

Marx and human rights

Jock Palfreeman

Jock Palfreeman was born in Sydney, Australia, he joined a Socialist youth organisation - Resistance at age 15 whilst at a military boarding school, where he had time to read and learn about Marxism. At age 19 he went traveling around Europe, including Turkey, where he was present at Taksim Square for May Day 2006. At age 21 in 2007, whilst on Christmas holidays in Sofia, Bulgaria, he saw 16 neo-Nazis attacking a man because of the color of his skin. Jock defended the man successfully and the neo Nazis continued their attack against him. After 12 minutes throwing stones at Jock and knocking him out one of the Nazis was fatally wounded. The father of the nazi was a politician for the Bulgarian Socialist Party and with this influence, Jock was given 20 years for premeditated murder without motivation. Facing repression from the Bulgarian prison system, Jock with other prisoners formed the Bulgarian Prisoners' Association (BPRA) in 2012 for self-defence and promoting the rights of prisoners. Jock writes about the exploitative prison system and against racism in Bulgarian society.

The following text is an answer to a manuscript sent to Jock by the Bulgarian liberal human rights activist Krassimir Kanev (Chairman of Bulgarian Helsinki Committee). In his text, Jock counters the rather superficial reading of Marx demonstrated by Kanev and shows step-by-step how Marx is not against human rights, but finds their liberal-bourgeois version very limiting and protecting the rights of capital, not of people. However, even though they have profound

political differences, Jock and Kanev are in good personal relations. Jock's text was first published in the Bulgarian leftist journal Dversia and may be found on www.dversia.net.

The idea that human rights are contradictory to Marxism is problematic from the perspective that Marx proposes an improvement of life in a post capitalist society. It would not be fair to judge Marx by the actions of those who tried or claimed to put his ideas into practice and as Marx said himself "All I know is that I am not a Marxist", despite the violation of human rights that occurred in self-proclaimed Marxist states it is not correct to claim that Marxists cannot "believe in human rights", on the contrary, it was the bourgeois so called "human rights" that Marx was claiming were not human rights and the real question should be the converse, can Liberalists believe in human rights? As Emmeline Pankhurst said:

Property has assumed a value in the eyes of men, and the eyes of the law, that it ought never to claim. It is placed above all human values. The lives and health and happiness, and even the virtue of women and children – that is to say, the race itself—are being ruthlessly sacrificed to the god of property every day of the world.

The first question one has to ask when analysing Marx's work is "what exactly is he trying to say" and only then is it possible to judge if one agrees with his arguments and conclusions. It is a mistake to take the words of Marx as given for three reasons; the first is that he created a lot of words and redefined meanings of words so as to fit his style of philosophy. The second is that there is a historical context to many if not most of the words and phrases he is using. Thirdly there can be and are translation problems with some of the texts going through several translations, furthermore some texts have been translated following the ideological schism of the translators which is common in most of the translations within the former Warsaw Pact states.

When the definition of a single word can change the entire meaning of a sentence or paragraph or the entire text, it is a mistake to presume that the contemporary or popular understanding of the word is the correct one. Even the Communists of Marx and Engels's time made these mistakes with historically catastrophic consequences outside of their comprehension, and over 140 years later all Socialists (including Bakuninists) still quarrel over the meanings of these words today. A good example is the term "peoples' state" which Marx didn't actually write, and he and Engels had to write a letter and tell them that the term "peoples' state" should be replaced by the French word "commune" or the German word "Gemeinwesen" which was then later translated as "community" into English and so too the word "citizen" does not take on the characteristics

commonly attributed to it.

Marx makes himself clear that he doesn't see citizenship as a realization of freedom for 2 reasons. The first and easiest to explain is that the concept of the "citizen" as it was in Marx's time was a capitalist understanding of the term and it is in this context that Marx refers to repeatedly.

"Citizen, Citoyen, Bürger"

The word "citizen" in English lumps together a number of distinct meanings, which can only be represented by using French and/or German words.

The French word *citoyen* means the participant in the political life of the community, the individual who is a carrier of political rights, the enjoyer of "positive freedom." During the French Revolution, when people addressed one another as "Citizen Marat" ... the word was *citoyen*.

On the other hand, the German word *Bürger* most graphically expresses the person as an individual participant in the economic life of the community, the bearer of social rights, the right not to be interfered with and to carry on any activity that does no harm to others, the enjoyer of "negative freedom."

The French translation of *Bürger* is *bourgeois*, and thus the bourgeoisie is the class of "individuals." *Bürger* is sometimes translated as "individual." The German *Bürgerlicher Gessellschaft*, literally "bourgeois society," is usually translated into English as *Civil Society*, itself a term whose meaning has now changed considerably. *Bürger* can be translated into English as "Burgher" conjuring up the image of a respectable businessperson, in the days when those who did not own property enjoyed few rights ...

When this understanding of Marx's terminology is calculated into his essay "On the Jewish Question" only then does his essay make any sense at all, irrelevant if the reader agrees or not with the conclusions. Marx makes himself clear that the primary characteristic of his "citizen" is that of the right to private property, which then Marx argues is contradictory to the social goals of the organisation that the "citizen" is a member of the society, Marx says:

The contradiction in which the religious man finds himself with the political man, is the same contradiction in which the bourgeois finds himself with the citizen, and the member of civil society with his political lion's skin.

