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Rights and the Heart: Emotions and Rights Claims in the Political Theory of Edmund Burke

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Abstract: Edmund Burke's emphasis on emotional phenomena is often seen as a rejection of reason. The relationship between reason and the emotions in Burke's work is paralleled by the relationships between the individual and society and between rights and duties. Emotions support duties because they bind us to social life and a particular social location. Burke filters rights claims through our emotional attachment to specific circumstances, thus creating social rights of man in contrast to the individualistic, abstract rights of men of the social contract theorists. Prejudice is presented as an example of a Burkean filter for rights that moderates rights claims by binding individuals to society. Thus, Burke sees reason and emotion as interconnected phenomena that support the balancing of the claims of both individual and the community.

Burke scholars disagree on the relationship between the emotions and reason in Burke's thought. Burke has been accused of misology,[1] of being a member of the English sentimentalist antirationalist tradition,[2] of being a natural law thinker,[3] and of being a rampant historicist.[4] Both the Left and the Right lay claim to him,[5] arguing variously that his work supports a rationalist conservatism and that it supports an emotive liberalism.[6] In what follows, I attempt

[1]See Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950) for his treatment of Burke's approach to reason.

[2]See Francis P. Canavan, *The Political Reason of Edmund Burke* (Durham, NC: Duke University Press, 1960), 296, for a critique of Stephen's, Morley's, and Laski's interpretations of Burke's practical politics.

[3]See Peter Stanlis, *Edmund Burke and the Natural Law* (Ann Arbor,: University of Michigan Press, 1958).

[4]Rodney Kilcup, "Reason and the Basis of Morality in Edmund Burke," *Journal of the History of Philosophy* 17, no. 3 (1979): 271–84; "Burke's Historicism," *Journal of Modern History* 49 (1977): 394–410.

[5]See Isaac Kramnick, "The Left and Edmund Burke," *Political Theory* 11, no. 2 (1983): 189–214, for a review of this ideological split. Kramnick, however, fails to connect this split to the differing attitudes of each side toward emotion and reason. He also attributes an inherent misology to conservative thought, a claim that is incompatible with the work of scholars such as Canavan and Stanlis.

[6]For an excellent discussion of Burke's rejection of ideology, see Sanford Lakoff, "Tocqueville, Burke, and the Origin of Liberal Conservatism," *Review of Politics* 60,

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to lay out the complex relationship between reason and emotion in Burke's work, finding the link between the two in the corresponding conflict and coordination of the individual and society.[7] I find this link most obvious in Burke's discussion of the danger of rational individualistic rights, which he tempers with a new rights language that emphasizes the social nature of man, the duties inherent in rights, and, fundamentally, the role of emotions in enforcing and protecting that sociality. I end by discussing the role of prejudice in the creation of these social rights, emphasizing its emotional component, which has been overlooked by other analyses. Burke's understanding of the emotions as a filter for natural rights lays the foundation for a reinterpretation of natural rights as social rights (and hence, encompassing duties), and holds out the possibility of a less doctrinaire, more moderate, and more humane rights language that allows for social and political compromise and contextually sensitive application, unlike the modern rights discourse based on Lockean and Hobbesian individualism.

Burke's suspicion of purely rationalistic approaches to rights stems from his belief that rights are rooted in human nature, which is both rational and passionate, as well as both social and individualistic. A purely rationalistic approach to rights fails, on Burke's account, because the abstract rights of the revolutionaries are devoid of emotional attachment, and thus unsafe for direct application to social life. Applying purely rationalistic phenomena to human political affairs requires passionate intermediaries, such as prejudice, prudence, and the various emotional attachments found in our "breasts," which are rooted in the emotions that bond us to society.[8] These passionate intermediaries, because they tie us to a specific time and place, are also the foundation of our duties to that society. Political life then is the careful balancing and harmonizing of reason and emotion, individual and society, rights and duties. For Burke, while statesmen must be able to access rationally based principles, they must also possess a heart: the ability to use emotional attachments and passionate bonds to navigate abstract rights claims and safely transport them into the political realm.

no. 3 (1998): 435–64, though Lakoff does not link his argument to Burke's use of the emotions.

[7]See Richard Boyd, "'The Unsteady and Precarious Contribution of Individuals': Edmund Burke's Defense of Civil Society," *Review of Politics* 61, no. 3 (1999): 465–91, for a discussion of the potential conflict between individual and community in Burke's thought.

[8]While the emotional aspect of prudence may not be at first apparent, I will argue later that prudence, owing to its situational emphasis, requires emotional attachments to time and place that limit mere rational policymaking.

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Burke's Antirationalism Explored

Much of the discussion of Burke's antirationalist tendencies is found in the Straussian tradition. Beginning with Strauss's discussion of Burke's misology in *Natural Right and History* (a singularly confusing discussion) and ending with Frisch's argument that Burke subsumes theory to practice, the early Straussians tend to view Burke as primarily a statesman, rather than a serious political thinker, and they extensively criticize his focus on the political and practical over the philosophic and theoretical.[9] Strauss criticizes Burke not for simply overemphasizing emotion, but because "Burke is not content with defending practical wisdom against the encroachments of theoretical science. He parts company with the Aristotelian tradition by disparaging theory and especially metaphysics."[10] Similarly, Strauss argues that "Burke's distinction between theory and practice is radically different from Aristotle's, since it is not based on a clear conviction of the ultimate superiority of theory or of the theoretical life."[11] Finally, Strauss is concerned about the lack of rational foundations in Burke's work on aesthetics, *The Philosophical Enquiry into the Sublime and Beautiful*.[12]

Other conservative theorists attempt to answer Strauss's critique by placing Burke squarely in the natural law tradition. The so-called new conservatives, including Canavan, Kirk, and Stanlis, among others, reject Strauss's view of Burke, instead focusing on the foundation of his politics in the Christian natural law tradition.[13] Canavan is one of the earliest defenders of Burke from criticisms of pragmatism and utilitarianism.[14] Canavan's survey of the thinking on Burke up to the 1950s demonstrates that most authors at the time believed that Burke rejected not only the importance of theory, but natural law altogether, taking instead a Humean empiricism as his guide.[15] Canavan sees the primary confusion regarding the role of reason in Burke's theories as arising from Burke's role as a statesman whose concern is

[9]Morton Frisch, "Burke on Theory," *Cambridge Journal* 7 (1954): 292–97.

[10]Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950), 311.

[11]Ibid., 312.

