

The Primacy of Rights:

The Relationship Between Citizens and States and A Discussion of the Existence of Natural Right

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Thesis Abstract:

This Paper attempts to draw upon the work of four key authors in the debate about the origins and justifications of individual freedom using the ongoing Syrian Revolution as in the flesh evidence for the necessity of making determinations in this field. The conflict itself leads one to wonder what the ideal relationship is between citizens and states, and how the people in societies where individual liberties are not part of the current or historical political structure should think of the rights that others take for granted. Is it philosophically sound to say that all individuals deserve a certain set of rights, and if so, what are these rights? While it is unwise to say that philosophical considerations necessitate the reproduction of a specific political structure, it is viable to say that a set of human qualities deserves to be respected and provided the opportunity to flourish. Regimes, I contend, that attempt to suppress free speech and obscure truths from the public eye do not respect the human qualities that all governments must respect.

Exposition:

Ammar Abdulhamid is a fellow at the Foundation for the Defense of Democracies, an organization that seeks to “fight terrorism and promote freedom”. He is also a native of Syria who fled Damascus for the United States in 2005. Abdulhamid faced harsh interrogations and a travel ban after writing critically about Bashar Al-Assad’s regime for the Brookings Institute in 2004. He is a self-proclaimed advocate for democracy because he believes that this type of government protects people from gross human rights violations. He argues that fear, not reason, was the political motivation for Syrians under Bashar’s father, Hafez Al-Assad. In 1998, nine million people voted on a presidential referendum to keep the elder Assad in power; Abdulhamid was one of 219 people to vote no. He cites fear-inducing tactics, like leaving elections public with military personnel present, as the reason for such lopsided results.

Abdulhamid values the possession of the right to free speech in order to express political ideals regardless of their confluence with the regime. This right for him is second in importance only to the realization of these ideals themselves. Abdulhamid is a clear example of an individual who believes he and his fellow Syrians are being deprived of something that they deserve, namely, a sort of individual and collective freedom. The importance of this idea will be explored throughout this essay. Theorists do not disagree about the existence of rights in the world’s societies, but rather where they come from, and how they come to be. People like Ammar Abdulhamid believe that the lack of rights that he and his countrymen experience is just that, a void where something should naturally be.

Others argue that rights shouldn't be talked about as something that ought to exist. They exist as the result of societal constructions and cultural considerations in some places, and don't in other places for similar reasons. It is important to determine whether individual rights should exist in all places, or simply *do* exist, and should not or cannot be talked about objectively.

The fifteen Syrian students who chose to write anti-government graffiti on a wall of their school in the southern city of Dara were in the camp of Abdulhamid and "primacy-of-rights theorists". Their arrest for this action sparked a conflict, and ultimately a civil war. These boys, who were all under the age of seventeen, were imprisoned for speaking out against the government. A series of protests in the town about their arrest were responded to with violence, and five people were killed. The violence has yet to stop, and has expanded to the forefront of the world's consciousness. The students, and subsequently the protestors and rebels who seek to overthrow the Assad regime, seem to be responding to what they believe is a lack of protection for their basic individual rights.

It is important to consider that the people wishing for a new regime could not only be described as believing in natural rights, but also as wishing to create a situation that is but relatively preferable to their current state of affairs. Citizens of the country most likely have testimonial knowledge about the situations in other countries like the United States where individual rights are deeply engrained into the culture and political infrastructure. Such a comparison is for some authors not necessarily valuable or worthwhile. Their theories don't contain conceptions of the relationship between people and states that are universal in determinations about

what rights people should have. Other theorists, however, see such universal considerations as necessary and valuable.

Unrest has led to a full-on Civil War in Syria, with the death toll for both sides reaching roughly 20,000. Injustices have occurred at the hands of both sides of the conflict. Reports of the conflict detail the gruesome manner in which opponents of President Bashar Hafez al-Assad have been tortured and killed. Accounts also point to murders and torture perpetrated by the opposition in response to the violence of the regime. Proponents of natural right might justify the crimes committed by the opposition in so far as they are aimed at the goal of protecting what should by virtue of humanity be theirs. But regardless of what one believes *ought* to be the case for people in all corners of the world in relation to the possession of rights, one is confronted with the reality that many people live in societies in which individual rights are simply not a priority.

If one believes that countries that allow for the protection of basic rights have gotten it right about the human condition and the privileges and abilities that humans should be allowed, then it seems that there is hope for establishing representative governments that allow for political participation all over the world. But if one ascribes to the school that individual rights countries that choose to protect them are societal constructions that cannot be thought of outside of the given society, the establishment of the protection of individual rights becomes more difficult. It is not clear that the bloodshed has been for a cause that will lead to the successful establishment of a peaceable and sustainable government, or whether this is possible.

