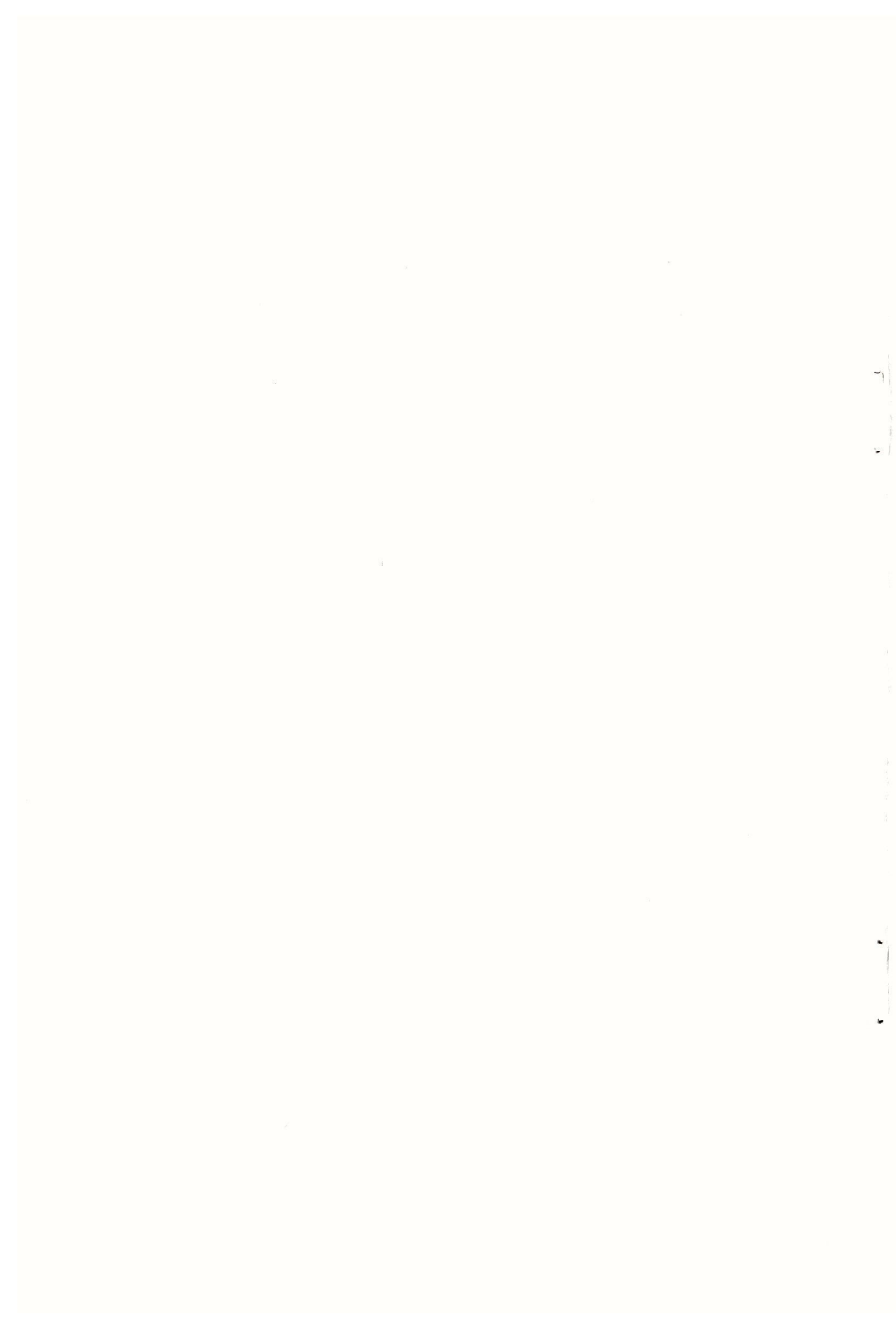


MARXISM AND HUMAN RIGHTS

Anand Teltumbde

Balagopal Memorial Lecture

KAKATIYA UNIVERSITY, WARANGAL
8th October 2012



Dr. K. BALAGOPAL

(1952 - 2009)

Human Rights Crusader for Just Society

Dr. K. Balagopal, a unique person of our times, was a multi dimensional personality. He was not only endowed with a very sharp intellect, but preparedness for uncompromising practice and deep concern and commitment to the cause of the marginalized. He was engaged in a relentless and dedicated pursuit for a humane and just society. It is this unusual combination that turned him into a 'conscience keeper' of the society and the movements engaged in transformative politics.

Dr. K. Balagopal, trained in mathematics moved to literary criticism, social analysis and finally to law with an unusual ease. In the area of mathematics and statistics he completed doctorate at Regional Engineering College, Warangal and went to prestigious Indian Statistical Institute, Delhi to pursue his post-doctoral work, after which he joined Kakatiya University, and taught Advanced Mathematics. The creative turbulence of Warangal shaped his consciousness. He left his job and took up Civil Rights Movement as a full time activist. He soon became Secretary of Andhra Pradesh Civil liberties committee in most trying times in the state and contributed to the enlargement of the social base and terms of discourse of human rights movement. Since he strongly believed in learning from experience, he opened fresh debates and raised certain searching questions about the scope of human rights including the need to relook at Marxist theory and practice from a human rights perspective. He along with like minded activists started Human Rights Forum to test the potential of some of these ideas and concepts. He was supportive of several initiatives for social transformation and was intimately associated with Perspectives, which is engaged in publishing for change.

From the early 1980s to 2009, spanning a period of three decades, he has written so extensively on a wide range of issues that his contribution to knowledge, be it literary criticism, social analysis, jurisprudence, Marxism or human rights, will remain as a work of deep insight and will have a lasting imprint on human enquiry in the times to come. He set an example and a standard to the role of intellectuals in using their creative capabilities in the cause of struggling masses.

Balagopal believed that no knowledge or human principle is valid unless it is validated by a rigorous practice. He believed that human happiness lies not in pursuit of physical comforts but deeper meaning to life lies in confronting the harsh realities of life and society. He was honest to the core, simple to its limits and unbelievably humane. The courage of conviction was so high that in the course of his work he suffered physical attacks on his body, but his spirit remained undaunted. His practice was so complete that the external factors be it praise or condemnation, did not matter. For him testing of the principles and possibilities of humane experiment was the sole concern.

Balagopal traced his own source of inspiration to the notion of justice. He believed that the unjust world in which human society landed will have to be transformed through the peoples' movements and struggles. He also firmly believed that peoples' movements should be guided by higher norms and principles of justice and fairness. It is this conviction that is reflected in his writings, activities, everyday life practices and his constructive and creative critique of the movements. His whole life was a humane experiment epitomizing the very human essence in practice.

Marxism and Human Rights

Anand Teltumbde

I feel greatly honoured to be asked to deliver this lecture in memory of the late K Balagopal, whom we in the civil rights movement so much adored. I thank Prof. B. Venkat Rathnam, vice chancellor and Prof Seetha Rama Rao, Kakatiya University and Prof Haragopal for bringing me this opportunity to pay my homage to this beloved friend and comrade. Balagopal had steered APCLC in its turbulent times with exemplary dedication and zeal and contributed immensely with his incisive analyses and articulations to the peoples' movement in general and cause of downtrodden in particular. As a committed activist, he himself evolved from his orthodox Marxist-Leninist position to see the theoretical limitations of Marxism, particularly in dealing with the vexatious problems of human rights in this country. It led to severance of his relationship with the APCLC and later formation of the HRF and as some people believed, discarding Marxism itself. At the eye of this storm lay basically his thinking about compatibility of the concept of human rights with Marxism. In fact Balagopal had elevated human rights to such high pedestal as to imagine that social transformation would happen through struggle for them and not through violence as internalized by the Marxist (Leninist) tradition. While such a position could give rise to serious problems, it is very pertinent that we have the same topic for the lecture to commemorate him.

Another reason that this topic assumes importance is today's context which is characterized by neoliberal globalization that valorizes individual at the cost of collective. Although the 'end of history' kind of euphoria of the globalizers may not stick, it should be squarely admitted by one and all, particularly the Marxists that they have succeeded in one very fundamental way in pulverizing society into discrete individuals. The basic dispute of Marx vis-à-vis human rights, as we will see in a while, is that human rights

relate with these discrete, atomized, isolated individuals, in fact, with their abstraction, and effectively separates them from their essence as social being, thus eliminating any possibility of emancipatory change.

I would like to discuss the topic in five parts. First, a definitional aspects in order to have clarity about Marxism and Human Rights, the terms so much in common usage as to mean many things to many people. Next, I will try to understand what Marx (and Engels) had to say about human rights on the basis of their writings. In the third part I will discuss the nature of human rights in capitalism, building upon what Marx had said. The fourth part will be devoted to human rights in Marxism, basically catching up the dominant strand and its review. Finally, in Conclusion, I will try to sum up my own views.

Definitional Aspects

Marxism

Marxism to me is not the name for the so called 'marxist canon', 'marxist tradition' or any such frozen notion of a body of thought Marx and Engels have created. While I surely consider the thoughts of Marx and Engels as integral part of it, I am prepared to include all contributions made to it by others following their methodology with critical spirit. And in corollary, while I would accommodate all such additions and subtractions to the theory as are warranted in the light of experience with the theory and the changes in material conditions since it was formulated, keeping its core – the emancipation of man- intact so long as it is done with same critical spirit with which these proponents of Marxism constructed it. I would summarily reject any and everything as Marxism coming from anyone, including even Marx and Engels, which is divorced of this critical spirit and deviated from the core, and much so anything smacking of a dogma.