[12]For a defense of Burke against Strauss's accusations of misology, see Harvey Mansfield, "Burke's Conservatism," in *Imaginative Whig*, ed. Ian Crowe (Columbia: University of Missouri Press, 2005), 59–70. For an extended discussion of Strauss's treatment of Burke, see Steven Lenzner, "Strauss's Three Burkes: The Problem of Edmund Burke in *Natural Right and History*," *Political Theory* 19, no. 3 (1991): 364–90.

[13]Frank O' Gorman, *Edmund Burke: His Political Philosophy* (Bloomington: Indiana University Press, 1973), 12.

[14]Francis Canavan, "Edmund Burke's Conception of the Role of Reason in Politics," *Journal of Politics* 21, no. 1 (1959): 60–79, and Francis Canavan, *The Political Reason of Edmund Burke* (Durham, NC: Duke University Press, 1960).

[15]Canavan, "Role of Reason."

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action; thus a different kind of reason, one aimed at the good rather than the true, must be activated, a reason that Canavan calls political reason.[16] Far from rejecting natural law in favor of expediency, Canavan argues that Burke's political reason is always firmly rooted in natural principles, though he approaches these principles "from below," that is, "from the discussion of a concrete political or legal question."[17] In the end, Canavan goes so far as to call Burke a rationalist, at least of a sort: Burke believed ultimately that his "political thought moved within the framework of a rational and moral universe."[18]

Russell Kirk, a contemporary of Canavan, attempts to save Burke from charges of historicism while outlining the foundations of prescription in natural law.[19] Kirk, like Canavan, emphasizes the religious nature of Burke's work (some might say overemphasizes) while also acquitting Burke of the misology charge. Kirk discusses what some have called Burke's "epistemological humility," though Kirk does not use these precise words.[20] Kirk argues that Burke's "rejection" of reason is no rejection at all, merely a recognition that man's reason, in the face of divine will, is fallible and limited, a recognition not shared by the early political geometricians like Hobbes and (to a certain extent) Locke.[21] Kirk rejects the claim made by Strauss that Burke's focus on history and tradition is ultimately a precursor to the historical school,[22] arguing instead that "history, for Burke, was the gradual revelation of a Supreme design,"[23] and thus fundamentally different from the historicism of Hegel and Collingwood because of the driving force of human souls rather than historical accident.[24] The "new conservatives" thus break with Strauss on the Burke question almost completely.[25]

While the concern among the conservatives tends to be the role of reason in Burke's thought (however much they may disagree in their conclusions), liberal and progressive thinkers emphasize the role of the emotions, though they too disagree on whether the emotions are beneficial or harmful for Burke's philosophy. Mary Jean Corbett criticizes Burke's use of the emotions

[16]Ibid., 62, 70, and Canavan, *Political Reason*.

[17]Canavan, "Role of Reason," 71.

[18]Ibid., 75.

[19]Russell Kirk, "Burke and the Philosophy of Prescription," *Journal of the History of Ideas* 14, no. 3 (1953): 365–80.

[20]Joseph Pappin III, "Edmund Burke's Progeny: Recent Scholarship on Burke's Political Philosophy," *Political Science Reviewer* 35 (2006): 10–65.

[21]Kirk, "Burke and the Philosophy of Prescription," 369.

[22]Strauss, *Natural Right and History*, 314–15.

[23]Kirk, "Burke and the Philosophy of Prescription," 375.

[24]Ibid.

[25]See Lenzner, "Strauss's Three Burkes" for a critique of Strauss's interpretation of Burke.

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as supporting a patriarchal binary gender schema.[26] Goode's analysis follows this same strain, though Goode goes further, arguing for what he calls "sentimental historicism," rooted in sexual feeling.[27] Kramnick's *The Rage of Edmund Burke* attributes much of Burke's political teachings to "the eternal longing of the conservative for the elimination of rational thought from politics," as well as linking his "ambivalent conservatism" to various sexual passions for close male friends, Dick Shackleton and Will Burke.[28] While Kramnick is an extreme example, liberal interpreters of Burke often link emotional events from Burke's personal life to his use of the emotions in his political work. O'Brien's biography of Burke is an example of this approach, but the weakness of a psychosocial approach to Burke's thought can be seen in part by how much O'Brien theorizes and speculates about the link between Burke's personal life and his politics, instead of finding evidence in Burke's own work.[29]

There are scholars who have explored the relationship between emotion and reason in Burke's work in a more complex and subtle way. These discussions tend to center around his discussion of empire (and the sublime) or his aesthetic works.[30] Some have argued that Burke's emotionalism supports an anticolonialist liberalism, since his focus on the sentiments allows him a connection with the other that rationalistic approaches do not seem to allow.[31] Mehta, for example, argues that Burke's work creates a "cosmopolitanism

[26]Mary Jean Corbett, "Public Affections and Familial Politics: Burke, Edgeworth, and the 'Common Naturalization' of Great Britain," *ELH* 61, no. 4 (1994): 877–97. Corbett is right that Burke's use of the emotions tends to be gendered, but her reduction of his political teaching to the purely sexual or domestic is unsupported by the evidence; other authors who attempt to deal with Burke's use of emotions within the context of gender also fall into this kind of unsupported oversimplification (see Goode, below).

[27]Mike Goode, "The Man of Feeling History: The Erotics of Historicism in *Reflections on the Revolution in France,* " *ELH* 74, no. 4 (2007): 829–57. While Goode's argument goes well beyond the evidence in Burke's writings, his discussion of the role of feeling in jurisprudence is nicely done and thought-provoking. Still, he overemphasizes the sexual component of Burke's thought and underestimates the stability of Burkean nature.

[28]Isaac Kramnick, *The Rage of Edmund Burke* (New York: Basic Books, 1977), 23.

[29]Conor Cruise O'Brien, *The Great Melody: A Thematic Biography of Edmund Burke* (Chicago: University of Chicago Press, 1992). Elizabeth Lamber's critical review of O'Brien's work covers a broad range of problems (*South Atlantic Review* 58, no. 3 [1991]: 118–21).

[30]David Womersley, "The Role of Friendship in the Political Thought of Edmund Burke," in *Love and Friendship: Rethinking Politics and Affection in Modern Times*, ed. Eduardo Velasquez (Lanham, MD: Lexington Books, 2002), 263–94.

[31]Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999). See Pappin, "Edmund Burke's Progeny," for an excellent review of Mehta's work.

