**Human Rights: A Marxist critique**

*Nouha Rouabah*

**Introduction**

Fundamental human rights declarations have historically been presented as the protectors and defenders of human emancipation; however, they had always been subject to various forms of skepticism and criticism. One of the most important critiques of rights was the Marxist one; the document in which Marx explicitly dealt with the question of human rights was “On the Jewish Question” which appeared in 1844 in the “Deutsch-Französische Jahrbücher.” In this manuscript, Marx responded to his radical friend and philosopher Bruno Bauer who discussed the question of the Jewish emancipation in Germany.[[1]](#footnote-1) In his article, Bauer argued that Jews cannot attain political emancipation unless they renounce their religious consciousness. For Bauer Judaism was the main reason that made the Jews unfit to become full citizens, their ineligibility for citizenship had to do with their backwardness and incapacity to develop morally and culturally, their exclusive demands for privileged treatments as they claim to be the chosen people and their carelessness about the freedom and the welfare of others. If the Jews, Bauer asserted, had no place and were detested in the Christian world that is because they provoked such a sentiment, because of their selfishness and their lack of concern for the advancement of humanity in general and their failure to acquire universal moral principles from their own suffering.[[2]](#footnote-2)

For Bauer, political emancipation can be achieved only by the abolition of religion and all forms of sectarian narrowness.[[3]](#footnote-3) However, Marx expressed his disagreement with Bauer’s ideas by pointing out that it is not merely a matter of who is to be emancipated, it is a matter of the proper form of emancipation to be followed. Marx argues that Bauer was wrong in his assumption that in a secular state religion will no longer have a prominent impact on social life, referring to the example of the prevalence of religion in the United States. In Marx’s view the secular state does not oppose religious consciousness; on the contrary, a fundamentally religious consciousness is necessary for the existence of the so called secular state.[[4]](#footnote-4)

Although Marx agrees with Bauer’s criticism of religion, he opposes the idea that religion is the impediment to human emancipation in general and the Jewish emancipation in particular. For him, human egoism in the civil society is the real obstacle to human emancipation. It is exactly at this stage that Marx’s issues with human rights declarations begin. He considers these declarations as the real embodiment of the demeaning situation of the alienated man in the civil society[[5]](#footnote-5), criticizing the rights of man as nothing but the rights of “egoistic man, of man separated from other men and the community.”[[6]](#footnote-6)

This paper will discuss the Marxist critique of human rights; it will examine Marx’s analysis of the right to liberty, and analyze his views and comments on the right to property, the right to equality and the right to security. This paper will also consider the Marxist conception of rights.

**Marx’s critique of rights**

Human rights in the Marxist thought are regarded as the preoccupations of the bourgeois capitalist individual in their classical formulations as if they were universal norms of human nature. The so called rights of man reflect in their content the will of the capitalist entrepreneur to be liberated from social duty and constraint, or any interest in the welfare of those whom he exploits. Marx argues that the right to liberty, the right to property, and the right to personal security are based on the egoistic desires of the greedy individual; the bourgeois ideology inspires not only the content but also the very form of rights. The individualistic form of rights implies that there is a potential for a growing conflict between individuals in the society which requires a coercively preserved guarantee that protect the interests of a person from the acts of others that can hinder the fulfillment of her interests. Moreover, the abstraction of rights overlooks the real differences and inequalities between those who control the means of production and those who do not. And therefore in their form and content, these rights can only be fit in the capitalist society and have no place in the harmony of communism.[[7]](#footnote-7)

In his comments on the French Declaration of the rights of man and the citizen 1793, Marx believes that man in the civil society acts as a private individual in accordance with the capitalist industry and capitalist economy, pursuing material profit and linked with other individuals only by market and commodity exchange. Despite their illusory universal or even natural character, the alleged rights of man can be compatible only in a particular period of social and economic organization.[[8]](#footnote-8) According to Marx “the so called rights of man are nothing but the rights of the member of the civil society, i.e. egoistic man, man separated from other men and the community.”[[9]](#footnote-9)