The problem I will attempt to confront in this paper is about the extent to which rights are fundamental, or primal. Do we possess rights as part of our being human, by accident within and as a result of a number of societies, or by virtue of some combination of customs within a society's discourse and a collective reflection on the human condition and what sort of rights individuals are entitled to? There might be other ways in which rights could be established within a society, but these seem to be the most salient for our consideration. Proponents of the primacy of rights often say that people are defined by some capacity of reason that entitles them to dignity: people outside of societies can be thought of as having rights and freedoms in virtue of their ability to desire, and cognize these rights and the ends they accomplish. Others argue that the state's existence either already allows for more freedom for people than they would achieve on their own, or that the duties people have to their states are more important than their individual rights.

Disagreement in the contemporary discourse about rights is less based in the validity or fairness of specific rights, and more about the justification(s) for having individual rights at all. While some theorists claim that individual rights are a requirement that takes precedent over man's existence as a social and political animal, others claim that rights are only justified within a specific framework in which the individual has specific duties and a position.

The four authors whose work I will use to examine the distinction between rights as a societal construction, and rights existing as a result of qualities about human nature are situated in various positions vis-à-vis this distinction. In addition to determining whether rights can exist outside of a society, and trying to determine

what the possible origins for such rights are, the work of these authors can help elucidate truths more generally about the relationship between a state and its citizens. The distinction between negative and positive liberty, and its upshots can tell us to what extent the state is capable of creating freedom, and to what extent state intervention is necessarily an impingement on freedom.

Rights as Societal Constructions and Obligations to the State:

Charles Taylor argues against what he calls “primacy of rights theory” in his essay, *Atomism*. In this essay, he defends and elucidates some of the ideas that Leo Strauss so fervently opposes in the introduction of *Natural Right and History*. John Rawls takes a different stance in *The Law of Peoples*, claiming that the concept of reason, or reasonable people, can be formulated outside of a society in order to justify the need for individual rights within a society. Major differences between the theories stem from the debate about man’s self-sufficiency (that is, his ability to sustain himself, or exercise his human agency).

The idea that humans are not self-sufficient, that they must live in societies in order to live, is one often aligned with the ideas of Thomas Hobbes. Taylor, however, is referring not simply to the capacity of humans to physically survive. He believes that there is a sense in which even if humans could survive on their own, they would not be living in the sense that we say is decidedly unique to human beings. Humans cannot develop the sort of reason that produces theories the relationship between rights and society without being involved in a society. A sense of social responsibility is paramount for Taylor.

It is only in a society that people can exercise the capacities that make up this sort of life, regardless of their ability to survive outside of the confines of a city. He says that our inability to access these capabilities, call them broadly the faculties of reason, outside of a society can be used as evidence against the primacy of rights. Rights cannot presuppose society if the qualities we value and associate with existence within a society cannot be obtained outside of society.

We are not agents who enter into societies with rights independent of belonging to a society that promotes the obtainment and betterment of the qualities that we value. Thus the process of giving people rights to a certain quality, for example the freedom of religion, is not ethical grounds for saying we have provided for the full fulfillment of the quality that we respect and value. In other words, the framework of the society should attempt to further the qualities which are decidedly human and that we respect in a addition to allowing individuals the liberty to access these qualities.

Taylor criticizes theories for underestimating the extent to which people are social and political in nature. People do not exist in a vacuum in modern day, and even ancient peoples belonged to societies to which they were responsible. "He cannot, following the libertarian anarchist model...be concerned purely with his individual choices and the associations formed from such choices to the neglect of the matrix in which such choices can be open or closed, rich or meager. It is important to him that certain activities and institutions flourish in society." (C. Taylor, 1985, pg. 207) argument is aimed at proving that free choice in itself is not necessarily a good for society, or at least is not the most important good. Taylor

believes that laws and liberties should be aimed at the promotion of ulterior goods for society, and not simply the promotion of free choice. The idea of free choice should be thought of in conjunction with the manner in which social considerations affect this operation of choice.

Taylor goes on to provide an example of this by stating that while diversity, for example, might be a good threatened in society by bad things like bigotry, it might also be threatened by the idea that there are more pressing things that must first be addressed, like efficiency or production. Certain goods should be advanced within societies, but it is an unfair exercise to point to individual good that are not being advanced without assessing what it is that is being advanced instead.

