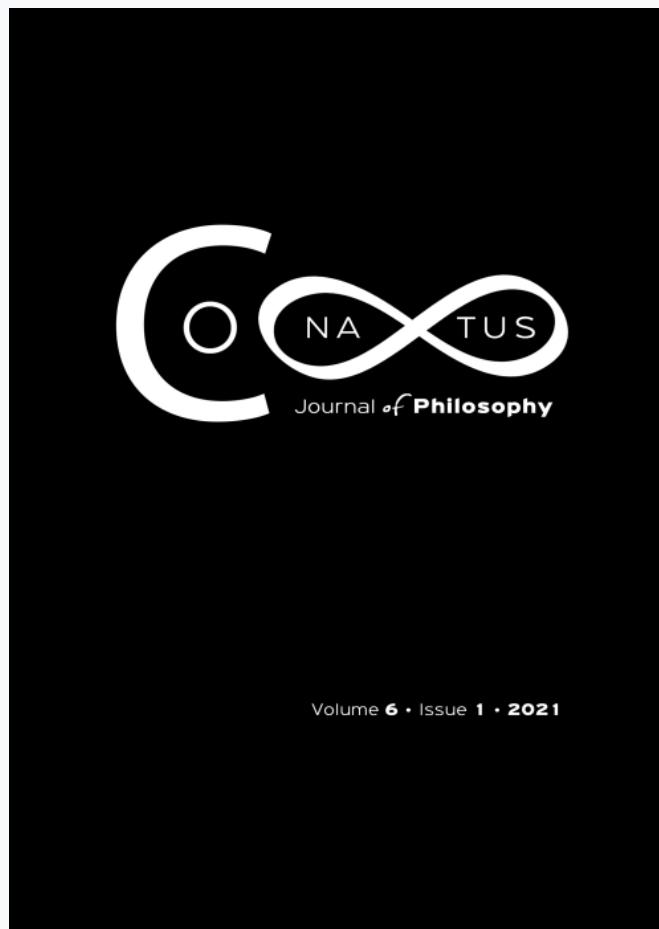


## Conatus - Journal of Philosophy

Vol 6, No 1 (2021)

Conatus - Journal of Philosophy



### Reconsidering Burke's and Arendt's Theories on "The Rights of Man": A Surprising Plot Twist?

Ioannes Chountis

doi: [10.12681/cjp.25171](https://doi.org/10.12681/cjp.25171)

Copyright © 2021, Ioannes Chountis



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0](https://creativecommons.org/licenses/by-nc/4.0/).

### To cite this article:

Chountis, I. (2021). Reconsidering Burke's and Arendt's Theories on "The Rights of Man": A Surprising Plot Twist?. *Conatus - Journal of Philosophy*, 6(1), 19–32. <https://doi.org/10.12681/cjp.25171>

# Reconsidering Burke's and Arendt's Theories on "The Rights of Man": A Surprising Plot Twist?

**Ioannes P. Chountis**

*Universität Tübingen, Germany*

E-mail address: [giannischountis@gmail.com](mailto:giannischountis@gmail.com)

ORCID iD: <http://orcid.org/0000-0003-2910-2425>

## Abstract

*Edmund Burke can perhaps be considered as the father of modern conservatism. Hannah Arendt was a very eclectic thinker who embraced ideas from the traditions of liberalism and republicanism. They both commented on the issue of the "Rights of Man" and rejected their abstract and metaphysical nature. And, it was Arendt who saw a 'certain pragmatism' in Burke's ideas. Is this coincidence of opinion a surprising plot twist? An unintentional 'alliance' against the naturalness of the "Rights of Man?" This paper first discusses the real relationship between Burke's and Arendt's theories on human rights. In the first part, the ideas of the two thinkers are presented and examined. In the second part, the main convergences and divergences are identified. Through a careful reading of the Burkean and Arendtian corpus, it is shown that Arendt agreed with Burke that human rights cannot be abstract or metaphysical. On the other hand, Arendt, being autonomous in her critique, argued for one universal and inalienable right, that is 'the right to have rights,' i.e. the right to belong to political community. In overall, the analysis endeavors to provide an answer to the question as to what degree did Arendt endorse Burke's theories on the "Rights of Man."*

**Keywords:** "Rights of Man;" Hannah Arendt; Edmund Burke; Conservatism; Republicanism

## I. Introduction

**I**n recent years, human rights have been at the center of political and philosophical debates. Faith in liberal democracy and representative institutions seems to have been shaken by violations of fundamental rights, as happens with the case of refugees, minority groups and others. Such observation can be attested by the emergence of a vocal protest movement in the United States against racial discrimination and violence. Of course, the discourse on human rights is much older. Already since their enactment,

the Bill of Rights and the Declaration of the Rights of Man and of the Citizen provoked different interpretations regarding their nature and scope of application.