To me, critical spirit is the essence of Marxism. Most works of the founders of Marxism exemplify it: critiques on the thought and writings of Hegel in (*The Economic and Philosophic Manuscripts of 1844*; *The German Ideology*); polemics against the Left Hegelians (*The Holy Family*) and against Proudhon's socialism (*The Poverty of Philosophy*); monumental works in economics (*Contribution to the Critique of Political Economy*; *Capital*) and programs of political action (*The Communist Manifesto*; *Critique of the Gotha Program*). This critical spirit rather creates an impression that they had a negative attitude towards all existing things; they merely tried demolishing whatever that existed and only offered a utopia of communism as their preferred solution. I think, this is a grossly erroneous view, which smacks of motivated propaganda of the anti-Marxists. You cannot construct something profound without demolishing the uncongenial structures. What Marx and Engels did is precisely this. And the attitude with which they did it is critical spirit. I would highlight three features of this critical spirit: one, ruthlessly thorough, penetrating and sharp analysis of the objective conditions to seek truth; two, such analysis being expressive of new insights and thoughts; and three, ever being prepared to criticize and correct one's own ideas. Marx and Engels reflect all three features. Unlike their famous followers, who developed vocabulary to castigate candor and creativity and promoted fundamentalist adherence to the 'canon' that negated this critical spirit, the proponents of Marxism were brave enough to face any wrong idea of their own and made numerous revisions and corrections. Marxism, to me is the name for a science of society with its specific methodology and tool box, sans 'holy cows', which is open to any changes in itself prompted by new facts without deviating from its core objective. If we take a look at the state of the mainstream Marxism, it may appear to be its own anti-thesis. Faced with this fact that the system based on Marx's thought produced only distortions and refused to draw lessons from its failures, Balagopal distanced himself from Marxism. I think he would have endorsed my conception of Marxism.

Human Rights

The basic idea of human rights deems that an individual has certain inalienable rights by virtue of being human. However, there is considerable disagreement among theorists about both the nature and legitimacy of these rights. One scholar figuratively observed, "There are almost as many theories of rights as there are rights theorists."¹ A plethora of things are included in these ever expanding rights. Generally, they are divided into two categories. The first category is the civil and political rights which include rights to life and physical integrity; freedom from torture, slavery, and arbitrary detention; and rights to fair criminal process; as well as rights of personhood and privacy; freedom of conscience, religion, and expression; and the right to vote and participate in government. The other category comprises economic and social rights. These are essentially those associated with the welfare state: the right to work, to eat, to obtain health care, housing, education, and an adequate standard of living generally. To these many rights such as people's rights to self-determination and sovereignty over natural resources were also included in the list of rights by international covenants. There appears to be two camps, one advocating civil and political rights and the other championing economic, social, and cultural rights. For both, there is a serious problem of determining how long the human rights list should be.³

The origin of Human Rights is traced to religious ethics and metaphysics.⁴ They were treated as applied universal ideals grounded in comprehensive moral doctrines. The foundational basis of moral authority from which it derives legitimacy however remains disputed⁴ even in liberal circles and someone like Michael Ignatieff has to come forward with a pragmatic argument and declare:

Foundational claims...divide, and...cannot be resolved in the way humans usually resolve their arguments, by means of discussion and compromise. Far better, I would argue, to

forgo...foundational arguments altogether and seek to build support for human rights on the basis of what such rights actually do for human beings.⁶

We find four bases for human rights in theory: (1) divine authority, (2) natural law, (3) intuition (that it is self evident that certain actions are wrong and some right), and (4) international instruments. None of the four provide a wholly satisfying justification for the existence and defense of human rights.⁷ The dominant discourse of human rights has evolved to consider human rights as not divine, natural or metaphysical but political.⁸ It is an expression of the political relationship between individual and society. It implies that there are limitations on government, including limits on what can be done to the individual even for the welfare of the majority, the public interest, and the common good. The human rights override even ordinary law and become a 'higher law'.⁹ Implicit in the idea of human rights is a commitment to individual worth independent of the community and that values of liberty and autonomy are more important than values of order.

Whatever its origin and its conception, historically speaking, the slogan of human rights was first raised in the feudal Europe by the rising bourgeoisie, who had achieved by then certain economic power but not political power. Invoking the "natural rights of man", they rejected feudal autocratic rule and brought down feudalism. The change did not however touch the lives of common people who continued to be oppressed and exploited. Human rights were then incorporated into the constitutions of various European nations in the form of fundamental civil liberties or individual rights. The bourgeoisie had crossed high seas in search of gold and in process colonized the world. While the loot of colonies catalyzed the industrial revolution in Europe, colonies became necessary for supply of raw materials to the industries and as basic markets for their

finished products. The fierce market competition that ensued strengthened the creed of individualism based on the rights of the individual. Human rights was then taken to mean freedom of choice, freedom of enterprise, freedom of trade, freedom of contract – or basically, the right to privilege, to property, to private ownership, to amass wealth, the right to buy and sell, and the right to hire and fire. In this new market system, there developed new laws and new mechanisms that determined the political and socio-economic relations between people. When the ensuing colonial rivalries resulted in successive two World Wars, people were outraged by the atrocities committed in them. Human rights became a powerful weapon in international political arena and got incorporated into the Universal Declaration on Human Rights of the United Nations in 1948. This short history of their evolution shows that the human rights are a reflection of the material conditions both in temporal and spatial terms. In the advanced industrialized society, human rights provided the majority of people with reasonable securities of life but in the rest of the world, the human rights are used as a smokescreen to keep them in bondage of various unfreedoms and deprived of basic necessities of life.

It should dispel the misconception that there is something natural about human rights. Donnelly is not right when he voices commonplace opinion, “Human rights are conceived as naturally inhering in the human person. They are neither granted by the state nor are they the result of one’s actions”¹⁰ and certainly right when he himself expresses doubt in a footnote that it is unclear, at least in non-theistic theories, how nature creates or confers such rights.¹¹ That there was nothing ‘natural’ about Natural Rights was explained variously by the thinkers like Bentham, Burke, Mill, Nietzsche, and (sometimes) Rousseau. Bentham has been more passionate in his famous dismissal: ‘Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense — nonsense upon stilts.’¹²

According to Bentham, the term “natural right” is a “perversion of language.” It is “ambiguous,” “sentimental” and “figurative” and it has anarchical consequences. The effect of exercising such a universal, natural “right” would be to extinguish the right altogether, since “what is every man’s right is no man’s right.” The assumption of the existence of such rights, Bentham says, seems to be derived from the theory of the social contract. Here, individuals form a society and choose a government through the alienation of certain of their rights. But such a doctrine is not only unhistorical, according to Bentham; it does not even serve as a useful fiction to explain the origin of political authority.¹³

Marx on Human Rights

There is strong evidence that Marx also considered human rights as an essential part of the legal superstructure and a fiction devised by the ruling classes to spread an illusion among the exploited classes that they were free and as a technique of class power (individuating and neutering the collective organization of workers). It created an impression that Marx was some kind of legal nihilist who had no time for the idea of rights and basically saw the rights of man as an ideology of class rule. While true, it tends to contradict the emancipatory core of Marxism which consists in liberation of human being from the cobweb of bondage created by the myopia of class interests. Marxism aims at changing the world from a place of bigotry, hatred and conflict due to class struggle to a classless society where people will have all wherewithals to realize their human potential in full. It is about radically transforming society. Its ambitions are thus very positive and highly idealistic. It seeks to create a better world for humanity, one that will eliminate alienation and despair and create harmony and mutual cooperation. Its problem is that it does it not through superficial observations but after going to the systemic roots of the problem and proposes the solution following a ‘scientific’ methodology. Unless one looks at it with commensurate seriousness,

it is prone to create misimpressions about Marx on various commonplace notions. And surely, one of the most controversial issues has been Marx's nihilist attitude towards human rights, which have come handy for the 'globalist' establishment to denigrate Marxism in popular perception.

Was Marx really against human rights? The answer to this question unfortunately cannot be simple and straightforward. Because Marx's attitude to as well as conception of the human rights changed as he grew in maturity. It is widely agreed that in his younger days, Marx was supportive of human rights. In 1842, Marx wrote three series of articles on the debates of the Sixth Rhine Province Assembly. In the first series of articles Marx proceeded with his criticism of the Prussian censorship which he had begun in his as yet unpublished article 'Comments on the Latest Prussian Censorship Instruction'. The second series of articles, devoted to the conflict between the Prussian Government and the Catholic Church, was banned by the censors. The third series of articles is devoted to the debates of the Rhine Province Assembly on the law on wood thefts.¹⁴ Here we find him attacking Prussian censorship laws in the name of the freedom of the press. He argues that a free press is vital because it is the medium through which the public spirit expresses itself whilst censorship can only create an 'oligarchy of the spirit' and act as a 'preventative measure of the police against freedom'. When the Prussian state brought laws that made deadwood as property of the landowners (junkers), we find him enthusiastically defending traditional rights of the poor to gather wood from forests. He argued that these theft laws (which were similar in content to the Black Act in England) corrupted the idea of the state itself by privileging the private interests of the landowners over the idea of right and the freedom of all. We find him attacking the continuing privileges of landed gentry within the state despite the recognition of the rights of man in the formation of state. Marx also attacked the power of the Prussian bureaucracy that claimed to be a 'universal class' by exposing that it was based on secrecy, hierarchy and corporate solidarity against the public. Marx contrasted the

backward Prussian constitution unfavourably to the French 'rights of man'. These defences of right against privilege in Marx's early writings are often ignored as democratic enthusiasm of young Marx, which he abandoned in his mature days. In fact, the depth at which he dwelt with these issues surely changed in later years but there is a doubt whether his commitment to a philosophy of right was ever dwindled.