This example illustrates the importance of the state over the individual not only as a result of its focus on efficiency, but also as a result of its focus on the idea that individual suffering or "lack of liberty" does not necessarily imply the necessity of change for the entire state. There are legitimate counterarguments to be made against the idea that individual suffering does not always necessitate concern from the state. Tyranny of the majority within societies has led to great injustices, and remains a distinct possibility if political efficiency is not subject to universal criteria for assessing the necessity of state action. It seems wrong to say that state intervention should be based solely on economic political efficiency, and not at all based on the needs, and potentially the natural rights that its subjects possess as a result of a certain set of qualities that are decidedly human and worth developing.

Taylor says that individual rights are a necessary condition for a reasonable and flourishing society, but not sufficient. While John Rawls says that the liberties of

the citizens are what the society is in place to protect, Taylor offers an alternate view. It is the case for Taylor that rights must be in place for humans to thrive in a society in most scenarios, but he would say that the existence of a society is a precursor to establishing the concept of rights. The existence of rights is contingent upon certain political and circumstantial considerations.

Obligations within a society are more important for Taylor than establishing basic rights. These obligations, for example, can promote the existence of rights, but will be broader in scope and more beneficial for the people they affect. On page 205, he explains how the establishment and existence of a society is independent from the establishment or existence of rights. "In other words, the free individual or autonomous moral agent can only achieve and maintain his identity in a certain type of culture, some of whose facets and activities I have briefly referred to. But these and others of the same significance do not come into existence spontaneously each successive instant. They are carried on in institutions... which require stability." (C. Taylor, 1985, pg. 205)

In other words, the free individual does not exist prior to the existence of a society. It is not that societies exist in order to protect the rights and capacities that free individuals possess, but rather the societies that create such individuals. Rawls says that it is the duty of liberal, reasonable states to assist other states in times of need or where rights are being violated. Taylor questions these states' ability to have a profound impact on these societies in such a way that they would become capable of producing free individuals. Stability within a culture that is such that it

promotes the production of free individuals is more important than underlying concepts about right or justice.

It is reasonable for citizens to abide by laws, and to not impinge upon the liberties assigned by laws to other people, but Taylor would question the value of the idea of individual liberty itself. The conditions set out above illustrate a picture in which the protection of individual liberties is paramount. The greatest individual liberty is to choose what one believes in and how one will go about acting in accord with this belief.

Religious beliefs are a good example here, but there are other domains in which this theory will apply as well. If the possession of rights for individuals is enough to make them free, and to make the state a good one, the state could go a number of directions that Taylor believes primacy of rights theorists would not be comfortable with. The beliefs of a given individual might lead him to act in a way that is harmful to the state if the individuals are operating in an individualist or atomic manner that predates the existence of cultural norms within a stable state.

The best way for a state to protect individual freedom is not simply through stating rights which cannot be impinged upon, but by making sure in addition that policies secure what is beneficial for the state and what makes people able to access human capacities through social interaction that would be unavailable without the state. It is unreasonable and not what Taylor would promote to say that rights are definitively bad, but it is not a stretch to say that they do not make up sufficient conditions for a functioning just society.

It could be argued that the national pride of American citizens is greater than the appreciation Americans have for the freedoms they appreciate. It could also be argued that Americans don't think about these freedoms without feeling national pride, or associating them with the existence and continued prosperity of their nation. It is far more likely that a person will complain, vote differently, or attempt to affect change on his society in some other way, than it is that he will emigrate. For Taylor, this might be seen as proof that people recognize their responsibility to community.

Universal Standards for Political Cooperation and their Foundation:

Primacy-of-rights theorists often speak of universal standards for assessing political entities' stances toward individual liberty. John Rawls is one of these theorists. To be clear, much of the purpose of Rawls' paper is to discuss the way in which states should interact with other states. This may not seem to say much about individual rights in virtue of this fact, but there are underlying theories about individual liberties, their importance, and their justification(s).

He discusses the idea of reasonable people on page 87: "Reasonable citizens are characterized by their willingness to offer fair terms of social cooperation among equals and by their recognition of the burdens of judgment." (Rawls, 1999, pg. 87) A reasonable society, in other words, will make decisions and have rules that are justified by characterizations of human nature as reasonable. Rawls is a supporter of *natural* right insofar as he believes that human nature, and more specifically, rational nature, will produce instances of social cooperation when manifested properly. Rights will often, if not always follow from social cooperation:

people cooperate in order to hash out terms of existence together, including what liberties should be protected and recognized. In so far as the society attempts to provide for the necessary liberties of the individual, they will have fulfilled the necessary conditions to be a reasonable society.