On the right to liberty Marx defines liberty as “the right to do and perform what does not harm others.”[[10]](#footnote-10) He argues that this right leads every individual to see in others the barrier of his/her freedom. Every person is to have a fenced off field of liberty from which others are not included.[[11]](#footnote-11) The right to liberty, according to Marx, depicts each man as an atomistic being separated from the rest of humanity. Disconnected and isolated, the individual alone is the preeminent. Social relations and society become insignificant notions, since every individual must be interested in his own self and his personal desires.[[12]](#footnote-12)

The right of man to property offers each and every individual the possibility to dispose and benefit as he wishes from the income and the fruits of his work and industry, and leads the man to consider his fellow men as constant rivals and imposed obstacles in the way of the acquisition or preservation of property.[[13]](#footnote-13) To borrow Marx’s words, the right to private property is:

“The right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently from society, the right to selfishness. It is the former individual freedom together with its later application that forms the basis of civil society. It leads man to see in other men not the realization but the limitation of his own freedom. Above all it proclaims the right of man to enjoy and dispose at will of his goods, his revenues and fruits of his work and industry.”[[14]](#footnote-14)

For a man to retain the right to property he must own a property, otherwise the right becomes void and factitious. However, this implies that each man must accept materialistic gains as his personal goals in attempt to maintain both his private property and his rights. If someone does not accept materialistic gains as his/her personal goals, he/she will be overwhelmed by those who do accept such goals. For Marx, the right to property, Emerging as an indispensable concomitant to the capitalist modes of production, becomes a directing power which defines and determines the quality of man’s life. Through the mode of production in industrialized societies, man becomes ‘mentally and physically dehumanized’ and reduced to a commodity in both form and content.[[15]](#footnote-15)

Emanating from the mode of production, the right to property transforms equality into inequality; it replaces liberty with self-interest, and transforms security into the protection of property even when it is the “property” of human beings. The right to property produces labor which falls under the control of another man, the employer and employee become more and more alienated as a direct result of inequality in property ownership, use and need. Not only the worker is alienated from his employer but he is also alienated from his own work, because this latter is regarded as “unfree activity” borne in order to gain and retain property. The right to property and alienation that ensues from it dehumanizes the man and deprive him from his own identity; he becomes a “hollow man”, an object who is passively dissociated from himself and the world. An alienated man who owns nothing, not even himself.[[16]](#footnote-16)

As the man becomes separated from his common essence, from himself and from his fellow men,[[17]](#footnote-17) Marx believes that man can recover his authentic being when he renounces the profanity of private property, refrains from treating others as objects ,ceases considering himself as a private individual and joins the objective world outside himself and becomes a species-being. After the revolutionary dictatorship of the proletariat, Marx believes that exploitation and property right will disappear with the disappearance of the capitalistic modes of production, man will become the subject instead of being the object and the real man will replace the abstract citizen.[[18]](#footnote-18)

Equality in Marx’s opinion ensures this anti-social freedom to each person without discrimination,[[19]](#footnote-19) reinforces existing inequalities and weakens genuine and direct relations amongst people:[[20]](#footnote-20)

Right, by its very nature, can consist only in the application of an equal standard; but unequal individuals (and they would not be different individuals if they were not unequal) are measurable only by an equal standard insofar as they are brought under an equal point of view, are taken from one definite side only -- for instance, in the present case, are regarded *only as workers* and nothing more is seen in them, everything else being ignored. Further, one worker is married, another is not; one has more children than another, and so on and so forth. Thus, with an equal performance of labor, and hence an equal in the social consumption fund, one will in fact receive more than another, one will be richer than another, and so on. To avoid all these defects, right, instead of being equal, would have to be unequal.[[21]](#footnote-21)

Consequently, the right to security is the only one that artificially links fearful individuals with society. The public good is no longer the fundamental social value but the principle of the police, the major concept of the bourgeois society, the guarantee for bourgeois selfishness, which is contingent upon maintaining public order and social peace in an extremely conflictual society.[[22]](#footnote-22)