In the field of political philosophy and intellectual history, Edmund Burke and Hannah Arendt are two thinkers who belong to divergent philosophical currents and lived during different historical periods. Burke's philosophy correlates with the broader tradition of – British – conservatism while Arendt's multifaceted and complex philosophy can be linked up to a certain degree to republicanism. *Prima facie* establishing a common ground between these theories appears to be almost impossible. However, a careful consideration of their works may offer certain surprises; because both Burke and Arendt criticized the doctrine of the "Rights of Man," which was formulated according to the eighteenth-century notions of natural law. It should be noted that although they both rejected the abstract and metaphysical concept of the "Rights of Man," and some philosophical debts to Burkean thought are traceable in the Arendtian corpus, the German thinker was creatively autonomous in her critique and made sure to adapt it to the post-war context of the twentieth century.<sup>1</sup>

Indeed, Burke and Arendt formulated their theories against different historical backgrounds. On the one hand, Burke attacked the "Rights of Man" as formulated in the declarations of the French Revolution and espoused by radical English thinkers like Dr Richard Price and Thomas Paine.<sup>2</sup> On the other hand, Arendt wrote her critique of natural rights after the Universal Declaration of Human Rights had been adopted by the General Assembly of the newly founded United Nations in December 1948.<sup>3</sup> As of such, Burke presented his arguments during the culmination of what became known as the 'Age of Revolutions,' while Arendt drafted her objections against the backdrop of the decline of the nation-state after the end of World War Two. As it will be shown below, Arendt's critique of natural human rights followed, at least up to a certain degree, the arguments of Burke and Jeremy Bentham.<sup>4</sup> After all, it was the utilitarian philosopher who maintained that "rights" exist only "due to legislation."<sup>5</sup> At the same time, both Burke and Bentham agreed

---

<sup>1</sup> Arendt makes mention of Burke *inter alia* in her works *On the Revolution* and *The Origins of Totalitarianism*.

<sup>2</sup> R. R. Fennessy articulated this debate in *Burke, Paine, and the Rights of Men. A Difference of Opinion* (Hague: Martinus Nijhoff, 1963).

<sup>3</sup> Christoph Menke, Birgit Kaiser, and Kathrin Thiele, "The 'Aporias of Human Rights' and the 'One Human Right': Regarding the Coherence of Hannah Arendt's Argument," *Social Research* 74, no. 3 (2007): 739.

<sup>4</sup> Menke, Kaiser, and Thiele, 742.

<sup>5</sup> Ibid.

that “laws are always passed for particular nation-states.”<sup>6</sup> Arendt, following the same line of thought, argued in favour of the connection between human rights and laws on the one hand and the tie of legislation to a certain ‘locale’ on the other.<sup>7</sup> However, as it will be noted in the following sections, Arendt soon presented her alternative and potential solution to the problem posed by the ‘English’ critique of the “Rights of Man.”

In the following sections, the fundamental arguments of Burke and Arendt against the theory of the “Rights of Man” are first analyzed, as recorded in their cardinal works, the *Reflections on the Revolution in France* and *The Origins of Totalitarianism* respectively.<sup>8</sup> Then, the convergences and divergences of the two theories are summarized, so as to provide some conclusions relating the position of rights in the philosophy of the two thinkers.

## II. Edmund Burke on human rights

‘Human rights’ are intricately linked to *unhistorical* human nature. Therefore, they are natural rights “which do not exist only in law, but also independently, through binding precepts of morality that do not depend upon a legal code for their validity.”<sup>9</sup> They were formulated as such in the Declaration of the Rights of Man and of the Citizen, issued in 1789 by the French National Assembly, which thus placed “natural rights at the center of the new system of government.”<sup>10</sup>

For Burke though, all rights are ‘derived from historical development and recognized through positive laws and customary practice,’<sup>11</sup> in other words, they originate from a particular tradition. Thus, it is evident that meant only within a certain political context, rights have their roots in the historically

---

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Excerpts from other texts are noted where it is deemed proper.

<sup>9</sup> Roger Scruton, *The Palgrave Macmillan Dictionary of Political Thought* (New York: Palgrave Macmillan, 2007), 602-603.