Marx's essays 'On the Jewish Question' published in 1843 and 1844 in response to two studies on the subject by a radical philosopher and his friend, Bruno Bauer are invariably invoked for his views on human rights interestingly both the camps, viz., those who want to show him in favour of human rights and those who hold that he was against them. The so-called Jewish Question was whether Jews in Germany should be emancipated, that is, granted equal civil and political rights like other Germans, as for instance they had been in France. Bauer had opposed Jewish emancipation on the grounds that Jews were backward (their incapacity to evolve culturally or morally), their exclusivity and claims to privileged treatment (Jews, Bauer wrote, prided themselves on being the chosen people), their indifference to the happiness or freedom of other people, and their financial power over Europe. He argued that for the Jews to become equal Prussian citizens they first had to surrender their Judaism; that is, they had to convert. Marx opposed Bauer because he juxtaposed Jews' political emancipation to their religiosity. He argued that the political emancipation of the Jews following Judaism is rather the emancipation of the state itself from the state religion. Whilst Marx was not for Judaism or for any religion, he opposed absolutely the attempt to abolish religion by force from above. He wrote for example of the futility of the state trying to abolish religion by political means:

when the political state... comes violently into being out of civil society... the state can "... proceed to the abolition of religion, to the destruction of religion, but only in the same way as it

proceeds to ... the abolition of life (that is, by the guillotine). At those times when it is particularly self-confident, political life attempts to suppress its presupposition, civil society... and to constitute itself as the real, harmonious species life of man. But ... the political drama necessarily ends up with the restoration of religion, private property and all the elements of civil society...”¹⁵

In response to Bauer’s radicalism, Marx did distinguish in the ‘The Jewish Question’ between the rights of a man and rights of a citizen. He writes:

“These rights of man are, in part, *political* rights, rights which can only be exercised in community with others. Their content is *participation* in the *community*, and specifically in the *political* community, in the *life of the state*. They come within the category of *political freedom*, the category of *civic rights*, which, as we have seen, in no way presuppose the incontrovertible and positive abolition of religion – nor, therefore, of Judaism. There remains to be examined the other part of the rights of man – the *droits d’homme*, insofar as these differ from the *droits d’citoyen*.” Included among them is freedom of conscience, the right to practice any religion one chooses. The *privilege of faith* is expressly recognized either as a *right of man* or as the consequence of a right of man, that of liberty.¹⁶

As far as one can read, the thrust of Marx’s argument was not to subsume one type of right to the other but to reveal the error behind Bauer’s proto-antisemitic argument. Having elaborated the contents and limitation of these rights, Marx argues that the Jews still could not be denied those rights. The key to Marx’s argument was to rebut the radicalism Bauer espoused: a radicalism that not only denied the rights of Jews but at once trashed the rights of man and citizen as such. What Marx stood for in the *Jewish Question* as

in his earlier writings more generally was a philosophy of right. What he stood against was a spiritless radicalism that revealed its inhumanity not only through its hostility to Jews but also through its hostility to the idea of right. For Marx, rights of man and citizen were a 'great step forward'. The private right to be religious (or not) is the necessary first step toward freedom from religion as such. According to him, freedom from religion presupposes freedom of religion. By emancipating the state from religion, it represented the first step in turning the affairs of the state into the affairs of the people. Nothing could be further from this argument than the notion that Marx was a rights nihilist, an antinomian who sought to trash the very idea of rights. Marx was prepared to look for positive content in the liberal struggles for such freedoms in the prevailing conditions that did not even permit them. Just one year before writing 'On the Jewish Question' Marx had argued that the importance of those "liberals....who have assumed the thankless and painful task of conquering liberty, step by step, within the limits imposed by the constitution" should be recognized.¹⁷

Later however, when Marx graduated to do serious critique of political economy and write his magnum opus *Capital* and other works like the *Grundrisse* and the *Manifesto of Communist Party*, his discussion on human rights becomes complex and subtle. Marx explored what kind of society gives rise to an independent economic sphere of life in which everything has its price; money rules over the satisfaction of human needs, and wealth takes the form of capital. Marx offered a social critique of economic forms and not just an internal critique of one economic theory by another. His core argument was social relations of production constituting the base of society on which economic forms like value, money and capital are founded.

Marx explained that the capitalist society is based on production by independent producers whose contact with each other is mediated

through the exchange of products on the market. These producers are formally free to produce what and how much they wish. They are formally equal, in that, no producer can force others to produce or expropriate their products against their will. They are self-interested, in that, they are all entitled to pursue their own private interests regardless of what others think or do. Their contact with other producers takes the form of free and equal exchanges for the mutual benefit of each party. Exchange relations appear to be formed among free and equal property owners who enter a *voluntary contract* in pursuit of their own self-interest. Marx maintains that in exchange lies the clue to all modern conceptions of freedom and equal right:

Although individual A feels a need for the commodity of individual B, he does not appropriate it by force, nor vice versa, but rather they recognize one another reciprocally as proprietors, as persons whose will penetrates their commodities. Accordingly, the juridical moment of the Person enters here, as well as that of freedom, in so far as it is contained in the former. ... all inherent contradictions of bourgeois society appear extinguished ...; and bourgeois democracy even more than the bourgeois economists takes refuge in this aspect ... As far as the formal character is concerned, there is absolutely no distinction between them (commodity or labour exchangers), .. it is the indicator of their social function or social relation towards one another... As subjects of exchange, their relation is therefore that of equality. It is impossible to find any trace of distinction, not to speak of contradiction, between them; not even a difference.¹⁸

The parties to the exchange must place themselves in relation to one another as *persons* whose will resides in those objects and must behave in such a way that each does not appropriate the commodity of the other and alienate his own, except through an act

to which both parties consent. Marx characterized this sphere of commodity exchange as “a very Eden of the innate rights of man.” He writes:

There alone rule Freedom, Equality, Property and Bentham. Freedom, because both buyer and seller of a commodity, say of labour-power, are constrained only by their own free will. They contract as free agents, and the agreement they come to, is but the form in which they give legal expression to their common will. Equality, because each enters into relation with the other, as with a simple owner of commodities, and they exchange equivalent for equivalent. Property, because each disposes only of what is his own. And Bentham, because each looks only to himself. The only force that brings them together and puts them in relation with each other, is the selfishness, the gain and the private interests of each. Each looks to himself only, and no one troubles himself about the rest, and just because they do so, do they all, in accordance with the pre-established harmony of things, or under the auspices of an all-shrewd providence, work together to their mutual advantage, for the common weal and in the interest of all.¹⁹

Marx argued, however, that this idealized rendition of exchange relations make no reference to the circumstances in which individuals seek or rather are compelled to exchange. Instead, exchange simply appears as a self-sufficient relation, divorced from any particular relations of production. He argued that the organization of production forces producers to exchange their products, since individuals cannot survive except by exchanging the products of their labour. Whilst the form of their interconnections with other commodity producers is that of a contract between two private parties based on the exchange of their property, the content, that is, the terms on which contracts are made, are beyond the will of individuals and become a power over them. Individuals appear independent only if we

abstract them from the social conditions of their existence. 'Equal right', Marx argued, 'is a right of inequality in its content like every right'²⁰

About property right he wrote, "At first the rights of property seemed to us to be based on a man's own labour .. Now, however, property turns out to be the right, on the part of the capitalist, to appropriate the unpaid labour of others or its product, and to be the impossibility, on the part of the labourer, of appropriating his own product. The separation of property from labour has become the necessary consequence of a law that apparently originated in their identity."²¹ The conclusion Marx reaches is that "what appeared previously as a real process is here recognized as a legal relation, i.e., as a general condition of production, and therefore recognized by law, posited as an expression of the general will - turns into, reveals itself through a necessary dialectic as absolute divorce of labour and property, and appropriation of alien labour without exchange, without equivalent."²²

Marx saw the development of rights as a great step forward compared with pre-capitalist forms of property. He saw that in all societies there must be some form of property but that the right to private property only arises in the modern world. He maintained, for example, that in the ancient world of Greece and Rome the appropriation of land, tools, raw materials, etc. is done on the basis of the individual's existence as a member of the community: 'an isolated individual could no more have property in land and soil than he could speak ... the individual can never appear here in the dot-like isolation in which he appears as mere free worker.'²³ Marx argued that the modern idea of private property, that individuals have a right to own and exchange the products of their own labour, would have been alien to this world where the aim of production was the good citizen rather than wealth. Marx commented that the ancient world may appear 'lofty' in contrast to the modern world

where production appears as the aim of mankind and wealth as the aim of production. However, Marx defended the ethos of the modern world: "what is wealth other than the universality of individual needs, capacities, pleasures, productive forces etc., created through universal exchange? The full development of human mastery over the forces of nature, those of so-called nature as well as of humanity's own nature? The absolute working-out of his creative potentialities, with no presupposition other than the previous historic development, which makes this totality of development, i.e., the development of all human powers as such the end in itself." ²⁴ He was critical of the limitations of antiquity. In antiquity those who did not belong to the community appear among the 'objective conditions of production' as slaves and in Roman law were distinguished 'only as *instrumentum vocale* from an animal which is *instrumentum semi-vocale* and from a lifeless implement which is *instrumentum mutum*'. ²⁵

Marx thus acknowledges the virtues of the modern world over the ancient world after stripping away 'limited bourgeois form'. And what was this bourgeois form? It was the form that colored many virtuous sounding aspects like liberty, equality, justice, freedom, etc. in capitalism. Although Marx would acknowledge the positive content of these values, he would simultaneously be cautious about their negativity within the bourgeois framework.