Rawls follows this point by saying that the point of liberal state intervention is to produce a culture in which rights will be protected, and thus will produce free individuals. He doesn't believe that there should be much debate about the establishment of rights: "It is simply politically reasonable to offer fair terms of cooperation to other free and equal citizens and it is simply politically unreasonable to refuse to do so." (Rawls, 1999, pg. 88) He shows here that not only is a certain capacity, call it rationality or even good sense, should be respected and used for participating in a process of social cooperation, but also that there is a measure of political rationality or good sense.

This is significantly different from rationality or good sense as such because it allows for circumstantial and political considerations to be factored into the terms for reasonable cooperation. The idea that citizens should offer others fair conditions for cooperation is one way of articulating rights doctrine. The concept of fair and reasonable terms of cooperation relies upon the idea that there are measures for determining what such terms are. These terms for Rawls are not considered fair and reasonable to the extent that they comply with a particular society's construction of the terms fair and reasonable. Circumstances and political considerations can be factored into judgments of governments and societies, but a portion of universality remains in Rawls' framework. The terms fair and reasonable

for Rawls have meaning in a universal manner. They are natural kinds that allow for making cross-societal judgments about the extent to which governments are acting in a fair and reasonable manner.

Sacrifice of Freedom and Rights as Coincidental:

Thomas Hobbes conceives of the state in a manner that allows for the possibility of the possession of rights. Like Taylor, however, he believes that people within a state should be obligated to fulfill duties, and that this obligation is more important than specific individual liberties. Hobbes believes that the state's existence creates liberty for the individual in so far as it is better than the alternative. The state protects the individual from the dangers of the state of nature, in which every man fights for himself. A.E. Taylor wrote on the implications of Hobbes' work on political philosophy and said this: "He has mastered only the first half of Aristotle's famous dictum that 'the city comes into being that men may live, but continues to be that they may live well.'" (A. Taylor, 1970, pg. 89)

This quotation references the Hobbesian idea that the state is not in place to create liberty for its subjects. It might, however, be in place to protect liberties that Hobbes believes we should have. Hobbes believes in laws of nature that tell us to do unto our neighbors as we would have them do unto us. This "law" is something that would in theory bring about peace within a state of nature, but would not do so in practicality.

There is no incentive for people in such a state to abide by any law, let alone this specific law if there is no threat of repercussion for breaking the law. In this sense, there can be no such thing as a law outside of a society for Hobbes. The laws

are enforced by punishment when not followed. He argues that laws are just by default if the sovereign creates them. Comparisons could be drawn between his conception of justice and Thrasymachus' justice as the advantage of the stronger definition from *The Republic*.

The major difference between Hobbes' definition of justice, and in turn his conception of individual freedom, and Thrasymachus', is his idea about the voluntary component of state building. Hobbes says that people have rights as a result of voluntarily giving up power to the sovereign in order to protect themselves from the war of all against all. This idea makes sense in the early stages of forming a society, and could even be said to apply to states in which elections and re-elections occur frequently. People willingly give up power to a smaller ruling caste in order to avoid the anarchy that ensues in the absence of a body to enforce the laws.

It is logical to question this line of thought on the basis that one generation gives up power for many generations. Even if there actually were a formal process by which the many turned over the power to the few, the process would become more irrelevant to each passing generation. The democratic process also can't be said to carry with it an aspect that is fully voluntary.

While participation in the process symbolically demonstrates a people giving up their power to a few people, they do not vote to re-new the system when they vote to elect people to run the system. In turn, we do get a picture from Hobbes in which experts will rule without much of a check on their power. Citizens hold the right to property and life, but revolution, and anything that detracts from the mission of the state, is unjust for Hobbes. It should also be noted that the right to

property is defined as a man's right to the property that is within the constraints of the laws of the state legally his. This is in place to prevent against a state of nature-like picture in which people must be constantly vigilant about protecting their land and goods.

It is important to remember that Hobbes' conception of justice relies upon assumptions, or conclusions about the nature of people. A.E. Taylor points out that "it is impossible, on Hobbes' theory of human nature, that a man should persist in doing what he knows to be contrary to his private interest." (A. Taylor, 1970, pg. 89) The same motivation that leads men to break the laws of nature leads them to give up collective power to a ruling few.