<sup>10</sup> John Morrow, *A History of Political Thought. A Thematic Introduction* (New York: New York University Press, 1998), 220. In her critique, Arendt not only mentioned the French but also the American Revolution to which Burke does not refer. According to Arendt, together with the French, the American Revolution established Human Rights as the basis of ‘civilized societies,’ Hannah Arendt, *The Origins of Totalitarianism* (New York: Cleveland, World Pub. Co., 1962), 293. Furthermore, the American revolutionaries primarily focused their demands on “life, liberty, and the pursuit of bliss;” Ibid., 295, 298.

<sup>11</sup> Morrow, 221. In his early work, *A Vindication of Natural Society*, Burke had already rejected the notion of natural society and the self-existent individuality of Man outside political society, because according to his analysis, human needs are met only within a specific political and social structure, see Scruton, *Dictionary*, 70.

shaped human society, such as the English nation in Burke's case.<sup>12</sup> For the Anglo-Irish thinker, this also presupposes that they are not abstractly worded and based on speculative *apriorisms*. Besides, Burke displayed in most cases a general suspicion, if not rejection, of any theory claiming universal application.<sup>13</sup> Furthermore, he argued that the theories of natural law and natural rights, which had been invoked by the enemies of arbitrary power in the seventeenth and early eighteenth-century, were the forerunners of the radical-revolutionary version of his contemporary France.<sup>14</sup>

Additionally, Burke maintained that laws sufficed to describe societal condition via a set of orders and prohibitions. He accused radicals like Thomas Paine of violent interference with the structure of society by the imposition of abstract theories on historical reality. For him, the result of these actions would be the eventual overthrow of all the pillars of political society.<sup>15</sup>

However, it should be underscored that Burke quite interestingly advocated natural law in line with the Aristotelian and Thomistic tradition, which was not based on transcendent principles but was rooted in political society. At first glance, this position might seem to constitute a *contradictio* to the offensive against the "Rights of Man." Nevertheless, one must bear in mind that the classical tradition of natural law did not focus on the right *per se* but on the linked duty, and that instead of Reason, it established Prudence as the foundation of rights.<sup>16</sup> It is in line with this tradition that Burke referred to what he labeled 'real human rights' which had their roots in political society.<sup>17</sup> Besides, Burke's notion was not limited to rights protected by written law but extended to other privileges which in his time, at least, were not protected by specific rules but stemmed from tradition. To address this apparent antinomy, R. R. Fennessy pointed out that Burke had made a methodological distinction between rights as an individual privilege and rights in relation to others, endorsing the latter because only these exist within political societies.<sup>18</sup> This is the essence of Burke's real natural rights, and this

---

<sup>12</sup> Cf. Edmund Burke, "English Rights," in *Reflections on the Revolution in France*, ed. John Greville Agard Pocock (Indianapolis and Cambridge: Hackett Publishing Company, 1987), 28.

<sup>13</sup> Morrow, 372.

<sup>14</sup> Ibid., 224.

<sup>15</sup> Cf. his early satire, *A Vindication of Natural Society*, where Burke argued that Lord Bolingbroke's deism would, eventually, not only lead to the overthrow of revealed religion and the established church but of political society, too.

<sup>16</sup> On the essence of Prudence, Burke followed the Aristotelian tradition, according to which Prudence refers to the empirically acquired practical wisdom. On the other hand, the Platonic theory of Prudence is related to the knowledge of Ideas; Burke, 28, 30.

<sup>17</sup> Fennessy, 138-139.

<sup>18</sup> Burke shared Aristotle's view that virtue is always practiced in relation to someone else as

can further elucidate the reasons behind his fierce rejection of the “Rights of Man,” condemning them as transcendent and unrelated to the state and society. Finally, Burke argued for the complexity of human nature and the various interpersonal relationships, that develop between the members of the body politic, and rejected the simplistic and vague wording of the French Declaration. In fact, he prophesied that such a proclamation could be used as a tool of despotism.<sup>19</sup>

In the following excerpt from his *Reflections*, Burke’s perception of rights is stated quite clearly:

Men cannot enjoy the rights of an uncivil and of a civil state together. [...] By having a right to everything they want everything. Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom. [...] But as the liberties and the restrictions vary with times and circumstances and admit to infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle.<sup>20</sup>