Human Rights in Capitalism

Demolishing all prior moralistic trash Marx discovered that human rights were born only in capitalism as a reflection of the exchange of exchange values. He saw an intimate and necessary connection between the abstract individual of capitalism and human rights. "[T]he sphere of simple circulation of exchange of commodities" in which this abstract individual participated was "a very Eden of the innate rights of man", he said. ²⁶ Who was this abstract individual? The abstract individual was none other than the

producer of homogenous labour which was what got into this exchange. This abstract individual was shaped up by the development of capital and lived “not simply as a conceptualization of this or that thinker, but has a real extra-mental existence as simply a source of homogeneous human labour power.” It is the crux of the capitalist machine that drives the modern world. People here are simply the centers of productive activity. Intelligence, capability of choice, etc. comprise the attributes of these people but none of them by itself plays or can play the role which abstract labour power plays in capitalist society. Surely people still exist in flesh and blood and can be characterized as rational beings, volitional beings, or whatever. But such facts, by themselves are matters of indifference to the social system within which people live. What is crucial is the human ability to produce various amount of homogeneous labour.²⁷

Marx thus contends that an abstract individual develops under capitalism and permits development of human rights beyond any ideologist’s conceptualization. He traces this development through several historical stages in the development of society, viz., pre-capitalist, capitalist, and communist. During pre-capitalist periods there is a unity between people and their conditions of production (their property) which is mediated by the community. One takes an identity from the position one has in society. The conditions in which one acquires that identity are viewed as natural and unchangeable. This is most strongly the case during early forms of society and property, e.g., tribal forms, and less strongly the case during feudal times. Marx thus claims that “the more deeply we go back into history, the more does the individual... appear as dependent, as belonging to a greater whole: in a still quite natural way in the family and in the family expanded into the clan [*Stamm*]; then later in the various forms of communal society arising out of the antitheses and fusions of the clans”.²⁸ To the extent one can speak of rights in these early societies, they are attached to roles and positions within the particular

society. For example, the people of a tribe or caste inherited the rights by virtue of belonging to a particular tribe or caste. These rights in pre-capitalist society were legal, civic, customary, etc. They were not, and could not be, human rights. "Individuals", Marx says, "in such a society.. enter into connection with one another only as individuals imprisoned within a certain definition, as feudal lord and vassal, landlord and serf, etc., or as members of a caste, etc. or as members of an estate, etc."²⁹ : The notion of rights which might hold simply because one was a human individual, independently of the society in which one lived, had no basis. What we see culminating in capitalism is the development, through various historical measures, of individuals who are identifiable without reference to their positions, roles, or relations to others, but are identifiable simply as human beings qua possessors or owners of labor power. Capitalism, as the exchange of commodities, is only possible in so far as the products of labor, commodities, are implicitly seen to be "merely a mode of expressing all labour as equal human labour, and consequently as labour of equal quality."³⁰ In contrast, Marx notes, Greek society was founded upon slavery, and had, therefore, for its natural basis the inequality of men and of their labour-powers. The secret of the expression of value, i.e., that all kinds of labour are equal and equivalent, because and so far as they are human labour in general, cannot be deciphered, until the notion of human equality has already acquired the fixity of a popular prejudio. "This, however, is possible only in a society in which the great mass of the produce of labour takes the form of commodities, in which, consequently, the dominant relation between man and man is that of owners of commodities."³¹ Marx commends the brilliancy of Aristotle's genius for noting in the expression of the value of commodities, a relation of equality but laments that the limitation of "conditions of the society in which he lived .. alone prevented him from discovering what, "in truth," was at the bottom of this equality."³²

In capitalist society each individual becomes a simple exchanger of labour power. The exchange value of the commodities bought and sold is merely phenomenal form of this underlying reality.³³ In other words, in capitalism all products and activities are dissolved into exchange values.³⁴ “Exchange value is a generality, in which all individuality and peculiarity are negated and extinguished.”³⁵ In *Capital*, Marx comments that “the characters who appear on the economic stage are but the personifications of the economic relations that exist between them”.³⁶ Accordingly, in the modern era, Marx claims, an end is put to “all feudal patriarchal, idyllic relations”; “differences of age and sex have no longer any distinctive social validity for the working class”.³⁷ The result is the modern individual of capitalism. Thus, Marx says that “the bourgeoisie has stripped of its halo every occupation hitherto honoured and looked up to with reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science into its paid wage-labourers.”³⁸ Marx holds that this abstraction applies not only to the proletarian, but also to the capitalist. Both the capitalist and the worker are alienated. Both live **only** as abstract beings. The capitalist too is an exchanger and as such he is indistinguishable from the worker with whom he enters the exchanges. Marx explicitly comments that “each of the subjects is an exchanger; i.e., each has the same social relation towards the other that the other has towards him. A subject of exchange, their relation is therefore that of *equality*. It is impossible to find any trace of distinction, not to speak of contradiction, between them; not even a difference.”³⁹ The real individuals have natural differences and because of these differences in needs, etc., they are motivated to exchange. “Only the differences between their needs and between their production gives [sic] rise to exchange and to their social equation in exchange...”⁴⁰

Such natural differences are therefore, one of the preconditions of the exchange relation. Another precondition is that such individuals have a “surplus” in the sense that they have something which they do not themselves absolutely need.⁴¹ They have some-

thing which they can give up, transfer to another, without irreparable harm to themselves. Now, given these preconditions, Marx claims that "In order that these objects may enter into relation with each other, as commodities, their guardians must place themselves in relation to one another, as persons whose will resides in those objects, and must behave in such a way that each does not appropriate the commodity of the other, and part with his own, except by means of an act done by mutual consent".⁴² Significantly, Marx immediately goes on to say that "they must, therefore, mutually recognise in each other the rights of private proprietors".⁴³ Similarly, in the *Grundrisse* Marx says that each of the individuals involved in the exchange relation "does not appropriate it [the other's product] by force... .., but rather they recognize one another reciprocally as proprietors, as persons whose will penetrates their commodities. Accordingly, the juridical moment of the Person enters here..".⁴⁴ In effect, then, Marx holds that individuals enter into the exchange relation because of different needs and desires they have. They could of course simply seize each other's commodity, but then we would have an instance of conquest, or mutual plunder, but not exchange.

There is a kind of reciprocity in this exchange, which Marx identifies it as "a necessary fact, presupposed as natural precondition of exchange".⁴⁵ There are three essential characteristics to such reciprocity. First, exchange reciprocity lies in the fact that not only the products exchanged are of equal value, but also their possessors who have objectified themselves in their products are of equal worth. As such, the individuals in exchange relations are abstract individuals who are formally equal. Second, exchange reciprocity is in the exchange relation that the individual A gets what he wants only insofar as and because he provides individual B with what he wants, and vice versa: "each serves the other in order to serve himself; each makes use of the other, reciprocally, as his means."⁴⁶ As Marx suggests, it is a uniquely human relation. "It does not happen

elsewhere—that elephants produce for tigers, or animals for other animals”.⁴⁷ Finally, exchange reciprocity arises only insofar as each individual posits himself as end in himself, as being for self (*sein Für-sich*). In this Marx assumes that such reciprocity interests each individual “only insofar as it satisfies his interest to the exclusion of, without reference to, that of the other”.⁴⁸ With these conditions fulfilled, the actual act of exchange waits upon the consent of each individual in exchange. Thus in the exchange relation “the complete freedom of the individual [within this relationship] is posited: voluntary transaction; no force on either side...”⁴⁹ This fundamental relationship of capitalism practically embodies not only the equality but also the liberty of individuals. Each person is at liberty to act as per his choice. Accordingly, if each participant in the exchange relation may legitimately demand or claim that the other awaits his own consent, then arguably we have here an instance of individuals asserting their rights. And if the rights asserted relate to the product of each individual, then we have an instance of property rights. In this way, Marx discovers equality, freedom, and property rights in the exchange relation between the abstract individuals of capitalism.

If exchange reciprocity requires and involves equality, freedom, and property right then, as this relation becomes generalized throughout society, other relation will be transformed accordingly. New rights will be generated. Thus, Marx says of the right of security that it expresses the fact that “the whole society exists in order to guarantee to each of its members the preservation of his person, his right and his property”.⁵⁰ Similarly, “unlimited freedom of the press” (Constitution of 1793, Article 122) is guaranteed as a consequence of the right of man to individual liberty, ..”⁵¹ Thus Marx shows how equality, freedom, and the right of property necessitated by exchange relations form the basis of “human rights” in bourgeoisie society. It is in this sense that bourgeois property becomes the foundation of human rights.

