Leszek Kolakowski

Marxism and Human Rights

In the German version of the “International,” the refrain ends with the words Internationale erkämpft das Menschenrecht (the “International” wins human right). The song, to be sure, while written without Marxist inspiration, was adopted as the official hymn of the Third International, which was supposed to be the only political embodiment of Marxist doctrine. From this it might seem that the idea of human rights was part of the ideology of the communist movement. Alas, on closer view, we find that this was not so. The expression, which appears neither in the French original nor in other translations of the song, seems to have been inserted into the German text principally to rhyme with the preceding line (auf das Letzte Gefecht). This is an oddity not only in the history of the hymn, but in the history of Marxism as well. Nous ne sommes rien, soyons tout! is certainly a more accurate rendering of Marxist ideology.

In inquiring into the relationships between Marxism and human rights theory, it may be useful to define both terms, a difficult task, given the enormous variety of definitions that exist and the controversies they generate. While no set of definitions will satisfy everyone, if we reduce the problem to its theoretical core—dismissing the many peripheral variants of Marxism and setting aside the intricate questions that relate to what may be included as human rights and the extent that their implementation depends on contingent historical conditions—we may be able to make some progress.

When we say that we accept human rights, we are saying in effect that we accept human rights as valid. But what does that mean? It
does not mean that those rights make up, or have always and everywhere made up, a part of all legal systems. Such a statement would be false, and in any case irrelevant to what most people believe to be true about human rights—that these rights would be valid even if no positive law included them, explicitly or implicitly. Conversely, if all legal systems in the world guaranteed them, this by itself would not be sufficient grounds for accepting them. Their validity, then, does not depend positively or negatively on actual legislation, past or present.

Nor do those who accept the concept of human rights claim that it is an arbitrary norm which they accept simply because they like it, and that it achieves validity by the force of their decree. To assert the validity of human rights is not a sheer act of commitment of which the justification lies in its very performance. It means more than simply saying that “we (I) decide that everybody ought to be given these rights,” but rather to declaring that “it is the case that everybody has these rights.” The idea of human rights, in other words, has no firm basis except in terms of natural law theory, which may, in turn, have a theological or transcendentalist (say, Kantian or Husserlian) justification.

Natural law theory does indeed imply that it is the case that stealing, for example, is wrong; rightness or wrongness are inherent properties of certain human acts, according to whether they conform or conflict with the rational nature of man. Those immanent moral qualities may or may not depend on divine decrees. In the tradition of late medieval nominalism (and in Cartesian metaphysics as well), they resulted from God’s free verdict, which might have been different from—indeed, opposite to—what it actually was. God decided that it was wrong to kill one’s father; given the irreversibility of God’s law, patricide has since been inherently and immutably sinful. Seventeenth century natural law doctrines rejected the “decretalist” theology and instead made a distinction between natural law and divine positive law, arguing that while the latter resulted from God’s decree alone, natural law was inherent in the nature of things and could not be changed, even by the Creator himself. Grotius, for one, took this position. Leibniz argued that God orders what is immanently good and forbids what is immanently evil, instead of making acts and things good or evil by the force of his own free decision. The very idea of homo, Pufendorf argued, included his inherent dig-
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While making the moral order of things independent of our knowledge of God, natural law theory was based on a metaphysical principle, which stated that the order of nature displayed immutable moral characteristics, and that it was not only an order of causes and effects, but of values as well.

To the extent that the idea of human rights was logically dependent on the belief in natural law, it was clearly unacceptable to the adherents of empiricism and of all varieties of historicism, including Marxism. A distinction on this point is necessary, however. The human rights concept includes three characteristics, among others, important for this discussion: first, these rights are valid because of the inherent dignity of being human and they make up part of the natural order, rather than being established by decree or by positive law; second, this order is immutably valid wherever human beings live together and interact with one another; third, these rights, however specified, are rights vested in all individuals and only in individuals, not in social groups, races, classes, professions, nations, or other entities.

