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The Relation between International Rights and Natural Rights a Comparison between Hobbes, Grotius and Kant's Ideas in law

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Abstract

International law is a science attributed to Hugo Grotius, based on both natural rights and intergovernmental treaties, although over time it has expanded its sphere of influence to other subjects. In the present study, an attempt is made to address the origins and defined framework of this science by addressing the theories of this Dutch philosopher and to look at the ancestors and successors of Grotius in order to determine the extent of influence by each of the following philosophers: Aristotle and Cicero[1] in ancient times and Hobbes and Kant in the modern era. Examining the nature of natural rights on the one hand and international law on the other and, the relationship between the two from the point of view of Grotius, as well as comparing his point of view with Hobbes' in particular and, referring to Kant are among the topics covered in this article. Because the study of the theoretical foundations and methods of each of the above thinkers as well as their intellectual system and their proponents and opponents can to some extent shed light on the hidden aspects of the issue.

Keywords: *Natural Rights; International Rights; State of Nature; Civilized State; Legal State*

Introduction

Natural rights are basically a topic that has been started and dealt with since the time of Cicero and continued in the age of enlightenment by Hobbes, Grotius and Kant. Grotius has considered it as one of the dual sources of international law (Zarif, Sajjadpour, & Molaei, 2017: 73). His view of natural rights and the relationship between natural rights, natural law and state of nature in his and others' theoretical systems should be examined. In this study, we briefly express the views of Hugo Grotius on the state of nature, civilized state and legal state of law on the one hand, as well as natural rights and natural law on the other. Since no thinker theorizes in a vacuum, it is important to mention the background of Grotius' argument and, in particular the views of Aristotle, as well as the views of other classical thinkers such as

[1] Marcus Tullius Cicero (106 B.C. – 43 B.C.)

Cicero, Hobbes and, Kant (that, of course, is later than Grotius) that are directly related to the content of the discussion should be studied or at least mentioned.

In each section - natural rights, state of nature, civilized state and legal state- while expressing views, points related to the issue will be expressed in detail. Also, the discussion of natural, legal and civilized states has arisen as a separate but not independent section, because it is the conceptual connecting link between natural and international law.

1. Natural Rights

The discussion of natural rights begins with the views of the thinkers of ancient Greece (Plato[2] and Aristotle[3]) and continues with Cicero and Thomas Aquinas[4] who approached the subject in the Middle Ages with his own intellectual coordinates and time. Grotius, the father of international law, belongs to the Age of Enlightenment, Hobbes[5] actually initiated the theory of realism in politics (in its general meaning[6]). Locke[7], who is someone close to Hobbes, but whose differences of opinion and speech are noteworthy and, finally Kant[8], who according to our knowledge of his philosophical tradition has a point of view called Kantian idealism. Of course, by maintaining brevity in the speech, we only address the transformers of this course namely Hobbes, Grotius and Kant and the details are left to another time. However, since it is later than Grotius, the subjects will be addressed more concisely.

Aristotle, as the most important philosopher of antiquity, considers the basis of law as the system of nature or the cosmos and independent of individual reason (Aristotle, 2011: 17-20). This view about law, with its origins and the basis of "experience"[9], differs from that of the later human-centered philosophers of the Enlightenment. Mentioning the profile of some commentators as well as post-Enlightenment thinkers such as Villey[10] and Strauss[11], who took the approach of returning to Aristotle's view of law and opposing the Enlightenment philosophy approach to law, will also help to enlighten this view.

Nevertheless, natural rights, though rooted in Aristotle, are usually also attributed to Cicero. In Cicero's view, true law is recognized by "reason." This law is eternal, universal and unchangeable and changing it is basically a sin and any attempt to change it is unauthorized. According to him, the true law, which is the natural law, is valid and binding in essence, not with the approval of the parliament, but in its view and, therefore due to its origin it is always independent of any borders and differences and is assumed to everyone (Lioyd, 71: 1965). According to Cicero, natural law is rational; it is not limited by time and place. It is fixed, the criterion of legitimacy and originality of the positive law and, it cannot be abolished by any contract or human condition. Following this introductory passage, we will briefly mention the views of Hobbes, Kant and Grotius on natural rights.