In order that the exchange relation begets human rights, it is required to be based on exchange value. Marx explicates this logic when says, "...the dissolution of all products and activities into exchange values presupposes the dissolution of all fixed personal (historic) relations of dependence in production, as well as the all-sided dependence of the producers on one another."⁵² Exchange relations are correlates of exchange, which has been happening through ancient times. But they were not developed to be based on exchange value until the advent of capitalism and hence could not give birth to human relations.⁵³ Pre-capitalist societies did not presuppose in their production system the formal equality of all individuals. Hence, the basis of rights did not exist in those societies. For example, Marx comments that equality and freedom as developed to this extent (i.e. under capitalism) are exactly the opposite of the freedom and equality in the world of antiquity, where developed exchange value was not their basis, but where, rather, the development of that basis destroyed them. Equality and freedom presuppose relations of production as yet unrealized in the ancient world and in the Middle Ages. Direct forced labour is the foundation of the "ancient world; the community rests on this as its foundation; labour itself as a 'privilege', as still particularized, not yet generally producing exchange values, is the basis of the world of the Middle Ages."⁵⁴ As such, Marx derides the attempt to see such features of bourgeois society as "encased internal natural laws independent of history" such that "bourgeois relations are..., quietly smuggled in as the inviolable natural laws on which society in the abstract is founded."⁵⁵ Human rights require the development of exchange value to the point that it plays a central role in society. But this occurs only with capitalism. Hence, human rights are limited to capitalism.

Marx deciphered the characteristics of bourgeois society through his analyses of capitalist economy. The rights in this society can also be understood through the realm of bourgeois state. The realm

of state, which is envisaged as the object of the subsequent theory based on *Capital*, basically secures the conditions of reproduction of the economic as well as the preservation of the individualised form of life of the members of society. In its broad sense, state is the realm of bourgeois life outside economic activity and in its narrow sense; it is the sphere of bourgeois society which secures the maintenance of the bourgeois form of life. The reproduction of the economic form is realised not only in the forms of legality and ethics but also by direct intervention by the state in the economy and the preservation of individualised form of life is realized through preserving the rights of individual freedom and equality that have been historically established during the rise of bourgeois society.⁵⁶

Human Rights in Marxism

The theorization of human rights in capitalism by Marx as the 'illusory' right of 'abstract being', 'an egoistic man', etc. led people, Marxists as well as non-Marxists, to believe that Marx was dismissive of human rights. While non-Marxists relish nihilist projection of Marx, the Marxists interpret Marx's negative exposition on human rights to mean that they should discard human rights altogether. Marx's negative view of the bourgeois human rights have proved more than correct as we see the miserable state of vast majority of people while their states swear by human rights. Indeed, in the presence of vast inequality and misery professing a commitment to human rights only ends up meaning little more than saying that an individual can decide under which bridge to sleep. Marxists have therefore been largely dismissive of the right discourse.⁵⁷ From 1982 when Alan Buchanan wrote his widely acclaimed book 'Marx and Justice' and observed that Marx's view of civil liberties and political rights were neglected, there have been some amount of rethinking among Marxists about rights in capitalist phase. A number of scholars like Steven Lukes, Drucilla Cornell and William McBride, Leszek Kolakowski, Christopher M.J. Boyd, Amy Bartholomew have contributed to this process.

Steven Lukes argues that the only Marxists who consistently admit the validity of human rights are “revisionists who have discarded or abandoned those central tenets of the Marxist canon” that are incompatible with such a belief.⁵⁸ He concludes that a Marxist cannot be consistent and ‘believe in rights’ on the basis of the notions of ‘central doctrines’, ‘marxist canon’ and ‘marxist tradition’. According to him, because Marxism views rights as ‘expressive of the egoism of bourgeois society’, and approaches rights as ‘unwarrantably abstract and decontextualized’, rights are not supported in the tradition.⁵⁹ Lukes also argues that a marxist cannot believe in rights because Marxism does not and cannot take the limitations imposed by rights seriously. He also maintains that Marx was not sufficiently supportive of rights. The entire load of Lukes discussion being based on Marxist ‘canon’ or ‘tradition’, one could be rightly skeptical about his conclusions. Marxism is no longer itself once we cut it down to its purely ‘descriptive’ content and discard its normative background, which is hidden in the theory of class consciousness, of alienation, and of the future identity of individual and society. The Marxian critique of ‘negative freedom’ and individual rights is a necessary conclusion from this theory. Lukes of course does not pay attention to Marx’s qualification to man as ‘egoistic’ and his later discussion of rich individuality in communism, which points to a different perspective of individual rights.

Both Buchanan⁶⁰ and Lukes insist that Marx was ‘scornful’ of rights, and that he rejected them. They argued that the notion of rights arises in response to “the conditions of morality”, i.e., “a view of human life as inherently conflictual, and potentially catastrophically so, thus requiring a framework of authoritative rules, needing coercive enforcement, that can be rationally justified as serving the interests of all.”⁶¹ Marx denies that these conditions hold for all time and all societies—they do not hold for communism-he

necessarily rejects the notion of rights. And since human rights are supposed to hold transculturally and transhistorically, he must also reject human rights. However, the claim that this is Marx's argument against human rights has two defects. First, as stated, it is aimed more at legal rights, i.e., coercively backed rights, than human rights. If the human condition requires legal rights, whether or not Marx rejects this view, we have learned nothing about human rights. Second, Marx does not formulate his own analysis of human rights by appeal to the conditions of morality. Rather, as we have seen, he appeals to the exchange relation and its full development under capitalism. It is because this relation, central to capitalism, and the conditions surrounding it will be transcended by communism that Marx rejects claims of human rights.

Samuel Bowles and Herbert Gintis have been more dismissive about Marxism vis-à-vis human rights. They find classical Marxism theoretically antidemocratic because it fails to "conceptualize the threat of state authoritarianism and the centrality of privacy and individual liberty to human emancipation" and "provides a haven for despots and fanatics."⁶² They argue that there is little sustenance to be had in Marx's treatment of rights, choice and freedom: Marxism's discursive structure lacks the fundamental theoretical vocabulary to represent the conditions of choice, individual liberty, and dignity, and hence cannot fully address the problem of despotism. ..the Marxian theoretical lexicon does not include such terms as freedom, personal rights, Liberty, choice, or even democracy.⁶³ Another scholar observes that to Marx, freedoms in liberal democracies are illusory in that the freedoms advocated by the liberal regimes is actually *market* freedom and are, not centered on protecting basic human dignity. While true, Marxists need to consciously fight for their conceptions of rights and not just negate what exists. "The withering of certain categories of bourgeois law in no way implies their replacement by new categories of proletarian

law, just as the withering away of the categories of value, capital, profit and so forth in the transition to fully-developed socialism will not mean the emergence of new proletarian categories of value, capital and so on. The withering away of the categories of bourgeois law will, under these conditions, mean the withering away of law altogether, that is to say the disappearance of the juridical factor from social relations.”⁶⁴

Leszek Kolakowski attributes the conflict between Marxist doctrine and human rights theory to the Marxist theory that considers all values and rights as nothing but the opinions of particular classes who give them an illusory ideological shape. As Marx saw, the idea of the individual’s rights implied that the interests of each person is naturally and inevitably opposed to the interests of others, “a society incurably torn asunder by the clash of private aspirations.” He therefore deduced that the dominant motivation in this society were egoistic and inevitably conflict-laden. The society as a place of incessant and all-pervasive war, where no real community is possible, the state steps in to provide an illusory unity. Its restrictions appear in the form of civil liberties, which necessarily take on a purely negative character. Ideological legitimacy is given to the system by various social contract theories. Communism, in its promise of abolishing classes and class struggle, makes the bourgeois “negative freedom” and human rights useless. Communism ends the clash between the individual and society; each person naturally and spontaneously identifies himself with the values and aspirations of the “whole”, and the perfect unity of the social body is recreated that restores human meaning to technological progress.⁶⁵

Kolakowski therefore finds the Marxists behavior theoretically consistent when they fight for civil liberties and human rights in despotic non-socialist regimes, and then destroy those liberties and rights immediately upon seizing power. Such rights, according to Marxist socialism, are clearly irrelevant to the new conflictless,

unified society. Marxists would summarily reject the bourgeois value standards including notion of justice being applied in judging them. Marx himself never pretended to be just or moral in condemning the capitalist society or upholding revolutionary struggle. He did not picturize even communist society as a just society but the society in which all would have an opportunity to develop their potentialities to the fullest and asserting their individuality. Kolakowski tries to support his inference that there was no place for values, justice and rights in Marxism with an example of Lenin, whom he calls 'more faithful disciple of Marx'. Lenin who defined the dictatorship of the proletariat as sheer, direct violence, obeying no laws and no rules, disdaining as a matter of principle all the institutions of parliamentary democracy, with its elections, freedom of speech, and all the rest, and proclaiming the abolition of the division of power, according to Kolakowski followed Marx completely.⁶⁶

The above readings of Marx, one must say, are overly simplistic. The conclusion that Marx rejected rights even within capitalism typically draws upon Marx's pointed criticisms of the 'so-called rights of man', calling them merely the 'rights of abstract individual', 'rights of egoistic man', the 'right of the circumscribed individual', of the 'isolated monad', etc. In such reading the subtle essence of Marx's thinking is essentially lost. Marx's observation on these rights itself could be construed as his interests in these rights and his finding their true character as bourgeois trickery as his lament. Either way his abhorrence for the right of a man separated from his fellowmen come out clear. But that is not a necessary condition of right per se. If a man is endowed with such rights conjoint with or subordinate to his community rights, to sustain his sociality, perhaps Marx could be satisfied. Marx envisioned citizens' or political rights, and political emancipation in general. As distinct from the rights of man, citizens' rights, in Marx's schema, included political liberty, civil rights and democratic participation rights. Marx's comments made in this regard

are far less hostile. He is critical of citizens' or political rights for, among other things, not touching the real distinctions of status, wealth and ownership in civil society, and for being subordinate to the 'rights of man' such that the 'political community' is 'a mere means to maintain these so-called rights of man.'⁶⁷ Yet, he praises them in these terms: they 'can only be exercised if one is a member of a community. Their content is participation in the community life, in the political life of the community, the life of the state.