In this context, he turned against Dr Price, Priestly and the French *philosophes*, accusing them of presenting metaphysical theories, which were not based neither on history nor on tradition. Of course, Burke never formulated his own comprehensive theory of human rights. On the one hand, this is due to the fact that he rejected the very existence of natural human rights and, on the other, it is owed to the structural and stylistic peculiarities of his works; the publication of his parliamentary speeches in pamphlets and the letter form of many of his other works – like the *Reflections* – inevitably resulted into a fragmentation of his thinking. As a result, Burke did not produce any treatise of political philosophy, that is a clear and ‘watertight’ framework of ontopolitical principles. Instead, he chose to compose texts with observations and thoughts on current issues, as is the case with the French Revolution.<sup>21</sup> Roger Scruton rightly noted that the complex and often literary style of Burke’s thought had not particularly aided the Anglo-Irish thinker at a time when closed philosophical systems had been still prevalent.<sup>22</sup> In addition, this

---

opposed to Plato, who envisioned the inner harmony of the three parts of the soul; *Ibid.*, 139.

<sup>19</sup> Burke, 101-102.

<sup>20</sup> *Ibid.*, 52-53.

<sup>21</sup> Scruton, *Dictionary*, 69.

<sup>22</sup> Roger Scruton, *A Short History of Modern Philosophy: From Descartes to Wittgenstein*

topical nature of his writings creates additional problems of interpretation; often Burke, who had studied law, did not hesitate to deliberately distort the facts in order to provide for the validity of his allegations.

Overall, according to Richard Bourke's comprehensive analysis, Burke identified two cardinal dangers in the program of the French Revolution deriving from these 'abstract' and 'transcendental' rights. Following – utilitarian – jurisprudence, Burke underlined that the 'French rights' would eventually result in "self-government as a means of determining the shape of existing civil societies" and that they could "challenge the distribution of wealth in established societies."<sup>23</sup> Consequently, for Burke, these primordial rights were against the very essence of classical natural law.<sup>24</sup>

### III. The Arendtian theory of rights

Arendt's theory of human rights is primarily based on an early article entitled "The 'Rights of Man,' What are They?" and the ninth chapter of the second part of the *Origins of Totalitarianism* under the title "The Decline of the Nation-State and the End of the Rights of Man."<sup>25</sup>

Arendt's primary thesis is linked to the belief that there is no practicality in realizing human rights and that the very essence of these natural rights is very different from what eighteenth-century thinkers believed.<sup>26</sup> Her theory was developed both as a criticism and an alternative to the notions of modern natural law and/or liberalism. As a result, it appears that Arendt took distance from eighteenth-century French revolutionaries and their conception of natural rights.

For Arendt there is only one fundamental right, that is the right to "belong to the political community," from which all other human rights derive.<sup>27</sup> In the post-war world, Arendt produced this notion in which a person, like the refugee, is deprived of a "place on the planet that makes their views important and their actions effective."<sup>28</sup> This led Arendt to believe that rights exist only within certain state entities and are protected by enacted laws.

---

(London: Routledge, 2001), 223.

<sup>23</sup> Richard Bourke, *Empire and Revolution. The Political Life of Edmund Burke* (Princeton, NJ: Princeton University Press, 2015), 574.

<sup>24</sup> Ibid., 574.

<sup>25</sup> Hannah Arendt, "The 'Rights of Man': What are They?" *Modern Review* 3 (1949): 24-37; Arendt, *The Origins*, 268-302.

<sup>26</sup> Menke, Kaiser, Thiele, 740.

<sup>27</sup> Arendt, *Rights*, 37; Serena Parekh, *Hannah Arendt and the Challenge of Modernity. A Phenomenology of Human Rights* (London and New York: Routledge, 2008), 11.

<sup>28</sup> Arendt, *Rights*, 29. The loss of state is tantamount to the loss of all rights, Parekh, 18.

Endorsing Burke's position, Arendt agreed that human rights, as articulated in the eighteenth-century, were, indeed, an 'abstraction' and she argued in favor of the 'irreversible legacy' of rights inherited from one generation to the next, as Burke's 'rights of the English;' these are rights channeling from 'nations.'<sup>29</sup> Moreover, she believed that the "Rights of Man" were of the "order of an 'ought,' to which no 'can' correspond[ed]."<sup>30</sup> This highlighted their metaphysical and utopian nature in Arendt's perception.