Marx distinguishes seriously in the title of the French declaration, between the rights of man and the rights of the citizen. For Marx the formers are nothing but the rights of the egoistic man. Citizen’s rights such as the right to participate in the formation of the general will (Article III), the free communication of thoughts and opinions (Article XI) and democratic rights in general are for Marx nothing but the rights of ‘an isolated monad withdrawn to himself’. Marx recognizes that such rights constitute a certain form of common exercise in a political community where ‘man counts as a species-being’ and is ‘valued as a communal being’ however, he emphasizes that the creation of political rights and political community in a capitalist society have important limitations. Political emancipation is indeed a considerable progress however it is still far from the final human emancipation that Marx expects.[[23]](#footnote-23)

One of the many things that make Marx doubtful about the effect of the universal citizen’s rights is the idea of the dismantlement of religion and private property from the franchise. He points out that eliminating religious and proprietary privileges does not necessarily lead to full emancipation, because religious and proprietarily considerations continue to dominate people’s private lives. For instance, in the United States although there is a rigorous separation between the state and the church, the great majority of people remain religious. Likewise, despite the absence of a formal political status of the existing socio-economic differences, they still have an impact in their own manner. Marx goes on saying that both religion and private property are ‘alienated forms of life’ and their elimination from the political life does not prevent them from acting as impediments to real social understanding.[[24]](#footnote-24)

Marx criticized the internal contradiction between the communal nature of rights of the citizen and the atomistic nature of the rights of man, referring to a “dualism” between the communal life and the individual life.[[25]](#footnote-25) He pointed out that Man has a double life, one in “the political community where he is valued as a communal being and in civil society where he is active as a private individual.”[[26]](#footnote-26) Like all rights, the rights of man are neither natural nor inalienable; they are “historical creations of state and law”, they are the outcome of economic changes in society that separated between the state and society; the state transformed the conditions of the existence of capitalism into legally recognized rights, and celebrated them as natural and eternal.[[27]](#footnote-27)

The right to property and the right to religion that maintain social inequalities and class domination, in Marx’s opinion, cannot be abolished with political revolution but with a social revolution. The aspirations of human rights can be realized only by a proletarian revolution that rejects their moralistic form and utopian content. This rejection of both form and content in communism will give rights their real sense and will introduce true liberty and equality for a newly socialized man. Freedom will become a positive power exercised in union with others instead of being a negative and defensive barrier separating self from others. Equality will become full involvement in a strong community rather than the abstract comparison of private individuals. Property will become common rather than being limited to a portion of the society.[[28]](#footnote-28) The real rights of the citizen will be fully achieved when “the actual individual man takes the abstract citizen back into himself and, as an individual man in his empirical life, in his individual work and individual relationships becomes a species-being, man must recognize his own forces as social forces, organize them and thus no longer separate himself from this social power in the form of political power.”[[29]](#footnote-29)

In the Marxist thought human rights are viewed as substantial claims in the material world, rather than absolute procedural entitlements, they are related to historical materialism and class struggle that ensues form social inequalities. Thus, for Marx the abolition of class differences is the first step towards the elimination of inequality and the achievement of a complete realization of all persons. In a communist society, political rights and individual liberties are substituted by social rights that contain entitlements to social services, such as education, housing, maintenance and work. These entitlements, however, are granted by the commonwealth under particular conditions rather than being enforced as individual liberties. The conditional nature of these social rights was revealed by the fact that many of these entitlements were granted only in relation with corresponding obligations. For instance, the right to work has always been related to the duty to work.[[30]](#footnote-30)

According to Marx, the needs of the working class people who must sell their labor in order to survive are not the same needs of those who live off the revenues of their property. Therefore, property rights serve little those who have no property. In a socialist society that comes out from capitalist society, equal right is still considered as bourgeois right and always ‘stigmatized by bourgeois limitation’. The right of the producers depends on the work they supply. Thus, the measurement of equality is made by an equal criterion which is labor. But if a worker produces more labor than another because of his/her physical or mental superiority, then this equal right becomes unequal for unequal work. And therefore, like every right, it is a right of inequality in its content. To avoid all these flaws, rights would have to be unequal instead of being equal. However, these flaws are unavoidable in the first stage of the newly emerged communist society. Rights can never be superior to the economic structure and cultural development of the society.[[31]](#footnote-31)