And furthermore he claims that the bourgeois only participate as "citizens" in order to further their own selfish goals:

It is true that the bourgeois, like the Jew, participates in political life only in a sophisticated way, just as the *citoyen* [in French] is a Jew or a bourgeois only in a sophisticated way.

So here we can see that Marx is specifically referring to the “citoyen” in French language as a “bourgeois”, furthermore he calls the bourgeois’s relation to “political life” as being “sophistical” i.e. that of a selfish relationship between himself/herself and everyone else, and as he more often says the “egotistical man”.

The idea that Kanev proposes that, Marx separated “the rights of man” from the “rights of the citizen” is not a comprehensive explanation of what Marx was saying. It is not Marx who separates the “rights of man” from the “rights of the citizen”, it is Marx’s criticism that Bauer’s argument, means the two are somehow mutually exclusive of one another. “Marx’s” separation of the two are Marx’s observations of Bauer’s arguments that the “rights of man” as according to the French and the North Americans don’t exclude the need to renounce one or another religions in order to gain said political rights. This isn’t specifically the opinion of Marx himself, rather it would appear that Marx is opposed to the separation. As Bauer argued that “man has to sacrifice the ‘privilege of faith’ in order to acquire the general rights of man.” Marx’s contrasts this with the so called “rights of man” as according to the French and North Americans where Marx states:

The incompatibility between religion and the rights of man is so little manifest in the concept of the rights of man that the right to be religious, in one’s own fashion, and to practise one’s own particular religion, is expressly included among the rights of man. The privilege of faith is a universal right of man.

And so Marx proves that contrary to Bauer’s argument that a “man’s” faith must be “sacrificed” in order to gain the “rights of the citizen” is not only unnecessary, but on the contrary it is in direct conflict with the “rights of man” as according to the *Declaration of the Rights of Man and of the Citizen*, 1791, Article 10: “No one is to be disturbed on account of his opinions, even religious opinions.” There is guaranteed, as one of the rights of man, “the liberty of every man to practise the religion to which he adheres.”

Following this logic (which isn’t presented as Marx’s but rather Marx’s critique of the racist Bauer) Marx then concludes that Bauer has made “A distinction... between the rights of man and the rights of the citizen.” As it is the right of man to choose his own religion, but not if (as according to Bauer) a person wants to gain the “rights of the citizen” for as previously mentioned Bauer argues that a Jew must renounce his/her religion to gain citizenship which Marx summarizes thus:

They fall in the category of political liberty, of civil rights, which as we have seen do not at all presuppose the consistent and positive abolition of religion; nor consequently, of Judaism.

So if according to the “rights of man” according to the French and the North Americans religion is a right of man established according to “political liberty” and “civil rights” i.e. the “rights of the citizen” then Marx attempts to understand Bauer and the “so called rights of man” according to their arguments and he says “It remains to consider the other part, namely the rights of man as distinct from the rights of the citizen.” Marx doesn’t say that he is making the distinction between the rights of man and the rights of the citizen, he is saying that:

A distinction is made between the rights of man and the rights of the citizen.

This single line is significant as it dispels the concept that Marx “isolated the rights of man (*droits de l’homme*) from the rights of the citizen (*droits du citoyen*)”. As Kanev has misinterpreted. The separation is not made by Marx, rather it is his observation of an already made separation and he continues:

Who is this man distinct from the citizen? No one but the member of civil society. Why is the member of civil society called “man,” simply man, and why are his rights called the “rights of man”? How is this fact to be explained?

Marx argues that the bourgeois concept of “liberty” is the right to individualism and specifically a selfish and egotistical form of individualism and so if this is the so called “liberty” as pertained to by the bourgeoisie then there can be no contradiction as Bauer claims between the Jew and the “rights of the citizen” because if the bourgeoisie is allowed to be isolated from society by his/her privileged place through private property then why shouldn’t the Jew also be allowed to be different and isolated by practicing a different religion:

It is a question of the liberty of man regarded as an isolated monad, withdrawn into himself. Why, according to Bauer, is the Jew not fitted to acquire the rights of man? “As long as he remains Jewish the limited nature which makes him a Jew must prevail over the human nature which should associate him, as a man, with other men; and it will isolate him from everyone who is not a Jew.” But liberty as a right of man is not founded upon the relations between man and man, but rather upon the separation of man from man. It is the right of such separation. The right of the circumscribed individual, withdrawn into himself.

What is important and what we have to keep reminding ourselves is that Marx is constantly referring to two assertions, that of Bauer and that of the bourgeoisie. It is Marx’s attempt to follow their logic and as he points out a contradiction, that acts as a dead end in the thought train, he then attempts to explain around their contradiction following their logic. Furthermore, Marx states categorically that “The practical application of the right of liberty is the right of private property.”

Here we see Marx's foundational criticism of the bourgeois concept of human rights; later Marx starts to establish his concept of human rights where he states:

Thus man was not liberated from religion; he received religious liberty. He was not liberated from property; he received the liberty to own property. He was not liberated from the egoism of business; he received the liberty to engage in business.

So here we have a basis for what Marx would consider emancipation, for people to be liberated from religion, to be liberated from property and to be liberated from business. With this small paragraph we can start to build the foundation for human rights according to Marx.

The formation of the political state, and the dissolution of civil society into independent individuals whose relations are regulated by law, as the relations between men in the corporations and guilds were regulated by privilege, are accomplished by one and the same act.

