CHAPTER NINE

HUMAN RIGHTS, UNIVERSALISM AND COSMOPOLITANISM

In the previous chapters the meaning of many concepts has been taken for granted. Many references have been made to issues such as human rights, universalism and at times to cosmopolitanism without providing a precise definition. The issue of human rights has been looked at from a historical-cultural perspective and it might be helpful, for purposes of clarification, to review them from a theoretical perspective, to draw some conclusions and to piece together our findings within a single frame.

The turning point on the issue of human rights takes place in the late eighteenth century. Nonetheless, to believe that it all began with the American Revolution and the French Revolution is clearly misleading. The development of the idea of the unity of humankind takes place within the span of two millennia so that, by omitting this premise, we risk losing the universal sense of the issue. It is beyond doubt, however, that both perspectives – that of ‘natural’ differences and of ‘natural’ equality – start to conflict in the modern age and especially in the eighteenth century.¹

Tocqueville helps us to understand what is at stake here (Chapter 7). On the one hand there is a society historically constituted and organized around the principle of inequality; on the other, social, economic and cultural forces are advocating the construction of a society founded on the principle of equality. In both cases nature is a source of difference and of equality. A preliminary clarification of such issue is needed. Furthermore, in this perspective, the continuity between Greco-Roman Stoicism and modernity emerges.²

¹ On the issue of natural rights from a historical-philosophical point of view see Strauss (1953) and Bloch (1961) and, from the standpoint of historical sociology, Mannheim (1986).
² This is a crucial point. It is impossible here to recall the debate on the concept of nature in the ancient and in the modern world. If on a methodological plane there is a continuity (the investigation of nature with a rational method), nature itself is imagined in different ways. While in the Greek world (but this applies only to Plato and Aristotle) the structure of human nature is conceived in hierarchical terms, in the modern world, on the contrary, it is imagined as being made up of elements which are
In the words of one of the most fervent opponents of the French revolution, Edmund Burke, we understand the epochal character of the struggle: ‘The French have demonstrated their great propensity, their ability as the greatest architects in the world for ruin. In no time at all they have destroyed their monarchy, their church, their nobility, their laws, their possessions, their army, their fleet, their trade, their arts and their manufacture’ (Burke 1999, 409). This should be an example and a warning that such a plague is spreading throughout Great Britain and Europe. In their devastating fury, the French have ‘torn the roots’ of every property and have created ‘institutions and the best of anarchy, called human rights’ (Burke 1999, 412–413). In particular, the doctrine of popular sovereignty is a ‘non-sense’ or a violation of the fixed rule of nature. In Great Britain, where only a few irresponsible individuals are in favour of human rights

by virtue of a constitutional policy based on the models offered by Nature, we receive, possess and hand down our government and our privileges in the same way that we enjoy and hand down our property and our lives. Thus, primitively following Nature in our method of conduct of the state, the outcome is that in our progress we are never completely innovative and in our conservatism we are never completely obsolete. We respect our civil institutions in conformity with the principle based on which Nature teaches us to respect men as individuals by virtue of their age and their birthright (Burke 1999, 428–429).3

A critique centred on analytical positivism is that of Jeremy Bentham towards the ‘inventors of human rights’ (Bentham 1838–1843, 156).4 Of such rights there are no traces in social and historical reality. They are truly a non-sense: ‘To speak of natural rights is mere nonsense: to speak of natural and non-prescriptive rights is rhetorical nonsense […] this rhetorical nonsense ends up as usual by becoming dangerous nonsense’ (Bentham 1838–1843, 124).

Bentham’s criticism casts a huge shadow over natural and human rights: ‘no such natural rights exist, no such rights prior to the founding of political society have ever existed; no such natural rights distinct

---

3 On this, see Burke (1999), 432, 439 and 418.
4 The text refers to an unfinished manuscript by Bentham.