

Marx against Human Rights

Master in Theory and Practice of Human Rights,
University of Oslo – Dr.Claudio Corradetti

**K.MARX «On the Jewish Question»
1844 Deutsche-französische
Jahrbücher**

Questions: how to accord civil and political rights to Jews in a Christian state such as Prussia?

B. Bauer: the emancipation of the Jews is entangled with the general emancipation of the Germans and the human mankind from religion

Marx: in Germany the Jewish question is a theological one

- Jews are in opposition to the state which recognizes only Christianity as its foundation
 - In France, it is a constitutional question the incompleteness of political emancipation of the Jews
 - Only in America is a really *secular question*
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«How to realise a complete political emancipation from religion?» (from being just theological emancipation?)

➤ ...political emancipation cannot be reduced to theological emancipation and this latter is not the most advanced form for human emancipation but only:

«...the final form of human emancipation inside the present world order»

Marx's reply to B.Bauer

«...we say to them (the Jews): because **you can be politically emancipated** without completely and consistently abandoning Judaism, this means that **political emancipation itself is not human emancipation**»

Ergo

Human emancipation requires a new conception of state and society!

An emancipated state does not imply emancipated citizens!

«the state can be a free state without man himself being a free man»

...Then the question becomes that of secular and thus of *human* emancipation!

Criticisms to the liberal/bourgeois society

- the liberal/bourgeois society pretends to nullify differences through rights (rights of man) as in the Civil Society...
 - but then they are even more heavily reintroduced at the social/political level: rights of citizens (census)
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Marx's reference is to Hegel's notion of civil society in the Philosophy of Right (1820)

What is it?

- emergent proto-capitalist society
 - domain of «negation» in the relations among people
 - loss of the «ethical unity» of the family
 - advancement of personal interests
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Marx's criticism of human rights :

- The egoistic bourgeois
 - Doctrines of rights present preoccupation for the bourgeois capitalist as if they were universal interests
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i.e. Marx's criticism to the right of private property:

«the right of man to property is the right to enjoy his possessions and dispose of the same arbitrarily without regard for other men, independent of society, the right of selfishness» (Marx Jewish Question, in Waldron ed., p.146)

Equality and Security for Marx are the elements of the «egoistic picture»

- Equality: protects anti-social freedom to each
 - Security: guarantees and reinforces these rights as «the assurance of egoism»
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➤ Even freedom of conscience or religious freedom favors **egoism and privacy** of the bourgeois:

«It (religious freedom) has become the expression of the separation of man from his common essence...»

Marx does not defend the idea of a civic religion

- But shows how religion conceived by the bourgeois has produced a privatized conscience.
 - «capitalist society» is an illusion of self-sufficient atomism.
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Towards a more complex interpretation
of Marx's criticism of human rights

Marx's analysis of The French Declaration of the Rights of the Man and the Citizens (1789/91)

- Marx's different appreciation of the separation between the rights of the man and the rights of the citizen (the latter can be enjoyed only in community! No individualist/egoist charge)
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a) The rights of the Man: these are the rights of the egoistic man (abstract, detached from a context of exercise, from the real forces of society, see the Grundrisse)

b) The rights of the Citizen: they can be enjoyed only in a community. Those are the rights favoring for Marx human emancipation towards the creation of a community.

i.e. The right to shape the general will (art.III), or the free communication of thoughts and opinions (art.XI).

Political emancipation for Marx requires

- involvement of the community in the **democratic organization and production of economic life.**
 - Criticism of forms of state's economic production: see Marx's Grundrisse (1857), and The Capital (1867 vol.1)
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- Marx's criticism becomes a criticism to the capitalist/atomized and egoistic material life!
 - In the bourgeois view of the state the political community is seen as protecting life, liberty and property so that
 - «the political community is degraded by the political emancipators to a mere means for the preservation of these so-called rights of man»
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➤ **Marx's historical materialism aims at tracking such abstract individual and unmask its ideological connotations: rights depend on modes of productions!**

Three Historical Phases

a) **Pre-capitalist:** unity between subjects and conditions of productions, property is a basis for social identity (as a feudal lord, vassal etc.). No human rights.

b) Modern Capitalism

The category of the paid wage labourer is constructed on the idea of

1) formal equality: the labourer is a subject of exchange of labor force

2) and on the «inherent» connection between capitalism-abstract individuality- human rights

c) **Communism** (yet to come)

It is for Marx the only form capable of realising full human emancipation and therefore the enjoyment of human rights.

- Eradication of poverty through collective means of production
 - No one will demand them to protect her private sphere!
 - No separation between the individuals and the society
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