Here Marx argues that these so called rights are "regulated by privilege" that define interpersonal relations within society and as such the "Egoistic man is the... given result of the dissolution of society". This single line is important as it establishes what Marx means when he uses the term "egotistic man". It is an anti-social person who is only out for his/her own interest and what is most important in this context is that this person is detrimental to others within society. As Margaret Thatcher said:

I think we've been through a period where too many people have been given to understand that if they have a problem, it's the government's job to cope with it. 'I have a problem, I'll get a grant.' 'I'm homeless, the government must house me.' They're casting their problem on society. And, you know, there is no such thing as society.

and this is a reoccurring theme with Liberalists, albeit usually the more extreme amongst them. This concept is not even uniquely Marx's for Adam Smith said "by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain". Of course then Marx then puts the bourgeoisie in conflict with everyone else and in Marx's other works he expands on this concept where he states that the bourgeoisie is not only in conflict with the workers but also that the bourgeoisie is in conflict with other bourgeoisie as they compete for market dominance.

So when Kanev says "however in the French Constitutional law from the time of the revolution it is considered a requirement of the state to protect everyone as

well as his/her rights. For Marx that is “the concept of the police”. Through this the civil society doesn’t reject its egoism “Security is, rather, the assurance of its egoism.” However, what does this mean in the light of what Marx said about bourgeois liberty? “The practical application of the right of liberty is the right of private property.” So then too should we not presume that when considering bourgeois “security”, Marx had in mind the security of private property as he did when critiquing bourgeois liberty? And if not then it should be asked why we shouldn’t? Marx says that the concept of security is not “enough” to raise civil society above its selfishness, so there is a possibility Marx was implying that security was part of “raising” society above its egoism and creating equality but instead it is used to assure the bourgeoisie of their private property rights and to continue their established hegemony over wealth.

Krassimir Kanev said “Political emancipation in that society, which according to Marx was incomplete”. Kanev then goes on to argue against Marx, however if Marx was wrong in 1843 then why have human rights activists been attempting to reconcile human rights with society ever since. Even in the United Nations it has now been added “Right to Organise and Collective Bargaining” and so although I am sure Marx would still not be happy with the “human rights” according to the UN Declaration, especially with the continuation for the right to private property, but it would be interesting if we could ask Marx today what he thought of this right which would appear to be an attempt at reconciling the society with the egoism of the capitalists.

Kanev very quickly glosses over Marx’s comments about “equality” and there is very little said at all, Krassi says “according to Marx equality is (equality is that) of the *liberté* described above – namely: each man is to the same extent regarded as such a self-sufficient monad.” In reality, in article 3 of the Declaration (as well as in the French Constitution from 1795, which is quoted by Marx) equality is defined more widely as in equality under the law, not only as equality in exercising basic freedoms. And again Krassi is taking what Marx said out of context; Marx said “The term ‘equality’ used here in its non-political sense, is nothing but the *liberté* described above and has here no political significance. It is only the equal right to liberty as defined above”. So Marx says “Equality” is “liberty” and “liberty” is “property”. Marx equated “equality” as “previously defined” which is “The... right of liberty is the right of private property.” And it is private property that is separating man from man. This statement by Marx is important for two reasons, the first is that it can’t be said that Marx was against equality, on the contrary it seems that Marx is constantly attacking ideas and practices that divide people and create inequality, so Marx is not opposed to “equality”, he is opposed to this form of “equality” which he doesn’t consider to be equality at all. The second reason this line is important is that it shows a reoccurring theme where Marx continues to relate everything back to private property and so it also goes

to show that most likely Marx is referring to “security” according to the same principle, in that bourgeois “security” is merely the security of private property. Later in correspondence Engels wrote:

The idea of socialist society as the realm of equality is a one-sided French idea resting upon the old “liberty, equality, fraternity,” an idea which was justified as a stage of development in its own time and place but which, like all the one-sided ideas of the earlier socialist schools, should now be overcome, for they only produce confusion in people’s heads.

How can there be “equality under the law” when the presumption of the law is that private property is more sacred than human life and dignity? Equality under the law presumes that all come from equal environments and so can be judged equal to one another. The Director of Sofia Central Prison made the same argument when they refused me access to a computer to do my university work, which of course Kanev opposed. The argument made to court was that it was discrimination to allow me access to a computer to do my university work as then the prison would have to allow everyone access to a computer. The lawyer and judge in turn then asked the representative of the Prison “give me a list of all the other prisoners who are doing university degrees and who want access to computers but have been denied” and the Prison representative stared blankly at the judge and replied “but there are no others”. “Equality” is not equal if people have different needs yet are all offered the same solution. “Equality” under the then bourgeois law meant that a person stealing to eat was punished equally as a person stealing for greed. “Equality” under the law can only be presupposed under an equality of circumstance. Otherwise what we are really asking of the law is to discriminate based on individual circumstance and to bring it back to Marx, this would mean lack of property and access to resources within the society.

Besides the term “equality” being again addressed later in his work there is another point that is reoccurring that is almost always overlooked by Liberalist critics of Marx and Marxism and that is that he sees the Liberalist politics as a good thing, but only a stepping stone to a better thing, as Engels said the bourgeois concepts were “justified”.