[2] 429 B.C.
[3] 384 – 322 B.C.
[4] Saint Thomas Aquinas 1225 -1274
[5] Thomas Hobbes 1588 - 1679
[6] It includes classical realism (which is the school of thought of power politics and considers the state as the main actor in the international political arena, which believes in zero-sum game, as well as neo-realism, which is more related to the writings of Kenneth Neal Waltz (Kenneth Neal Waltz, 1924-2013) in the theory of international politics, which develops the concept of systemic structure, puts the level of analysis as the international system and believes that the structure of the international system determines the type and rules of the game (Ghavam, 2013: 79-85).
[7] John Locke 1634 - 1704
[8] Immanuel Kant 1724 - 1804
[9] Erfahrung (German)
[10] Michel Villey 1914- 1988
[11] Leo Strauss 1899- 1973

1.1. Hobbes: In the state of nature, man is bound by nothing but what nature has ordained for him. He has natural rights that is more aware of the principle of self-preservation[12] than anything else:

Natural right that writers commonly call it *Jus Naturale* is the freedom and authority that every human being has to use her/his power to preserve nature that is her/his life according to her/his will and, consequently to do whatever s/he deems, according to her/his own judgment and intellect, to be the most appropriate means to achieve that goal (Hobbes, 2012: 140).

Hobbes considers natural law as "a general rule that is discovered through reason" (Hobbes, 2012: 161). In this regard, he lists nineteen laws: *Necessity of peace, waiver of the individual's right in favor of peacekeeping, respect for covenants, gratitude, tolerance, forgiveness of one who has done evil and regrets what he has done, existence of punishment, refraining from insulting others, avoiding pride and arrogance, avoidance of aggression against others, observance of justice, observance of equality in the common cause, resorting to lottery in the common use or division of common property, observance of the right of precedence of possessions, ensuring the security of peace mediators, submission to arbitrator, avoidance of man from judging himself, avoiding judging in a matter in which a person benefits, the validity of the testimony of witnesses to resolve litigation* (Hobbes, 2012: 160).

As Hobbes puts it, it is natural laws that become the basis for the emergence of positive laws as soon as they transition from the natural to the civilized state. The difference between these two types of laws is, of course, that natural laws, like natural rights, are not made by agreement and contracts between humans, but are the result of nature itself.

Natural, Civilized and, Legal States in Hobbes' Theory

What Cicero planted, Hobbes brought to fruition: from the discussion of natural and inalienable human rights, Hobbes describes the state of nature for man and presents the state of nature as what man is in the first place on the occasion of his being human. According to Hobbes, man in the state of nature is the one who has natural rights: equal with others in the absence of any agreement and force majeure.

The state of nature in Hobbes's system is the state in which he presupposes rights, contract, or law for the theoretical beginning of the human state, regardless of any society and anything that changes this state later appears to it. The implication and requirement of this space and the emergence of any contract from it is the presumption of equality of individuals in rights and abilities. This is why Hobbes typically equates human beings in all respects:

Nature has made human beings equal in terms of physical and mental powers ... We see more equality among human beings in terms of mental powers compared to [physical] power ... Equality in hope and expectation to achieve goals arises from this equality of human beings and, so if two people want the same thing that they cannot both benefit from, they become enemies ... and overtaking by forestalling is the most sensible way for everyone to escape the state of mutual fear and providing security (Hobbes, 2012: 157).

Hobbes considers the state of nature as a situation in the absence of coercive and dominant power and considers the absence of this coercive force as the cause of deprivation of any peace and respect for each other. All this stems from the three main causes that arise from the human soul: competition, fear and seeking honor and pride which lead to profit, security and credit, respectively (Hobbes, 2012: 158). If something in Hobbes's view causes man not to remain in the state of nature, the consequences is that Hobbes simply sees this (state of nature) as a condition of refusal from business and any literary and historical activity etc. and, therefore: "... which is worst of all, continual fear and, danger of violent death; and the life of man, solitary, poor, nasty, brutish and, short (Hobbes, 2012: 158).

[12] Selbsterhaltung (German)

But Hobbes sees the civilized state as the result of the transfer of part or all of the transferable rights of individuals under a contract to (coercive and dominant power, that is) a person made in the name of the state or a king and, the result of a general agreement which is because of his long-term view. From Hobbes' point of view, the state is not the product of natural law: the civilized state is later to the state of nature, not its result. It should be noted that Hobbes refers to the civilized state as the state of existence of a society and not merely the state of social life. He even explicitly mentions examples of animals that have a collective life, such as ants, in order to emphasize precisely that, unlike Aristotle, he does not consider them social beings and believes that what has brought them together is only personal desires and that this is different from human life in society. He emphasizes the public interest (as opposed to the personal interest) - which means that once society is formed a whole unit is formed according to which the reason for living in a community is public interest and not merely expediency and possibly personal interests. Therefore, collectivism is implicit in the civilized state in which society forms that virtual person that is the state (Hobbes, 2012: 163).