While one could argue what has been said before, that the generational gap in the process of giving up power to the few compromises Hobbes' view, it is important to note that Hobbes is not talking about a particular scenario in practice, but rather making a point about human nature in the broadest sense. This, coupled with the following fact, will help us to see that there is at least an argument for the thought that Hobbes might argue that establishing individual rights in Syria is possible: it is also important to note that Hobbes does not necessarily commit himself to supporting only totalitarian forms of rule.

Hobbes is committing himself not to this particular form of rule, but rather to standing for the responsibility that the people have to the state in exchange for the liberties that the state provides for the people. Hobbes does not argue, per se, against the existence of natural rights. While he does say that in the state of nature, people are constantly at war, and are constantly in fear of their neighbors, it is clear

that he believes a societal structure is in fact more natural than the state of nature. People will undoubtedly give up power to the sovereign in order to avoid the perils of the state of nature if granted the opportunity.

The sovereign and the structure he creates protect people's rights to property, and to life, but Hobbes concedes that the idea of these rights can exist outside of the society. While the government that Hobbes ultimately argues for seems to be totalitarian, the responsibility of the people to comply with the governing body's wishes is the only absolute in terms of Hobbes' ideas about government's relationship to people. The government, for Hobbes, could potentially be a representative one.

The issue at hand in Syria can be thought of as one of right vs. might, or of an oppressor and an oppressed, east vs. west, developing vs. developed, or in many other manners. The issue that will come to the forefront, regardless of how one conceives of the issues being fought over in the civil war, is that of the origin and justification for the possession of individual rights.

Natural Right:

Leo Strauss argues for the idea of natural right in his work, *Natural Right and History*. Strauss begins the introduction to the work by quoting the Declaration of Independence's famous first words. He clearly outlines the thought that natural right exists in the subsequent explanation about the inclusion of this quotation and its meaning:

"To reject natural right is tantamount to saying that all right is positive right, and this means that what is right is determined exclusively by the legislators and the courts of the various countries. Now it is obviously meaningful, and sometimes even

necessary, to speak of “unjust” laws or “unjust” decisions. In passing such judgments we imply that there is a standard of right and wrong independent of positive right and higher than positive right: a standard with reference to which we are able to judge of positive right.” (Strauss, 1953, pg. 2)

The distinction that Strauss makes between the justification of laws by virtue of their being laws and the justification of laws by virtue of their being just has relevant implications about the justifications of individual rights. He will argue that conceiving of man only in relation to his society, or attempting to avoid conceiving of thinking in absolute terms about man, will only lead to a different sort of absolutism. The problem of Nihilism ensues, Strauss says, in a situation where people reject the idea of absolutes and in turn natural laws. The rejection of natural rights is in line with the protection of individuality. One protects one’s right to possess diverse and unique ideas if one rejects the idea that certain ideas are by nature and by virtue of themselves better than others. But it is not the case that the rejection of natural laws and the adoption of absolutism does a good, or even serviceable job of protecting natural right.

“Unlimited tolerance leads to the admission of a rational or natural right of every preference that is tolerant of other preferences, or negatively expressed, of a rational or natural right to reject or condemn all intolerant or all “absolutist” positions.” (Strauss, 1953, pg. 5) One may possess ideas about what is intrinsically good or what is right only if one is willing to admit that these ideas are no better than anyone else’s in this picture. This, of course, is contradictory; one does not make statements about what is intrinsically good if one believes these statements are only relatively sound or valid.

The rejection of all absolutes will lead to only to another absolute for Strauss. It is by virtue of this that Strauss believes the need for natural right derives from. The condemnation of absolute positions is adopted by “liberals” in order to appeal or conform to a principle of absolute tolerance of ideas, but leads to intolerance for any idea that ascribes to hold by virtue of itself, and does not claim to be defined relative to others.

Strauss does not believe that the need for a set of absolutes acting as natural right will easily lead one to a definition. “Indignation is a bad counselor....Let us beware of the danger of pursuing a Socratic goal with the means, and temper, of Thrasymachus.” (Straus, 1953, pg. 6) He warns against the hasty adoption of principles of natural right in order to fill the void that relativism creates. The danger of acting in this manner will lead proponents of natural right to adopt constructions that will be easily reducible, or rebutted.

The individual, for Strauss, is the form that the state seeks to enhance and protect. While some might say that the individual is shaped and enhanced by the existence of the state, Strauss would argue that it is the state’s duty to the people to individually protect their liberties and provide them with opportunities to be exemplary in their individualism: “Naturalness and free-flowering individualism are the same.” (Straus, 1953, pg. 323)

The political process will not be made just by the reflection on past political states and the forming of reasonable states based on the effectiveness of previous states. It will rather come to be as a result of an adaptive, evolutionary, individualistic process. In order to create the most productive sort of interplay

between states and individuals and their rights, we must not take the view that power is the one and only aim that controls leaders and states. The people can conceive of right outside of the doctrines of the state in a manner that allows for the state to recognize aims that will allow individuals to flourish.