Kanev says “it isn’t clear in what way these and other such rights (the right not to be deprived of freedom unless in the case of violation of the law) are the rights of the egoistic man like the member of the civil society and if or how it is extended from the right to private property”. But Marx wouldn’t have bothered to have paid attention to such an issue for 3 reasons, the first is that those who fulfil the law are the bourgeoisie and so will be biased in their fulfilment for the benefit of their selfish whims. The second is that the law itself is biased towards private property and the third is that these 2 points would have been obvious to his contemporaries

and within the context that Marx was writing his reply in. In answer to Kanev's statement the question should be asked "does wealth/money influence if and how someone is deprived of freedom?" the answer is glaringly clear and the statistics don't lie that the majority of prisoners come from (materialistically) deprived environments and are more often than not themselves (materialistically) deprived at the time of either the crime or the arrest/incarceration. This "phenomena" is undeniable and I come from a country that is founded on this principle around the time of Marx, whereby the poor were sentenced to transportation to Australia as a punishment for stealing food. Not to mention all the trade unionists who were also transported to penal work camps and prisons in Australia simply for being in or trying to start a workers' union. For example, "the Tolpuddle Martyrs were six men from the village of Tolpuddle in Dorset who were transported to Australia on the Surrey in 1834. They were sentenced for unlawfully administering oaths of loyalty to the Friendly Society of Agricultural Labourers they had established to fight the continuing reduction of their wages. This was the beginning of Trade Unionism in England. It only took the jury five minutes to convict James Hammett, James Brine, brothers George and James Loveless, and father and son Thomas and John Standfield. Interestingly, the local magistrate was a factory owner who stood to lose if they got their way."

In this context where workers were severely punished when they made attempts to increase their own standard of life the "right to Liberty" is the "freedom" to repress workers who are in fact fighting for their rights, but unlike the bourgeois "rights" the workers were not fighting for their rights to dominate another but instead they were fighting for their right to live. Interestingly, Kanev almost completely ignores Article 16 of the Constitution, and except for passing references Krassimir makes no direct mention of it within his text. Article 16 of the Constitution declares:

The right of property is that which belongs to every citizen of enjoying and disposing as he will of his goods and revenues, of the fruits of his work and industry.

And then Marx's comment is as such:

The right of property is, therefore, the right to enjoy one's fortune and to dispose of it as one will; without regard for other men and independently of society. It is the right of self-interest. This individual liberty, and its application, form the basis of civil society. It leads every man to see in other men, not the realization, but rather the limitation of his own liberty. It declares above all the right "to enjoy and to dispose as one will, one's goods and revenues, the fruits of one's work and industry".

It is not by chance that this was ignored by Kanev as here Marx says specifically that “the right of property... and its application... form the basis of civil society” therefore according to Marx “civil society” is formed on this basis and therefore it would stand that as an extension of this argument that any defence or promotion of the “civil society” is a defence and promotion of property, a defence such as the police or a promotion such as the so called “human rights”. Primarily if someone wishes to discredit Marx there is only one point that should be considered and that is “if a person has the right to do what s/he wishes with his/her property?” If a person believes that this is the case, then all arguments of Marx unravel as also likewise discredited and as such there is no point on discussing Marx at all. If, however, a person does not believe that people should have the absolute freedom to do what they will with their property then we can begin the discussion about Marx.

Kanev says “nowhere later in his works did Marx focus so much on the details of human rights as he did in ‘On the Jewish Question’” but this can only be claimed from a capitalist perspective where by it could be claimed that the entirety of Marx’s work for example *The Manifesto* or *Capital* have nothing to do with human rights. It is absolutely a human right not to be exploited, except according to the capitalists and their acolytes. Not only is the entirety of Marx’s later works fundamentally about human rights Marx says in *Capital*:

freedom because both buyer and seller of a commodity... are determined only by their free will... equality because each enters into relations with the other as with a simple owner of commodities and they exchange equivalent with equivalent. Property because each disposes only what is his own. And Bentham because each looks only to his own advantage. The only force bringing them together is selfishness, the gain and the private interest of each.

Again in a later critique Marx wrote “It is, therefore, a right to inequality, in its content, like every right.” The only way that Kanev can claim that *Capital* has nothing to do with human rights is by making many “social” human rights “non-political”. Van Harpen put it “He also justly stated that behind legal liberty and equality of citizens the greatest un-liberty and inequality can be hidden, namely in the socio-economic area. He strongly emphasized this aspect in his later work.” Marx directly links the laws (“human rights”) in *Capital* as a fundamental basis for his argument for socialism when he said:

At first the **rights of property** seemed to us to be based on a man’s own labour. At least, some such assumption was necessary since only commodity owners with **equal rights** confronted each other, and the sole means by which a man

could become possessed of the commodities of others, was by alienating his own commodities; and these could be replaced by labour alone. **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. Therefore, however much the capitalist mode of appropriation may seem to fly in the face of the original laws of commodity production, it nevertheless arises, not from a violation, but, on the contrary, **from the application of these laws**.