1.2. Kant: Kant, as a philosopher of Enlightenment following Grotius, sees rights following him differently from its Roman image. In Kant's view, rights derive not from experience but from idea and reason and this goes even beyond his idealism. Rights, in its Roman meaning, derives from observation and relations between members of society. But Kant portrayed it and, in the first place the theory of natural rights -as purely rational and metaphysical in his new interpretation and in metaphysics of ethics- he basically categorized it as a subset of ethics alongside virtue (Kant, 2009: 265). Meanwhile, we know from the critique of practical reason that Kant believes in a priori synthetic propositions for ethics (a priori syntheticity) which is derived from reason (Kant, 2010: 239) and therefore has been criticized by the people of law and philosophy of law. For example, the critique that Villey brings to this view of right is the personalization and the person and the subject (Sujet) as basis in it. In the tradition of Aristotelian (natural) rights the basis of right was not man, but the cosmos. This is basically the famous "Copernican Revolution" in which the organizing basis of thought shifts in the triangle of God, nature and human. In the Age of Enlightenment period, the basis became human and the "I" (Ich) replaced nature and God on which once the world and understanding it in turn were based. According to Kant, laws are divided into natural law (das Naturliche Recht) and positive law and, according to Kant natural law is based on a priori principles and positive law is based on will and authority:

The highest division of natural law, contrary to what has sometimes been said, cannot be the division between natural and social laws (das Gesellschaftliche), but its division into the natural and civil laws of a country (das Burgerliche). The first of these laws is called private law and the second is called public law (das Offentliche Recht) (Kant, 1902: 242).

At the same time, given the clear definitions of the state of nature and the civilized state, at least by Hobbes, the legal state should be considered as a more comprehensive version in later theories. Kant says about this state:

The state of nature is called the state in which there is no rights, that is the state in which there is no distributive justice. This state is not a social state that can be called possible state and is against it, but it is a political community state in which distributive justice is established, because in the state of nature there may be legal communities and in this state of nature, the a priori law that "you must enter into this state" is invalid, as it is said of all people who can be in a legal relationship with each other that they must enter (Kant, 1902: 306).

1.3. Grotius: Contrary to Aristotle's view and its subsequent ramifications on natural rights, Grotius is typically named as the initiator of the new version of this school during the Enlightenment and also the founder of the new philosophy of natural rights (Grotius, 2016: 11 (Introduction)). The importance of this debate for this Dutch philosopher is, of course, twofold. Because Grotius goes from natural rights and, in parallel, natural laws, to positive law and finally to the law of nations. He considers

law and rights to be hierarchical and, divides laws into primary and secondary: the primary law is the natural law which originated in the Grotius' apparatus from common sense and human nature and is constantly, unchanged and, therefore a measure of good and evil and other laws: "Two judges, one is the conscience or the inner judge of human beings and the other is the public opinion or the external judge" (Grotius, 2011: 47).

Of course, regardless of the classification of Enlightenment thinkers from both empiricists and rationalists, typically the idea governing rights and law in the Enlightenment is contrary to the view of Greece and, later commentators such as Strauss[13] based on reason and a mathematical view and, of course, the birth and beginning of this view should be followed in view of Grotius. As Cassirer says of it:

Combining law with mathematics is the general orientation of thought in the seventeenth century... Leibniz also, under the influence of Grotius, declared that jurisprudence is the kind of science that comes from definitions instead of experience and, instead of real matters, depends on purely logical reasoning. [In the Age of Enlightenment] the law shifts from the pole of the real matter of empirical and active matter to the pole of "possible matters". Hence, it is a common saying that if there is no God, the definition of justice is still valid and, if there is no one to administer justice or to be administered to him, the idea per se still stands (Cassirer, 1932: 369).

The most important characteristic of Grotius in the matter of natural rights is that he considers these rights to be derived from reason and therefore prior to any external conditions and, natural rights in his view must be freed from two conditions: the first condition is the basis of divinity and in fact God as the source of natural rights and the second condition is the government that will potentially seek to limit those rights. According to Grotius, it must be made clear that natural rights exist, firstly under any circumstances and under any presuppositions and, secondly that they take precedence over and free from any constraints, including the recent duality. And this (ie, the primacy of natural rights over state sovereignty) is of course the point of difference between Grotius and his contemporaries such as Thomas Hobbes and Machiavelli[14,15]. Because the government or the politician described by these two philosophers of politics is not subject to any conditions or restrictions, including natural rights (Cassirer, 1932: 372).

Grotius... in the realm of law achieves the same achievement that Galileo had achieved in the realm of physics. There must be a source for jurisprudence that does not branch out from revelation but is self-subsistent from fusion with the other "nature" and proves itself on the basis of its nature and is excluded from these realms. Just as Galileo declared the independence of mathematical physics and fought for its realization, Grotius also fought for the independence of jurisprudence (Cassirer, 1932: 375).