The waves of refugees and 'stateless' people in the post-war world were important events which compelled Arendt to formulate her conception of human rights.<sup>31</sup> In the German thinker's argument, stateless people were those who had no recognized legal or political status.<sup>32</sup> Of course, the emergence of this phenomenon was a very significant global problem which went far beyond totalitarian regimes.<sup>33</sup> Besides, it was a phenomenon unknown to eighteenth-century philosophers and thinkers. Thus, it became clear in her mind that the loss of 'national rights' would lead to the consequent deprivation of all 'human rights.'<sup>34</sup> At that point the "world found nothing sacred in this abstract nakedness of being human," she argued.<sup>35</sup> Therefore, it can be said that for Arendt, having human rights means participating in a certain civic nation, which through written law protects the rights of its citizens.<sup>36</sup> It is in

---

<sup>29</sup> Arendt, *Rights*, 31; Parekh, 24; Bridget Cotter, "Hannah Arendt and 'The Right to Have Rights,'" in *Hannah Arendt and International Relations*, eds. Anthony F. Lang Jr, and John Williams, 95-112 (New York: Palgrave Macmillan, 2005), 96-97.

<sup>30</sup> Menke, Kaiser, Thiele, 742.

<sup>31</sup> Arendt, *Rights*, 31. Through her experience of being a stateless Jew and 'foreign enemy,' she realized how the twentieth-century bureaucracy was characterized by an absolute irrationality; Richard J. Bernstein, *Hannah Arendt and the Jewish Question* (Cambridge, MA: MIT Press, 1996), 75. Characteristically, she writes that Kafka and not Weber understood correctly bureaucracy's nature, Hannah Arendt, *Essays in Understanding, 1930- 1954*, ed. Jerome Kohn (New York: Harcourt, Brace & Co., 1994), 73-74. These experiences were mainly recorded in Hannah Arendt, "We Refugees," *Menorah Journal* 31, no. 1 (1943): 69-77.

<sup>32</sup> Hannah Arendt, *The Jew as Pariah*, ed. Ron H. Feldman (New York: Grove Press, 1978), 65; Bernstein, 77. Arendt drew her arguments from her critique of the legacy of the Enlightenment and classical liberalism, which both had underlined the importance of 'inalienable rights.'

<sup>33</sup> Arendt, *Origins*, 459.

<sup>34</sup> Arendt, *Rights*, 31.

<sup>35</sup> Ibid., 31.

<sup>36</sup> Bernstein rightly acknowledges that in the birth of modern nation-states an internal opposition prevailed between the two synthetic entities, the nation and the state. During the nineteenth - century, the internal contradiction of the Declaration of Human Rights between inalienable rights and the need to protect them by a state entity was alleviated. However, the undermining of the nation-state at the beginning of the twentieth - century together with the rise of imperialism and the First World War led to the disintegration of this guarantor of 'inalienable rights.' Then the invocation of Human Rights became politically weak and inapplicable, Bernstein, 79; Arendt, *Origins*, 291-292, 293.

this respect that Arendt's notion correlated with Burke's human rights with their inalienable character guarantee only the status of savages to people.<sup>37</sup> Nevertheless, as will be indicated next, Arendt accepted one inalienable right, i.e. the right to have rights, which eventually constitutes her theory significantly different from Burke's.

She further argued that even though people are not born equal, they become equal when they participate in political society, which in turn guarantees them equal rights.<sup>38</sup> It has been rightly observed that Arendt "was deeply skeptical of all those tendencies in modern life that foster a false sense of social equality and homogeneity."<sup>39</sup> Sharing republicanism's view to a certain degree, Arendt offered the idea that there are no independent rights but only in relation to others.<sup>40</sup> In this, she agreed with Burke who had argued in favor of rights in relation to others and not as an independent privilege. What is more, she emphasized that although rights arise from political community, there must be either an institution of a federation of states or international law to protect and secure their implementation. Thus, *polity* becomes the cornerstone of the Arendtian conception of politics. Moreover, Arendt noted that the various declarations of human rights demanded equal rights for "something essentially nonequal: human beings as natural beings. There are only equal rights for political members, which are thus not human rights."<sup>41</sup> It is this loss of *polity* that expels one from humanity.<sup>42</sup> This idea of polity is interlinked with Arendt's notion of dignity, which meant being a member of a political community, i.e. possessing that right to have rights. Put in Aristotelian terms, dignity for Arendt is the ability of human beings to speak and accordingly be political animals. Thus, dignity and polity are not 'natural properties' but rather a 'politico-linguistic experience.'<sup>43</sup>

---

<sup>37</sup> Arendt, *Rights*, 32.

<sup>38</sup> Ibid., 33; Bernstein, 86; Arendt, *Origins*, 301.

<sup>39</sup> Bernstein, 86.