Ironically the idea that workers have rights is contrary to Liberalist understandings of human rights and contrary to the accusation by Steven Lukes that “the Marxist canon provides no reasons for protecting human rights”. Then where are the human rights of a person not to die of starvation, as did a million (conservative estimate) in Ireland between 1846 to 1852 in the name of bourgeois “liberty” and “equality”? It is well known that it was a direct cause of the “liberty” of the “free” market that murdered so many Irish. Donnelly conservatively writes “Laissez-faire, the reigning economic orthodoxy of the day, held that there should be as little government interference with the economy as possible. Under this doctrine, stopping the export of Irish grain was an unacceptable policy alternative, and it was therefore firmly rejected in London” on top of a million odd deaths, 2.1 million Irish were forced to emigrate simply so they could find food with an estimated 80 000 Irish dying on the way. Where are the human rights guaranteeing people access to water, education, healthcare, employment or a minimum wage? It is true that most if not all of these issues have become part of the present day understanding of human rights, but even the European Convention of Human Rights doesn’t guarantee people access to education for example. But even if we take the right to education as according to the laws of the individual states, it was not by following the human rights of that which Marx was referencing to, that rights of those without wealth (property) started to take root in the form of the “welfare state”. On the contrary it was years of conflict and millions of deaths and instability that resulted in the welfare state whereby the Liberalists were wrestled to the negotiating table and blackmailed into compromising with the working class.

Are we supposed to believe that the United Nations Declaration of Human Rights by chance originated in 1948, only 3 years after the most devastating war in the earth’s history - WWII? It was not through the respect of property that poor/working class people increased their rights, on the contrary it was exactly the threat they posed to the bourgeoisie that the bourgeoisie conceded their right of property which “belongs to every citizen of enjoying and disposing as he will of his goods

and revenues, of the fruits of his work and industry”. It wasn’t even through the respecting of their own “human rights” that the bourgeoisie established their own “human rights” anyway, it was through the guillotine that the bourgeoisie established the beloved Liberalist “human rights”. Through the guillotine and the destruction and confiscation of property that the bourgeoisie rewrote social structures. A major concession the bourgeoisie made was recognized by Marx when he said:

The state as a state abolishes private property (i.e. man decrees by political means the abolition of private property) when it abolishes the property qualification for electors and representatives, as has been done in many of the North American States. Hamilton interprets this phenomenon quite correctly from the political standpoint: The masses have gained a victory over property owners and financial wealth. Is not private property ideally abolished when the non-owner comes to legislate for the owner of property? The property qualification is the last political form in which private property is recognized. But the political suppression of private property not only does not abolish private property; it actually presupposes its existence. The state abolishes, after its fashion, the distinctions established by birth, social rank, education, occupation, when it decrees that birth, social rank, education, occupation are non-political distinctions; when it proclaims, without regard to these distinctions, that every member of society is an equal partner in popular sovereignty, and treats all the elements which compose the real life of the nation from the standpoint of the state. But the state, none the less, allows private property, education, occupation, to, act after their own fashion, namely as private property, education, occupation, and to manifest their particular nature.

Marx recognizes the “victory” that is signified when the property qualification is ended, where political “emancipation” is no longer reliant on official differences in wealth between citizens. With this recognition he both recognizes human rights again as progressive but continues in his fashion demanding that it is not enough.

And so with the rise of the modern welfare state actually we have recognition from the states that actually birth, social rank, education and occupations ARE in fact political as they enter the realm of legislation which directly violates the so called “human right” of Article 16, the right to do that which he will with his property. The violation comes in the form of taxation and redistribution of wealth through social programs such as social welfare, public housing, public education. Even a state funded highway could be considered a redistribution of wealth as previously main roads were private and controlled by those who built them and through whose property the roads were found in.

Kanev says “even today the most prolific international agreements on a global and regional level that the right to private property, is in the best of cases takes (only) a marginal place”. But the irony of this statement is that this was not the

case according to Article 16 of the *Constitution* from which Marx was referring to and now we see that actually Kanev is highlighting the fact that actually Marx was absolutely right at the time of his text and so in contrast to the Constitution of 1793 the absolute right to do what one will with his/her private property has been abolished. Which, as already previously mentioned, Marx himself referred to when non-landed people could become “electors and representatives” within the “politics”. Or is Kanev one of the romantics who believes that the aristocracy and royalty voluntarily gave up their hegemony over political power to the bourgeoisie and in turn the landed bourgeoisie surrendered their hegemony of power over to non-landed citizens? Or is it simply luck that property has taken a “marginal” place in human rights? Krassi continues arguing against the Liberalist agenda when he says the social aspect “of law is an instrument for balancing all types of individual human or institutional behaviour in situations where they conflict with rights and interests of other people or the social interest”. What is Kanev trying to say with this statement? It is unclear if he is continuing to criticise Marx or if he has started taking his side.

Kanev quotes Rawls and says “the principle of rights which is justice is applied always when individuals have various conflicts caused by conditions of limited access to resources”, but would Marx have disagreed with this statement? Of course he wouldn't have, as the very foundation of Marxism is the limitation that the working class has to the resources within a society. It appears Marx's point has been lost when Kanev says “the original Marxism however goes further than that and states that private property and class struggle is the root of social conflict.” The two points Kanev has linked together contradict themselves. If a limitation of resources is a cause of conflict, then why then naturally wouldn't the same apply to class differences of “haves” and “have nots”?

