses the power to compel citizens to respect the laws and rules that govern the proper functioning of institutions and legitimize the rights and freedoms of individuals, this does not give it the right to use that power to violate or undermine these rights. It is only natural, then, that state institutions should possess the strength to the extent that they respect people's rights and freedoms and refrain from tyranny and oppression, which fundamentally contradict their essence as institutions that protect and expand these freedoms. These rights essentially express what the individual should be like within the state in which he lives, as a person possessing rights that cannot be separated from him, for they are, in essence, an expression of his identity and the embodiment of his existence and being. These rights can be classified as "freedom of expression and assembly, freedom of thought and belief, and personal freedom, which includes protection from psychological pressure and physical assault, as well as the right to personal property and protection from arbitrary arrest and detention—all as defined by the concept of the state of law" (John Rawls, 1997: 92). We can also speak of political rights, which elevate the individual to the level of effective participation, making him a contributing member in decision-making, far removed from the logic of marginalization that renders him independent of everything that happens within the state in which he lives. These rights can be called "citizenship rights, which are represented by the necessity of acquiring the right to participate effectively in formulating decisions and standards aimed specifically at regulating the entirety of collective life. Among the fundamental rights that correspond to this type of exercise of freedom exclusively in the political sphere, we find, of course, the right to vote" (Jean-Marc Ferry, 2006: 113).

What must be pointed out in conclusion is that civil rights must not deviate from the framework of natural rights and the freedoms they guarantee in order to achieve human humanity. An individual living within a civil society can only attain respect and dignity through these freedoms, and the necessity of their protection by the state, which Hegel sees as the actual realization of substantive freedom. Beyond this, any positive law that violates the natural rights of man in its content is considered illegitimate and unjust. Accordingly, the government is obligated to respect the natural rights of the individual through the laws it enacts, which must be consistent with the logic of respect for individual freedoms and the preservation of human dignity.

Conclusion.:

In conclusion, it can be said that philosophical thought, especially in its ethical and political aspects, has never ceased to examine and reflect on the issue of rights, in a way that guarantees

human dignity and achieves freedom, through which the individual can live his life as a human being, a human being who can only be conceived of as being coupled with values that elevate him to the level of true humanity. Discussing rights is about what conforms to a specific rule, the behavior that the law grants to the individual, and that society permits. This may be due to his nature, which entitles him to rights he possesses solely because he is human. Here, we find ourselves faced with what are known as natural rights. It may also be due to his relationships with others within a society regulated by laws that work to control human nature or some of its inclinations and instincts. Here, we can speak of positive rights, as what positive laws permit to be done or possessed. What must be noted at this point is that positive law must protect and embody natural rights. Here, we can refer to the shift from natural rights based on unwritten mental representations to positive rights, which are understood as the set of rights stipulated in written laws. In reality, this transition represents the transition of man himself from the natural state to the civil state, governed by positive law, which includes a set of rules that regulate social relations. However, this shift should not be viewed negatively; positive laws should not represent a revolution against natural rights, but rather a confirmation and complement to them. From this perspective, positive law becomes a fundamental condition for the embodiment and activation of natural rights within society. It must also serve as the force that protects the natural rights possessed by man.

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