**Conclusion**

Marx’s critique of rights is one of the most prominent and influential critiques in history that have had a powerful effect on many academics, social theorists, and even political activists and leaders of important political parties. Obviously Marx was in favor of the concept of political emancipation that seems to be represented through the French revolution, however he was more critical of whether this revolution really included all the French people or whether was in fact a weaker kind of revolution of the bourgeoisie against the aristocracy. Marx argued that the French revolution was led by the bourgeoisie, not by the general masses. Like to the monarchy that it had just overthrown, the bourgeois “revolutionaries” did not represent universal interests; they served only the interests of their own class. And therefore the rights derived from the French declaration are not as it claimed to be for all the French people, it did not represent the rights of the proletariat or the ordinary working people.

In Marx’s opinion, the French revolution was favoring a particular class, and the rights put forward in the French declaration such as the right to freedom, the right to property and the right to equality, are nothing but an ideological expression of capitalism and what they really do is to perpetuate in principle what was actually happening in practice. Marx described the so called universal human rights as in fact bourgeois and abstract rights that pretend to promote a state of equality and dignity among people while in reality they justify and maintain enormous inequalities and support capitalist structures. Political emancipation proclaimed by the French Revolution in the form of rights is just one step to a greater emancipation which is the human emancipation that can be realized only through a social and economic revolution that will end human alienation and give people real control over their own lives.[[32]](#footnote-32)

**Bibliography**

Anteneh Geremew, Marx and Human Rights, <https://poseidon01.ssrn.com/delivery.php?ID=861118117124097120124106067031099119041063026016044025007126090029072121106068123018119052024106016057001003086121086082124102038013011039092114094024095126077112092071051022074098093072115017026097065098091080007068064073022002103114109005111117096027&EXT=pdf>

Baynes, Kenneth. Rights as Critique and the Critique of Rights: Karl Marx, Wendy Brown, and the Social Function of Rights, Political Theory, Vol. 28, No. 4, August 2000.

Douzinas, Costas The End of Human Rights: Critical Legal Thought at the Turn of the Century, Hart Publishing Oxford, 2000.

Critique of Human Rights, <https://www.youtube.com/watch?v=KwzvMioc15w&t=848s>

Ingram, David B. Marx and the Jewish Question, Studies in the Soviet Thought, Vol.35, No.2, February 1988.

[Lecture on Marx’s Critique of Rights, http://www2.warwick.ac.uk/fac/soc/sociology/staff/robertfine/home/teachingmaterial/humanrights/lecturepodcast/marxs\_critique\_of\_rights.pdf](http://www2.warwick.ac.uk/fac/soc/sociology/staff/robertfine/home/teachingmaterial/humanrights/lecturepodcast/marxs_critique_of_rights.pdf)

[Marx, Karl. Critique of The Gotha Programme, https://www.marxists.org/archive/marx/works/download/Marx\_Critque\_of\_the\_Gotha\_Programme.pdf](Marx%2C%20Karl.%20%20Critique%20of%20The%20Gotha%20Programme%2C%20https%3A//www.marxists.org/archive/marx/works/download/Marx_Critque_of_the_Gotha_Programme.pdf)

[Marx, Karl. On the Jewish Question, https://www.marxists.org/archive/marx/works/download/pdf/On%20The%20Jewish%20Question.pdf](Marx%2C%20Karl.%20%20On%20the%20Jewish%20Question%2C%20https%3A//www.marxists.org/archive/marx/works/download/pdf/On%20The%20Jewish%20Question.pdf)

Sichel, Betty A. Karl Marx and the Rights of man, International Phenomenological Society, Vol 32, No. 3, 1972.

Van Herpen, Marcel H. Marx and Human Rights: Analysis of an Ambivalent Relationship, The Cicero Foundation, No. 12/07, September 2012.

 Waldron, Jeremy. Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man, 1st Ed, Routledge, 2015.