Summation of Authors

Taylor and Hobbes both argue that the state's role in some way subordinates the role that individuals have in determining their own rights, while Strauss, and Rawls all stand up for the individual's possession of right outside of societal construction. It is an over-simplification, however, to say that the philosophers on each side of the spectrum agree with each other about the same things and disagree with arguments on the other side in the same ways.

Hobbes, for example, would say that the citizens of Syria were wrong to revolt against the creator of their rights, as the alternative would be much worse than their current state of affairs. But it is also possible that Hobbes would take issue with the practices of the state on the grounds that it created a state of nature-like scenario by failing to protect anyone's rights at all. Furthermore, it would be wrong to say that Hobbes would argue for the continued reign of the Assad regime in light of the state of nature that is occurring now, and the willingness of the majority of the citizens to give up their power and rights to an alternate sovereign in hopes that he might provide them with protection.

Taylor would also argue that the people don't have rights outside of their societal construction, but we can once again argue that there is no place in the

discourse of rights for this line of thought. Is there not a global society, or global form of human understanding that gives people the right to certain forms of dignity?

If we cannot say that one regime is intrinsically good or bad, can't we at least claim one to be relatively good or bad by using a variety of measures? If the people are unhappy, unprotected from violence, and the state is not exorbitantly prosperous as a function of its focus on this instead of human rights, it is wrong to say that this state succeeds just as well at promoting human flourishing as one that allows for political participation in conjunction with prosperity.

The idea that this state could be made better by revolution is difficult to argue for; it is often the case that revolutions create nothing more than destruction and violence. But if human dignity and reason are to be protected and allowed to flourish, and one of the things that seems to promote these ideals is a greater degree of self-determination, then it is a fundamental right of human beings that they be allowed to peacefully attempt to impart their views upon the government. It makes no logical sense for a government to allow for forceful revolution, and this could in no way be considered a right within the framework of states delineating and protecting rights. The right to revolution is seemingly every man's right who possesses the ability to carry out the physical act.

Theories about rights vary in their conclusions from relative goodness to intrinsic value, and argue over the foundation of rights and individual flourishing. But it is not the case that human flourishing can only be measured in relation to states. The states and their laws can be measured as relatively just or unjust by using some measure not created by the states. There is no measure or allowance for

the compassion people feel for those who suffer in a relative construction of right and human flourishing.

The various authors who have been discussed in this essay clearly disagree as to the nature, purpose, and origin of rights, and often represent extremes on one side or the other of the discourse about rights. Charles Taylor, for example, offers a view in which freedoms are absolutely contingent upon and separate from social responsibility. It wouldn't be unreasonable to ask, however, whether or not social responsibility in itself is a right that exists either outside of society or within societies.

The right to social responsibility is certainly something one might discuss in a case where the state of nature is the alternative. For Thomas Hobbes, living in a state is a privilege in itself, and individuals should act in a way that demonstrates this by complying with the commands of the ruler. In order to conceive of the differences between these authors' and the others' theories, it will be helpful to examine the difference between negative and positive liberty. The important distinction that will be drawn out of an examination of the two types of liberty bears on the extent to which theorists believe that governments can add to freedom by regulating, and creating additional laws. Additionally, the relationship between liberty as such and social responsibility is important for our purposes.

Negative and Positive Liberty

The relationship between liberty and social responsibility is directly related to the distinction between positive and negative definitions of liberty. In some ways, a negative definition of liberty fails to account for the intuition that social

responsibility is a right. Negative liberty is defined by Isaiah Berlin as: “Involved in the answer to the question 'What is the area within which the subject - a person or group of persons - is or should be left to do or be what he is able to do or be, without interference by other persons?’” (Berlin, 1969, pg. 119)

Social responsibility could also be described as the right to political participation, or the opportunity to contribute to something on a larger scale than individual life. The relationship between social responsibility and individual liberty becomes more interesting if we consider the possibility of a group of people in which there exists no government interference in the realm of social participation and responsibility. People are left to do what they choose, and the people choose not to contribute to their own community for the sake of pursuing ends that they deem more important for themselves.