Grotius' theory of natural rights is therefore based on Platonic theories: just as God is not the creator of Platonic ideas. So according to Grotius, natural rights are of the ideal type and therefore uncreated. Grotius' view of natural rights has implications for theorizing in contrast to what we have described as Aristotelian natural rights. Despite the approximate coincidence of Grotius with Hobbes, Hobbes's duality regarding the natural and civilized states of man does not agree with him and, it seems that Grotius does not consider himself bound by that Hobbesian duality framework, regardless of whether he was effectively aware of the English philosopher's theories. At the same time, Hobbes' beginning of experience leads him in a different direction from Grotius and later Kant. Grotius, in addition to his dual classification, also considers another state which is the legal state.

[13] Leo Strauss(1899-1973)
[14] Niccolò di Bernardo dei Machiavelli (1469-1527).
[15] There are many examples in The Prince about this, for example: "... we've seen through experience how many princes in our time have achieved great things who have little cared about keeping their word and have shrewdly known the skill of tricking the minds of men; these princes have overcome those whose actions were founded on honesty and integrity" (Machiavelli, 2010: 127).

From what has been said in this section about the three main philosophers in question, it can be said that if Hobbes, for what man lacks alone and in state of nature, lays him bound by an agreement to create a virtual individual called the state, which is then the coercive power and absolute power and, to protect human beings from the storms of the state of nature. Grotius' type of theorizing for achieving a state that protects human beings is not the making of an absolute and coercive power, but the establishment of a legal structure and mechanism.

What each of the three philosophers in this study, Hobbes, Grotius and Kant, have developed in the fields of human, community, society and, government is a view we have of our own in international politics.

Although international politics may not have been very directly mentioned by Thomas Hobbes and, at first glance he seems to be talking more about human and society (ie, the internal state of a government), what he has found, of course, stems from his view of human: a view that inevitably places human as the cornerstone of an effective society in the international arena and also governments as units of the international community (here we do not mean the definition of society but the atmosphere of governments in any situation and relationship we may consider for them towards each other) is influenced by this power-oriented view.

2. Law of Nations

International law, which now has its own theoretical position in the humanities as well as its practical place in the international arena, like all other branches of the humanities, is evolutionarily based on its narrow history in the history of thought: The letter between Eannatum[16] and Umu carved on a stone is one of the foundations that show the relationship between two rulers of the two nations in Mesopotamia five thousand years ago, the treaties of the Greek city government, the principles[17] of which are still valid in international law, the establishment of the organization of foreign relations in ancient Rome and the views of scholars like Cicero and Thomas Aquinas were a prelude to the rise of the thought of scholars like Locke and Hobbes and the establishment of international law by Hugo Grotius in the new era is the brief course of this field. Also, certainly the Thirty Years' War of Britain[18] and the Treaty of Westphalia in 1648, the Congress of Vienna in 1815 and subsequent intellectual developments that coincided with the new borders of France, England, Prussia and Austria, as well as Russia (Naqibzadeh, 2006: 23) put the politics of this field in rapid development. Therefore, regardless of whether we want to enter seriously and deeply into the historical genealogy of this field, whether its real root should be considered at junctures like Westphalia or in the developments of the Middle Ages, we will address with the main ideas of the Enlightenment centered on the thinkers studied in this paper that how and in what relation to natural rights the international law has been established and developed.

2.1. Hobbes: If Hobbes, in a society with a unit of human beings, sees the state as de facto transitioning from the state of nature, another society whose unit is governments can also be explained in the same theory, albeit with the state of nature. In Hobbes' theory, since the coercive power has the main determinant, the society following a government has been formed in the state of contract, i.e. the civilized state, but the community composed of nations, although are in the state of nature due to the absence of a coercive and dominant power and also a contract with executive guarantee (as Hobbes introduces contracts as real or a piece of paper (Hobbes, 2012: 189)), in any case they can still be explained by the dual theory of the natural and civilized states of Hobbes. At the same time, nowhere in Leviathan and, in

[16] Died 2425 B.C.
[17] Recognition of the right to personal liberty and protection of citizens' property, establishment of a representative body of states, arbitration, establishment of unions, immunity of ambassadors, sanctity of certain places, consolidation of peace treaties, respect for corpses in wars and recognition of the right to asylum.
[18] 1618- 1648

the first way in the eyes of the affected realists, is there any sign of what Hobbes called the civilized state and, the extension of Hobbes' view of the state of nature is similar to the first way in the international arena:

Hobbes ... compared human life to the "state of nature" in which a kind of tense and fluid state based on competition, conflict and persistent war prevails. The generalization of this proposition to the level of the international system reduces the meaning of world politics to "the war of states against each other." Realists compare the international system to Hobbesian "state of nature" because they believe that there is no central government to ensure the security of states. Therefore, governments in the anarchist world are facing security difficulties and are forced to rely on the logic of self-help to protect themselves" (Zarif, Sajjadpour and Molaei, 2017: 94).