Generalized assertions that Marx was against human rights are simply not correct and don't reflect either how Marx was criticising the bourgeois so called “human rights” or by that which is proposed as a society of equals. Kanev in his text “Marxism and Human Rights” is presuming that Marx would continue to be opposed to regulations preventing physical harm or arrest to the person in a Communist society. The idea that Marx was arguing for some type of Mad Max dystopia is completely contradictory to all of Marx's arguments against the bourgeois “human rights” which was that their “human rights” allowed the wealthy to do as they pleased irrelevant of others in the society. So then how could Marx be arguing that a Communist society would be reproducing this characteristic of dominance and oppression? On the contrary Marx wrote “In spite of this advance, this equal right is still perpetually burdened with a bourgeois limitation.” Clearly Marx thought that human rights even though they were bourgeois, were an “advance” and a “victory”. Marx doesn't spend so much time complementing the bourgeois human rights but this doesn't mean he was opposed to their having

occurred and the fact that he considered them an advancement delegitimizes the hysterical accusations by Liberalists that Marx was opposed to human rights even in their Liberalist early form.

Kanev then wanders out of the realm of Marx and into the realm of Stalinism when he starts comparing Stalinist states to human rights and he says “this method of Marx gives a founding reason for some commentators to conclude that ‘the socialistic individualism is pure nonsense, not logical, not practical in the conditions of the totalitarian socialism and collectivisation’ . But as Adam Smith predicted, the “invisible hand” has played its role and Kanev has apparently unknowingly made an argument for Marx and human rights as according to “On the Jewish Question” Marx is specifically against totalitarianism and in fact Marx starts defending the principle that the state should not force people to renounce their religion much less force them to follow another one against their will. Marx is clearly reversing the racist and totalitarian standpoint of Bauer, even though both oppose religion, Marx doesn’t propose blackmailing Jews to renounce Judaism in order to gain political emancipation and says:

We ask the converse question: from the standpoint of political emancipation can the Jew be required to abolish Judaism, or man be asked to abolish religion?

Krassimir continues comparing Marxism to Bolshevism and states that “human rights didn’t take a central theme in the Bolsheviks” political... doctrine”, but rather than contrast Marxism to Bolshevism, Kanev has made the mistake of referring to Bolshevism as Marxism. Starting from this presupposed conclusion makes understanding Marx impossible, because yes, as Kanev quoted “this method of Marx gives a founding reason for some commentators to conclude that ‘the socialistic individualism is pure nonsense, not logical, not practical in the conditions of the totalitarian socialism and collectivisation’ because Kanev has unknowingly established that Marxism doesn’t fit into Bolshevism and even less so under Stalinism and his legacy. Maybe this is symptomatic of someone coming from a state that proclaimed itself “Marxist”, and for the observant Marxists reading this the irony of calling a state “Marxist” was intentional.

Although Marx is clearly opposed to all religions actually he makes the point that by forcing someone to give up their religion to gain “emancipation” through “citizenship” would not be emancipation at all. Marx then goes on to say:

Religion no longer appears as the basis, but as the manifestation of secular narrowness. That is why we explain the religious constraints upon the free citizens by the secular constraints upon them. We do not claim that they must transcend their religious narrowness in order to get rid of their secular limitations. We claim that they will transcend their religious narrowness once they have

overcome their secular limitations.

Here Marx makes a very significant point that has acted as the basis for contemporary sociological studies and that is that official divisions (for example discriminatory state laws) that then create social divisions. Here Marx is arguing against legislation based on race and or religion and he proposes that to erode social barriers between Jew and non-Jew is to treat them both equally by overcoming “secular limitations”. As we understand human rights today, is not the right “to not be discriminated against due to religious or ethnic reasons” a human right as we understand the concept of “human rights” in the 21st century?

Contrary to the Liberalists who wish to discredit Marx’s work by taking it completely out of context we now see the following human rights in the UN declaration of Human Rights:

Article 20

1. Everyone has the right to freedom of peaceful assembly and **association**.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to **public service** in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to **social security** and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, **social and cultural rights indispensable for his dignity and the free development of his personality**.

Article 23

1. **Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.**
2. **Everyone, without any discrimination, has the right to equal pay for equal work.**
3. **Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.**
4. **Everyone has the right to form and to join trade unions for the protection of his interests.**

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Although Kanev gives praise to the human rights work and achievements of so called “Euro – Communists” which Kanev presents as not actually being normal Marxists compared to the Stalinists, Van Herpen said “it is certainly not in the last place thanks to Marx that the classical human rights catalogue in the 20th century has been extended... such as, amongst other, those which can be found in the Universal Declaration of Human Rights of the United Nation articles 22 to 26” and the UN declaration adopted its social rights section many years before the so called emergence of “Euro – Communists” in the 70’s.

These basic tenants of the modern welfare state are now taken for granted and there are two ways to interpret them. The first is that the Liberalists had to concede their property rights as revolutions and wars over resources reached such a disastrous level that for the first time in history the ruling elite lived in almost constant instability. The threats came both from the poor and destitute within their own societies but also from rival states that had failed. The biggest

threat didn't come in the way of riots that burnt the property of the capitalists, the biggest threat was the spectre haunting Europe threatening to fundamentally change the interpersonal relations within society to such a degree that the entire Liberalist model of economy and life would cease to exist. If the threat was clear, the solution was not so much so, but the Liberalists knew they had to counter the threat that Communism posed to their domination of the economy and therefore society. The immediate response of the bourgeoisie/Liberalists was an attempt at suppressing the Communists. Those who grew up in the Warsaw Pact states often forget that the Communists themselves were first persecuted before they themselves persecuted and it was the capitalist states and the Liberals who taught the Communists their tactics of torture, incarceration and suppression. Marx himself was constantly persecuted without ever having committed a single act of violence either against an individual or property. In most capitalist states the Communist parties were outlawed, their members summarily incarcerated and in many cases executed. The overwhelming poverty and despair of Europeans at the time meant that there was no stopping the wave of the Communist phenomena. It was as inevitable as a hungry person wants food.