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of sentiments," and that Burke's serious consideration of the sentiments sets him apart from the political thinkers who follow.[32] Mehta is careful to argue that Burke's interest in the sentiments does not constitute a rejection of reason. Instead, Burke's purpose is "to enlarge [reason's] ambit, to make it social and more passionate."[33] Mehta's approach, while recognizing the socializing influence of the emotions, ends up overstating the "cosmopolitanism" of Burke's thought. Burke, while a defender of the rights of the colonies, still believes fundamentally that politics is rooted in the local, and that even the sentiments will be unable to bind dissimilar countries together, one of his primary arguments against empire. Mehta also takes the relationship between Hume and Burke for granted, without providing evidence that Burke himself sees his sentimentalism as Humean in nature. Still, his work, along with White's,[34] are well-balanced assessments of the roles reason and the emotions play in Burkean politics. Others who focus on Burke's sentimentalism often see it in opposition to rationality, rather than in support of or working in accordance with it. Deane's collection of essays discusses the importance of the sentiments and affections for Burke's thought, acknowledging that "No political philosopher has emphasised more than Burke the importance of affection for the preservation of a political system," yet Deane does not appreciate the subtlety of Burke's account of the emotions.[35] For Deane, Burke uses the emotions when reason fails, or rather, the emotions stand in reason's stead, providing us with information and attachments that reason cannot, rather than operating in tandem with reason.

Other authors display a similar polarizing tendency (that may be, in part, difficult to eradicate given the very structure of analysis), arguing that Burke supports an "epistemology of feeling," though acknowledging at the same time that Burke's "prejudices" were understood to embody reason.[36] Pappin criticizes what he sees as an overemphasis on the emotions at the expense of reason in some of the newer discussions of Burke's work, arguing that while Burke is concerned about the effect of the sublime and the beautiful on our emotions, "it is reason that governs our moral actions and duties."[37] Pappin believes that while Burke is certainly sensible of the importance of the emotions on aesthetics, his treatment does not indicate that the sentiments thus become all. His concern is echoed in White's excellent book connecting Burke's politics and aesthetics, a work I find particularly

[32]Mehta, *Liberalism and Empire*, 21–22.

[33]Ibid., 42.

[34]Stephen K. White, *Edmund Burke: Modernity, Politics, and Aesthetics* (New York: Rowman and Littlefield, 2002).

[35]Seamus Deane, *Foreign Affections* (Notre Dame, IN: University of Notre Dame Press, 2005), 25.

[36]Michael Freeman, *Edmund Burke and the Critique of Political Radicalism* (Chicago: University of Chicago Press, 1980), 29–30.

[37]Pappin, "Edmund Burke's Progeny," 43.

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useful in navigating the complex interplay between reason and emotion, individual and community, and rights and duties in Burke's thought.[38]

Some might argue that the fact that Burke can be claimed and criticized by both Right and Left alike demonstrates a serious ambiguity in his thought that may be unresolvable. I believe instead that this seeming ambiguity arises at least partially from the balancing act that Burke attempts to make between the individual and society, between reason and emotion, and finally between rights and duties. As a statesman, Burke was forced to prioritize and emphasize one side or another depending on which side was at that moment ascendant. Thus, what appears to be ambiguity is actually a prudent defense of different goods at different times.[39] The most ardent defenders of Burke focus on his role as a practical statesman and the fact that while he is often critical of theory, he also defends its importance, particularly its role in political prudence.[40]

Burke's Suspicion of Rationalistic Approaches to Politics

I focus on Burke's attitude toward reason in the next section, primarily because of reason's traditional connection to natural rights. Burke's suspicion of pure theory as applied to political life extends into his suspicion of the contract theory of Locke and Hobbes and its use by Rousseau and, eventually, the French revolutionaries. For Burke, pure, rational natural rights, while not irrelevant to political life, need to be filtered through some kind of medium before they are safe for political consumption. The mere statement that humans have natural rights, without reference to the social milieu in which those rights must be understood, is dangerous to the political community and to the passionate bonds that make that community possible. Yet Burke's statements against rationalism and metaphysics are often taken to imply a rejection of both entirely and a focus on blind historical accident as the basis for political life. As is often the case in Burke's thought, Burke's actual approach to rationality and theory is much more nuanced.

Burke is certainly suspicious of rationalistic approaches to politics, at least insofar as he does not believe that reason alone can or should adequately explain human behavior. He does, however, believe that theory is important, arguing in numerous places that the thoughtful statesman cannot do without theory. Burke's "antirationalist" approach to politics is found most often in his criticism of what he calls metaphysics. He uses the word throughout his works, arguing at one point, "I do not enter into these metaphysical

[38]White, *Edmund Burke*.

[39]See Gerald W. Chapman, *Practical Imagination* (Cambridge, MA: Harvard University Press, 1967) for a similar argument.

[40]See Canavan, "Role of Reason"; Mansfield, "Burke's Conservatism"; and Stanlis, *Natural Law*, for discussions of prudence in Burke's thought.

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distinctions; I hate the very sound of them."[41] This frequent animosity toward metaphysics is usually the primary evidence cited by those who wish to prove his misologist tendencies.

It is far from clear, however, that Burke finds *all* reason or theory distasteful, rather than just its most purified and extreme forms. He defends his argument for prescription, for example, by rooting it in a certain kind of wisdom. He rejects the idea that prescription can or should be formed merely by the passions of man: "Nor is prescription of government formed upon blind unmeaning prejudices—for man is a most unwise, and a most wise, being. The individual is foolish. The multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it almost always acts right."[42] Burke's prescription follows in the footsteps of English common law, which allows human reason to interact with particular circumstances over time, striking a balance between past, present, and future. He even rejects the argument that the multitude is always foolish, arguing instead that the multitude, when they act quickly without deliberation, are foolish. Burke's argument then is not that humans are incapable of reason, nor does he depreciate reason. Instead, he argues that human reason is most effective when allowed a suitable amount of time for deliberation. The amount of time required will depend, in large part, on the complexity and potential impact of the decision to be made.

Similarly, Burke's dislike of metaphysical distinctions is best understood in light of his conviction that in the human world, lines cannot be drawn in black and white, only shades of gray. Metaphysical distinctions require that we define, outline, and frame our terms exactly. That is not what politics is about, nor does political life support such distinctions. However, the blurry lines of politics do not preclude us from making moral or political judgments: "No lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition. But, though no man can draw a stroke between the confines of day and night, yet light and darkness are upon the whole tolerably distinguishable."[43] Human reason is capable of political wisdom, but it cannot define such wisdom in the abstract; the wisdom or foolishness of an action depends not merely on the act itself but on the circumstances the actor himself is in, a truth recognized by Aristotle long before in his *Ethics*. Again, it is not that reason is unimportant or unhelpful, but that reason, like everything in human life, is imperfect and moreover must be applied in imperfect circumstances.

[41]Edmund Burke, "Speech on American Taxation," in *Select Works of Edmund Burke*, ed. Francis Canavan, 4 vols. (Indianapolis, IN: Liberty Fund, 1999), 1:215.