In international relations, the issue of war and peace has always been the main issue that different perspectives try to address. In particular, realists and commentators close to the classical level try to justify what is known as liberal peace[19] from their point of view. Realists typically see war as the result of practical considerations and expedient-based facts and different governments alike as its subject and, in this regard Tsun quotes Doyle[20]:

Specific wars ... are either due to fear because when a government wants to prevent a stronger government from attacking, it launches an attack, or it is due to competition and rivalry because a government that does not have a strong position in the pyramid of international prestige resorts to war to try to strengthen its position or it is directly due to the conflict of interests that has reached the level of war, because there is no superior power to prevent war as the last solution to conflict between governments (Tsun, 2015: 53)[21].

2.2. Kant: Kant, whose philosophy is idealistic by definition and reputation, also sees perpetual peace as a construct of reason and the components he mentions are organized on the basis of "what should be", not by looking at what has happened. Kant's view, which again stems from his view of human and his nature, is a coherent view of domestic and foreign policy: Basically, since he starts from idea and opinion and not from the field of action, he cannot pay much attention to real complications such as borders and states, which have created empirically and inexplicably man-made differences among human species from an ideal point of view, he sees human as human and therefore consider human beings equal. As a result, society in the sense of what exists within a state is irrelevant from Kant's ideal point of view and a state is what, according to the agreement of mankind, has legal and just domination over the whole world and, of course, in this view, as his theory suggests, perpetual peace is both desirable and the result of the military coercion he portrays: a world with a state in which man, by virtue of his collectivist and virtuous nature, continues to live with legitimate power under the leadership of a democratic force.

The republican-based apparatus of Kant follows several principles: the freedom of all members of society, the existence of an independent legal system and, the equality of all citizens in the sense of equality before the law. Tsun briefly explains Kant's words as follows: "The first condition for joining the society of civilized nations under international law is the observance of human rights and, as a result, it is not possible to form a federation or solidarity with authoritarian governments. If the international community formed under the rights of nations is to maintain peace, it must not accept authoritarian governments among itself. Freedom at the domestic level is the first condition for the competence of any state that wants to join the international community. There is another condition: the existence of a democratic system of representation inside (elections)" (Tsun, 2015: 37). In Kantian tradition, "the validity and legitimacy of the domestic constitution, the existence of which is necessary according to the

[19] "Liberal ideas make liberal democracies reluctant to clash with each other, but force them to fight non-liberal governments." (Andrew, 2006: 175)
[20] Michael W. Doyle (born 1948)
[21] Quoted from Doyle (1983)

first principle, also makes the government internationally justified and legitimate" (Tsun, 2015: 38). While in this view, the relations of the government are analyzed and constructed in proportion to the individualistic view. This view considers a similar mechanism for the government and with this analogy takes itself to the next level.

Based on the second principle of the preliminary articles of Kant's treatises that "No independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation", Tsun explains the respect and independence of states that state is not a property possessed by a ruler. "The merging of two with another nation means denying the existence of that state as a moral figure and turning the state into a negotiable object within which the people have no right and it is a violation of the basic social contract"(Kant, 2007: 108). However, Tsun rejects Kant's interpretation that "the state is a moral, self-governing and autonomous being and has sovereignty as a [legal] person" (Tsun, 2015: 39). Because in the Kantian apparatus, the state is not a land but a civil society based on social contract and any occupation is a violation of this human community.

Basically, according to Tsun's interpretation, what Kant believes in his theorizing of society is based on a system that theoretically justifies the individual: Kant's system of international ethics derives from his "absolute or obligatory principles". Just as no one can use other human beings for their own purposes, foreigners and foreign governments cannot use other individuals who have created another state in order to achieve their own goals, such as national prestige, the exercise of political power, the acquisition of property or the development of land by creating a gap in their society and" in Kant's view, even the simplest international behaviors of the state can be analyzed on the basis of individualistic principles and foundations "(Tsun, 2015: 39-40). Of course, it must be borne in mind that this state that should be protected and respected is not just any state, but only a state of the people. This means that one part of Kant's theory of international law cannot be used alone and the other parts (for example, that the state must be a liberal-democratic republic) cannot be overlooked.