<sup>40</sup> Arendt, *Rights*, 34. As for Arendt's dialectical and rather eclectic relationship with republicanism and liberalism, it must be underscored that to this day it remains unclassified, because she agreed to some extent with both traditions. In addition to the aforementioned republican view, she advocated the liberal notion of a private sphere and negative freedom and in contrary to Rousseau and others she did not believe that it is the true nature of the individual to be a citizen above anything else. An extreme example of her consistency to liberal positions can be found in her article on mixed schools, in which she advocated for the parental right to choose whether to send their children to these schools or not, "Reflections on Little Rock," in *Responsibility and Judgment*, ed. Jerome Kohn, 192-213 (New York: Schocken Books, 2003).

<sup>41</sup> Menke, Kaiser, Thiele, 746.

<sup>42</sup> Ibid., 752.

<sup>43</sup> Ibid., 753.

In the controversy between Burke and Paine over the “Rights of Man,” Arendt, in a perhaps surprising turn, sided with the former, arguing that “there is no period in history when the Declaration of Human Rights could find a response.”<sup>44</sup> However, as already stated above, she was quick to remind that a universal and inalienable right did, in fact, exist. The right to belong to political community, although incomprehensible in Burke’s time, became imperative in the post-war world.<sup>45</sup> Besides, the Declaration, in contrast to its American model, the United States Bill of Rights – which was endorsed by Arendt –, sought only to express ‘positive, primary’ rights in ‘opposition to political status,’ and replaced history with nature as a result.<sup>46</sup> This contributed to pre-political rights to livelihood becoming the cornerstone of the new revolutionary regime in France. At the same time, in Arendt’s mind, this was also the inherent weakness of the new government.

#### IV. Convergences and differences

These are the most important points of the Burkean and Arendtian theories of the “Rights of Man.” A superficial reading may lead to the erroneous conclusion that the two theories are completely identical. However, this is not true because Arendt never fully adopted the Burkean position, although she vindicated crucial aspects of his reading of natural rights. A cogent comparison of Arendt and Burke on the topic of the existence of natural rights can, perhaps, launch a broader discussion on the naturalness of rights. It can be argued, that *in principio* both Burke and Arendt agreed that rights arise from political society and are not the product of nature. However, whereas Burke believed that they were the result of a particular community’s tradition and history, Arendt maintained that their implementation can be enforced only by supranational institutions and general principles, like polity and dignity.<sup>47</sup> This is the first major divergence between the two theories, especially regarding Arendt’s mention of the international law’s critical role. There is another major difference between the two thinkers: Burke and Arendt interpreted differently the very concept of political society; Burke perceived civil society as a state edifice characterized by homogeneous ethnic features while Arendt described a community whose culture is purely political. This is crucial for their understanding not only of political community but for their notion of *polity* as well. This, eventually, extends into their cardinal point of difference regarding the existence of at least one universal or natural human

<sup>44</sup> Hannah Arendt, *On Revolution* (New York: Viking Press, 1963), 60.

<sup>45</sup> Ibid., 61.

<sup>46</sup> Ibid., 146.

<sup>47</sup> Parekh, 22-24.

right; Burke denied its existence while Arendt accepted that such a right could exist.

Furthermore, a critical feature in differentiating Burke from Arendt is the subject of universality. It is true that they both criticized the abstract and metaphysical nature of the "Rights of Man." But Arendt acknowledged one universal right without reducing it to the realm of the metaphysical. Thus, indeed the 'right to have rights' reveals a certain universality.<sup>48</sup> Bernstein noted that "there is clearly a universal thrust in her claim that every single individual has (or ought to have) the 'right to have rights.' But this right becomes concrete only in the life of a particular community."<sup>49</sup> To this point, of course, Burke would disagree arguing against the existence of any natural human right outside the nation-state.

If one were to analyze Arendt's phrase 'the right to have rights,' they would discover that the first part refers to the moral imperative of belonging to a political community while the second part refers to the right to equal participation in the public sphere, which in turn presupposes independence from arbitrary interference in the private sphere.<sup>50</sup> A careful examination of the Arendtian text would also highlight the lack of a particular subject – in other words, who is the holder of this right? In order to understand Arendt's point, one must return to her ontology. Because, based on the concept of humanity, the ontological foundation of her view is the *principium* of natality, which claims universal application.<sup>51</sup> In Arendt's thought, humanity approaches the notion of international law which should govern all human communities and affairs.<sup>52</sup> Put in such terms, there is a certain paradox in the Arendtian rights. On the one hand, they are established on the international principle of humanity which arises from earthly human condition and seeks universal application, while, on the other, they are concrete and not of an abstract nature. The universality of 'the right to have rights' is the result of the Arendtian ontology, as analyzed in *The Life of the Mind*, where the law of the Earth corresponds to plurality and is linked to the community and not the individual.<sup>53</sup> Whatever might be the true nature of Arendt's rights, it is

<sup>48</sup> Arendt, *Origins*, 296-297; Peg Birmingham, *Hannah Arendt and Human Rights. The Predicament of Common Responsibility* (Bloomington and Indianapolis: Indiana University Press, 2006), 1; Parekh, 29.