[42]Edmund Burke, "Speech on the Reform of the Representation of the Commons in Parliament," in *Select Works*, 4:21.

[43]Edmund Burke, "On the Overtures of Peace," in *Select Works*, 3:105.

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Burke scholarship has often focused on apparently contradictory comments found throughout his work. Herzog argues that these contradictions are ultimately fatal to Burke's work.[44] For example, Burke speaks about "the eternal and immutable rules of morality,"[45] while elsewhere arguing that "Nothing universal can rationally be affirmed on any moral, or any political subject."[46] Burke's apparent contradictions can be reconciled through a deeper understanding of the interconnected nature of rational and nonrational elements in his thought. Burke's moral arguments are remarkably consistent across time and place, which might be indirect evidence that consistent principles lie beneath the surface. There are, for Burke, eternal and immutable rules of morality, which, like everything else, must be prudently applied to the specifics of each case. The second statement above, often cited as an example of his misology, is best understood in context. He continues, "Pure metaphysical abstraction does not belong to these matters. The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. Prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all. Metaphysics cannot live without definition; but prudence is cautious how she defines."[47] The focus is not on rationality per se but on the inability to affirm detailed universal principles about moral or political issues. Because such issues are necessarily linked to imperfect humans in complex circumstances, definitions do not and cannot apply. This does not denigrate rationality, but points to the imperfection of the world in which such rationality must operate. In the end, Burke's approach favors prudence over logic, discernment over definition, the good over the true.

The discussion so far has centered on Burke's approach to rationality in politics. The next step is to lay out his use of emotional language to modify or moderate reason. While there is ample evidence that Burke relies on nonrational instruments to achieve political moderation, such as history, a moral sense, prudence, and the like, up to now I have not attempted to demonstrate that the main intermediary or moderator of political extremes is emotional, rather than simply nonrational. In what follows I will lay out Burke's use of emotions in political life, how he sees the emotions interacting with reason, and finally, how the emotions and reason together build a rights language that is centered on the individual in his social capacity. For Burke, reason

[44]Donald Herzog, "Puzzling through Burke," *Political Theory* 19, no. 3 (1991): 336–63.

[45]Edmund Burke, "Hastings Trial, 7 May 1789," in *The Works of the Right Honourable Edmund Burke*, 16 vols. (London: Rivington, 1826–27), 14:22.

[46]Edmund Burke, "Appeal from the New to the Old Whigs," in *Further Reflections on the Revolution in France*, ed. Daniel Ritchie (Indianapolis, IN: Liberty Fund, 1992), 91.

[47]Ibid.

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alone cannot help us understand the political world because humans are not simply rational creatures. Human nature is a mix of the social and the individualistic, the emotional and the rational. As a practitioner, Burke must match political life to the nature of the being that must live it.

The Emotions in Political Life

The obvious place to start understanding Burke's use of the emotions is with the *Philosophical Enquiry into the Sublime and Beautiful* (*PESB*), Burke's youthful approach to aesthetic theory, and his only purely theoretical work.[48] *PESB* is important because in it Burke discusses the social emotions and the role the emotions play in human social life. In this work Burke argues that the foundation of our sociality is emotional. While this foundation is implied in many of Burke's other works, it is in the *PESB* that he lays out the theoretical basis for this contention.[49]

For Burke, human nature is made up of social emotions that incline man toward society and bind him to it.[50] "Most powerful ideas have to do with either self-preservation and society; to the ends of one or the other of which all our passions are calculated to answer."[51] The most powerful ideas are those that relate to the ends of mankind, which according to Burke are survival and social living. This distinction separates Burke at the outset from liberal authors such as Locke and Hobbes, for whom the social side of man seems more of an afterthought. Burke further separates the social side of man into emotions relating to propagation and general society. The major desires of man have to deal with survival, reproduction, and social living broadly. More importantly for Burke's account, he roots survival in the performance of duties, rather than rights: "As the performance of our duties of every kind depends upon life, and the performing them with vigour and efficacy depends upon health, we are very strongly affected with whatever threatens the destruction of either."[52] Instead of basing his discussion of survival on a right that comes from the passions, he bases his passions on the need to survive in order to carry out duties. Thus, duties, rather than rights, are at the core of his view of human life, because the individual is incapable of survival without society, and society is incapable of survival without individuals fulfilling their duties to one another and the community at large. The

[48]Edmund Burke, *Philosophical Enquiry into the Sublime and Beautiful* (London: Routledge and Kegan Paul, 1967).

[49]Neal Wood, "The Aesthetic Dimension of Burke's Political Thought," *Journal of British Studies* 4, no. 1 (1964): 41–64.

[50]See White's discussion of how "the passions bind society together at difference levels" (*Edmund Burke*, 42–43).

[51]Burke, *PESB*, 38.

[52]Ibid., 41.

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emphasis on duties is further supported by government's prudent use of power, which "evokes the passions associated with the sublime, which in turn draws us back to our duties."[53]

For Burke, the social emotions are characterized primarily by sympathy and imitation. Sympathy is the primary emotion that ties us to other people. We are a passionate species, and "We take an extraordinary part in the passions of others, and … we are easily affected and brought into sympathy by any tokens which are shewn of them."[54] This sympathy is rooted in the ends of human life for Burke, one of which is living with other humans: "as our Creator has designed we should be united by the bond of sympathy, he has strengthened that bond by a proportional delight; and there most where our sympathy is most wanted, in the distresses of others."[55] Sympathy is the bond that ties society together. Sympathy alone, however, is not enough. While "sympathy makes us take a concern in whatever men feel, so this affection [imitation] prompts us to copy whatever they do."[56] Men must be brought together in another way as well, one which allows for the learning and sharing of information, and this social communication is founded on imitation.

Burke argues that "we have a pleasure in imitating, and in whatever belongs to imitation merely as it is such, without any intervention of the reasoning faculty, but solely from our natural constitution, which providence has framed in such a manner as to find either pleasure of delight according to the nature of the object, in whatever regards the purpose of our being."[57] Burke takes a teleological view of the emotions, arguing that they are an extension of (and lead us back toward) our purpose. Imitation allows us to mold ourselves to the feelings and expectations of others. It is through imitation that sympathy takes root, since we imitate others and then naturally find ourselves experiencing their emotions too. Burke even goes so far as to say that "it is by imitation far more than by precept that we learn everything; and what we learn thus we acquire not only more effectually, but more pleasantly. This forms our manners, our opinions, our lives. It is one of the strongest links of society; it is a species of mutual compliance which all men yield to each other, without constraint to themselves, and which is extremely flattering to all."[58] Thus, imitation is the primary tool by which we learn how society operates, what others think and feel, and how our own behavior should mesh with the expectations and needs of others.