On these assumptions, it appears that a Marxist’s case against human rights would be much stronger than the one made by an empiricist. The latter, while not accepting the first of the three premises, dismissing the notion of an “objective” order of values and rights, and the idea of their permanent “validity”—insofar as it is not a validity established by specific legislation—might still, without fear of contradiction, commit himself to the idea of human rights. He might not believe that God or nature made certain human actions wrong or right, but he could admit that there is nothing improper, illicit, logically unsound, or empirically forbidden in our reacting to human actions by saying, “this is wrong,” “this is noble,” “this is good.” An empiricist qua empiricist is not bound to preach moral nihilism. He may believe, for example, that torture is wrong and that we ought to support and fight for a society in which all people enjoy guarantees against being tortured.

In a limited sense, an empiricist may even accept the second premise; he may, without being inconsistent, state that though no universal validity may be spoken of in a particular case, he himself is ready to stand up for human rights in all imaginable conditions. To be sure, since his position cannot be defended in terms of “validity,” he is helpless before the challenge of an adversary, and must concede that,
in cognitive terms, those who deny the idea of human rights are in a
no worse position than he. Barred from committing himself intellec-
tually or theoretically to the doctrine of human rights, he is neverthe-
less free to abide by his practical commitment to it.

A historicist may find himself in a somewhat analogous position.
While believing that all values and standards, both cognitive and
moral, “express” specific needs, aspirations, and conflicts of the par-
ticular civilization in which they happen to arise, he knows that it is
pointless to dwell on their ahistorical, let alone eternal, validity. This,
however, does not prevent him from admitting that as a participant
in a particular culture, he shares its norms, and that he is not being
inconsistent if he “believes” in those norms, aware though he may
also be of their historical relativity.

A Marxist’s position is far more radical. Within his conceptual
framework, he is not only bound to take the historicist’s standpoint,
dismissing all the claims of natural law theory, all the beliefs in ever-
lasting moral order or in immutable rights, but, to be consistent, he
must positively oppose the concept of human rights even in its his-
torically relative form; he is ideologically committed to reject the very
idea.

The conflict between Marxist doctrine and human rights theory
consists in something more than the idea that all values and rights, in
Marxist terms, are nothing but the temporary products of particular
relationships of production, nothing but the opinions that particular
classes use to express their vested interests, to give them an illusory
ideological shape. For to the Marxist, both the concept of liberty and
the idea of human rights, as defined by Enlightenment thinkers and
ideologists of the French Revolution, are the specific expressions of a
bourgeois society that is on the verge of collapse. Marx’s writings,
from the “Jewish question” onward, are wholly dismissive of all
claims made to the lasting validity of “bourgeois freedom” and unre-
moveable human rights. The idea of the individual’s rights, Marx ex-
plains, implies a society in which the interests of each person is na-
urally and inevitably opposed to the interests of others, a society
incurably torn asunder by the clash of private aspirations. The domi-
nant motivations in this society are bound to be egoistic—not as a
result of the corruption of human nature—but because of the charac-
ter of the economic system, which is inevitably conflict-laden. All
rights and liberties in bourgeois society simply assert and codify the
simple fact that each individual’s aspirations and interests inevitably conflict with, and are limited by, the interests and aspirations of others. Since the civil society is a place of incessant and all-pervasive war, where no real community is possible, the state steps in to provide an illusory unity, to set limits to the conflicts by imposing restrictions on hostilities. These 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, thereby cutting out the roots of social conflict, makes the bourgeois “negative freedom” and human rights—rights of individuals isolated from, and hostile to, one another—useless. The division between civil society and the state, the distinction between the two, is done away with; “real life” and spontaneous community, having absorbed the state, law, and other instruments of the government that kept bourgeois society, with its privileges, exploitations, and oppressiveness intact, serving to perpetuate it, has no need of such supports. 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, not by a return to the primitive community of the savages, as the Romantics would have it, but by a movement upward on an “ascending spiral” that restores human meaning to technological progress. Human rights, in other words, are simply the facade of the capitalist system; in the new, unified society they have become utterly irrelevant.

Although Marx despised “bourgeois” rights, he never argued, as the anarchists did, that it did not matter whether those rights were valid in bourgeois society. The difference between a despotic and a liberal order within the “capitalist mode of production” was an important one to Marx. During the 1848-49 revolution and thereafter, he urged workers’ parties to ally themselves with the democratic bourgeoisie to fight against tyrants; republicans were to be supported against royalists. This, however, was not a matter of principle but of tactics. While it was true, according to Marx, that no imaginable political changes in a capitalist society could have a socialist meaning, and that the iron laws of the market economy could be obliterated only by a revolutionary upheaval, resulting in the expropriation of the bourgeoisie and the centralization of all economic levers in the
hands of the state, the workers needed to participate in the fight for
democracy; it would improve the political condition of their struggle,
preparing them for the final battle against capitalism.