<sup>49</sup> Bernstein, 84.

<sup>50</sup> Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt* (New York: Rowman & Littlefield, 2003), 56-57.

<sup>51</sup> Birmingham, 4, 6, 39.

<sup>52</sup> Here Birmingham identifies the influence of Augustine; cf. *Ibid.*, 36.

<sup>53</sup> Hannah Arendt, *The Life of the Mind* (New York: Harcourt, Brace, Jovanovich, 1978), 20; Bernstein, 82. For Arendt, humanization begins with the integration of the individual into

evident that their very mention of universality renders them of a very different character from Burke's 'rights of the English.'

As for these 'rights of the English,' Arendt accepted them in principle, although she noted that this Burkean view almost reached the notion of 'a race of blue-blooded aristocrats.'<sup>54</sup> The basis of Burke's conception was for Arendt the ancestor of the nineteenth and twentieth-centuries racial theories. Of course, it must be said that Arendt did not make justice to Burke's ideas since they were by no means characterized by any hint of racism. On the contrary, Burke not only supported the rights of Catholics but also devoted almost two decades of his life vindicating Indians and prosecuting Warren Hastings. Finally, he belonged to the more moderate political connection of his time, the (Rockingham) Whigs.

Lastly, the issue of equality divides Burke's and Arendt's theories. The German thinker disagreed with Burke on the equality of citizens. Starting from the common point that humans are not born equal, the two thinkers followed different paths. As noted above, Burke never believed nor argued for the natural and legal equality of all people. Arendt on her part held the opinion that it is participation in political community that rendered people equal to each other, even if they had not been born equal.

Overall, regarding the similarities and divergences between the two theories, it can be argued that, perhaps, the most striking common feature is their rejection of the abstract, metaphysical, and inalienable "Rights of Man." This is a rather interesting plot twist and coincidence of opinion between two very different thinkers. Where one might expect Arendt to be in agreement with Paine she/he finds her supporting Burke's opinions. But this is, also, perhaps the only major point of genuine philosophical convergence.

As noted above, Arendt acknowledged the existence of one human right, that is the right to have rights, or, in other words, the right to belong to a political community. Consequently, this fundamental human right became a cornerstone for her notion of 'dignity.' Burke on his part never accepted the existence of such a fundamental 'human right.'<sup>55</sup> Furthermore, Arendt's only *real* human right was developed in an attempt to override this very 'English' critique of the "Rights of Man."<sup>56</sup> Burke, Bentham, and other critics of the

---

a community, where one actively participates. On the contrary, world-alienation, which characterized refugees, is for Arendt the 'hallmark of the modern age;' Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 254. Again, here the loss of participation in the community is tantamount to the loss of fundamental features of our humanity.

<sup>54</sup> Birmingham, 46.

<sup>55</sup> For more on Arendt's concept of dignity see Menke, Kaiser, Thiele.

<sup>56</sup> Menke, Kaiser, Thiele, 750.

French Declaration, argued, that all rights were based on laws passed in specific nation-states. As of such, no human right could exist outside these said political communities. But with Arendt's notion that "each individual human being, as members of an eventually universal and (quasi-) political community: the 'political entity' of 'mankind,'" this problem was solved.<sup>57</sup> This is where Arendt departed from the earlier English theory and formulated her own alternative of the 'right to have rights.'

## V. Conclusion

In the second and third subjection a brief overview of Burke's and Arendt's theories against the "Rights of Man" was presented. Then, in the third part an attempt was made to identify those points of the Burkean argument from which Arendt took her insight against the "Rights of Man" but also the point of her departure from the 'English critique' of the French Declaration.

In conclusion, it should be underlined that Isaac is right to remind that Arendt recognized a certain pragmatism in Burke's theory. But that does not mean that she fully endorsed the philosophical basis of his claims.<sup>58</sup> Burke was a conservative and Arendt was a follower of republicanism and/or liberalism. As of such the real relationship of their respective approaches is very complicated and by no means unambiguous.<sup>59</sup> What might possibly be closer to the truth is that Arendt, being an eclectic thinker, chose to support part of her arguments against the "Rights of Man" on Burke's opinions but at no point did she decide to embrace the whole of his philosophy. In fact, she quickly became autonomous in her critique and even proposed a solution to the problem of natural rights.