Burke does admit the limits of reason in *PESB*, finding that our passionate side often overwhelms the rational aspects of human nature. Moreover,

[53]White, *Edmund Burke*, 43.
[54]Burke, *PESB*, 173.
[55]Ibid., 46.
[56]Ibid., 49.
[57]Ibid.
[58]Ibid.

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Burke's emotions are rooted not in reason, but in biological or mechanical causes. The first of Burke's moves away from a rationalistic approach to aesthetics is his statement that "I am afraid it is a practice much too common in inquiries of this nature, to attribute the cause of feelings which merely arise from the mechanical structure of our minds, to certain conclusions of the reasoning faculty on the objects presented to us; for I should imagine, that the influence of reason in producing our passions is nothing near so extensive as it is commonly believed."[59] The overwhelming of reason by the passions is not inherently harmful for society, since imitation and sympathy make us more alike than we might otherwise be.[60] In fact, for Burke the emotions are more likely to lead to agreement (an occasionally necessary condition in society) than is reason: "indeed on the whole one may observe, that there is rather less difference upon matter of Taste among mankind, than upon most of those which depend upon the naked reason; and that men are far better agreed on the excellence of a description in Virgil, than on the truth or falsehood of a theory of Aristotle."[61] The reason for this is clear. Our emotions bond us to one another: "We yield to sympathy, what we refuse to description. The truth is, all verbal description, merely as naked description, though never so exact, conveys so poor and insufficient an idea of the thing described, that it could scarcely have the smallest effect, if the speaker did not call in to his aid those modes of speech that *mark a strong and lively feeling in himself*."[62] Burke believes the passions provide the active force for reason, while also arguing that human emotions, through their ability to connect us to other people, foster the agreement on which society stands.

None of this is to say, however, that reason is ejected from the argument altogether. Reason has an important role to play in the development of taste. In fact, "The cause of a wrong Taste is a defect of judgment. And this may arise from a natural weakness of understanding (in whatever the strength of that faculty may consist) or, which is much more commonly the case, it may arise from a want of proper and well-directed exercise, which alone can make it strong and ready."[63] Thus, taste is ultimately based on both reason and emotion, not one or the other. Finally, Burke argues that "the elevation of the mind ought to be the principal end of all our studies, which if they do not in some measure effect, they are of little service to us. But besides this great purpose, *a consideration of the rationale of our passions seems to me very necessary* for all who would affect them upon solid and sure principles. It is not enough to know them in general; to affect them

[59]Ibid., 45.

[60]White links our second nature to our emotions, arguing that it is "the sharing of *particularities*" that provides the "soil" for our social affections (*Edmund Burke*, 47).

[61]Burke, *PESB*, 24.

[62]Ibid., 175, emphasis added.

[63]Ibid., 24.

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after a delicate manner, or to judge properly of any work designed to affect them…"[64] Thus, reason takes precedence over the passions, and our taste should be rooted in rational deliberation. However, when discussing humans, we cannot afford to ignore our passionate inclinations, especially if our goal is to persuade passionate humans to adopt a course of action.[65]

The emotions play a foundational role in creating agreement between people, primarily through the mediating force of sympathy. It is this agreement rooted in emotional attachment that makes any and all political debates possible, requiring as they do a common set of values and principles on which to build. The role of the statesman is to "focus his endeavors on the affectionate bonding of society."[66] Burke understands the interconnectivity of reason and the emotions: reason needs the emotions to give it force, while the emotions need reason for direction. He also recognizes that politics must strike a balance between reason and emotion, since emotion provides the attachments upon which reason can then act.[67] The force of reason and emotion together is indeed powerful: "Nature is never more truly herself, than in her grandest forms. … Strong passion under the direction of a feeble reason feeds a low fever, which serves only to destroy the body that entertains it. But vehement passion does not always indicate an infirm judgment. It often accompanies, and actuates, and is even auxiliary to a powerful understanding; and when they both conspire and act harmoniously, their force is great to destroy disorder within, and to repel injury from abroad."[68] The best man (and thus the best statesman) will be actuated by rational principles that are supported and motivated by strong passions of love of country and countrymen, and a genuine concern for the common good.

Emotional Language in Burke's Political Works

That Burke sees the emotions as the primary social bond between individuals is evident throughout his political works, particularly in the prevalence of words like "heart," "breast," and "sentiments," which he frequently uses to

[64]Ibid., 53, emphasis added.

[65]For an example of the older understanding of Burke's view of the emotions, see Dixon Wecter's discussion ("Burke's Theory Concerning Words, Images, and Emotion," *PMLA* 55, no. 1 [1940]: 167–81). He argues that "Burke's weakness of turgid, extravagant language" is the "practice of an imaginative Celt who believed from his youth that the purpose of rhetoric was the address to feelings rather than to clarity" (181). Wecter clearly fails to address Burke's political works, nor does he understand how his aesthetic works might fit into Burke's larger project.

[66]Womersley, "Role of Friendship," 269.

[67]Burke also believes that the emotions provide us with access to knowledge that may be, for the moment at least, inaccessible to unaided reason. See Burke, *PESB*, 38.

[68]Edmund Burke, "On the Proposals for Peace," in *Select Works*, 3:218.

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exhort and remind those who he believes have forgotten their duties. The emotions play a primary role in the preservation of the state:[69] "All your sophisters cannot produce anything better adapted to preserve a rational and manly freedom than the course we have pursued, who have chosen our nature rather than our speculation, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges."[70] Rationality is necessary but not sufficient; what binds us to home and hearth is not rational speculation but emotional and sentimental bonds. Similarly, our attachment to place does not come from a rational argument about one place's superiority to any other, but is founded on a respect for the ancient that is emotional in nature: "We procure reverence to our civil institutions on the principle upon which nature teaches us to revere individual men; on account of their age; and on account of those from whom they are descended."[71]

The passions support social bonding, but they also support the moral sense that is at the root of human social life. It is not enough to be bonded to a certain people and place, but we must support that bond with moral action if we are to justify the existence of the bond in the first place.[72] Burke does not simplistically argue that the moral sense comes from the emotions themselves, but he does see the emotions as a way of accessing that moral reality.[73] The moral sense, insofar as it relies on prudence, is a mix of both the sentiments and reason. Though "the laws of morality are the same everywhere," we must also have an appreciation for the consequences of how those laws are applied to specific circumstances.[74] A devotion to truth and right is the province of reason. A concern for consequences is the province of the heart. According to Burke, one needs both a concern for truth and a concern for the consequences that truth will reap in human social life. Canavan argues that the difference in Burke's treatment of the Americans and the French revolutionaries is that the latter "started from a premise of right and drew the

[69]See Womersley's excellent discussion of Burke's criticism of British treatment of the American colonists, in particular, the way the English policies alienated American affections ("Role of Friendship," 270–71).