Kant's arguments for liberal peace are well-known: the political cost of war, the teaching of public and universal virtues to people and, finally the support of liberal-democratic states for free trade and the economic cost and benefit to the rulers of war, quoted from Michael Doyle and Rummel[22], are based on this quotation that it is only after 1950 that these predictions have been realized by Kant and he sees practical success in practice: as if this liberal pacifism is only among the liberals of the world and not in relation to others "Liberal states have a strong talent and desire to maintain peace among themselves, while non-liberal states are more prone to war than peace. Historical events since 1795, when Kant wrote the treatise Perpetual Peace, show that although liberal states have been involved in numerous wars with non-liberal states, they have sometimes fought each other as well ... States that are secure in terms of having a liberal constitution have never been at war with each other" (Tsun, 2015: 48).

Now, with the transnationalization of international interests and challenges, the law is gradually getting closer to the multilateral approach. This view - first proposed by Kant - although at first seemed like writing a dream on paper now makes any audience with any degree of empathy realize their distance from the scene of international realty. It seems that if we look at the structures of multilateralism in the field of diplomacy, we will see signs of it in the long-term changes of international mechanisms in favor of international law (Zarif & Sajjadpour, 2014: 41).

2.3. Grotius: Grotius' view of making his philosophical-political apparatus also influences his position on relations among states. That is why Grotius speaks of the rights of nations (which is international law). The definition and division of rights in the history of thought has been repeated many times in many types and, the definitions that have been mentioned of justice affect it. In addition to those who based distributive justice, there are even those who have absolutely interpreted rights as power. For

[22] R. j. Rummel

example, Ophimus, in Thucydides[23], states: "Whatever the interests of the state or state demand is justice" (Thucydides, 1845). An argument that, if become the basis of the definition of rights and, especially international rights, essentially makes it invalid and renders it irrelevant, or in a milder example that Cicero considers the administration of government to be associated with "some oppression" (Grotius, 2016: 32 (introduction)).

This view is the same as the one revised by Hobbes and written in Leviathan that in the absence of a sovereign ruler in any society the "state of war of all against all", which is called its state of nature, is established and no legal basis can be inherently achieved. Hence, one of the tasks of Grotius as the "father of international law" is to prove the existence of these rights as a system. In this way he also has to respond to people like Cárdenas- who according to the principle of the originality of interests that govern human actions - considers any natural right to be detrimental to one's own interests at the expense of the interests of others and therefore rejects it (ibid). But in the human Grotius' apparatus man is a long-term being and his discernment is not limited to the present but focused on the future.

Natural rights, in Grotius' view, is the basis of the subjective law. "Grotius believes that man is naturally more suitable for social life than any other creature and, basically contrary to the views of man as non-social, anti-social or social for following this feature, i.e. social life, or as Grotius puts it in the introduction - the law of war and peace "the innate talent for knowing and acting in accordance with general principles is" unique to man and, hence - he tends to maintain a society based on human sentient nature and, this tendency is the source of what was formerly referred to as the natural right (Grotius, 2016: 34 (Introduction)). The last two points, namely, justice in its kinds and, especially distributive justice, along with the social nature of man, are the sources that lead Grotius to the path of natural rights (and law of nations in the first way).

Grotius classifies natural rights into two types of strong natural rights and weak natural rights. The first can be the subject of complaint and adjudication, but the second means that weak natural rights are of ethics and does not have the right to complain in guarantee (Grotius, 2016: 35 (Introduction)). According to Grotius, natural law is based on nature, divine will and human nature and is itself the basis of common laws. Grotius believes that laws are fattened and strengthened by man's attention to his own interests. Because although the practice of law shows limitations in the short term, it is completely rational at the same time. It must be seen and emphasized once again that what Hobbes expects from the undisputed ruler in supply and abundance and, with motivations advises society to create and then follow such a powerful and centralized institution (which can sometimes have the name of state but in any case is formed in an individual), Grotius seeks in the institution of law and rights and its observance in favor of the "other" with the intention of "the future" and the provision of "his long-term interests" (Grotius, 2016: 38 (Introduction)).

Grotius acknowledges the same argument in the field of national law:

... The same argument can be applied to obedience to the laws governing different societies. Nations may also act against their immediate interests and respect the common law between nations and, this is not a negative thing at all. Whenever a citizen of a society violates the law for the sake of an immediate benefit, he has destroyed the institution that guarantees eternal benefit for him and his children ... Whenever a nation violates the natural law and the law of nations, it has destroyed the fence of its comfort for the future (Grotius, 2016: 38 (Introduction)).

As mentioned, Grotius, in opposing the opinion of those who see the state between states as a state of nature (in Hobbesian sense that war of all against all and the state lacks any order and authority), classified the positive laws as having a third branch called the rights of nations:

[23] 411 B.C.