They fall in the category of political liberty, of civil rights ..."⁶⁸ He argued that political emancipation, which entails the realization of political and civil rights, 'certainly represents a great progress', despite the fact that it is severely limited. The critiques have interpreted his 'On the Jewish Question', wherein he distinguished between the 'rights of man' and the 'rights of the citizen' so as to indicate his preference for the latter. As discussed before, the tone of Marx is not however to trash the 'rights of man', which he believed were found 'in their most authentic form' in the French and American declarations of rights. He did criticize them as constitutive of competitive, egoistic, atomistic individuals who view the community and others as potential enemies. Correspondingly, Marx complains that none of the rights of man address or embrace communal or social concerns, human sociality or species being.⁶⁹ Did Marx, however, reject personal rights because they express individualism? It is often taken to be the core of Marx's complaint about the rights of man that they reflect individualism.⁷⁰ However, if one considers his support to individual citizens' rights, this inference would be difficult to sustain. Moreover, what did Marx mean by rich individuality? Is that not a type of individualism, although of specific nature? Marx's complaint, therefore, is better understood as pertaining to the actually-existing rights of man, which he argued emerged from and contributed to a particular form of individualism - bourgeois individualism - rather than a complaint about rights because they are individualistic in their form.⁷¹

As such plain reading of Marx as one who rejected human rights may be erroneous. Such a reading has the damaging consequence of laying the groundwork for insisting that a marxist cannot, or at the very least should not, 'believe in rights'.⁷² A reasonable reading may be that Marx did not reject rights per se. Rather, Marx's treatment of rights is critical, differentiated, underdeveloped and, in more than a few instances, ambiguous.⁷³ It is however true that Marx has not gone beyond criticizing the prevailing form of rights and discussed how they could be alternately conceptualized. He has not been clear and unambiguous about what kind of individual rights it is when he speaks positively about individual citizen's right supportive of sociality or 'necessary but not sufficient' character of personal rights, such as liberty and privacy. One can understand that it was not his prime concern. What one could do in the context of his quiet and ambiguity is to stop at the conclusion that he did not reject rights, individuality, freedom or choice; rather he undervalued the potential contribution of rights to the development of rich individuality, freedom and choice, self-development and creativity which he strongly supported. Marx's commitment to the individual can be seen in *The German Ideology*, where he so famously envisions it as a place where 'nobody has one exclusive sphere of activity, but each can become accomplished in any branch he wishes....[I can] hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have in mind. . .'.⁷⁴ It is from this vision that an endorsement of communism comes as a society in which 'the free development of each is the condition for the free development of all' and the maxim that 'only in community with others has each individual the means of cultivating his gifts in all directions' and only in the community, personal freedom is possible, shapes up.⁷⁵ Marx can thus be clearly seen committed to a form of individualism which entails liberation and creativity, not just liberty; socialist individuality not just individualism.

While one may contend with criticisms in this manner and prove them mistaken, one has to admit that there is no consistent theoretical framework wherein the individual rights of Marx's conception could convincingly find place. The Marxists will have to rejig the Marxist schema to explain them. I would completely endorse Amy Bartholomew proposal, when she writes:

“.. marxism can be ‘rethought’ in such a way as to weave rights commitments more firmly into its theoretical lexicon. And my final contention is that this can be accomplished without moving particularly far away from Marx himself. In fact, I shall argue that by relying upon Marx's understanding of, and commitment to, the development of ‘rich individuality’ and self-development entailed in the notion of ‘human emancipation’ - commitments which have not been adequately attended to in the contemporary debate over Marx, marxism and rights - a basis may be found in Marx's work in which to ground a positive commitment to rights. Moreover, a commitment to rights is, in fact, consistent with many of Marx's other commitments in addition to rich individuality, including the development of working class capacities and socialist political strategy.⁷⁶”

Conclusion

Where do we go from here? It is clear that Marx's position on human rights was very different than what is generally construed either by his supporters or opponents. Although he was scornful of the bourgeois human rights for valid reasons one can reasonably infer that he had not rejected them altogether. Capitalism created an abstract individual and endowed him with these rights and rendered the real people its prey. He was contemptuous of individualism insofar as these rights promoted but he fancied rich individuality people would enjoy in communism. Much of the load of criticism directed towards him can thus be lightened but the fact remains that

it cannot be fully dismissed. If only Marx had explicated his position about human rights under capitalism beyond their tactical use in class struggle by the proletariat, the ambiguities in his position would have been dispelled. As Waldron (1987) points out these ambiguities stem partly from Marx's own ambivalence towards the subject of rights: "Sometimes it seems that right as such is identified with bourgeois right. But elsewhere in the same work, we are told that only certain formulas of right are 'stigmatised by a bourgeois limitation'."⁷⁷ Since human rights are rooted in law, the depth of ambiguity left by Marx in the field of rights critique is mirrored in varied views different strands of marxist thought have on bourgeois law. These range from a view 'that denounces law as merely reflecting exploitative economic relations of production, a mere instrument of oppression of the working class', to a belief in 'the "relative autonomy" of law from 'the economic base' which sees law still having value for the proletariat whether substantial or merely strategic. There are 'both empirical and theoretical reasons why Marxists should avoid associating themselves with crude instrumentalism', one of which is that it fails to account for the importance of the fact that 'power is presented not as brute power but as authority, justified, fair and creating obligation rather than obliging through force. This reality any way is to be lived by all while struggling for the systemic change.

One wonders whether the imbalance in handling the dialectics between base and superstructure, that has marred Marxism's prowess in handling issues like race, caste, religion, etc. in the non-capitalist societies has also been behind this ambivalence. While Marx has brilliantly dissected history and discovered material drivers as its motive force in broad terms, many eddies in superstructural realm that aided and abetted this force remained ignored in his analyses. His conclusions may appear holding good over a historical epoch, many a detail filled up by non-economic forces like culture,

institutions, ideology, etc. that have played their positive and negative role in are locked out. In a practical class struggle, these factors assume varied degree of salience and could become formidable hurdle as India's caste system has. One gathers a similar impression through Marx's analysis of capital that discovered the birth of human rights: The economic forms of capitalist society (commodities, money, capital) are 'real' whilst non-economic forms (rights, law, the state) are epiphenomenal, inessential, even illusory. It would create discomfort in anyone except for the orthodox Marxist. After all there are live people as agents of change and their conduct cannot be fully mapped by economic forces. As Robert Fine hypothesized, Marx perhaps faced a difficulty in moving from the circuits of capital to capitalism as a whole.⁷⁸ There is a sense in which Marx was still, to use a phrase borrowed from Edward Thompson, 'trapped within the circuits of capital and sucked into the 'theoretical whirlpool of Political Economy' whose categories were interrogated and re-interrogated but whose premise, the possibility of isolating the economic from other fields of social study, was left intact.⁷⁹ Marx's failure, however, to develop a critique of the legal forms of capitalist society akin to his critique of its economic forms not surprisingly led him to construct the value form as a 'real appearance' and idea of rights as a 'mere semblance'.⁸⁰ The human rights discourse is obviously bound up with questions of law and its relationship with justice, ethics and morality while Marxism is concerned primarily with the economy as the 'base' on which all the other elements of society rest. Nevertheless, while Marx himself made little mention of law, even in criticism, he felt that the relationship between Marxism and human rights was important enough to merit his attention, possibly because the law-as-institution, which exercises the coercive power of the state, is at the core of the Marxist 'denunciation of exploitation and oppression under conditions of capitalist production'.⁸¹

There is an acute necessity to rethink our position on all these matters. As for human rights, the demand and fight for them for the 'real' people must be made a part of the revolutionary struggle. This may serve as the indications of what we mean by revolutionary change and reemphasize Marx's commitment to rich individualism. It all demands sincere rethink of Marx and Marxism. By rearticulating rights consistent with and supportive of socialist goals we would have cleared much of the prevailing suspicion about the status of the individual within Marxism. It would be prefigurative of a socialism committed to diversity, plurality and the rule of law. It would also mean fighting the Liberal, and especially neo-conservative and neo-liberal conceptions of the individual, choice and freedom; conceptions which have been successful in asserting atomistic, consumerist individualism. I cannot resist my temptation to endorse Amy Bartholomew who came to say after her discussion of Marx's position on rights, "Dogmatic adherence to Marx alone is not required of Marxists, and one may accept that Marx's writings are not perfect and that additions and changes can be made without having to step outside the conceptual space which Marxism inhabits."⁸²

I would like to come back to where I started and say that Marxism is not some frozen canon. It is not a failure of Marx or Engels that they have not left solution to our problems; it is the failure of Marxists that they have not been honest in using their tool box and maintaining the vehicle they left for us to reach our emancipation. They have made Marxism a 'canon', a religion, which only valorizes faithful and condemns its sinners. Balagopal, with his creative spirit, honed by the dialectics of theory and practice could not stand it. It is not to say that whatever he said is right; nobody, including Marx could claim it. What is important is that he raised right questions. Those who pride themselves as Marxists have to face these and many other questions posed by people like him.