[70]Edmund Burke, *Reflections on the Revolution in France*, in *Select Works*, 2:123. Burke does acknowledge the importance of our country being objectively worthy of our love: "To make us love our country, our country ought to be lovely" (172).

[71]Burke, *Reflections*, 123.

[72]Frederick Whelan points out that "tradition was not always authoritative for Burke," and that reason and the moral sense could and should question unjust prejudices or habits (Whelan, *Edmund Burke and India: Political Morality and Empire* [Pittsburgh: University of Pittsburgh Press, 1996], 271). See discussion below of the understanding "ratifying" the passions.

[73]See the discussion in Canavan, "Role of Reason," 73.

[74]Edmund Burke, "Hastings Trial, 16 February 1799," in *Works of the Right Honourable Edmund Burke*, 13:155–56.

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logical conclusions regardless of consequences."[75] The revolutionaries took abstract rationality and applied it to human social life, which required that they reject the human bonds that tied them to one another in favor of an impartial (yet, precisely for this reason, incomplete) truth. Similarly, Mehta argues that the emotions make reason social, and "more informed by the uncertain vagaries that attend and form experience."[76] Burke's point is not merely that inattention to consequences is disastrous to individual lives and human social life broadly, but that in the end it distorts justice itself because of its inability to recognize real moral limits. The emotions help us recognize the limits of reason while reason helps the emotions find consistent grounding. Each without the other creates a distorted morality. Burke makes this clear in his condemnation of the revolutionaries: "Justifying perfidy and murder for public benefit, public benefit would soon become the pretext, and perfidy and murder the end; until rapacity, malice, revenge, and fear more dreadful than revenge, could satiate their insatiable appetites. Such must be the consequences of losing in the splendour of these triumphs of the rights of men, all natural sense of wrong and right."[77] As is often the case, Burke contrasts the "reason" of the revolutionaries' rights with the natural moral sense supported by emotional bonds that is the foundation of our duties.

The Emotions and "Socialized" Rights Claims

The emotions are not only a foundation for society or the prerequisite for agreement and political debate. Burke's emotions play another important role as a kind of filter through which metaphysical principles can be safely applied to political life. Burke does not deny the existence of natural rights; he is very clear on this point. His major concern is to reject the false or misapplied rights language in favor of an understanding of natural rights that is compatible with human nature and human social life. He argues: "Far am I from denying in theory; full as far is my heart from withholding in practice, (if I were of power to give or to withhold), the real rights of men. In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy."[78] The use Burke makes of reason in the realm of theory and the heart in practice is critical. The "real rights" Burke speaks of here are not the abstract, rational, individualistic rights of the contractarians. Burke explicitly rejects the social contract of Locke and Hobbes, arguing, "Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection: but

[75]Canavan, "Role of Reason," 69.
[76]Mehta, *Liberalism and Empire*, 42.
[77]Burke, *Reflections*, 176.
[78]Ibid., 150.

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their abstract perfection is their practical defect. By having a right to every thing they want every thing."[79] Instead of accepting these rationally arrived at and individually focused rights, Burke looks for a rights language that is moderated by the claims of the heart. Natural rights must morph into social and political rights in order to effectively preserve the balance between the individual and the social (a balance first struck in the *PESB*). Burke begins by claiming that "The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned."[80] This discernment is the province of the heart, and the rights Burke later discusses at length are built on our "second nature," rather than the abstract state of nature of the social contract theorists. Burke argues that man becomes "a creature of prejudice, a creature of opinions, a creature of habits, and of sentiments growing out of them. These form our second nature, as inhabitants of the country and members of the society in which Providence has placed us."[81]

The abstract rights of men have a worse defect than incompleteness. They also harden the heart and corrupt the moral sentiments that bond the members of society together. Because of their extreme individualistic nature, they undermine the social emotions: "The worst of these politics of revolution is this; they temper and harden the breast, in order to prepare it for the desperate strokes which are sometimes used in extreme occasions. But as these occasions may never arrive, the mind receives a gratuitous taint; and the moral sentiments suffer not a little, when no political purpose is served by the depravation."[82] The rights of man accustom us to thinking in terms of abstract individuals, rather than as socially rooted creatures whose existence depends on the bonds to community and society that absolute natural rights break.[83] He goes on to argue, "This sort of people are so taken up with their theories about the rights of man, that they have totally forgot his nature. Without opening one new avenue to the understanding, they have succeeded in stopping up those that lead to the *heart*. They have perverted in themselves, and in those that attend to them, all the well-placed sympathies of the human breast."[84] The revolutionaries reject both reason and sentiments in favor of an abstract principle. Burke is clear that the abstract rights are not merely rational, but rational principles poorly

[79]Ibid., 151.

[80]Ibid., 154.

[81]Edmund Burke, "Speech in Reply," in *Works of the Right Honourable Edmund Burke*, 12:164.

[82]Burke, *Reflections*, 157.

[83]Pappin makes a similar point when he argues, "Burke emphasizes our duties and obligations to society against the dominance of will" ("Edmund Burke's Progeny," 119).

[84]Burke, *Reflections*, 157.

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understood, for in the end, our moral sentiments support reason and vice versa. At one point he quotes Juvenal: "Never was there a jar or discord between genuine sentiment and sound policy. Never, no, never, did Nature say one thing, and Wisdom another. Nor are sentiments of elevation in themselves turgid and unnatural."[85] Rational principles properly understood and the moral sentiments properly understood support each other and form a buffer that helps mediate the different claims of the individual and society. Burke never argues that we should replace reason with the emotions, but he does believe that we can assess the truth or falsity of our rational convictions by determining how well they agree or disagree with our sentiments. The soundest policies will appeal to both our reason and our emotions.