First, one must examine whether or not this example is even possible. Will any society exist in which people don't believe that acting in the best interest of the whole will eventually be individually beneficial, if not good in itself? Examples of this sort of community in a representative government-like system are probably harder to find than they are in a mandate-based ruling system. If this is the case, then perhaps social responsibility, or the right to be a contributing member of society, is a motivator for people.

Negative liberty is defined as only impinging upon individual liberty when necessary. Some might argue that societies create individual freedom, however, and that it is not in the purview of a society to take away such liberty. This view makes responsibility to one's society important, desirable, and fundamental insofar as the

society creates the idea of individual freedom's existing at all. The view runs into problems when the people within a society don't see the society as the creator of liberty, but rather as impinging upon pre-existing liberty. It is from this conception of the relationship between society and rights that negative liberty comes. Negative liberty, however, is not synonymous with libertarianism. Conceptions of negative liberty can disagree as to the amount of interference necessary.

Positive Freedom is, according to Berlin, not simply one of a number of alternatives to Negative Freedom; it is an idea directly in conflict with negative freedom, and has the same goal. This goal is the establishment of freedom for the individual. Positive freedom, rather than saying that a person is as free as he is free from government intervention, says that the government can control and enhance the amount of freedom given to individuals through regulation. For example, many modern governments regulate and outlaw the manufacture and sale of drugs in order to prevent against the use of substances they deem detrimental to societies. When thinking of liberty in this manner, one must not be quick to jump to extremist applications of the theory.

Aspects of Human Nature that Necessitate Liberty:

Governments don't by definition in this positive conception of liberty hold the ability to make any law just as a result of its being law in the name of enhancing freedom through regulation. Surely this characterization allows for a specific ideal, or a set or sort of moral(s) to determine those freedoms necessarily make people more free and should not be regulated against. If one follows this line of thought, the determination of what to regulate actually relies upon a negative definition of

freedom insofar as the choices are made based on an idea of what freedoms should not be impinged upon in governmental efforts to create greater degrees of freedom. If positive freedom relies on negative freedom in such a way, or even if they are entirely different ways of achieving the same ideal, it will be important to determine whether these freedoms are *natural* freedoms, and if so, what this means.

The question is not whether or not one owes responsibility to the state in the manner that one owes a debt. One doesn't receive from the state and pay back debt in an obvious or coherent manner. The responsibility man owes to state for some theorists is similar to the manner in which man owes his Creator. The state allows people to develop in ways that they couldn't have outside of a society. It is not too strong, in these theorists' minds, to say that the state in essence creates individuals as we understand them. This proposition, if true, is strong enough to raise serious questions against proponents of natural freedom.

Proponents of natural freedom could be convinced to conceive of natural freedom that does not discount the positive influence of societies and restrictive. Natural freedom can't necessarily be conceived of as the extent to which one is independent from restriction, nor can it be conceived of as scientific to the extent that the government knows exactly which laws will accomplish which goals and sorts of freedom. Natural freedom will, however, depend upon a conception of human nature or a refutation of the idea that human nature can or should be thought of at all in a discussion of political ideals.

If freedoms are to be considered natural, a certain set of human characteristics must be considered their origin. This is to say that the natural thing

that human freedoms has to be about the nature of humans. Natural freedom for people is different from the sort of freedom one would grant another animal.

People's freedoms should be respected because a certain ideal of human dignity should be advanced and respected, and a part of this characteristic of dignity has to do with people's ability to reason. The ability to reason often leads people to question their relative standings in society, but it also leads people to consider the extent to which they *deserve* certain rights. It is not as easy to determine what rights people should possess specifically, or what rights are decidedly human and not meant for other animals, but this paper will attempt to answer this question.

Free speech should be respected insofar as it is humans' most useful way of using their decidedly human qualities. Regimes whose political structures are based on the concealment of truths and opinions rather than their illumination are in the business of possessing power, but not of providing citizens with reasonable means for living well. Whether or not this is universally so could be questioned: some theorists believe that societies cannot all be held to the same standard in terms of individual liberty because of other considerations. While this is a valid inquiry, and it is certainly the case that flourishing societies will enjoy more privileges for the most part, the denial of a right as basic as speech cannot be justified using reasonable terms without invoking the ruler's desire to stay in power. It could be the case that this is something worth honoring in some cases, because revolutionary processes are often long and brutal, but rulers who simply desire to stay in power can still be thought of as depriving their subjects of rights, and participating in a different activity than social or political cooperation. They are attempting to

circumvent and stunt normal human capabilities that offer the greatest possibilities for flourishing.