In states where the capitalists were losing control fascist dictatorships were encouraged by the capitalist classes both within the said state and from abroad and fascists such as Franco, Hitler and Mussolini were seen as necessary evils. The entire League of Nations embargoed Republican Spain and gave material, moral and diplomatic support to the Spanish fascists. The ruling elites of Germany, Italy and Spain sponsored their fascist dictators as a way of dealing with workers who were demanding increased social rights and almost immediately Franco, Mussolini and Hitler banned workers' unions and any semblance of organized labour or social movements. Lenin has a lot to be criticised about but can it be said he was wrong when he said "fascism is capitalism in decay"? The second way to interpret the adoption of the welfare state into what should be called neo-liberal model is that the Liberalists have all become Marxists, of course in part. But the second perspective of how Liberalists grudgingly accepted the welfare state would mean to presume that capitalists suddenly grew a conscience which is much less likely.

Kanev claims that the roots of Bolshevism were in Marx's texts; however nothing further from the truth could be said, especially if we consider the primary source for Kanev's essay which is "On the Jewish Question", where Marx defends human rights violated by the "human rights" as proposed by the ruling elite of the time. Marx's text "On the Jewish Question" can be summarized as such:

Human rights are not humane.

Marx was staunchly anti-censorship of the press as censorship was practiced

in most if not all of the states protected by the so called “human rights” and Marx said “censorship asks ‘The instruction demands unlimited trust in the estate of officials, and it proceeds from unlimited distrust in the estate of non-officials. Why should we not pay tit for tat? Why should we not look with suspicion on precisely this estate of officials?’ this sentiment is also significant as it shows that Marx never could have justified a totalitarian state. He was opposed to the legal separation of people based on their religion or race even though he himself was anti-religion. At the same time, he was arguing in favour of equal treatment for racial/religious minorities. He was also under no illusion that people didn’t need protection from the state, in the form of rights.

Contrary to Kanev’s assertion that there is such a thing as “Western Marxism” a more correct interpretation should be “Marxism” and Bolshevism. There can’t be such a thing as “Western Marxism” as there is either “Marxism” or “non-Marxism”. When describing something that isn’t exactly Marxist but Marxist inspired I often use the term “Marxwelian”. A second reason why there can be no such thing as “Western Marxism” is because Marx himself was “Western” and as is well known he was born in Germany and subsequently lived in only Western European states. Mostly the concept of “Western Marxism” isn’t correct as it presumes the position of the Bolsheviks is Marxist and furthermore that it is the true Marxism or else “Western” Marxism wouldn’t need differentiation when talking about Marxist analysis in Western Europe.

Kanev interestingly differentiates between the Marxist parties of the capitalist “Western” states and those of the Warsaw Pact states. Kanev recognizes that human rights play an important role in both the policies and practices of the “Social Democratic traditions” and Kanev states that said parties never kept to “Marxist orthodoxy”, but of course this is again a Bolshevik orientated perspective. It can be and I say it should be argued that it was the Bolsheviks and the Warsaw Pact states that didn’t ever use Marxist orthodoxy and it is a completely different theme but the mega totalitarian state structures of the Warsaw Pact states would have horrified Marx who demanded direct workers’ democracy and a “withering” away of the state and its recognizable structures. The Bolsheviks did the complete opposite and created states that the bourgeoisie could only be jealous of. What is also interesting about Kanev’s distinction between the Marxists in the “West” and those of the Bolsheviks and it goes back to a fundamental misconception anti-Marxists base their diatribe on, that is, that Marx saw capitalism as a progress and necessary. Not only this but he based his proletariat communist society as coming out of a bourgeois society having already established said human rights. The Marxist idea of communism was to take root in the industrialized societies and furthermore societies where there was established a surplus of production. None of the basic building blocks by which Marx based his critiques were present within the Russian Empire at the time of the revolution there, including the

bourgeois human rights. Engels even stated “Since, however, the Communists cannot count on the decisive struggle between themselves and the bourgeoisie until the bourgeoisie rules”.

Debatably it is exactly due to the respect of Marxist principles against coercion that the non-totalitarian Social Democratic tendencies around the world have not been able to achieve political power and have suffered dreadfully at the hand of bourgeois “human rights” for example in Indonesia where Australia, the USA and other Liberalist states funded, armed, supported and encouraged the Liberalist dictator to genocide the Communists of Indonesia. The bourgeoisie enforced their “human rights” on other places to, for example what is now known as the “Iran – Contra Affair” where the Liberalists funded, armed and directly managed the enforcement of bourgeois “human rights” in Nicaragua in what is known as a “dirty war”. The list of Liberalist interventions in the name of bourgeois Liberal “human rights” is well known. The cancelling of elections in Vietnam in the name of “democracy”, the sabotaging of elections in Italy and all committed by the bourgeois security – “Police”. Marx himself addressed this issue by sarcastically saying “if one grows impoverished and the other grows wealthier then this is of their own free will....(under these conditions workers may have to be) forced to be free” and we see this as a reoccurring theme in the practice of Liberalism, which of course contradicts the romantic Liberalist ideology that the Liberalist economy is natural and sought and yearned for by everyone, when the Liberalists have to kill and incarcerate people back into the “free” market.