Finally, far from rejecting the existence of rights, Burke merely disagrees with the proponents of natural rights on the best way to preserve natural rights in the political sphere. He argues in the end that abstract rights need the prejudices and emotional attachments to the state in order to be safely transported into the political. Both individual rights and human social life need to be preserved, and thus some safe medium must be found that helps us balance their sometimes conflicting claims. Burke uses an analogy between rights and light, and between the vicissitudes of political life and objects that refract light, changing its form: "These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their straight line. Indeed in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their original direction. The nature of man is intricate; the objects of society are of the greatest possible complexity; and therefore no simple disposition or direction of power can be suitable either to man's nature, or to the quality of his affairs."[86] Burke argues for a moderate and ultimately complex approach to the problem of natural rights. Man alone is intricate enough, characterized by reason and the emotions, interests and passions, and social and selfish impulses. Social life takes this complexity and magnifies it. Thus, simplistic individualistic natural rights are simply meaningless once we enter into society. They need to be translated or rather reflected off the social, moral, legal, and ethical dispositions of a people, taking into account manners, mores, and traditions; as Pappin puts it, "It is important to note that this list of rights describes our reciprocal duties and responsibilities toward others as much as, if not more than, the privileges and benefits we might wish to obtain for ourselves."[87] In fact, the only major difference between Pappin's and my account of Burke's approach to natural rights is that

[85]Burke, "On the Proposals for Peace," in *Select Works*, 3:217.
[86]Burke, *Reflections*, 153.
[87]Pappin, "Edmund Burke's Progeny," 123.

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Pappin neglects the importance that emotions play in supporting attachment to the state and the corresponding duties.[88]

In the same way that Burke tends to associate abstract reason with rights claims, he also explicitly connects the emotions to duty. Unlike the French, "in England we have not yet been completely embowelled of our natural entrails: we still feel within us, and we still cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals. … We have real hearts of flesh and blood beating in our bosom."[89] Because duties are a social phenomenon, they belong properly to the sphere of emotions, or at least they are protected by the emotions, whatever else their foundation might be. Thus, both rights and reason can be moderated by the duties protected and grown from our emotional attachments to our particular time and place.

Prejudice as an Emotional Intermediary

A practical example may help further elucidate Burke's use of the emotion in moderating rights claims, and his use of prejudice is a characteristic example. Prejudice is Burke's solution to the problem of antisocial rights, and as might make sense, part of his solution requires rooting rights in the habits and customs of a people, that is, rooting them in society. The other part of the solution seems to be rooting these rights in attachment to the nation. Burke's discussion of prejudice is important because it is here more than anywhere that we see the emotional bond to the state emphasized as a way of counteracting abstract rights claims. White defines prejudice as "the attachment one feels for established practices and institutions," and White's emphasis on the emotional component of prejudice is supported by Burke's own use of the term.[90] Burke most effectively emphasizes the emotional component of prejudice in the *Reflections*, where he refers to the French Revolution as not merely a revolution of government, but a "revolution in sentiments, manners, and moral opinions."[91] This revolution has been supported in part by "cold hearts and muddy understandings," and "nothing is left which engages the affections on the part of the commonwealth."[92] Burke emphasizes the interdependent

[88]Pappin goes on to argue that the restraint provided by government "serves a moral purpose and conforms to our nature as rational, social beings. Burke warns that unrestrained passions 'forge our fetters' and become a disease to social and political order" (ibid., 126). Pappin's account tends to ignore the different kinds of passions Burke discusses, and more importantly, it ignores the foundational role social emotions play in rooting the individual to society.

[89]Burke, *Reflections*, 181.

[90]White, *Edmund Burke*, 62.

[91]Burke, *Reflections*, 70.

[92]Ibid., 68.

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relationship between affection and reason when he argues that "that sort of reason which banishes the affections is incapable of filling their place. These public affections, combined with manners, are required sometimes as supplements, sometimes as correctives, always as aids to law."[93] Connecting the lessons learned in *PESB*, Burke argues that "we are made as to be affected at such spectacles" as the queen's dethronement, and "in those natural feelings we learn great lessons; because in events like these our passions instruct our reason."[94]

Clearly, then, Burke sees the French Revolution as founded on a corruption of the sentiments and the triumph of cold, abstract reason over sentimental attachment to country. The solution for the British is to trust prejudicial attachments, because prejudice represents the combination of reason and emotion: "prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence."[95] White makes the connection between prejudice and emotion clear when he says, "Referring to the prejudices of the English, [Burke] asserts that 'We fear God; we look up with awe to kings, with affection to parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility.'"[96] White goes on to attribute "this precise mapping of passions and sentiments onto corresponding objects" to "an artifact of style," which overlooks the fact that almost every time Burke mentions prejudice, he mentions it in conjunction with an emotional tie. When Burke turns to specific institutions destroyed by the French, he describes the institutions that "connect the human understanding and affections to the divine," and argues that one of the functions of the church in consecrating the state is to "operate with a wholesome awe upon free citizens," thus using the sublime to instigate emotional reactions (and thus obedience) in citizens. Even more forcefully, Burke discusses the role prejudice plays in protecting the state, using the analogy of father and child to emphasize the "pious awe and trembling solicitude" with which one should approach potential correctives. Through prejudice "we are taught to look with horror on those children of their country who are prompt to hack that aged parent in pieces and put him into the kettle of magicians, in hopes that by their poisonous weeds and wild incantations they may regenerate the paternal constitution and renovate their father's life."[97] The emotional component of this passage is twofold. First, our prejudiced attachment to the state is preserved by our emotion of awe, connected as that emotion is to our experience of the sublime. Second, Burke's analogy of the state as a family underscores the emotional attachment on which the state relies,

[93]Ibid.
[94]Ibid., 70.
[95]Ibid., 76.
[96]White, *Edmund Burke*, 62.
[97]Burke, *Reflections*, 84.

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implying that without these attachments there can be no sublime, no awe, and thus, no barrier to the destruction of the state in the name of abstract rights. Unlike the French, the British have retained their affectionate attachment to home, and "instead of casting away all our old prejudices, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them."[98] The French, on the other hand, "have the rights of men. Against these there can be no prescription; against these no agreement is binding; these admit no temperament, and no compromise: any thing withheld from their full demand is so much fraud and injustice."[99]

Burke is explicit that prejudice moderates the claims of individual rights and makes social life not only possible but desirable and ultimately voluntary, in part through the sentiments:

> All the pleasing illusions, which made power gentle, and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics *the sentiments which beautify and soften private society*, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the superadded ideas, furnished from the wardrobe of a moral imagination, *which the heart owns, and the understanding ratifies*, as necessary to cover the defects of our naked shivering nature, and to raise it to dignity in our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion.[100]

It is noteworthy that Burke does not separate reason from emotion. As always, the two operate hand in hand. The heart owns these moral sentiments, but the understanding ratifies them. There is a sharing of power between reason and the emotions, and this shared power allows for a moderate and humane social life where neither the individual nor the community is sacrificed to the claims of the other.

Practical politics in particular requires the coincidence of reason and the emotions. Prudence, in fact, with its dual concern for principles and consequences, might be understood as the culmination of this partnership.[101] Not surprisingly, Burke makes it clear that prudence is the highest of the political arts.[102] Prudence requires an emotional component precisely because it requires a moral concern for the consequences of one's actions, but also

[98]Ibid., 182.