Marxists, therefore, behave consistently when they fight for civil
liberties and human rights in despotic nonsocialist 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. Trotsky stated clearly that democ-
tratic regimes and the dictatorship of the proletariat should be as-
sessed according to their own respective principles; since the latter
simply rejected the “formal” rules of democracy, it could not be ac-
cused of violating them; if the bourgeois order, on the other hand,
did not abide by its rules, it could be rightly blamed. This standpoint
cannot even be viewed as cynical, so long as Marxists who fight for
human rights guarantees in nonsocialist despotic regimes do not pre-
tend that it is a matter of principle nor that their moral indignation
has been aroused, and furthermore make no promise to guarantee
these rights once they are themselves in power. (As it turns out, they
usually do all three.)

Marx himself did not pretend that capitalist society deserved to be
condemned because it was unjust, or that the revolutionary struggle
was about justice. He abandoned the moralistic approach to social
problems early on, and from the moment he defined himself in oppo-
sition to the so-called German true socialism, he tried consistently to
convince his readers and followers (and himself) that the proper atti-
dute to social changes consisted not in denouncing the moral failures
of capitalism, but in analyzing the “natural” tendencies that would
inevitably cause it to collapse and bring about the new society. In this
society, all would have an opportunity to develop their potentialities
to the fullest, asserting their individuality not, however, against the
society, but in contributing to its general progress. There was, he
believed, no reason to condemn capitalist exploitation in terms of
social justice or injustice; the labor force itself was a commodity; the
worker, in selling himself to an employer, usually does it conform-
ably to the principle of equivalent exchange. The conflict between
capitalists and workers, according to Marx, was one of right against
right; force alone would decide between them.

Marx’s dismissal of the moralistic approach, to a large extent, was
of course a self-deception. Normative premises are hidden in all his
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basic concepts, particularly in his idea of alienation and in his theory of value, as well as in his belief that communism would restore the truly human character of human life. He knew how to achieve the conformity of the empirical man with the idea of humanitas, and that this was no less value-laden knowledge than Plato’s acquaintance with the world of ideas. He failed to explain what motivations men might have for taking part in the struggle for communism; he would have resisted the proposition that they fight for communism for no better reason than that it is bound to win by the force of historical laws.

We cannot, however, while making allowances for this ambiguity—which is fundamental to Marx’s work—reinsert the concept of human rights into his theory, distilling the normative content from the hybridlike doctrine that melts determinist prejudice with utopian fantasies into one indistinguishable whole. If Marxism were a purely historical description and prediction, it would not include the human rights doctrine, to be sure, but it would not actively oppose that doctrine either. The incompatibility between the Marxist doctrine and human rights concept comes through clearly when we see Marxism as both a disguised moralism—which it refused to admit—and an appeal for political action, which it explicitly wanted to be. To state that civil liberties and human rights principles are simply an ideological and institutional expression of the market economy that communism intends to abolish is not merely to press forward with a neutral “sociological” description, predicting the most likely outcome of current social conflicts. Rather, it is to affirm positively, encourage, appeal for, and contribute to a social order where civil liberties and human rights are abrogated. This is entirely in keeping with the notion of man as a social animal in its specifically Marxist variant. In a market economy, Marx argued, individuals are victims of the society in that their lives are prey to a contingent historical process that no one, separately or in alliance with others, can control; the society itself is alienated from “real men” and is governed by anonymous laws; individuality, as a consequence of its isolation, is lost. Communism, by restoring genuine community, by turning over to “associated producers” the control of social processes, would recreate the conditions of real individual development.

Marx did not imagine his new society as a sort of concentration camp—quite the contrary. Yet, a number of penetrating critics, even
in his lifetime, without waiting for the achievements of "real socialism," noticed that if the Marxist social program ever came to be implemented, it would produce a highly despotic regime, making every human being a helpless property of the omnipotent state. Communism was supposed to be, according to Marx, a society in which the "negative freedom" or "bourgeois freedom"—the human rights guarantees—are pointless precisely because everyone willingly identifies himself with the community. Furthermore, since communism is principally the abolition of private property, once the bourgeoisie had been successfully expropriated, clearly, neither the liberties nor the institutions protecting human rights in a bourgeois society would be needed.