Kanev refers to the idea of “Euro-Communism” which of course isn’t his concept, however again it is an attempt to claim that the Marxists outside of the Warsaw Pact – Stalinist states are some sort of oddity of Marxism. Kanev then correctly continues by stating “these parties are at the forefront of some of the most important reforms, connected with human rights and on the personal, national and international level. The Euro-Communists are more receptive to human rights, especially after some of the largest Western European Communist Parties accepted the theory and policies of Euro-Communism from the mid 70’s and onwards”. But Marx and Engels were never so totalitarian in their means as the Stalinists were/are, Engels said:

Question 25: What is the attitude of the Communists towards the other political parties of our day?

Answer: This attitude differs from country to country — In England, France, and Belgium, where the bourgeoisie rules, the Communists still have for the time being a common interest with the various democratic parties, which is all the greater the more in the socialist measures they are now everywhere advocating the democrats approach the aims of the Communists, that is, the more clearly and definitely they uphold the interests of the proletariat and the more they rely on

the proletariat. In England, for instance, the Chartists, who are all workers, are incalculably nearer to the Communists than are the democratic petty bourgeois or so-called radicals.

In America, where a democratic constitution has been introduced, the Communists must make common cause with the party that will turn this constitution against the bourgeoisie and use it in the interest of the proletariat, that is, with the national agrarian reformers.

In Switzerland the radicals, although still a very mixed party, are yet the only people with whom the Communists can have anything to do, and, further, among these radicals those in the cantons of Vaud and of Geneva are the most advanced. Finally, in Germany the decisive struggle between the bourgeoisie and the absolute monarchy is still to come. Since, however, the Communists cannot count on the decisive struggle between themselves and the bourgeoisie until the bourgeoisie rules, it is in the interests of the Communists to help bring the bourgeoisie to power as soon as possible in order as soon as possible to overthrow them again. The Communists must therefore always take the side of the liberal bourgeois against the governments but they must ever be on their guard against sharing the self-deceptions of the bourgeois or believing their false assurances about the benefits which the victory of the bourgeoisie will bring to the proletariat. The only advantages which the victory of the bourgeoisie will provide for the Communists will be:

1. Various concessions which make easier for the Communists the defence, discussion and spreading of their principles and thus the unification of the proletariat into a closely knit, militant and organised class, and
2. The certainty that from the day when the absolute governments fall, comes the turn for the fight between bourgeois and proletarians. From that day onwards the party policy of the Communists will be the same as in the countries where the bourgeoisie already rules.

Again not only do we see the reoccurring idea that bourgeois democracy is an “advance” but we even see Engels directly telling Communists to work with Liberals against “absolute governments”. Not only that but Engels even bases Communism in the USA on the same Constitution that Kanev argues that Marx was opposed to.

More accurately the Communist parties outside of the Warsaw Pact states returned to orthodox Marxism during the mid-70’s in what is referred to as “Euro-Communism” as more and more Communists broke away from the Stalinist policies of the Warsaw Pact states, and despite the claim that Stalinism ended after Stalin, Stalinism continued in varying degrees in the Warsaw Pact states until they ended as states. The so called “de-Stalinization” of the Warsaw Pact states was merely a change of guard from one group of Stalinists to another.

Kanev concludes well listing many rights that he is claiming that Marx “neglected” and to some degree Kanev is correct that Marx paid little to no

attention to things such as domestic violence, but this is an irrelevant point that implies Marx neglected such issues meaning either he was opposed to the human rights protecting people from domestic violence or that he underestimated the importance of Liberalist human rights in regards to such issues. Both implications are incorrect as firstly as has been shown several times, Marx believed that the bourgeois human rights were a good thing compared to what pre-existed and it wasn't Marx who underestimated the established human rights, it is exactly the underestimated flaws of the bourgeois human rights that Marx is focusing on. The historical context is also significant as both the bourgeois and Marx were reacting to a "Hobbesian" perspective of society and the state's role and the reasons for it.

In a roundabout way Marx has made his position clear when he opposed the forcing of people to renounce or take up one or another religion and so from here we have the concept of individual rights outside of that of the antisocial capitalist rights. Marx opposed the egoism of the bourgeoisie and their right of one person to abuse another through the exploitation of his/her labour and so then what would be the natural stance of Marx in regard to one person using physical force over another? Marx is opposed to the coercion of people through political force such as denial or application of the rights of a citizen. Marx was opposed to the psychological force over people through censorship of free speech.

Ironically most likely the overwhelming human rights that Kanev is himself defending are those that Marx pointed out were missing in the Liberalist version of human rights during his time, and so we enter into paradoxes that after living some time in Bulgaria start to seem normal, where anti – communists are actually promoting Marxism. Of course the reverse is also true whereby the "Communists" are opposing Marxism and they built a mega state that was even more disenfranchised from the proletariat than the bourgeois state it had displaced. So-called "Liberalists" demand that the state increase its social welfare for its citizens funded by taxes, the violation of property rights and "Communists" demand that workers from foreign states be shot at the border. It is not correct to blame Marx for the actions of the "Marxists". When holding up Marx to the policies of the Stalinists we can see glaring inconsistencies. The basic tenant of Marx is that human rights are human rights and not business rights.

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