[99]Ibid., 149.

[100]Ibid., 170–71, emphasis added.

[101]See Mansfield's argument that "practice presupposes an attachment to one's country … whereas theory is detached and neutral" ("Burke's Conservatism," 68).

[102]"Prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all. Metaphysicks cannot live without definition; but prudence is careful how she defines" ("Appeal from New to Old Whigs," 91).

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because it presupposes an attachment to the social order and to the traditions, manners, and mores that are necessarily emotional in nature. The emotions make specific circumstances worth preserving. The preservation of one country or another makes little difference to abstract reason (at least where there is little difference between the two in terms of values) but makes all the difference in the world to the citizens of those countries. We do not love our country because it is the best (though we hope this is the case); we love our country because it is ours.[103] Thus, preserving a political order requires first an emotional attachment to that political order, and only then a rational justification for that political order.[104] Burke turns again to the partnership between reason and the emotions, stating, "that sort of reason which banishes the affections is incapable of filling their place. These public affections, combined with manners, are required sometimes as supplements, sometimes as correctives, always as aids to law."[105] Without attachment, law is nothing but force, and without reason, law is nothing but arbitrary rule. The Revolution in France is not a mere governmental change; instead, "every thing supposes a total revolution in all the principles of reason, prudence, and moral feeling."[106] Burke's placement of prudence here implies an important intermediary position between reason and emotion, but it also underscores the importance of all three for successful communities.

Statesmanship, too, requires a prudent balancing of the claims of reason and emotion, of individual and community, and prudent statesmanship partakes of both: "The true lawgiver ought to have a heart full of sensibility. He ought to love and respect his kind, and to fear himself. … Political arrangement, as it is a work for social ends, is to be only wrought by social means."[107] The prudent statesman must first and foremost love his country.[108] But he must combine this love with an understanding of the principles by which political systems are preserved. The passions will support wisdom and wisdom will help guide the passions.

Finally, the consistency of Burke's work as a whole is evident, since his argument for the importance of imitation in *PESB* can be directly applied to the political bonds between people: "Men are not tied to one another by

[103]Though Burke emphasizes the importance of objective standards as well: "To make us love our country, our country ought to be lovely" (*Reflections*, 68).

[104]Deane argues that when attachment to country is combined with injustice, the sentiments are perverted and our "natural benevolence is soured" (*Foreign Affections*, 23–24).

[105]Burke, *Reflections*, 171–72.

[106]Edmund Burke, "To the Earl Fitzwilliam," in *Select Works*, 3:373.

[107]Burke, *Reflections*, 275.

[108]Strauss makes this argument while discussing prudence: "Furthermore, practice presupposes attachment to a particular or, more precisely, to 'one's own' (one's country, one's people, one's religious group, and the like), whereas theory is detached" (*Natural Right and History*, 309).

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papers and deals. They are led to associate by resemblances, by conformities, by sympathies. It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners, and habits of life. They have more force of treaties in themselves. They are obligations written in the heart."[109] Even in the international sphere, the best mediators between interest and duty, and the individual state and the world community, are the impassioned bonds based on long-held prejudice and attachment, not treaties and abstract international law.

These attachments, according to Burke, are rooted not in custom alone, but in nature. He argues that statesman must "preserv[e] the method of nature in the conduct of the state," and that such a strategy is not merely "the superstition of antiquarians" but is based on the "spirit of philosophic analogy."[110] He thus strives to defend himself from accusations that his defense of British customs is mere traditionalism by arguing that society is rooted in nature, and that the attachments one feels for the state are naturally rooted, just as our affections for our family are. He makes this argument explicit, stating that "we have given to the frame of our polity the image of a relation in blood; binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars."[111] Thus, all rights are moderated and reflected off of the social affections that support our duties to the community and the state as a whole. Religion, state, and family are all supported and protected by the affections rooted in the love of one's own, which counteract the individualism of traditional rights language.

In the end, Burke's view of the relationship between rights and duties is much more comprehensive and consistent than has been previously thought. The key lies in understanding the reciprocal relationship between reason and the emotions, as well as the importance of emotional attachment as a socializing influence on abstract rights language, at least as applied to political life. Burke's account also supports a new kind of rights that are more closely connected to—or rather, that encompass—duties because they are more closely connected to our social nature. They are rights moderated by our attachments to time and place, reflected and moderated by prejudices, and thus a part of society rather than separate from it. His account holds out hope that there might be a way of recognizing both duties and rights without making them identical or subjecting one to the other.

Burke comes close to laying out such a system of rights, though characteristically he believes that any system will depend in large part on the character

[109] Burke, "On the Overtures of Peace," in *Select Works*, 3:132.
[110] Burke, *Reflections*, 122.
[111] Ibid.

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of the people to whom they apply. He rejects the term "natural rights" and prefers instead what he calls "the real rights of men."[112] The connection between truth and prejudice is paralleled in the relationship between the masses and the "natural aristocracy"—a "harmony" and a "beautiful order," an "array of truth and nature, as well as habit and prejudice."[113] By rejecting the artificial and abrupt movements from the state of nature to civil society of the social contractarians, Burke offers a view of man as more naturally social, as a being whose movement into society is a natural transition that nevertheless preserves the individuality of each person. Burke's social rights attempt to form a middle ground between duties and rights, between the restraints on rights that are necessary for society and the rights themselves that should be protected: "In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle."[114] In fact, what Burke does is manipulate or reformulate social contract theory by replacing the state of nature with a "second nature" grounded in social life, the rights of man with the social rights of man (which incorporate duties and rely on sentimental attachment to the state), and the social contract itself with an intergenerational compact that is grounded on emotional bonds that resemble filial attachments. In effect, Burke has replaced the abstract reason of the social contract with grounded sentimentalism, and he creates a theory in which the claims of the individual and community not only coexist but are harmonized.

For Burke, the proper role of the emotions comes in their ability to help us navigate the different claims of human goods: "All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens, than subtle disputants."[115] Ultimately, it is the happy citizen who understands himself as being both an individual and a citizen, both rationally deliberative and passionately devoted to his home, and owing duties at the same time as he possesses rights. The best way of preserving this happy balance is to rely on the social emotions that occur naturally, but that are fostered and extended by imitation, sympathy, education, and deliberation, and that create in practice the great social contract between past, present, and future that fulfills our hearts just as it is justified by our reason.

[112]Ibid., 150.

[113]Edmund Burke, *Further Reflections on the Revolution in France*, ed. Ritchie, 169.

[114]Burke, *Reflections*, 152.

[115]Edmund Burke, "On Moving His Resolutions for Conciliation with the Colonies," in *Select Works*, 1:278.

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