It is true that many theorists, especially in the period of the Second International, who considered themselves full-fledged Marxists did not believe that socialism would destroy the rights embodied in the democratic institutions of "bourgeois society," and predicted that socialism, by extending democracy into economic relationships, would enlarge, rather than abolish, the scope of human rights. They took little account of the philosophical generalities in Marx's writings, interpreting his doctrine not as a moral appeal, but as a scientific analysis of capitalist society. Karl Kautsky and Rudolf Hilferding are only two of many who belonged to this company. It is arguable, however, that by suggesting this kind of selective reading, these men betrayed both the spirit and the letter of the canonical scriptures. Lenin, by comparison, was a much more faithful disciple of Marx. By defining the dictatorship of the proletariat as sheer, direct violence, obeying no laws and no rules, disdainning—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, he followed Marx completely. By accepting—not just in fact, but in theory—the dictatorship of the party, stating unambiguously that the Soviet state would promise neither freedom nor democracy, announcing that cultural activity would be entirely subordinated to political tasks, and that terror would be directly inscribed into the legal system, he showed his fidelity to Marx. By denouncing the "fables about ethics" and asserting that ethics was to be an instrument of the class struggle, by sneering at bourgeois inventions such as the distinction between aggressive and defensive wars or the principle that one should keep internation-
al agreements, by insisting that there are no permissible limits in political struggle—in all these, Lenin did not depart from Marxist principles. So, too, did Trotsky when, with praiseworthy clarity, he stated that violence is the form par excellence of socialist power; that all human beings are to be considered as a reservoir of the labor force; that compulsory labor is a permanent principle of the new society; that no means ought to be discarded on moral grounds if they can serve the cause of communist power; that communists “were never concerned with the Kantian-priestly and vegetarian-Quaker prattle about the ‘sacredness of human life’”; that moral questions are questions of political strategy and tactics; that it is nonsense to attribute any significance to a distinction between democratic and fascist regimes.

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. But in what sense can those who do still be seen as Marxists or consider themselves to be such? While there may be many socialists who, without contradicting themselves, are committed to human rights principles, this is because there is no commonly accepted definition of socialism; the idea itself, older than Marxism, has a number of varieties, some of them obviously incompatible with the Marxian variant. Nevertheless, it is true that some of the scientistically oriented Marxists mentioned above wanted to purify the doctrine of its normative elements, and, in doing so, distorted its sense. The neo-Kantian Marxists tried to supplement the allegedly value-free Marxist theory of society with Kantian ethics. Unlike the orthodox, to whom such a mixture was unimaginable, the neo-Kantians, though accepting that no normative ideas can be inferred from Marxist doctrine, found no logical difficulty in enriching it with the Kantian philosophy of practical reason. I believe that both the scientistically oriented Marxists and the neo-Kantians were wrong. 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.
Both variants of this half-Marxism proved to be historically abortive. The orthodox current of old, apart from its contribution to the Leninist variant, ceased to exist, and the social-democratic movement, which inherited a part of its legacy, was soon to lose contact with the Marxist tradition. Neo-Kantian Marxism died off with its proponents; attempts to revive some of its tenets in later revisionist movements proved to be short-lived. As a doctrinal corpus with all-explanatory pretensions, prophetic values, and prognostic guidelines, Marxism was virtually monopolized by the Leninist-Stalinist ideology and, without being essentially distorted, has become the legitimizing device of the totalitarian empire. It solved moral issues, not by dismissing them in favor of a value-neutral analysis, but by launching the vision of a new mankind, which would achieve its final liberation by making everything the property of the state, by proclaiming the irrelevance of "bourgeois freedom" and human rights.