Burke proposed history and tradition, the 'rights of the English' as the only viable alternative to the French natural rights. Arendt agreed with him that the essence of the "Rights of Man" was rather abstract and metaphysical. Being of such nature they could not protect the victims of twentieth-century totalitarianism. But for her the historical 'rights of the English' were also inadequate to face the novel challenges of the post-war world. What Arendt counter-proposed was a unique, real human right, that is the 'right to have rights' or 'to belong to a political community.' Her alternative sought to alleviate both the problems of the "Rights of Man" metaphysical nature and of the respective 'English critique.' Finally, this partial coincidence of opinion

---

<sup>57</sup> Ibid., 751.

<sup>58</sup> Jeffrey C. Isaac, "Hannah Arendt on Human Rights and the Limits of Exposure, or Why Noam Chomsky Is Wrong about the Meaning of Kosovo," *Social Research: An International Quarterly* 69, no. 2 (2002), 511.

<sup>59</sup> Birmingham, 45.

between Burke and Arendt vindicates the subtle and complex nature of their thinking and the fact they both were quite creative in formulating their ideas.

## References

Arendt, Hannah. "We Refugees." *Menorah Journal* 31, no. 1 (1943): 69-77.

Arendt, Hannah. "The 'Rights of Man:' What are They?" *Modern Review* 3 (1949): 24-37.

Arendt, Hannah. *The Human Condition*. Chicago: University of Chicago Press, 1958.

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Cleveland, World Pub. Co., 1962.

Arendt, Hannah. *On Revolution*. New York: Viking Press, 1963.

Arendt, Hannah. *The Life of the Mind*. New York: Harcourt, Brace, Jovanovich, 1978.

Arendt, Hannah. *The Jew as Pariah*. Edited by Ron H. Feldman. New York: Grove Press, 1978.

Arendt, Hannah. *Essays in Understanding, 1930 – 1954*. Edited by Jerome Kohn. New York: Harcourt, Brace & Co., 1994.

Arendt, Hannah. "Reflections on Little Rock." In *Responsibility and Judgement*, edited by Jerome Kohn, 192-213. New York: Schocken Books, 2003.

Benhabib, Seyla. *The Reluctant Modernism of Hannah Arendt*. New York: Rowman & Littlefield, 2003.

Birmingham, Peg. *Hannah Arendt and Human Rights. The Predicament of Common Responsibility*. Bloomington and Indianapolis: Indiana University Press, 2006.

Bernstein, Richard J. *Hannah Arendt and the Jewish Question*. Cambridge, MA: MIT Press, 1996.

Burke, Edmund. *Reflections on the Revolution in France*. Edited by John Greville Agard Pocock. Indianapolis and Cambridge: Hackett Publishing Company, 1987.

Bourke, Richard. *Empire and Revolution. The Political Life of Edmund Burke*. Princeton, NJ: Princeton University Press, 2015.

Cotter, Bridget. "Hannah Arendt and 'The Right to Have Rights.'" In *Hannah Arendt and International Relations*, edited by Anthony F. Lang Jr., and John Williams, 95-112. New York: Palgrave Macmillan, 2005.

Fennessy, R.R. *Burke, Paine and the Rights of Men. A Difference of Opinion.* Hague: Martinus Nijhoff, 1963.

Isaac, Jeffrey C. "Hannah Arendt on Human Rights and the Limits of Exposure, or Why Noam Chomsky Is Wrong about the Meaning of Kosovo." *Social Research: An International Quarterly* 69, no. 2 (2002): 505-537.

Menke, Christoph, Birgit Kaiser, and Kathrin Thiele. "The 'Aporias of Human Rights' and the 'One Human Right:' Regarding the Coherence of Hannah Arendt's Argument." *Social Research* 74, no. 3 (2007): 739-762.

Morrow, John. *A History of Political Thought. A Thematic Introduction.* New York: New York University Press, 1998.

Parekh, Serena. *Hannah Arendt and the Challenge of Modernity. A Phenomenology of Human Rights.* London and New York: Routledge, 2008.

Scruton, Roger. *A Short History of Modern Philosophy: From Descartes to Wittgenstein.* London: Routledge, 2001.

Scruton, Roger. *The Palgrave Macmillan Dictionary of Political Thought.* New York: Palgrave Macmillan, 2007.