This idea is controversial for some of the theorists who have weighed in on rights theory and man's relationship to state. While on the one hand the fact that speech is the expression of reason is an acceptable justification for the possession of the right to free speech, the number of rights that will be in some sense results of or backed up by man's ability to reason is limitless. One might think of the value of rights in terms of externalities, or to what extent they are or can be beneficial or detrimental to a society. But this is not the point of natural right. Natural right often seeks to skirt potential problems by referring to isolated human nature for its justifications. Perhaps a conception of natural right that is in part based on humans existing in society will be better for the purpose of determining which rights societies should honor or create.

Rights within a given society cannot be conceived of bereft of that society for these theorists, but it is equally inconceivable to think of rights as existing only as a function of society. The rights which some consider natural are often desired in places where they are not honored, like Syria. Leaders of the Syrian revolution are characterized as fighting for and demanding greater degrees of liberty from their government. The extent to which this pursuit is also about pursuing a greater level of self-determination is important for defining just what these people are attempting to gain. Ammar Abdulhamid points out major inconsistencies in the desires of people fighting the Assad regime. The people involved desire to pursue different cultural achievements and ideological frameworks, but these differing

desired ends will always involve the people attempting to gain access to something which they believe is *rightfully* theirs.

While it is certainly the case that we can make judgments about societies and their stances and actions in relation to their citizens' access to individual liberties, it is difficult to argue that all of these theories about the primacy of rights necessarily point one in the direction of a specific form of government. A global trend toward democratization is not philosophical evidence for the existence of natural rights. "Freedom in this sense is not, at any rate logically, connected with democracy or self-government. Self-government may, on the whole, provide a better guarantee of the preservation of civil liberties than other regimes, and has been defended as such by libertarians." (pp 125 Berlin) Even if the revolution is somewhat divided, part of its essence consists in a push for real democracy; all recent elections have been rigged. The push for democracy amongst the opposition is not so different from other potential goals of government resisters. Resisting against a government in order to produce a new form of government can be aligned with the desire by people to create a scenario in which they have more say in determining their collective and individual fates.

Self-determination is on the surface protected best by a government that uses a negative definition of freedom. People are free, and free to determine their own fates only to the extent that the ruler or ruling class does not get in the way. But this idea of freedom, as Berlin says, is decidedly insular. The isolationist attitude that says people are only as free as they are free from external influences on their political lives is interesting, but doesn't hold up even under the light of

democratic ideals. The people who attempt to galvanize their cultures with democratic ideals rely in interesting proportion on ideas of individual determinism and belief in community. It is interesting to consider the combination of these seemingly contrasting ideals in political life, what they produce in practice together, and what this means.

It makes intuitive sense that people participating in a revolution in part desire a greater degree of self-determination. Indeed, it seems as though this has been the case over the course of history, whether it be “No Taxation Without Representation”, or the unifying desire for freedom behind the bloody battles of the Haitian Revolution. Self-determination as an end in itself is certainly popular, but not clearly valuable. There are ways in which one could argue for its value: one might argue that democratic political participation is an exemplary manifestation of self-determination. It is not clear, however, that political participation is even the sort of good we are looking for societies create. If something about human beings as such determines what rights and responsibilities they should possess, it is unfruitful to discuss governmental ends that do not take qualities of human nature into account.

Conclusion:

The ultimate solution for governance is a lofty goal for any paper to attempt to achieve. But it is not so ridiculous to propose some qualities about the nature of the relationship between human and state. In this paper, I have attempted to provide readers with an unbiased analysis of the relevant literature about the relationship between citizens and states, and the primacy (or not) of rights. The

Syrian example has been helpful for me to conceptualize the problem in actuality. The problem that much of the scholarly debate focuses on is not as relevant in stable, established states where unruliness is most commonly demonstrated on talk shows. In Syria, where people are dying every day in order to obtain something they don't have, it is important to question whether the revolutionary aims are reasonable and feasible, and to determine the origin and justification of these aims.

The Syrian Opposition Forces are not perfect in their aims, nor do all of their leaders want the same thing. But the common thread of desiring more self-determination certainly exists. It also seems as though the revolutionary force should logically be more open to peaceful government opposition in the future given the nature of the current conflict and the way in which they will gain power. The people were deprived of rights both naturally, and relative to the rest of the world. Even if it is difficult or impossible to argue for a specific form of government based on claims about human nature, it is possible to say that governments should respect certain human qualities. These qualities include a certain sort of human dignity, and the capacity of reason. People should not be forced to re-elect presidents, nor should they be imprisoned for expressing opinions. The government, regardless of its form, must display earnest attempts to comply with natural laws that seek to respect human dignity and intelligence.

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