The Soviets have assimilated into their jargon—reluctantly and under pressure from the West—some of the phraseology of human rights. Yet, this hardly suggests that they have embraced human rights theory; it is only a symptom of their ideological disarray. No Soviet leader today would dare to repeat Lenin's clear and precise judgments about democracy and freedom, nor are such judgments ever quoted in the Soviet press. That some Western phraseology was adopted—without, of course, altering the political realities or building any barriers that might limit the state despotism—indicates the force of the human rights idea. Yet it was adopted only in a strongly qualified version: when Soviet ideologists speak of human rights, they invariably stress that the chief human right is the right to work, and that this has been granted under the Soviet system only. What they fail to add is that this has been achieved by a system of compulsory labor that was established in principle at the very beginning of Sovietism. Thus the supreme right of man and his supreme freedom are materialized in the form of slavery. Nor do they dwell on the fact that this same freedom has been achieved under National Socialism and fascism.

This question, to be sure, cannot be lightly dismissed. The right to work emerged in the nineteenth century as a response to the helplessness, misery, and exploitation of workers. Even if we do not consider it a human right, to feel useful to other people is an undeniable aspect of human dignity. People who, as a result of social processes beyond
their control, are unemployed or unemployable in great numbers, who feel redundant and useless, are injured not only in their welfare, but in their dignity as well. It is possible that absolutely full employment—the condition in which nobody ever looks for a job—is incompatible both with the market economy and with technical progress. For that matter, it is incompatible, too, with freedom from slave labor; perhaps it could be implemented only in a slave state. Experience tells us that the market economy is a necessary, although not sufficient, condition of political orders that are able to institutionalize and guarantee human and civil rights. Inevitable economic fluctuations that result in a certain amount of unemployment are tolerable only so long as the unemployment is temporary. When economic fluctuations instead produce a large class of people who are doomed permanently to live on the charity of the state, and when such a class continues to grow, society is in danger, not only because of the increase in suffering, frustrations, and criminality, but because many people feel ready to renounce freedom for the security of employment. The dilemma is real and pressing. There are no reasons to believe that traditional liberal advice—to abandon state interventions in economic affairs since these function best when they are left alone—will prove efficacious. If democratic societies prove incapable of coping with mass unemployment, they are likely to encourage totalitarian trends, thereby putting into jeopardy the very institutional framework upon which the observance of human rights depends.

It is often stressed that the idea of human rights is of recent origin, and that this is enough to dismiss its claims to timeless validity. In its contemporary form, the doctrine is certainly new, though it is arguable that it is a modern version of the natural law theory, whose origins we can trace back at least to the Stoic philosophers and, of course, to the Judaic and Christian sources of European culture. There is no substantial difference between proclaiming “the right to life” and stating that natural law forbids killing. Much as the concept may have been elaborated in the philosophy of the Enlightenment in its conflict with Christianity, the notion of the immutable rights of individuals goes back to the Christian belief in the autonomous status and irreplaceable value of the human personality.8

Yet, it was not the metaphysical character of the theory that prevented it from being incorporated into Marxist doctrine. And it was
not the antimetaphysical spirit of Marxism that made it incompatible with the human rights principle. Rather, it was Marxism’s fundamentally holistic approach to human life, the belief that progress can be measured only by the ability of mankind to control the conditions, both natural and social, of its life, and that, consequently, an individual’s value is not related to his personal life, but to his being a component of the collective “whole.” On the assumption that violence is the midwife of progress, one should naturally expect that the ultimate liberation of humanity would consist in the coercive reduction of individuals to inert tools of the state, thereby robbing them of their personality, of their status as active subjects. This is what in fact all the regimes that base their legitimacy on Marxist ideology try to do; they are incapable in principle, not as a result of temporary deficiencies, of accepting the idea of human rights, for to accept human rights would indeed demolish their very foundation. What chance of ultimate success is there for this work of aiming at the extinction of personal life, reducing human beings to perfectly exchangeable units of productive processes? That is a separate question, one that I choose to leave aside in this essay. Still, it is possible to say that its success would result not only in the ruin of civilization, but in the ruin of humanity as we know it. My bet, however, is that it will not prove successful, that the human spirit will turn out to be refractory enough to resist totalitarian pressure.

ENDNOTES

1De iure belli ac pacis, I, 1, X-XV.
2Discours de metaphysique, II.
3De Officio, I, 7, 1.
4Trotsky, Writings 1932, p. 336.
5Capital, I, chapter 8, 1.
6Can a Marxist Believe in Human Rights? Praxis 1 (4) (January 1982).
7I discuss these questions in more detail in my Main Currents of Marxism, especially vol. 2, the chapters on Austromarxists and on Kautsky, and vol. 3, the chapter on Lukacs.