1. Marcel H. Van Herpen, Marx and Human Rights: Analysis of an Ambivalent Relationship, The Cicero Foundation, No. 12/07, September 2012, P 5. [↑](#footnote-ref-1)
2. Lecture on Marx’s Critique of Rights, <http://www2.warwick.ac.uk/fac/soc/sociology/staff/robertfine/home/teachingmaterial/humanrights/lecturepodcast/marxs_critique_of_rights.pdf> [↑](#footnote-ref-2)
3. David B. Ingram, Marx and the Jewish Question, Studies in the Soviet Thought, Vol.35, No.2, February 1988, p130. [↑](#footnote-ref-3)
4. Kenneth Baynes, Rights as Critique and the Critique of Rights: Karl Marx, Wendy Brown, and the Social Function of Rights, Political Theory, Vol. 28, No. 4, August 2000, P 543. [↑](#footnote-ref-4)
5. Marcel H. Van Herpen, Marx and Human Rights, Supra Note, at 1, P 7. [↑](#footnote-ref-5)
6. Karl Marx, On the Jewish Question, <https://www.marxists.org/archive/marx/works/download/pdf/On%20The%20Jewish%20Question.pdf> [↑](#footnote-ref-6)
7. #  Jeremy Waldron: Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man, 1st Ed, Routledge, 2015, P 126.

 [↑](#footnote-ref-7)
8. *Ibid* P 127. [↑](#footnote-ref-8)
9. Karl Marx, On the Jewish Question, *Supra* note at 6. [↑](#footnote-ref-9)
10. *Ibid.* [↑](#footnote-ref-10)
11. Jeremy Waldron: Nonsense Upon Stilts, *Supra* Note, P 127. [↑](#footnote-ref-11)
12. Betty A. Sichel, Karl Marx and the Rights of man, International Phenomenological Society, Vol 32, No. 3, 1972, P 356. [↑](#footnote-ref-12)
13. *Ibid.* [↑](#footnote-ref-13)
14. Karl Marx, On the Jewish Question, *Supra* Note. [↑](#footnote-ref-14)
15. Betty A. Sichel, Karl Marx and the Rights of man, *Supra* Note, P 355, 356. [↑](#footnote-ref-15)
16. *Ibid.* [↑](#footnote-ref-16)
17. Karl Marx, On the Jewish Question, *Supra* Note. [↑](#footnote-ref-17)
18. Betty A. Sichel, Karl Marx and the Rights of man, *Supra* Note, P 358. [↑](#footnote-ref-18)
19. Jeremy Waldron: Nonsense Upon Stilts, *Supra* Note, P 128. [↑](#footnote-ref-19)
20. Costas Douzinas, The End of Human Rights: Critical Legal Thought at the Turn of the Century, Hart Publishing Oxford, 2000, P 159. [↑](#footnote-ref-20)
21. Karl Marx, Critique of The Gotha Programme, <https://www.marxists.org/archive/marx/works/download/Marx_Critque_of_the_Gotha_Programme.pdf> [↑](#footnote-ref-21)
22. Costas Douzinas, the End of Human Rights, *Supra* Note, 160. [↑](#footnote-ref-22)
23. Jeremy Waldron: Nonsense Upon Stilts, *Supra* Note, P 130. [↑](#footnote-ref-23)
24. *Ibid.* [↑](#footnote-ref-24)
25. *Ibid,* P 131. [↑](#footnote-ref-25)
26. Karl Marx, On the Jewish Question, *Supra* Note. [↑](#footnote-ref-26)
27. Costas Douzinas, the End of Human Rights, *Supra* Note, 161. [↑](#footnote-ref-27)
28. *Ibid* 162. [↑](#footnote-ref-28)
29. Karl Marx, On the Jewish Question, *Supra* Note. [↑](#footnote-ref-29)
30. Anteneh Geremew, Marx and Human Rights, <https://poseidon01.ssrn.com/delivery.php?ID=861118117124097120124106067031099119041063026016044025007126090029072121106068123018119052024106016057001003086121086082124102038013011039092114094024095126077112092071051022074098093072115017026097065098091080007068064073022002103114109005111117096027&EXT=pdf> [↑](#footnote-ref-30)
31. Ibid. [↑](#footnote-ref-31)
32. Critique of Human Rights, <https://www.youtube.com/watch?v=KwzvMioc15w&t=848s> [↑](#footnote-ref-32)