Many consider the components of justice necessary in the affairs of citizens, but mistakenly call it fictitious among nations or kings. The reason for this belief is mainly that their view of the right is focused on the element of benefit ... because citizens alone are not able to protect themselves.

Natural rights are not created just for benefit ... No state is so powerful that it does not need others at any point in its life ... we often see that even among the most powerful nations and kings, treaties of unity and agreement are made that those unions will not be effective if we accept the opinion of those who believe in the restriction of rights and justice within the borders of a country (Grotius, 2016: 39 (Introduction)).

He also considers human society to be a society in the first place and considers its survival impossible without respecting mutual rights. Since he considers law and rights to include natural law and rights, he states that all possible situations between states, even adversaries and wars, are subject to the observance of common and reciprocal rights and, that this is his motivation for writing the laws of war and peace (Grotius, 2016: 41 (Introduction)).

In general, Grotius evaluates and categorizes human subjective laws into three categories: local (specific), national (common) and international (national law). According to this Grotius' point of view, in both cases, i.e. domestic and foreign policy (this time the focus is on foreign policy), it is a legal and structuralist view: Grotius is not looking for a moderator but for an order arising from a legal and automated structure.

From the point of view of liberals (whether Kantian idealists or Grotians) and commentators who believe in their view, realists are incapable of explaining this undeniable peace between liberal countries. Especially since the similarity between the forms of the political system cannot be considered the cause of this issue; because feudal, communist and fascist societies have never had such a perpetual peace with each other. We note that this whole debate revolves around the relationship between domestic and foreign policy: domestic policy, which determines the political system, has achieved considerable international cohesion, at least in the case of the liberal apparatus and has established peace. It is with a closer look at the concept of statism, in Kant's view, realism is methodologically challenged as well. From the point of view of statism, not the individual but the state is the main actor in international law and international relation, the basic premise of this view is the originality of the state and sovereignty, regardless of the extent to which this sovereignty is a reflection of the national will in that country. In Kant's view, however, the state is essentially legitimate and therefore a member of the international system only when it has democratically taken its legitimacy from the people. In the statism-centered school, sovereignty is absolute and not a relative concept. This view is the cornerstone of what is realistically referred to as a closed bag and, for an analyst believing in the view, basically "all states are equally legitimate as long as they have a population and a government rules over them in a given territory ... [and] a state (country) means a population that is under one government in a given territory (Tsun, 2015: 86).

In contrast to the two principles of statism, namely the principle of intrinsic and intrinsic value of state sovereignty and its ethical self-sufficiency on the one hand and its application and the basis of this sovereignty on the authority, two new propositions adapted from the Kantian system can be presented: "First, the state sovereignty is an instrumental value, not an intrinsic one, affirmed by ethical reasons based on human rights and respect for the sovereignty and independence of the individual. Second, sovereignty has degrees meaning that there are ethical reasons that approve foreign interventions and as opposed to ethical reasons that support state sovereignty, although the result of the opposition of these reasons cannot be determined in advance" (Tsun, 2015: 87). Legitimacy in its political sense can be divided into two types: one is the legitimacy of the contract of representation between the citizens and the government and the other is the legitimacy of the social contract between the citizens that forms the state or country and oversees the political community of citizens and, separated the issue through this and, eliminated this kind of uniformity in legitimizing all governments simply because of their sovereignty.

Irrevocable legitimacy from the point of view of the Kantian apparatus is only conditional on the satisfaction of both of these legitimacies.

From the point of view of statism, the sovereignty and authority of the individual extend to the sovereignty and authority of the state and justify it without the need for any other argument. Because from this point of view, the state is a legal entity that can be considered independent of its individuals, be interacted with and recognized and legitimized.

At the same time, realism itself is divided into two types, descriptive and normative: "[Descriptive] realism seeks to provide a descriptive expression of the international behavior of states .... [But] normative realism is a view that seeks to justify the international behavior of states based on national interests[24] and to create a basis of legitimacy for it" (Tsun, 2015: 106). However, this normative realism is also based on two types of arguments:

Hobbesian argument which starts from the natural and anarchic state and considers any state and order in the realist world as the result of escaping from that anarchy and, another argument that is considered closer to liberalism (than its Grotian type). In describing this kind of realism, he brings a political norm:

The second argument in normative realism is based on considerations of constitutional philosophy. In the theory of liberal democracy, the government is the representative and advocate of the people, who is hired by the citizens to put the interests of the people into practice. The result of the theory of advocacy between the government and the people is that any fundamental violation and deviation of the government from the power of attorney entrusted to it, such as just looking for its own benefit, provides a basis for criticism of the government or, worse, causes the government to be illegitimate (Tsun, 2015: 106).