The real class struggle lies here. Now that the inadequacies of 'Marxism' to tackle many of our problems are exploding before us, it is a challenge before the Marxists to rethink their conduct and get on to the task with revolutionary sincerity. For I believe there are still no better tools and tackles than what the proponents of Marxism have left for us to understand the world around in order to change it.

Notes and References

¹ K G Kannabiran, Balagopal: A one in a century rights activist, *Combat Law*, 21 February 2010.

² Alison Dündes Renteln, *The Concept of Human Rights*, *Anthropos*, Bd. 83, H. 4/6. (1988), pp. 343-364.

³ Several writers who discuss the list are: Maurice Cranston, "Are there any Human Rights?", *Daedalus* 12 (1983):1 -17; Jack Donnelly, *The Concept of Human Rights*, New York: St. Martins Press, 1985; Ronald Dworkin, *Taking Rights Seriously*. Cambridge: Harvard University Press, 1978; Ernst B. Haas, *Global Evangelism Rides Again: How to Protect Human Rights Without Really Trying*, Berkeley: University of California, Institute of International Studies, policy paper # 5, 1978; D. D. Raphael (ed.), *Political Theory and the Rights of Man*, Bloomington: Indiana University Press, 1967, 54-67; Jerome J. Shestack, *The Jurisprudence of Human Rights*, in T. Meron (ed.), *Human Rights in International Law: Legal and Policy Issues*, Oxford: Clarendon Press, 1984, 2 vols, 1: 69-107.

⁴ Franklin I. Gamwell, *The Purpose of Human Rights*, *Process Studies*, pp. 322-346, Vol. 29, Number 2, Fall-Winter, 2000.

⁵ See, Jon Mahoney, *Liberalism and the Moral Basis for Human Rights*, *Law and Philosophy*, (2008) 27:151-191, Springer 2007.

⁶ Ignatieff, Michael, *Human Rights as Politics and Idolatry* (Ed. A. Gutmann), Princeton, 2001. Indeed, it is said that the Universal Declaration of Human Rights would never have been adopted had member states to the U.N. and their representatives been unwilling to eschew foundational claims about the moral basis for human rights. See, Glendon, Mary Ann, *A World Made New*, New York: Random House, 2001.

⁷ See, Hart, H.L.A., *Between Utility and Rights*, *Essays on Jurisprudence and Philosophy*, Oxford, UK: Oxford University Press, 1983, pp. 198-222.

⁸ On the political turn in human rights theory, see Kenneth Baynes, "Discourse Ethics and the Political Conception of Human Rights", *Ethics and Global Politics* 2 (1) (2009), 1-2; Jean L. Cohen, "Rethinking Human Rights, Democracy, and Sovereignty in the Age of Globalization," *Political Theory* 36 (4) (August 2008), 579; Joshua Cohen, "Minimalism about Human Rights", 198, 200; Michael Ignatieff, *Human Rights as Politics and Idolatry*, Princeton: Princeton University Press, 2001, 20f; Joseph Raz, "Human Rights Without Foundations", University of Oxford Faculty of Law Legal Studies Research Paper Series, Working Paper no. 14.2007 (March 2007), 9; John Rawls, *The Law of Peoples*, Cambridge: Harvard University Press, 2001; and Bernard Williams, *In the Beginning Was the Deed*, Princeton: Princeton University Press, 2005), 64.

⁹ Louis Henkin, The Universality of the Concept of Human Rights, *Annals of the American Academy of Political and Social Science*, Vol. 506, Human Rights around the World (Nov., 1989), pp. 10-16.

¹⁰ Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non- Western Human Rights Conceptions", *American Political Science Review*, 76 (June 1982): 305.

¹¹ Ibid.

¹² Jeremy Bentham, *The Works of Jeremy Bentham*, (ed. John Bowring), London, 1838-1843; Reprinted New York, 1962: Volume 2. *The Book of Fallacies, from unfinished papers; Anarchical Fallacies*.

¹³ Ibid.

¹⁴ Karl Marx, On Freedom of the Press, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1842/free-press/index.htm>. [Last accessed: 05 Sept 202]

¹⁵ Karl Marx, Works of Karl Marx 1844: On The Jewish Question, <http://www.marxists.org/archive/marx/works/1844/jewish-question/> [Last accessed: 05 Sept. 2012]

¹⁶ Karl Marx, Works of Karl Marx 1844, *On The Jewish Question*, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1844/jewish-question/>. [Last accessed: 05 Sept 202]

¹⁷ Cited in Jeremy Waldron, 'Karl Marx's "On the Jewish Question"', 121.

¹⁸ The Grundrisse: The Chapter on Capital, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch05.htm>. Last accessed: 05 Sept 202]

¹⁹ Karl Marx, Capital Volume One, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch06.htm>. Last accessed: 05 Sept 202]

²⁰ Karl Marx, Critique of the Gotha Programme, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1875/gotha/ch01.htm>. Last accessed: 05 Sept 202]

²¹ Karl Marx. Capital Volume One, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch24.htm>. Last accessed: 05 Sept 202]

²² Karl Marx, The Grundrisse, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch10.htm>. Last accessed: 05 Sept 202]

²³ Karl Marx, The Grundrisse, NOTEBOOK IV, (mid-December 1857- 22 January 1858), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch09.htm>. Last accessed: 05 Sept 202]

²⁴ Karl Marx, Grundrisse, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch09.htm>. Last accessed: 05 Sept 202]

²⁵ Karl Marx, Capital Volume One, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch07.htm>. Last accessed: 05 Sept 202]

²⁶ Karl Marx. Capital Volume One, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch06.htm>. Last accessed: 05 Sept 202]

²⁷ Bob Jessop and Russel Wheatley, Karl Marx's Social and Political Thoughts, Vol. 7, Routledge, New York, 1999, p. 301.

²⁸ Karl Marx's Outline of the Critique of Political Economy (*Grundrisse*), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch01.htm>. Last accessed: 05 Sept 202]

²⁹ Karl Marx, The Grundrisse, NOTEBOOK I (October 1857), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch03.htm>. [Last accessed: 05 Sept 202]

³⁰ Karl Marx. Capital Volume One, Part I: Commodities and Money, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch01.htm>. [Last accessed: 05 Sept 202]

³¹ Karl Marx. Capital Volume One, Chapter One: Commodities, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch01.htm>; Brenkert, George G., Marx and Human Rights, *Journal of the History of Philosophy*, Volume 24, Number 1, January, 1986, pp. 55-77.

³² Karl Marx. Capital Volume One, Chapter One: Commodities, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch01.htm>. [Last accessed: 05 Sept 202]

³³ Karl Marx, Wage Labour and Capital, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1847/wage-labour/ch02.htm>. [Last accessed: 05 Sept 202]

³⁴ See, Karl Marx, The Grundrisse, NOTEBOOK I (October 1857), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch03.htm>. [Last accessed: 05 Sept 202]

³⁵ Karl Marx, The Grundrisse, NOTEBOOK I (October 1857), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch03.htm>. [Last accessed: 05 Sept 202]

³⁶ Karl Marx. Capital Volume One, Chapter One: Commodities, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch01.htm>. [Last accessed: 05 Sept 202]

³⁷ Karl Marx and Frederick Engels, Manifesto of the Communist Party, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1848/communist-manifesto/ch01.htm>. [Last accessed: 05 Sept 202]

³⁸ Ibid.

³⁹ Karl Marx, The Grundrisse, NOTEBOOK II (November 1857), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch05.htm>. [Last accessed: 05 Sept 202]

⁴⁰ Karl Marx, The Grundrisse: The Chapter on Capital, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch05.htm>. [Last accessed: 05 Sept 202]

⁴¹ Karl Marx. Capital Volume One, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch06.htm>. [Last accessed: 05 Sept 202]

⁴² Ibid.

⁴³ Karl Marx. Capital Volume One, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1867-c1/ch06.htm>. [Last accessed: 05 Sept 202]

⁴⁴ Karl Marx, The Grundrisse: The Chapter on Capital *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch05.htm>. [Last accessed: 05 Sept 202]

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Karl Marx, Works of Karl Marx 1844, On The Jewish Question, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1844/jewish-question/>. [Last accessed: 05 Sept 202]

⁵¹ "Robespierre jeune," *Historie parlementaire de la Révolution française* by Buchez and Roux, vol.28, p. 159 cited in Karl Marx, On The Jewish Question. <http://www.marxists.org/archive/marx/works/1844/jewish-question/>. [Last accessed: 05 Sept 202]

⁵² Karl Marx, The Grundrisse, Notebook 1 (October 1857), The Chapter on Money (Part II), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch03.htm>. [Last accessed: 05 Sept 202]

⁵³ Ibid.