While realism can also be divided into extremist and moderate types: "In extreme realism, whenever the international actions of a state are to promote national interests, it is legitimate" (Tsun, 2015: 108) and in contrast, moderate realism which "believes that the maximum fulfillment of the national interests is a necessary reason to justify the legitimacy of the state actions at the international level. International actions of the state are permissible and legitimate when it fulfills national interests, but must comply with the moral principles and requirements of the principle of necessity and proportionality, which are binding in all forms of use of force (Tsun, 2015: 108).

Conclusion

What Hobbes thinks of natural rights (and even laws) remains in the mind and in fact belongs to the state of nature. Because there is no state of nature in reality among human beings, Hobbes has engaged in a "thought experiment" to dismantle society and reach the individual in the state of nature. Because of the dominance of the Copernican revolution spirit over all Enlightenment philosophers, even Hobbes and the empiricist Locke put the basis on **I** (and reason in the first place) rather than nature and God and, that is why for Kant natural rights have a foundation independent of human experience and conditions and are genuine regardless of them. But this is the fundamental difference between Hobbes' natural rights and that of his contemporary, Grotius: Grotius does not believe in illimitable and unconditional "natural rights", but in "natural laws." In the state of nature, there are no restrictions on human beings and, it is only by passing to the civilized state that natural laws become possible and, by delegating full authority to the state institution, no matter or right on the members of society remains

[24] These include parallel, conflicting, shared and, disputing interests, which "generally the goals and priorities of foreign policy goals need to be identified in order to recognize it and, then national interests can be thought of and analyzed deeply by assessing national power and the tools used to secure the benefits and achieve the goals." (Ghavam, 2012: 144).

beyond the limits of the ruling authority. In contrast, the natural rights mentioned by Grotius do not go through this process: not only are they not restricted and constrained in parallel with the enactment of positive and common laws, but they are themselves the cornerstone of this latter type of law. Moreover, in spite of Hobbes who considers just two states of nature and civilization for man, Grotius also gives meaning to the legal state: the state to which man transitions from the state of nature, the state of "political community" versus "community in the state of nature", the state of "public rights" versus "private rights" and the state of "dependent on the rule of law" versus "the rule of a powerful Hobbesian or Leviathan ruler".

Moreover, as examined, each philosopher's view of the state of human community and, consequently, the politics that governs it, is in significant correlation with his view of possible states in the realm between nations and, in the first place, between states. Thus, just as Hobbes considers the dual states of nature and civilization for the society of individuals, he also considers the international space to be conceivable only in one of two ways: or the international space is an anarchist space with no central dominant authority and therefore refers to the "state of nature", even though within each of these societies a powerful ruler, because it comes only from power relations, is probably the strongest member of this community and not a world and democratic state as Kant intended to be in power and, a stable system and a civilized state around him. This state, as is mentioned in details in Leviathan, is a potential war of all against each other. Its agreements are unsustainable and based solely on the momentary interests of the parties. As a result, the state and the statesman that believe in this view, although they find the situation in their sphere of influence as civilized and even based on a democratic agreement, will act based on anarchism as soon as they leave that sphere and act in the international arena and they will refrain from any long-term restrictions that require him to pay a cost in the short term. In other words, just as Hobbes considers rights irrelevant in the state of nature, he also defines the international scene, which, by virtue of its anarchism and therefore the establishment of state of nature in it, is inevitably far removed from any rights and legal state. In contrast, since Grotius believes in a legal state based on rights (rather than the authority of the ruling person), he bases the international system on the same context based on the "rights of nations" and, this introduces both human society of a country and the international society as having a kind of homogeneity and integration. So that both should be in the legal state and have distributive justice due to the long-term view of human beings and their transition from the state of nature. Kant, who maintains himself in the bondage of truth, albeit alien to the reality and possibilities of the world, in the same way as mentioned above, considers the legal state under the leadership of a democratic and universal government to be coherent with his view, otherwise it can be guessed that he considers no difference between any conflicts between states over interests and the conflicts of individuals in a stateless society and the illegal state.

Briefly speaking, Hobbes initially considers man to be free from all restraints and, consequently, to have natural rights, therefore, the rights he envisions for states in the global anarchist arena are of the same kind. But Grotius believes in the emergence of a legal mechanism, both for man in society and for the state in world society and, while in Kant's view, the ideal society of states under a just world government is derived from democratic relations and away from colonial relations and deprivation of nations' rights. This, however, is as far from reality as it is simple and concise. What was mentioned showed the shadow of each philosopher's view of natural rights on his view of international rights, which itself indicated the theoretical correlation of each and their disagreement with each other in the field of international rights, which is the result of their differences of opinion about natural rights.

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