⁵⁴ Karl Marx, The Grundrisse, Notebook 1 (October 1857), The Chapter on Money (Part II), *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch03.htm>. [Last accessed: 05 Sept 202]

⁵⁵ Karl Marx's Outline of the Critique of Political Economy (Grundrisse), 1. Production, Consumption, Distribution, Exchange (Circulation), (1) PRODUCTION, Independent Individuals. Eighteenth-century Ideas. *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1857/grundrisse/ch01.htm>. [Last accessed: 05 Sept 202]

⁵⁶ Eldred/Roth: Guide to Marx's *Capital* (1978). *Marx/Engels Internet Archive*, <http://www.marxists.org/subject/economy/authors/eldred-roth/introduction.htm>. [Last accessed: 05 Sept 202]

⁵⁷ For a discussion of the Marxist view see Cornelius F. Murphy, Jr., "Objections to Western Conceptions of Human Rights" *Hofstra Law Review* 9 (1981):4 33-447; Alice Erh-Soon Tay, "Marxism, Socialism and Human Rights" in E. Kamenka and A. Tay (Eds.), *Human Rights*, London: Edward Arnold, 1978: 105-112; Leszek Kolakowski, *Marxism and Human Rights*, *Daedalus* 1 12 (1983) 81-92.

⁵⁸ Steven Lukes, Can a Marxist Believe in Human Rights? *Praxis* 1 (4) (January 1982).

⁵⁹ S. Lukes, *Marxism and Morality*, in *Radical Philosophy* 44 (Autumn 1986), pp. 60-70.

⁶⁰ Allen E. Buchanan, *Marx and Justice: The Radical Critique of Liberalism*, Totowa N.J.: Rowman and Allanheld, 1982, 50.

⁶¹ Steven Lukes, Op. Cit.

⁶² Samuel Bowles and Herbert Gintis, *Democracy and Capitalism: Property, Community and the Contradictions of Modern Social Thought*, New York: Basic Books, 1986, 18-19 and 20.

⁶³ Samuel Bowles and Herbert Gintis, *Democracy and Capitalism:*

Property, Community and the Contradictions of Modern Social Thought, New York: Basic Books, 1986, 18-19 and 20.

⁶⁴ Evgeny Pashukanis, *Law and Marxism: A General Theory* (Barbara Einhorn trans., Ink Links 1978) (1978).

⁶⁵ Leszek Kolakowski, *Marxism and Human Rights*, *Daedalus*, Vol. 112, No. 4, Human Rights (Fall, 1983), pp. 81-92.

⁶⁶ Ibid.

⁶⁷ Steven Lukes, *Marxism and Morality*, pp. 27-28. Marx criticises, therefore, their lack of priority and vigorousness.

⁶⁸ Karl Marx, *On the Jewish Question*, Op. cit.

⁶⁹ Ibid.

⁷⁰ See for example Steven Lukes, *Marxism and Morality*, Op. Cit.; Buchanan, *Marx and Justice*, op. cit. ; and Staughton Lynd, 'Communal Rights' 62 *Texas Law Rev.* 1417 (1984). Similarly, Eric Hobsbawm, states, 'Marx was not only indifferent to "rights of man" but strongly opposed to them, since they are essentially individualistic. Eric Hobsbawm, *Workers*, New York: Pantheon, 1984, 304-305.

⁷¹ Amy Bartholomew, Op. Cit.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Karl Marx, *The German Ideology, 1845*, *Marx/Engels Internet Archive*, <http://www.marxists.org/archive/marx/works/1845/german-ideology/ch01a.htm>. [Last accessed: 05 Sept 202]

⁷⁵ Ibid.

⁷⁶ Amy Bartholomew, Op. Cit.

⁷⁷ J. Waldron, *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987), p. 135.

⁷⁸ Robert Fine, *History of Marxist Social Thought*, http://tucnak.fsv.cuni.cz/~kabele/2011_Revolute/Literatura/Doporu%E8eno/IESBS_Marxist%20Social%20Thought,%20History%20of.htm. [Last accessed: 05 Sept 202]

⁷⁹ E P Thompson, 1978. *The Poverty of Theory and Other Essays*, Merlin, London. 1978:355, cited by Fine. Op. Cit.

⁸⁰ Robert Fine Op. Cit.

⁸¹ S. Veitch, E. Christodoulidis and L. Farmer, *Jurisprudence: Themes and Concepts*, London: Routledge-Cavendish, 2007, p. 227.

⁸² Amy Bartholomew, Op. Cit.

Dr. Anand Teltumbde: A Brief Introduction

Dr. Anand Teltumbde is a noted intellectual on the issues of caste, class, political economy and democratic politics in India today. Widely respected as an original thinker and writer, his insights on many a contemporary issue are respected equally in activist and academic circles world over. He is well-known to civil rights and people's movements as an activist, analyst, theoretician, and commentator on their issues. Dr. Teltumbde has written extensively in newspapers, magazines, organizational pamphlets, and booklets as an aid to struggling masses and lectured widely in India and abroad. He has been a consistent critique of the government's neoliberal policies masqueraded as reforms. He is a regular contributor to India's progressive journals like EPW, Mainstream, Frontier, Seminar, and People's Movements. His thought provoking column 'Margin Speak' in EPW is seen as powerful representation of the viewpoint of people on margin in intellectual circles. Most of his books have received raving reviews and listing under 'must read' for Asian Studies by many international periodicals and most US, European and Chinese universities and are widely translated.

Born in a family of landless labourers in Vidarbha region of Maharashtra, he was active in student politics and held several elected offices. He was concurrently involved in / associated with various people's struggles--significantly the struggles of construction workers and casual labour in West Bengal in late 1970s and thereafter in Mumbai with the struggles of textile workers', slum dwellers' and, contract labours' in 1980s. He is associated with the Committee for Protection of Democratic Rights (CPDR). He has also been a part of numerous fact finding teams over the last two decades that have produced widely acclaimed reports on issues such as tsunami

rehabilitation efforts, caste atrocities, communal conflagration, etc. With active association with the left and dalit movements, he has contributed extensively to their development through his writings and speeches. For many years, he edited a Marathi working-class monthly, *Thinagi (The Spark)*, worked on the editorial boards of *Samaj Prabodhan Patrika*, *Vidrohi* and many other popular publications. He received many prestigious awards and recognitions from reputed public institutions, the notable being *Vikas Ratna Award*, *Ambedkar Centenary Award (UK)*, *Lohia Centenary Award*, two awards from the *Maharashtra Foundation (USA)*, and many others.

Interestingly, Dr. Teltumbde had a brilliant technology and management career being a top ranking student throughout, earning his BE in Mechanical Engineering from VNIT, Nagpur; MBA from Indian Institute of Management, Ahmedabad and Doctorate in Management focusing on a pioneering area of cybernetic modelling for public systems. He has over 25 research publications to his credit in the areas of management theory, Operations Research, Production Economics, Information Systems, and Business Strategy. He was invited to deliver key note addresses and chair sessions in many international academic conferences in several countries. He has been awarded fellowships by some prestigious institutions like Cybernetics Society of USA and few others. He received many awards and professional acclaim in his field. He is a scholar-referee for many international journals and has been on the editorial boards of a few of them. He was associated with academics in multiple disciplines as a visiting/guest faculty to his alma mater, IIM, Ahmedabad, TISS, faculty for the Ph D programme of BITS Pilani and ITM, as a research guide, Ph D examiner, and Adjunct faculty in several universities.

A unique combination of theory and practice, his corporate career is marked by a series of excellence and creation of new benchmarks. As a testimony to his illustrious career he was ranked among the top 20 people who contributed to India's IT, consecutively for three years by DataQuest. With consistent uncompromising stand on issues which made him fiercest critique of the establishment in the country, it may be veritable wonder that he still reached the zenith of corporate world as the Managing Director & CEO of Petronet India Limited.

He is currently Professor with Vinod Gupta School of Management of Indian Institute of Technology, Kharagpur.

Some of his recent books are:

- Persistence of Caste (Zed Books, London, 2010)
- On Imperialism and Caste, (Marathwada University, Aurangabad. 2009)
- Globalization and Dalits: Perspectives of Buddhist Economics, (Srujan, Mumbai. 2009)
- Samrajyavad ani Jaat (Marathi), (Sugawa, Pune. 2009)
- Khairlanji: A Strange and Bitter Crop (Navayana, Delhi. 2008)
- Ekavisavya Shatakatil Bharat: Unmad ani Awhane (Marathi), (Lokwangmay Gruh, Mumbai. 2008)
- Natural Resource Policies of the Government of Maharashtra: An Analytical Review (NCAS, Pune, 2007)
- Samajik Nyay ani Jagতিকিকaran, (Lok Wangmay Gruh, Mumbai), 2007
- Anti-Imperialism and Annihilation of Castes (Ramai, Mumbai. 2005)
- Hindutva and Dalits: Perspectives for Understanding Communal Praxis, (Ed) (Samya, Kolkata. 2005)

- Ambedkar and Muslims: Myths and Facts (VAK, Mumbai. 2003)
- Jagatilikaran ani Kashtakari Dalit-Bahujan, (Dignag, Pune. 2002)
- Glabalization and Dalits, (Sanket, Nagpur. 2001)
- Capitalism and Caste (monograph, Pune University)
- 'Ambedkar' in and for the Post-Ambedkar Dalit Movement, (Sugawa, Pune), 1997
- Impact of New Economic Reforms on Dalits in India, (Monograph), Pune University, Pune, 1997
- Dr. Ambedkar, Pratik, Vastav va Nawa Anwayarth (Savitribai Phule, Pune), 1997
- Aarthik Sudhar ani Dalit-Shoshit, (Prabuddha Bharat, Aurangabad), 1995

